



AGENDA INFORMATION

CITY OF MIAMI SPRINGS

CITY COUNCIL

Regular Meeting

Monday, October 10, 2011

7:00 p.m.

Council Chambers – City Hall

201 Westward Drive, Miami Springs

Mayor Xavier Garcia

Vice Mayor Dan Espino

Councilman Bob Best

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 M. Garcia

Vice Mayor Dan Espino
Councilman George V. Lob

Councilman Bob Best
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, October 10, 2011 7:00 p.m.

- 1. Call to Order/Roll Call**
- 2. Invocation:** Councilman Lob

Salute to the Flag: Audience participation – "I Led the Pledge" – Student Council Board of the Springview Elementary School Fifth Grade
- 3. Awards & Presentations:** None
- 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) 09-26-2011 – Regular Meeting

6. Reports from Boards & Commissions:

- A) 09-19-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes
- B) 09-20-2011 – Education Advisory Board – Minutes
- C) 09-27-2011 – Ecology Board – Cancellation Notice
- D) 10-04-2011 – Code Enforcement Board – Minutes
- E) 10-05-2011 – Architectural Review Board – Cancellation Notice
- F) 10-12-2011 – Golf and Country Club Advisory Board – Cancellation Notice
- G) 10-03-2011 – Board of Adjustment – Approval of Actions Taken at their Meeting of October 3, 2011, Subject to the 10-day Appeal Period

7. Public Hearings:

- A) Second Reading - Ordinance No. 1027-2011 - An Ordinance Of The City Council Of The City Of Miami Springs Amending Code Of Ordinance 102-01, Re-Occupancy Certification, By Adding Thereto Provisions Offering An Additional “Informational Inspection” For Purchasers Of Residential Properties Subject To Re-Occupancy Inspections; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date (First Reading: 09-12-2011 – Advertised: 09-28-2011)

8. Consent Agenda:

- A) Approval of the City Attorney’s Invoice for September 2011 in the Amount of \$12,190.50

The following are Building Department related items:

Approved at the September 26, 2011 City Council Regular Meeting

The following are City Clerk’s Department related items:

- B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$18,000, to International Data Depository (IDD) for a One-year Contract Extension for Storage of Documents Required to be Kept by Florida Records Retention Laws and Schedules, Pursuant to Section §31.11 (E)(6)(g) of the City Code
- C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$12,000.00 to Miami Springs Historical Society for the Annual Rent Subsidy for the Miami Springs Historical Museum, Pursuant to Section 31.11 (E) (6) (g) of the City Code

8. **Consent Agenda: (Continued)**

The following are Finance Department related items:

- D) Approval of Budget Transfers Within Departments

The following are Golf Course Department related items:

- E) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond R. Fertilizer, Inc., Utilizing Town of Davie Fertilizer & Chemical Bid R-2011-147, in an Amount not to Exceed \$35,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code
- F) Recommendation that Council Award a Bid for Contractual Labor to Greens Grade Services, Inc., Utilizing City of Coral Gables Bid # IFB 2007-10-22, in an Amount not to Exceed \$378,300.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code
- G) Recommendation that Council Approve an Expenditure in an Amount no to Exceed \$27,000.00 to Hector Turf, for Original Toro Equipment Parts, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code
- H) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Howard Fertilizer, Utilizing Town of Davie Fertilizer & Chemical Bid R-2011-147, in an Amount not to Exceed \$35,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code
- I) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$38,700.00, on an "As Needed" Basis to Land and Sea, for Fuel and Oil, Pursuant to Section 31.11 (E) (6) (g) of the City Code
- J) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Lesco John Deere Landscapes, Utilizing Town of Davie Fertilizer & Chemical Bid R-2011-147, in an Amount not to Exceed \$21,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code
- K) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$22,000.00, on an "As Needed" Basis to Titleist, for Purchase of Driving Range Supplies, Pro Shop Merchandise (Shirts, Tees, Balls, Etc.), Pursuant to Section 31.11 (E) (6) (g) of the City Code

8. Consent Agenda: (Continued)

- L) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$35,000.00, on an "As Needed" Basis, to Turf Choice, for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code
- M) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$15,000.00, on an "As Needed" Basis to Florida Superior Sand, for Topdressing/Special Bag Mix/Soil Mixes, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code
- N) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$13,898.38 to PNCEF LLC for Leasing of Golf Maintenance Work Carts, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for the Exercise of One Year of the Two Year Contract
- O) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$62,160.00 to Yamaha Motor Corporation, for Leasing of Golf Carts, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for the Exercise of One Year of the Three Year Contract

The following are I. T.'s Department related items:

- P) Recommendation that Council Approve an Expenditure of \$116,376.00 to Sungard H.T.E. INC. for Application Service Provider (ASP) Service, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

The following are Police Department related items:

- Q) Recommendation that Council Approve an Expenditure to AT&T Mobility, Utilizing WSCA 2 Master Agreement # 1523, in an Amount not to Exceed \$13,800.00, Pursuant to Section 31.11 (E) (5) of the City Code for Wireless Connectivity/Modem Card Connections for Mobile Data Terminals
- R) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$6,300.00 to Miami Lakes Veterinary Clinic, Pursuant to Section 31.11 (E) (6) (g) of the City Code, for Veterinary Care, Services and Supplies Provided to the Two Police Canines

8. Consent Agenda: (Continued)

- S) Recommendation that Council Approve an Expenditure of \$17,423.45 to USA Software, Inc., for Annual Software Support and Maintenance Contract Renewal, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code for Police Records Management Software Through September 30, 2012

The following are Public Works Department related items:

- T) Recommendation that Council Award a Bid to Miami Tire Soles Inc., Utilizing Florida State Contract # 863-000-10-1, in the Amount of \$31,000.00, on an "As Needed" Basis, for Tires for All Vehicles and Equipment, Pursuant to Section 31.11 (E) (5) of the City Code, to Purchase Automotive and Truck Tires Used in the Repair and Maintenance of the City's Fleet
- U) Recommendation that Council Award a Bid to Allied Trucking, Utilizing Miami-Dade County Bid # 4056-0/11, in the Amount of \$30,000.00, on an "As Needed" Basis, for Various Types of Rock for Alley and Street Repairs, Pursuant to Section 31.11 (E) (5) of the City Code
- V) Recommendation that Council Award a Bid to Grainger Industrial Supplies, Utilizing Florida State Contract # 445-001-11-1, in the Amount of \$20,000.00, on an "As Needed" Basis, for Various Supplies and Stock Items (Rakes, Gloves, Brooms, Paper Towels, Etc.), Pursuant to Section 31.11 (E) (5) of the City Code
- W) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$10,890.00 to South Florida Maintenance for Janitorial Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Extension Option Provided by the City's Existing Contract/Contract Vendor for an Additional Three Month Period (Vendor to Change After Three Months)
- X) Recommendation that Council Approve an Expenditure to U. S. Sweeping, Inc., the Lowest Responsible Bidder, in the Amount of \$20,800.00, for Street Sweeping Twice a Week, Pursuant to Section 31.11 (C) (2) of the City Code

The following are Recreation Department related items:

- Y) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$49,000.00 to South Florida Maintenance for Janitorial Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option City Bid # 15-08/09 Provided by the City's Existing Contract/Contract Vendor for an Additional Twelve Month Period

8. Consent Agenda: (Continued)

- Z) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$20,000.00 for Contractually Approved Annual Stipend for Theater Operations to Ralph Wakefield, Pelican Playhouse, LLC, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional Twelve Month Period
- AA) Recommendation that Council Approve an Expenditure of \$19,000.00 to Allied Universal for Chlorine, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code
- BB) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$20,000.00 to Tennis Manager Manny Fabian, Match Point Enterprises, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional Twelve Month Period

The following are Elderly Services Department related items:

- CC) Recommendation that Council Approve an Expenditure not to Exceed \$117,680 to Greater Miami Caterers, Inc., on an "As Needed" Basis for the Purchase of Meals to Serve the City's Nutrition Programs for the Elderly, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract for an Additional Ten Month Period. Council has Awarded a Contract to Greater Miami Caterers Effective Through July 31, 2011 Under Addendum No. 2 to Bid No. 10-08/09

9. Old Business:

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Maintenance of Property (MS Code 93-13) – Roof Cleaning Discussion (Visual Power Point Presentation)

10. New Business:

- A) Selection Process for New City Manager

10. New Business: (Continued)

- B) Resolution No. 2011-3526 – A Resolution of the City Council of the City of Miami Springs, Florida Authorizing the City to Open Five New Bank Accounts with BB&T Bank, for General Operations, Golf Course Operations, Payroll, Law Enforcement Trust Fund (L.E.T.F.) and an Investment Account Authorizing Signatories for These Five Accounts; Authorizing Acceptance of Two Facsimile Signatures of City Manager James R. Borgmann and Finance Director William Alonso; Authorizing the Acceptance of Two Manual Signatures of Either City Manager James R. Borgmann, Assistant City Manager Ronald K. Gorland, Finance Director William Alonso, or Chief of Police Peter G. Baan; Rescinding all Resolutions in Conflict; Effective Date
- C) Resolution No. 2011-3527 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Reserving the Right and Authority to Amend or Supplement the Schedule of Charges; Effective Date

11. Other Business:

- A) Veteran’s Day Ceremony Recommendation

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.



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** at the Community Center in the Rebeca Sosa Theatre on Monday, September 26, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:06 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
Comptroller Alicia E. González
Public Works Director Robert T. Williams
City Planner James H. Holland
Golf Director Michael W. Aldridge
Recreation Director Omar L. Luna
Building & Zoning Office Supervisor Harold "Tex" Ziadie
Elderly Services Director Karen Rosson
City Clerk Magalí Valls

2. Invocation: Mayor Garcia offered the invocation.

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

3. Awards & Presentations:

3A) Recognition of Achievement of MSSH Math Team by the Chamber – Proclamation

Miami Springs Airport Area Chamber of Commerce President Francisco Arguelles and Donna Wood-Beney presented Certificates of Achievement to the members of the Miami Springs Senior High School Mu Alpha Theta Math Club. They also recognized Principal Thomas Ennis, former math teacher Libby Manning, math teacher Sam Koski and club sponsor Lisa Weaver Koski.

Mr. Koski stated that the Club should be much stronger this year and the ninth graders come to the school every morning at 6:30 a.m. to be coached by the seniors.

Ms. Wood-Beney urged everyone to support the Math Club and their fund raising activities.

Mayor Garcia presented a proclamation in recognition of their continued success and outstanding achievements in local, state and national math competitions. He proclaimed Monday, September 26, 2011 as “Miami Springs Senior High Mu Alpha Theta Day”.

4. Open Forum:

Public Works Department

June Malden of 100 Palmetto Drive spoke about the Public Works Department and the employees that work very hard. She is against privatizing the department and urged Council to make the right decision.

Longevity Pay

Police Department Administrative Specialist II Leah Cates, who is also a resident, spoke on behalf of the employees regarding the loss of their longevity pay. She explained that the employees need the funds, especially the single parents. Many employees are working at the top of the salary range and have not received an increase since 2008. She said that it is personal, not politics.

5. Approval of Council Minutes: (5A and 5B approved with one motion)

5A) 09-06-2011 – Workshop Meeting

Minutes of the September 6, 2011 Workshop Meeting were approved as written.

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

5B) 09-12-2011 – Regular Meeting

Minutes of the September 12, 2011 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 09-22-2011 – Code Review Board – Cancellation Notice

Cancellation Notice of the September 22, 2011 Code Review Board meeting was received for information without comment.

6B) 10-03-2011 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the October 3, 2011 Zoning and Planning Board meeting was received for information without comment.

7. Public Hearings:

7A) Resolution No. 2011-3522 – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final Levying of Ad Valorem Taxes for General Operations for the City of Miami Springs for the Fiscal Year 2011-2012; Providing for an Effective Date

City Attorney Jan K. Seiden read the resolution in its entirety.

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

Councilman Lob moved to approve Resolution No. 2011-3522. Councilman Espino seconded the motion.

Councilman Espino clarified for the record that even though there is an 8.3% increase from the roll back rate, the debt service for the Golf Course was incorporated into the millage rate that was previously a separate millage rate.

Vice Mayor Best asked Council to reconsider reinstating the longevity pay for the employees because it would not affect the millage rate. He added that it would benefit those employees that have worked for the City for many years and are counting on the pay.

Councilwoman Ator agreed with Vice Mayor Best. She explained that the issue is related to the next agenda item.

The motion carried 5-0 on roll call vote.

7B) Resolution No. 2011-3523 – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final General Fund, Special Revenue Funds, Debt Service Fund, and Enterprise Fund Budgets for the Fiscal Year 2011-2012; Authorizing the City Manager to Proceed with Implementation of Service Programs and Projects; Prohibiting Unauthorized Liabilities and Expenditures of Funds; Providing for an Effective Date

City Attorney Jan K. Seiden read the resolution in its entirety.

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

Councilman Espino moved Resolution No. 2011-3523. Councilman Lob seconded the motion.

Vice Mayor Best reiterated that he would like to discuss reinstating the longevity pay for those employees that were expecting to receive it.

Councilwoman Ator does not want to cut the pay for the Senior Staff or Department Heads who are the ones that motivate and continue to be responsible for the day-to-day work in the City. She asked about the budget surplus for the Fiscal Year ending 2010-2011.

Finance Director Alonso explained that he would know the amount of the budget surplus around the third week in October. He said that projections show that the Police Department's budget would come in with an approximate \$150,000 to \$200,000 surplus. The overall surplus is estimated to be \$250,000.

To answer Councilwoman Ator's question, Finance Director Alonso clarified that if Council wanted to reconsider the longevity pay and the 3% pay cut during the year they could approve a budget amendment.

Mayor Garcia asked what the deficit amount was at the beginning of the budget process.

Finance Director Alonso replied that the deficit was approximately \$500,000.

Mayor Garcia stated that the Department Heads called him to make it a point that they were okay with the 3% reduction. He did not solicit or call the Department Heads; they wanted him to know that they were okay with the pay cut and they did not want to put any pressure on Council. He does not want the public perception to be that Council enforced this policy. The two top earners voluntarily offered to take the 3% reduction, which he appreciates.

Mayor Garcia said that although there might be a potential \$250,000 surplus, the amount that Council was asked to cut this year was over \$500,000 and this means that unless something changes there is going to be a deficit next year. He does not foresee the economic situation or real estate market improving overnight. Miami Springs was one of a few municipalities that had a 1% increase in property values and still had a shortfall due to the cost of living increases.

Mayor Garcia commented that Council did not say that the longevity pay cut would be a permanent cut. He is still actively looking for ways to reduce expenditures without affecting services. He said that it was part of his campaign promise to reduce taxes without affecting the quality of services.

To answer the Mayor's question, Finance Director Alonso stated that longevity is based on the fiscal year from October 1st to September 30th. During Fiscal Year 2011-2012 all employees will miss one longevity payment. The employees who are due to receive longevity pay in October, November and December already received their payments at the beginning of Fiscal Year 2010-2011.

City Manager Borgmann explained that the employee who spoke at the last Council meeting had not received her first longevity payment because she just became eligible. She was counting on the payment and now she will not receive the benefit on the very first opportunity.

Finance Director Alonso clarified that only two employees were affected and will lose the first year of their longevity for eight years service.

Mayor Garcia asked what the total amount would be if Council decided to give longevity only for the remainder of this calendar year.

City Manager Borgmann responded that twelve employees were affected and the amount was approximately \$17,000 for the three months, not including Department Heads or Police Officers.

Finance Director Alonso reiterated that the twelve employees already received their payments during this fiscal year.

Mayor Garcia emphasized that he is not in favor of giving any pay raises or longevity because there are 13,800 residents to look out for and they are the ones that pay the taxes. He did not vote to give raises because many residents are losing their jobs. He added that no City employees are losing their jobs and that is the most important point.

City Manager Borgmann clarified that total longevity compensation for the full year is approximately \$38,000.

Councilman Espino stated that the pay reduction was a difficult decision that was made on justified grounds. There are many people in the City that are losing their jobs and they were not asked to take a pay cut; they did not have that option. He knows that people expect a certain amount of money, but bonuses, merit increases and cost of living adjustments are discretionary funds that are either approved or not approved on a year-to-year basis.

Councilman Espino explained that the fact that no jobs were cut is a testament to Council's hard work. Everyone is making adjustments and he is committed to not granting merit or longevity increases.

Councilwoman Ator disagreed that the Department Heads' pay should be cut by 3% and somehow the discussion changed to merit increases and cost of living increases. She asked the Finance Director when he would know the amount of the budget surplus, and if it is \$250,000 could Council revisit the 3% reduction and the answer was "yes". She reiterated that Council could revisit it at the end of October.

Councilwoman Ator stated that it is not about cost of living or merit increases; it is about longevity for employees who have worked for the City between eight and forty years. Many of the dedicated employees are at the top of their salary ranges. She understands that some Department Heads had called the Mayor about the 3% decrease.

Mayor Garcia responded that all the Department Heads had called him.

Councilwoman Ator said that the 3% reduction would begin to affect the employees' pension and right now there is a budget surplus. She said that every single person might have contacted the Mayor and now she is going to check with those people. Clearly the longevity is an issue and it does not send a good message to cut the pay of the Department Heads when they are the ones that are the motivators and they are held responsible.

Mayor Garcia clarified that those employees taking the 3% pay cut are the ones that are making more than \$85,000 to \$100,000. He agrees that it is a difficult position, but he has spoken to residents who are losing jobs and their homes and it is not right to consider giving bonuses. He appreciates the work that the employees do, but there are more than 13,000 residents to consider.

Councilman Lob stated that it had been said that the decisions Council makes would be "politics as usual." He explained that it is not easy for him considering that he is a worker like everyone else. He does not own his own company and has not received a raise in four years. He knows it is not easy to lose something that the employees are looking forward to receiving. He said that Council was elected to do what is best for the City.

Councilman Lob noted that the budget is balanced and there is a surplus, but next year is unknown. He works for an investment firm and the stock market is up and down. Council must make sure that the services provided to the citizens today can be provided in the future. He might agree to revisit the 3% pay cut once the budget surplus is known, but not right now.

Councilman Espino understands that there might be a surplus from one year to the next, but it is not really a surplus because the funds are tax dollars. Council is entrusted with the tax payers' dollars; they are not a surplus. The goal is to make the City as efficient as possible so that the residents know that their dollars are being used discretely. This is the third year he has been steadfast about not giving bonuses.

Vice Mayor Best stated that he is aware of economic markers and cannot determine what will happen in the future. The charge of the City Council is to balance the budget and this has been achieved; there is a surplus and it is not right to take away from employees. He said that Council had always come together as a team and to target select employees is not right.

The motion carried 3-2 on roll call vote with Vice Mayor Best and Councilwoman Ator casting the dissenting votes.

7C) Resolution No. 2011-3524 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting the City Employee “Pay Plan” for Fiscal Year 2011-2012; Reserving the Right and Authority to Amend or Supplement the Plan; Effective Date

City Attorney Jan K. Seiden read the resolution in its entirety.

City Attorney Seiden explained that last year a number of employee benefit ordinances were modified and one modification was to Section 34-19 (B). This Section requires Council to adopt the pay plan that is currently in existence as part of the budget process. He clarified that there are no changes and it is simply a matter of practicality and a requirement of the Code.

City Manager Borgmann stated that in the past the pay plan was approved as part of the budget and two years ago it became a separate issue in order to be completely transparent. The pay plan is the same as last year and it does not reflect the 3% decrease for Department Heads since it does not change the pay range; it is a temporary one-year reduction in pay.

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

8. Consent Agenda: (8A through 8E approved with one motion)

Councilwoman Ator removed 8F from the Consent Agenda.

8A) Recommendation that Council Approve an Expenditure to Computer Electric, Inc., the Lowest Responsible Proposer, in an Amount not to Exceed \$3,167.00 for ADA Compliant Door Operators at the Community Center, pursuant to Section 31.11 (C) (2) of the City Code

City Manager Borgmann read the title of the awards.

City Manager Borgmann explained that the ADA compliant door was not a requirement for the original construction of the building and since there have been problems with the door the decision was made to make it an automated door to accommodate the disabled that attend events in the building. Council approval is required for the funding since it is not a budgeted item.

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

City Manager Borgmann explained that Items 8B, 8C and 8D all relate to the Fiscal Year 2011-2012 budget.

8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$9,000.00, for M. Jurado & Associates, for Annual Costs of Mechanical Plan Reviews and Inspections on an "As Needed" Basis, pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

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

8C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$40,000.00, for AMA Consulting, for Annual Costs of Building and Roofing Inspections on an "As Needed" Basis, pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

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

8D) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$16,000.00, for Lonsdale Associates, for Annual Costs of Structural Plan Reviews on an "As Needed" Basis, pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

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

8E) Recommendation that Council Authorize an Expenditure in an Amount not to Exceed \$1,200.00 to Yamaha Motor Corporation for the Lease of Golf Carts per the Existing Lease Agreement, pursuant to Section 31.11 (E) (6) (2) of the City Code

There was no discussion regarding this item.

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

8F) Recommendation that Council Approve an Expenditure of \$2,521.00 to CTM Brochure for Advertising Materials, as a Sole Source Provider, pursuant to Section 31.11 (E) (6) (c) of the City Code

City Manager Borgmann read the title of the recommendation.

Golf Director Mike Aldridge explained that this item is related to the additional advertising for the Golf Course that was approved in June for brochures, maps and bi-lingual maps.

To answer Councilwoman Ator's question, Mr. Aldridge clarified that the purchase order for \$9,000 was approved in October 2010. They are standard brochures that are placed in the hotels from Broward County down to the lower Keys. The Spanish map was distributed to the discount Golf Houses, the Airport, the Miami Zoo and other attractions.

Councilwoman Ator asked if the additional funds were for additional maps or a new type of map.

Golf Director Aldridge responded that the funds are for additional maps to be distributed in additional areas for a fee of \$385.00 per month for each area.

Mr. Aldridge advised Council that a contract was signed with the Business Bureau and he will not be using the brochures as of January 1, 2012. The agreement includes the placement of brochures in 80,000 hotel rooms and advertisements on the lobby televisions.

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

Councilman Espino asked for update on the sale of Groupon coupons and Mr. Aldridge clarified that 440 coupons had been sold.

9. Old Business:

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

Mayor Garcia **re-appointed** Michael Dominguez to the Golf and Country Club Advisory Board for a full 2-year term ending on July 31, 2013.

9B) Strategic Plan Status

City Manager Borgmann stated that on September 19th he met with Bill Busutil and the Department Heads to kick-off the strategic planning process. Mr. Busutil provided documents outlining a starting point for moving forward into the public input phase. Following the timeline provided it looks like a plan could be in place no later than mid-December.

Bill Busutil thanked Council for selecting him to assist in preparing the strategic plan that is very important to him both personally and professionally. At the kick-off meeting with the Department Heads there was an agreement made on several of the general parameters and how to move forward.

The planning horizon for the strategic plan was agreed to be a five year plan that would be formally revisited every two years, according to Mr. Busutil. He explained that the components of the plan were discussed and it was decided to include all components that typically appear on strategic plans. In regard to the logistics for input, it was decided to have input from all elements in the community.

Councilman Espino asked about the five-year vision and whether or not it would be an “area specific” vision or a more macro perspective on the City overall.

Mr. Busutil stated that input would come from different sources; he would first meet individually with each Council member to get their ideas on every single component of the plan: mission, vision, goals, objectives, key performance indicators and strategies. In addition, there will be three community forums in order to get input from the residents. Two forums will be held in the evenings to accommodate those residents who work during the day. One of the forums will be held during the lunch hour at the Senior Center. In addition to the general community forums, a separate forum is planned for the business community.

Mr. Busutil explained that work sessions will be held with the City Manager and his management team and with selected employees in order to get input, including input on the vision. Typically the vision is a community-wide vision; it is not a single vision of one department, but an overall vision for the City.

Councilwoman Ator asked when Mr. Busutil anticipates holding the separate forum for the business community.

Mr. Busutil responded that a meeting is planned for Tuesday, September 27th to discuss the dates and times for the forums. He pointed out that the Rebeca Sosa Theatre is a great location and they would check on the room availability. He said that two to four weeks is the best lead time for planning and publicizing a community forum and they will be planning the outreach this week. He estimated that the forums could be held within two to three weeks after the outreach.

Mr. Busutil advised Council that they would attend each of the forums and once they begin, the process should be unfiltered and unencumbered for the people who attend. He would facilitate directly with the attendees.

Mr. Busutil suggested that Council be observers and not active participants and that is why he is meeting individually with each member in order to get their input.

Councilwoman Ator asked what would be the best time of day for the business forum in order to achieve the best attendance.

The best business forums have been held at 6:00 p.m., according to Mr. Busutil. This would be toward the end of the work day at a time that is convenient.

To answer Councilman Lob's question, Mr. Busutil explained that each forum would last from 90-minutes to two hours. Several tables would be set up with approximately six seats at each table. A question is posed to the group and every person at each table responds to the same question. There are discussions at each table and he facilitates at each one.

Mr. Busutil said that he makes sure that no one person is dominating the discussion and everyone participates. Each person is asked to respond with their favorite ideas for each question in order to get a visual consensus and those ideas are identified that are determined to be the consensus. The ideas are categorized and tabulated so that he can draft alternative mission and vision statements, detailed goals and objectives, performance indicators, etc. in a draft document. The document will be posted on the City website so that the public can respond and it will come back to Council for formal adoption.

Councilman Espino asked if all areas would be addressed. His hope is to get information for all areas and the needs for the community.

Mr. Busutil explained that a certain amount of time is assigned to each question. The overall purpose of the City will be addressed and that will provide information for the mission. The public will be asked to visualize what they think the City will look like five years from now. They will also be asked to identify the most important service areas that should be provided by the City and what are the most important challenges and opportunities.

Mr. Busutil added that surveys will be mailed after the forums take place to those who could not attend the forums. When he speaks with Council he will be asking the same questions so that there will be consistent responses.

City Manager Borgmann stated that each forum will have a sign-in sheet so that the same people do not come to multiple meetings trying to push an agenda or point of view.

Mr. Busutil noted that people will sign up to attend one of the three forums and once they attend one forum they cannot attend another. This will allow a broad range of input.

To answer Councilman Espino's question, Mr. Busutil explained that the survey questions would be broad and open ended. The survey will have enough space to write the responses and there will be postage paid return envelopes, with a deadline to respond.

10. New Business:

10A) Resolution No. 2011-3525 – A Resolution of the City Council of the City of Miami Springs Authorizing the Placement of Six Foot Tall Painted or Decorated Fiberglass Eagle Statues in the Public and Private Right-of-Ways of the City; Endorsing the Exhibition of the Eagle Statues as a Local Charitable Activity for the Benefit of the Schools in the City; Conditioning the Placement and Exhibition of the Eagle Statues Upon the Issuance of Appropriate City Permits and the Execution of All Required Hold Harmless and Indemnification Documentation; Distribution of all Funds Received from the Auction of the Eagle Statues to be Made by the City Council; Effective Date

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

Attorney Seiden stated that the resolution was requested at the last meeting in regard to the presentation made by the advertising company. He was not informed of the number of eagles and that determination would be made as the project continues.

City Attorney Seiden explained that Section 2 authorizes the placement in private or public right-of-ways; Section 3 recognizes the City's endorsement as a public art program and a charity event for the benefit of the schools within the City; Section 4 specifically conditions the placement and the condition of the statues upon the issuance of appropriate permits and the execution of all required hold harmless and indemnification documentation. Most importantly, the City will be the entity who imposes the additional requirement that the distribution of all funds received from the auctions will go through the City Council.

Councilman Lob moved to adopt resolution No. 2011-3525. Councilman Espino seconded motion.

Vice Mayor Best asked about the revenue distribution and which schools would receive funding.

City Attorney Seiden responded that Council will have full discretion on the distribution of the funds based on the amount of funds raised.

The motion carried 4-1 on roll call vote with Councilwoman Ator absent at roll call.

10B) First Reading – Ordinance No. 1027-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance 102-01, Re-Occupancy Certification, by Adding Thereto Provisions Offering an Additional “Informational Inspection” for Purchasers of Residential Properties Subject to Re-Occupancy Inspections; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that the intent of the ordinance is to provide a method and process by which purchasers have the option of attaining additional information regarding the code status of the subject properties. He referred to Section 4 (a) through (e) explaining that the additional inspection shall only be cursory in nature; shall identify only those violations that are readily observable during the visit to the property or an examination of the survey and shall not include any records examination or invasive property inspections. The process is informational only and shall not constitute any type of warranty or guaranty to the prospective purchaser of the property and the information is not intended to be a substitute for the prospective purchaser's due diligence inspections of the subject property.

City Attorney Seiden explained that the form will be submitted at the same time that the application for the re-occupancy certification is submitted.

Councilman Lob said that he heard concerns from local realtors that seem to be legitimate. He was told that the re-occupancy certification is done at the end of the process after all financial aspects of the sale are taken care of. He said that it might impose a burden if there are violations.

City Attorney Seiden mentioned that he is very familiar with the standard real estate contracts as they exist and most of the sales transactions are done "as is, with right of inspections". The contract authorizes the prospective purchaser to apply for financing and at the same time, there is normally ten to twenty days for the purchaser to inspect the property in its entirety. Recertification should be one of the very first steps in the process during the due diligence period. The purchaser would hire an inspection company and this normally happens within the window.

Councilman Espino said that an intelligent buyer should be getting inspections to evaluate the property, the same as a title company does. He does not understand why the City is participating in the process of home inspections. He realizes that it is limited to code violations, but a survey should indicate encroachments, and since the code has changed over the years, many of the old homes may have code violations. He is uncomfortable with the proposed ordinance and there are other provisions in place that achieve the same solution without making the City an active participant in a real estate transaction.

City Attorney Seiden explained that the title inspection inspects for title; an inspection company inspects the services of the unit. A surveyor would not see encroachments and there is a slight loophole in the middle of the inspection process. He admits that this process may be painful to real estate brokers because it may identify readily observable violations that are not otherwise noticed.

City Attorney Seiden said that the purpose of the legislation is to identify a problem that can be reasonably addressed and the ordinance provisions will help new citizens coming into the community that would not be available to them otherwise.

Councilman Espino commented that it might also hurt the seller of a home, especially because of how difficult it is to sell a home right now under the current market conditions.

City Attorney Seiden gave examples of violations that are readily observable. He explained that it does not include electric, water, roofing or any mechanical items. It is related to cursory inspections.

Councilman Espino asked if Code Compliance would be prohibited from enforcing the violations.

City Attorney Seiden stated that the framework of the ordinance provides that the City cannot gain information or make code cases by the use of the ordinance. The purpose of the ordinance is to protect the buyer and if there is a violation, they can approach the seller to correct the violation.

Councilman Lob asked what would be done with the information if the sale does not go through.

City Attorney Seiden clarified that nothing can be done with the information that is placed in the street file. The City is prohibited by the ordinance for prosecuting a violation based upon the cooperative system.

Councilman Espino stated that if a violation is found and reduced to a piece of paper the City is prohibited from citing it in the future.

City Attorney Seiden explained that if a Code Compliance Officer had never seen the file and was prepared to take that position, he or she would be able to proceed with the citation.

City Manager Borgmann gave an example of a homeowner who replaces windows in order to improve their property for potential sale and does not obtain a permit. He asked how that would apply to the process.

The City Attorney said that work that is done without a permit would be readily observable. He added that the inspection will be done on a case-by-case basis and the purpose is to solve problems, not for enforcement. He explained that the ordinance would not solve every problem that exists, but it could make the property sellers more cognizant of the potential problems and they might make some repairs or code corrections.

Councilwoman Ator commented that she attends most of the Code Enforcement meetings and people always say that a violation existed when they purchased the home. She is not an expert in reviewing plans or surveys and there was one case where the survey showed an obvious violation.

City Attorney Seiden referred to a case where there was an illegal structure and when the owner tried to obtain a permit to rebuild it she was told the structure was illegal. She did not know about the violation when she purchased the house or it would have been solved.

Councilman Lob asked if the re-occupancy certification allows an inspection inside and outside of the home.

Building and Zoning Office Supervisor Harold “Tex” Ziadie explained that a re-occupancy certification inspection involves going through the entire interior and exterior of the house looking for violations that reconfigured the property to multi-family. There is a slight hole in the ordinance because there might be code violations, not related to reconfiguration of the home, and the provisions in the ordinance do not allow Code Compliance to cite the violations.

City Attorney Seiden clarified that the person purchasing the property can “opt out” of the additional inspection and if they do, the information is placed in the street file.

Mr. Ziadie stated that he has been doing re-occupancy certifications for eight years and it is not that common to find other violations. Normally, the violations cannot be seen from outside the home.

Vice Mayor Best said that the City would be making an offer to conduct the inspection and a real estate broker supports the seller or the buyer. He felt that the proposed language in the ordinance would be beneficial and if it does not work it can be repealed.

Mr. Ziadie explained that outside real estate agents might not be aware of the re-occupancy inspection and they find out at the last minute before the closing on the property.

Councilman Lob said that modifying a single-family home to make it a rental property is readily visible and the real estate agent should tell the seller that they cannot sell the house in its current condition; this cannot be done in regard to obvious code violations.

To answer Councilman Lob’s question, Mr. Ziadie responded that the inspection would not take any additional time since the inspection can be done during the re-occupancy certification.

Councilman Espino said that he is not comfortable with the ordinance because it is governing to the specific, not the general. Many homes may not have this situation and the legislation is creating a mechanism.

City Attorney Seiden explained that the ordinance would protect those prospective purchasers of residential properties in the City and give them confidence that there are no code violations when they buy the house.

Councilman Lob asked if any other cities have the same ordinance provision.

City Attorney Seiden responded that he was not aware if any other cities had similar legislation.

Mayor Garcia asked the Administration to check with other cities before the second reading of the ordinance.

To answer Councilwoman Ator's question, City Attorney Seiden stated that only four or five other cities have provisions for the certificate of re-occupancy, including the City of North Miami, Hialeah, and one or two others down south. He clarified that it is beneficial for the City and it solves the problem of illegal rental structures.

Vice Mayor Best moved to approve Ordinance No. 1027-2011 on first reading. Councilwoman Ator seconded the motion, which carried 4-1 with Councilman Espino casting the dissenting vote.

Councilman Lob stated that if the ordinance passes on second reading he would like notice to be given to all the local realtors.

(Mayor Garcia called for a five-minute recess at 9:09 p.m.)

10C) 13 South Royal Poinciana Boulevard Property Redevelopment

City Manager Borgmann stated that the apartment building at 13 South Royal Poinciana Boulevard had been undergoing renovation for several years to enlarge the rooms and sell them as condos. As the economy declined, the renovation came to a standstill and only recently ramped up again. During the hiatus in construction the owners decided to leave the building as rental units.

In recent discussions with the owner's representatives, the City has been presented with a request and an offer that Council should know about and act upon, according to City Manager Borgmann. Staff believes the request to be reasonable and in the best interest of the City.

The City Manager referred to an aerial photograph showing a very large tree in front of the building and a small building towards the rear of the property that is owned by the City that is used for storage. The Ficus/Banyan tree has done serious damage to the surrounding infrastructure and the right-of-way that it inhabits is controlled by Miami-Dade County. The building owner has applied for a County permit to remove the tree and the City Staff has no objection to its removal. They are requesting to remove and rebuild the City's storage building to the west and they have offered to pave the alley that can be used for ingress and egress.

City Manager Borgmann said that with Council's direction, the City Attorney could draft the necessary legal documents that require a formal vote of approval.

Discussion ensued regarding a replacement tree.

By consensus, Council directed the City Attorney to draft the necessary legal documents.

10D) Recommendation that Council Award RFP # 05-10/11 to BB&T, the Lowest Responsible Proposer, for City Banking Services, Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Borgmann stated that every year the City evaluates the best possible value for the banking services. The proposal was sent out and after the various banking groups made presentations it was determined that BB&T is the best proposal.

Finance Director Alonso stated that the City had not done a Request for Proposal (RFP) for banking services for awhile because Wachovia had always been the best deal. When Wachovia became Wells Fargo they began raising fees and charging for FDIC insurance.

Finance Director Alonso explained that four proposals were received and a committee was formed that reviewed the proposals. The committee determined that BB&T offered the best plan and the recommendation is to go with BB&T for the next three years with two optional one-year renewals.

Vice Mayor Best asked if the decision was based on the earnings credit of 0.85% versus 0.30% and Mr. Alonso responded affirmatively.

Councilman Lob commented that four banks submitted bids and there were only two evaluations.

Finance Director Alonso explained that the banking committee reviewed all four bids and selected the top two for presentations.

City Attorney Seiden informed Council of a new State law that does not allow public viewing of presentations. He explained that if Council were to select two or three companies to make presentations, the public is not allowed to attend. It would be the same as an Executive Session that is held in private, recorded and is subject to public records requests subsequent to the final decision making process.

Councilman Espino moved to award the RFP to BB&T for City Banking Services. Councilman Lob seconded the motion which carried 5-0 on roll call vote.

10E) Cell Tower Issue: Potential Sale of Leases and Construction of a New Tower

City Manager Borgmann stated that in January 2007, the City was approached by a company that offered a one-time, lump sum payment for the leases on the cellular tower. He provided information going back to that date showing the typical analysis that was undertaken in order to determine the future value of the leases and how many years, at various interest rates it would take to break even. On average, it was about a 10-15 year period before the City would lose revenue. However, with interest rates being at all-time lows, the period would be shortened considerably. Council rejected the concept at that time.

City Manager Borgmann explained that he was approached by two new groups regarding cellular towers. The first wants to enter into an agreement similar to the one in 2007 to purchase the leases. The second company wants to construct a new tower on the Golf Course and he wanted to see if there is any interest in either proposal. Staff recommended against the sale in 2007, on the basis of terminating a consistent revenue stream. This was prior to the economic down turn in 2008.

As far as a new tower is concerned, placing one on the Golf Course would create a 50/50 revenue split with the City of Miami, according to Mr. Borgmann. This is a provision that was put in the sale contract for the Golf Course in 1997, although this may not be applicable due to the amount of improvements that were put into the course.

City Attorney Seiden stated that it is based on a proportionate amount of space, as opposed to 273 acres and it is not as favorable.

City Manager Borgmann explained the reason why the 50/50 split was placed in the sale agreement. The City made it very clear to the City of Miami that the property would never be re-zoned for development.

Discussion ensued regarding stealth towers and what transpired in the past before the cellular tower was placed in the City.

City Attorney Seiden commented that the City was sued in federal court because the citizens did not want a tower anywhere in the City and the law required placement of at least one. The final locations for consideration at that time were City Hall, the tennis courts, or the current site in the yacht basin along the canal. He has not recently checked the law, but does not think it is a requirement for another tower. He added that there were many objections to the Golf Course area the last time.

Mayor Garcia stated that he would approve of giving direction to the Administration to gather more information.

By consensus, Council directed the Administration to keep the current tower leases and bring back additional information for a new siting.

11. Other Business:

11A) Maintenance of Property – Roof Cleaning Discussion (MS Code 93-13)

City Manager Borgmann stated that Code Compliance recently began a sweep of homes in regard to excessive mildew on roofs.

Building and Zoning Office Supervisor Harold "Tex" Ziadie presented a PowerPoint presentation regarding the maintenance of property code provision. He said that the August Gazette notified residents of the sweep. He presented examples of red clay roofs and white tile roofs that were clean, moderate and severely mildewed. He noted that no notices are being sent to homes with asphalt shingle roofs. He advised Council that 107 notices were sent out and ten to twelve have complied.

Vice Mayor Best stated that this is going to be a decision from Code Compliance in terms of if they feel a roof qualifies for a violation or not.

Mr. Ziadie explained how they would determine which homes would need to clean their roofs.

Councilman Espino commented that he is certainly in agreement with Code Enforcement. He advised Council that additional code enforcement had originally begun with commercial properties and that the sweeps should begin with commercial properties.

Mr. Ziadie announced that Code Compliance is doing both commercial and residential enforcement. He said that the initial sweeps on the commercial properties were focusing on maintenance of property and illegal window signs.

Councilman Espino asked how much time property owners have to meet the standards. Mr. Ziadie replied that they have thirty days from the initial citation and then if a second citation is given, they receive an additional thirty days to meet the standards.

Councilman Espino suggested including that language into the initial citation to further soften the approach.

Mayor Garcia asked how Code Compliance determines which sweeps to conduct.

Mr. Ziadie responded that generally the sweeps are based on the biggest issues in the City.

Councilman Lob expressed his concern with the possible situations that could occur during the process of cleaning the roofs.

Vice Mayor Best commented that where the mildew is existent, it is a safety hazard as well as a health hazard.

City Attorney Seiden asked Council to give clear direction to the Administration in regard to this item and how it should be handled.

Councilman Espino stated that he would like to see the establishment of a threshold that Code Compliance can explain to the residents. He personally would like to see enforcement continue and that residents are advised of the time in which they have to comply, and that they can be given an extension to the customary 30-days.

City Attorney Seiden advised Council that establishing a threshold is a difficult task, unless there is a picture that can be published. He noted that it should be left up to judgment of the department because it is their job.

Councilman Espino explained that if someone is noticed they might disagree with the citation. For purposes of education, the residents could be told that it is about maintenance of property and a property value issue and that they have a certain time to comply.

City Attorney Seiden said that he did not have a problem with the timeline. Council can direct the Administration, through Tex Ziadie, to establish a standard as part of his professional evaluation of the condition of roofs.

Councilwoman Ator stated that Mr. Ziadie could put together a similar slide show and place it on the City website so that the residents can see color photographs of roofs that constitute a violation. She felt that the pictures would help educate the residents and perhaps Mr. Ziadie could come back with a series of pictures at the next Council meeting. The information could be on the home page of the website, in the River Cities Gazette every week for a month and this would be a way to resolve the notice to the residents.

Councilwoman Ator moved to have Tex Ziadie present a slideshow with a series of pictures to install on the website showing the standards for roofs that need cleaning. Councilman Lob seconded the motion.

Councilwoman Ator added that there could be examples of clean roofs, slightly mildewed roofs that will not be cited and very bad roofs with a lot of mildew. There should be more education on the bad roofs.

Mayor Garcia asked not to use photographs of actual residential homes and Mr. Ziadie replied that he can crop the image to where it is only the roof being shown in the picture.

Vice Mayor Best suggested that using language such as “reasonable or excessive build-up” would solve the problem.

Councilman Espino explained that he wants the residents to understand what Code Compliance is looking for as opposed to simply saying “mildew on a roof.” Pictures on the website would be fine.

Assistant City Manager Gorland stated that pictures would be brought back to the next meeting.

The motion carried 5-0 on roll call vote.

11B) Discussion of Background Checks for Individuals Working with the Sports and Cultural Programs in Miami Springs (Requested by Mayor Garcia)

Nery Owens of 332 Payne Drive advised Council that the last sweep of roofs was in 2004, when she was cited for a dirty roof. She hired a local fireman to clean the roof and the water pressure was so high that the roof developed a lot of roof leaks and she has since replaced the roof.

Ms. Owens believes that background checks are needed for any person dealing with children, and there might be a Florida Law that requires fingerprinting. She stated that the Optimist classes and background checks should be taught by the Community Policing Department. She recommended that the landscape around the Pine trees on the blocks of Chippewa and Apache should be maintained so that there is a clear vision of the area. She urged that the Community Policing Department should be involved in the process in order to save funds.

Councilman Lob stated that the issue comes up every few years. The Optimist Club has a league rule for training the coaches and volunteers that work with kids. He added that the soccer league does a background check for everyone involved in the program; it is mandatory and football has the same requirement. There are different requirements for different sports and the training must be done by the organizations that run the league. The coaches and assistant coaches, as well as the parents, must go through a background check.

City Manager Borgmann explained that Councilman Lob had asked what had been the outcome of the discussions regarding this issue in the past. The only thing he can remember was that the Optimist Club was falling behind a little and the question was raised of whether the City should take over football and the idea of a Police Athletic League was discussed, but it never gained any traction. There was some resistance to the City's request for a list of the approved people.

Mayor Garcia said that there is a minor issue because the City does not have a list of those people who were approved after going through the background check. He said that the list should be a requirement because the parks belong to the City. He asked if any Council member had an issue with every youth league supplying a list of all the approved volunteers.

City Attorney Seiden stated that the threshold question is who runs the program and he has always been told that either the Optimist Club or the Little League organizations run the programs and use the City facilities. He agreed that everyone should be fingerprinted.

City Attorney Seiden explained that the step that must be part of the process is to ensure that what each organization does meets the standards that are imposed upon the City by the State of Florida.

Mayor Garcia explained that there is a general consensus of Council that each organization should provide the City with a list of approved volunteers. There are set standards imposed by the State of Florida and there should be confirmation that the organizations are following the proper standards.

Councilman Lob said that in the past, all Optimist leagues had requirements that were more stringent than what is required by the State or the County, although they did not require fingerprinting.

Mayor Garcia emphasized that it does not matter what organization is sponsoring a sport; there must be a policy in place to require a list before the season begins.

City Attorney Seiden added that everyone on the approved list must be given a visible identification badge that they must wear when they are on the field.

Mayor Garcia stated that he would like to know all the requirements and for the Administration to prepare a report for Council showing the City's requirements for background checks and fingerprinting compared to the various sports organizations' requirements for the same.

Vice Mayor Best commented that the requirements should be standardized for all leagues and it would be an asset for the Community Policing Department to be involved.

Councilman Lob reiterated that each league has their own standards and the last time this was addressed their requirements were more stringent than what was required by the City. He does not feel that it should be a requirement to go through the City's Police Department.

Vice Mayor Best stated that the Community Policing Department could assist in the formation of a standard.

Mayor Garcia would like to place a matter for discussion on the next agenda in regard to City agreements with the baseball, football and soccer programs, the same as the Pelican Playhouse, the Tennis Professional, Jazzercise, etc. He asked if there was a consensus to support his request.

Assistant City Manager Gorland stated that the Administration had been working with the City Attorney on an agreement. He said that there was communication he received a few weeks ago.

City Attorney Seiden stated that there are rules and regulations for the parks and recreation facilities and this same approach could be used for the various sports leagues that could be combined and attached to a formatted agreement. In addition to the formatted agreement, within the agreement itself, there could be language outlining the usage of the fields and facilities and what is expected of the program when using City facilities. The only difference is that there would be no monetary component.

Mayor Garcia emphasized that the City spends funds for field maintenance and the referees, and this is not specified in an agreement. He would like to continue doing this and would like it outlined in an agreement, along with the rules and regulations.

City Attorney Seiden explained that the Recreation Director had advised him of problems that had come up in regard to not receiving advance notice of changes or activities. This would all be specified in an agreement and brought to Council for final approval, the same as any contract.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Brain Walk

City Manager Borgmann reported that the Pilot Club would hold a “Brain Walk” on Saturday, October 1st to promote awareness of Alzheimer’s.

Pumpkin Patch

City Manager Borgmann announced that the Harvest Fest Pumpkin Patch will begin setting up on October 1st and the event will begin on October 13th.

Cancer Walk

City Manager Borgmann stated that on Saturday, October 8th, the Cancer Walk would be held from 7:00 to 11:00 a.m.

Karaoke Kids Competition

City Manager Borgmann reported that the Karaoke Kids competition will be held in the Gazebo at the Circle on Saturday, October 8th from 12:00 to 3:00 p.m.

Car Show

City Manager Borgmann announced the City will sponsor a Car Show on Saturday, October 8th from 6:00 to 10:00 p.m.

Green Market

City Manager Borgmann received notification from the Chamber of Commerce that they are planning to hold the Green Market on Saturday, November 5th, the weekend of November 12th and 13th and on Saturday November 19th.

Veteran's Day

City Manager Borgmann stated that Friday, November 11th is Veteran's Day and although the City has not recognized this day in the past, the Administration would like to plan an event to celebrate the day in recognition and appreciation of the country's veterans. He asked Council to let him know of any ideas they might have for a program.

City Auditors

City Manager Borgmann reported that the City's auditors have begun the annual audit process.

Sea Grape Tree

City Manager Borgmann advised Council that the sea grape tree in front of the library had been removed.

Pelican Playhouse

City Manager Borgmann said that the Pelican Playhouse production of the "The Fantastiks" was very good, although he did not have an opportunity to see it.

Elevator Repair

City Manager Borgmann announced that the City Hall elevator repair is not scheduled to begin until late October after the materials are received and all meetings can be held at City Hall during the month of October. The Council meetings in November and December will have to be held at the Community Center depending on the speed of the repairs and the Advisory Boards will be asked not to schedule meetings unless they have pressing business.

Police Dog

City Manager Borgmann was informed by Chief of Police Baan that the Police Department has a new police dog in training.

12C) City Council

Pelican Playhouse

Councilwoman Ator saw the Pelican Playhouse production of “The Fantastiks” and it was fantastic. She congratulated the Pelican Players and is looking forward to the next musical.

All Angels Bingo Night

Councilwoman Ator announced that All Angels Church held a Bingo Night that was a huge success. They are planning to hold the event on the second Saturday of every month at the Church.

Pool Parties

Councilwoman Ator had attended four parties at the City’s swimming pool in the last month, including her son’s. She said that the pool is getting a lot of business from her son’s friends and the lifeguards are doing a great job.

Softball Opening Day

Councilwoman Ator announced that she threw the opening pitch at the Softball Opening Day on Saturday, September 24th. She explained that the game schedule is being formulated and the next home game will not be until November due to limited field space.

Vice Mayor Best moved to extend the meeting to 11:15 p.m. Councilman Lob seconded the motion, which carried 4-1 on voice vote with Councilwoman Ator casting the dissenting vote.

Radio Show

Councilwoman Ator spoke on Raquel Regalado’s radio show about Miami Springs and the Circle events. The show is on everyday at 3:00 p.m.

Optimist Club

Councilwoman Ator was told that the Optimist Club will serve hot dogs at the City Halloween event.

Veteran's Day

Councilwoman Ator stated that she put the City in contact with the Daughter's of the American Revolution and the Optimist Club in regard to the Veteran's Day ceremony.

Relay for Life

Councilwoman Ator reported that the Cancer Relay for Life will hold a 5-K walk on Saturday, October 8th.

Rosh Hashanah

Councilwoman Ator said that Rosh Hashanah is coming up and she wished those of the Jewish faith Happy New Year.

Relay for Life

Councilman Espino reported that the Relay for Life kick-off was held on Tuesday, September 20th at the Miami Springs Golf and Country Club that was very well attended. He is honored to be the Honorary Chair of the event this year and was able to secure confirmation from Medley Mayor Rodriguez of their involvement. The 5-K walk/run will be held on Saturday, October 8th at the Circle and the "Bark for Life" event is scheduled for Saturday, October 22nd at the Dog Park.

Chief Financial Officer Jeff Atwater

Councilman Espino had the opportunity of hosting State of Florida Chief Financial Officer Jeff Atwater and they visited many economic groups in Miami-Dade County. He received a lot of good information and is looking forward to involving his office in the push for economic development. He said that if Council has any ideas to let him know because Mr. Atwater is planning to visit again and he will try to facilitate a meeting.

Lighting at the Gazebo

Vice Mayor Best thanked the Administration for addressing the lighting issue at the Gazebo and also for the signage.

Senior Report

Vice Mayor Best had the opportunity to speak at the Senior Center last week to a full house which he loves to do. The seniors had a lot of questions and Karen Rosson runs a wonderful program.

Pelican Playhouse

Vice Mayor Best thanked everyone who attended the Pelican Playhouse production of "The Fantastiks". He said that it was the first musical and it was more difficult than a dramatic production because of the singing, dancing and musicians. He gave credit to Director Ralph Wakefield and the cast.

Pelican Playhouse

Councilman Lob unfortunately could not attend the Pelican Playhouse production and he heard many good comments about it.

Event List

Mayor Garcia advised the City Manager that he likes the event list that he sent to Council as it is very helpful.

City Website

Mayor Garcia distributed a report showing the number of visits to the City Website and the content performance for the "Rec Buzz". The report indicates that only 246 people viewed the content during a one-month period.

City Manager Borgmann will forward Council an explanation from the Information Technology Department of the various definitions in the report.

Mayor Garcia said that the report shows that there needs to be an improvement in the attempt to promote the City's website.

City Manager Borgmann explained that the majority of visits to the website appear to be people looking for employment.

Mayor Garcia added that most of the website use is the City staff checking their internal e-mails and it is important to promote City events.

Annual Budget

Mayor Garcia congratulated Staff for the wonderful job they did in preparing the Fiscal Year 2011-2012 Annual Budget.

13. Adjourn.

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

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

Approved during meeting of: ____

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

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



REVITALIZATION AND REDEVELOPMENT AD-HOC COMMITTEE

The meeting of the Miami Springs Revitalization and Redevelopment Ad-Hoc Committee was held on Monday, September 19, 2011 at the Community Center in the Rebeca Sosa Theatre.

1. Call to Order/Roll Call

The meeting was called to order at 7:14 p.m.

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

Absent: Wade Smith

Also Present: City Planner James Holland
Deputy City Clerk Suzanne Hitaffer

2. Approval of Minutes: May 16, 2011 Meeting

Committee member Valencia moved to approve the minutes of the May 16, 2011 meeting as written. Committee member Rabade seconded the motion, which carried 4-0 on voice vote.

(Item 3 was the last topic of discussion)

3. Review of the Lambert Advisory Downtown Revitalization Plan Market Analysis

City Planner Holland commented that the Lambert Advisory Market Analysis is very good report. Some of the other studies like the traffic reports are very technical.

Chairman Martinez said that the Lambert report addresses the economic needs of the community.

City Planner Holland advised the Board that he would recommend another study. At the time the Lambert study was done, Doral was not incorporated and the economic situation was different.

Chairman Martinez went through the Lambert report and highlighted some points. His background is in Real Estate and he is familiar with the price per square foot and has found that it has actually gone down both in occupancy and price per square foot. The rental market is very strong and offices are \$10.00 to \$15.00 per square foot. He asked the other members for their input. He believes that the Committee should look at the existing studies and determine what has changed.

City Planner Holland explained that it is a market share approach and the Doral market was not considered when the Lambert report was prepared in 2001.

Chairman Martinez stated that although there may be a new market in Doral that was not available in previous years, citizens do not want to go outside of their City; they would like local establishments.

Committee member Rabade noted that the Lambert study was very detailed and some of the information is over ten years old and may not be relevant today, while some of the suggestions are still valid today.

City Planner Holland said that what the City needs is capital investments from individuals who want to develop land.

Chairman Martinez mentioned that he has attempted to bring private funds to the City, but the business owners do not feel that they are going to get the business that they need. He believes that there is no overall vision to be able to enact a plan. Council and residents must come together and agree on a vision. He commented that the Committee could go back and look at the studies and make comments.

City Planner Holland advised the Committee that it is not the right market to continue to use these studies. He suggested that they should look at the Dover Kohl Plan, "Our Town".

Committee member Valencia said that he was curious that the Lambert study indicated that the price per square foot was less. If rentals are 90% filled, the price per square foot should go higher. He stated that building owners should spend money on improving the buildings to increase rental prices.

Committee member Rabade asked if the new complex on North Royal Poinciana Boulevard was successful.

Chairman Martinez replied that it is not successful because half of the first floor which is supposed to be retail businesses is empty and the condos on the second floor could not be sold so they are being rented.

City Planner Holland mentioned that the only retail businesses that are open on the first floor are the bakery and the insurance company.

Discussion ensued regarding the new two story building on North Royal Poinciana Boulevard that still has vacant retail space.

Committee member Rabade said that he would like to follow through with Vice Chair Stiff's suggestion for parking and possibly make some recommendations to Council to get the revitalization process started.

Chairman Martinez stated that studies keep being shelved. He is not against bringing the Vice Chair's idea forward to Council, but he is concerned that nothing is being done because there is no overall plan.

Committee member Rabade explained that nothing had changed in twenty years.

Diane Burkhart of 480 South Royal Poinciana Boulevard commented that there is a lot of open space in her neighborhood and she feels that beautification should be done in that area. Her idea is to reduce the road to two lanes and install a median with Royal Poinciana trees. She also emphasized the need for gateways in the City throughout all entrances and exits in Miami Springs.

Discussion ensued regarding gateways for Miami Springs.

Chairman Martinez asked the Committee if they would like to further discuss the Dover Kohl report at the next meeting. He mentioned that they would receive copies of the study and it would be on the next agenda if all agreed.

Boar member Valencia said that the Dover Kohl report is more visual and needs more thought.

Chairman Martinez announced that the Committee agreed to review the Dover Kohl study and pursue Vice Chair Stiff's plan for the revitalization and redevelopment of the Circle.

Vice Chair Stiff advised the Board that he will put together a graphic for the next meeting.

4. Follow up Discussion Regarding Gateways

Chairman Martinez said that there was discussion at previous meetings regarding the gateways and the topic never went far. A meeting was held with the Mayor of Virginia Gardens in an effort to get their involvement with the gateways.

Chairman Martinez explained that when the Committee last met in May, Council was entertaining the possibility of setting up a strategic planning process for the City with short, medium and long term goals. Council decided to have the Department Heads and Advisory Board Chairs put together six questions to send to the residents of the City, although not too many were in favor of going forward with the questions. He noted that he wrote a memo and asked it to be distributed to the other Committee members.

Chairman Martinez felt that the City cannot set a course for economic development by sending out a survey of six questions to the residents and that it would prompt more questions. He explained that he was against the questionnaire and hoped for another method.

Chairman Martinez explained that Council decided to bring in an individual to make a presentation and set up the best methodology for the strategic planning process. The facilitator emphasized that community feedback was needed to come up with a good strategic plan. Council approved the hiring of the facilitator and the individual will be at the next Council meeting.

Chairman Martinez advised the Board that the facilitator was creating an overall strategic plan for the City. He hopes that the new City Planner, Calvin, Giordano and Associates, the facilitator and the input from this Board can build a consensus for economic development. The facilitator is going to give the Board a plan that can help layout a vision and hopefully the City will be able to move forward with a plan.

City Planner Jim Holland commented that he and other employees met this afternoon with the facilitator. The plan is to have three community forums to obtain citizen input and exchange ideas.

Chairman Martinez stated that he is not sure it is a good idea and feels that there should be forums for each sector.

City Planner Holland noted that if there were forums for each sector, it may become fragmented and believes that having three forums is a cleaner approach. The facilitator has experience in working with Miami Lakes and Cutler Bay.

City Planner Holland mentioned a strategy thought of by the facilitator which would bring all ideas together after the forums. He said that one of the forums was aimed specifically at those individuals who own and operate businesses in Miami Springs.

Chairman Martinez stated that there are a lot of commercial properties and businesses that should have input and that is why he objected to the residential mailing.

5. Abraham Tract Update

Chairman Martinez commented that it is unfortunate that most of the area of the Abraham Tract is owned by Anthony Abraham and what he wants for the land is approximately twice the value of what the land is assessed at currently. He advised the Committee that Calvin, Giordano and Associates, Inc. will be present their findings to Council on October 24th in regard to the Abraham Tract.

6. Airport Golf District Update

Chairman Martinez explained that Calvin, Giordano and Associates Inc. presented an update on the Airport Golf District and the different components. They wanted to expand the work order and further studies.

Chairman Martinez noted that the City had conducted thirteen studies conducted since 1983. He thought that the committee could go back and look at some of the studies and give Council feedback. There were many studies, but no action plan going forward and he would like to make recommendations and become familiar with the studies.

Committee member Rabade commented that some of the items he highlighted were related to the lack of proper infrastructure. There is no availability of infrastructure to attract anchor stores. He said that there was discussion regarding renovation for Milam's Market, but it was not certain whether it was for structural purposes or internal purposes such as providing different types of food items.

City Planner Holland mentioned that there is a space limitation at Milam's. Studies showed that when it was a Piggly Wiggly, the residents used it more as a convenience store at that time.

Committee member Rabade said that some comments were on track, but he had a hard time visualizing how the suggestions can be implemented to provide the extra boost in revenue. There was discussion of increasing rental properties. He noted that residents need an influx of additional resources.

Committee member Valencia stated that some of the reports are outdated. He said that Milam's did a slight expansion. He commented that what he still finds current is the issue of traffic and the fact that downtown is not pedestrian friendly for walking; it is not safe. Traffic is needed for businesses to thrive, but now it is not pedestrian safe.

City Planner Holland expressed his concern that there are many lanes on the circle. A Dover Kohl study was proposed to reduce the lanes on circle.

Chairman Martinez noted that the parking has not changed. Whenever a new business is brought into the City, the question of parking is always brought up.

Committee member Rabade explained that when attempting to attract an anchor client or store, there will be an issue for parking.

Chairman Martinez announced that the idea of a parking garage has always been interesting although it is not necessarily a cost saving alternative.

Diane Burkhart of 480 South Royal Poinciana Boulevard advised the Board of the new Publix on Flagler and Ponce. She stated that it has parking on the second and third floors and grocery carts go up an escalator. She also mentioned that the Whole Foods on US-1 has self-contained parking.

Discussion ensued regarding the lack of parking in Miami Springs.

7. Adjourn

The meeting was duly adjourned at 9:00 p.m.

Suzanne Hitaffer
Clerk of the Board

Transcription by Elora R. Sakal.

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”.



CITY OF MIAMI SPRINGS, FLORIDA

The **Miami Springs Education Advisory Board** met at 6:30 p.m., on Tuesday, September 20, 2011 in the City Hall Council Chambers.

The meeting was called to order at 6:30 p.m.

1. Call to Order/Roll Call

The following were present: Rob Gordon
Libby Manning
Dr. John Salomon
Golnaz Sami (*arrived at 6:36 p.m.)
Dr. Mara Zapata

Also Present: Clerical Assistant Elora R. Sakal

2. Approval of Minutes: May 17, 2011 Regular Meeting

Board member John Salomon moved to approve the minutes as written and Board member Libby Manning seconded the motion, which carried unanimously on voice vote.

3. Introduction of New Board Members

Board member Gordon welcomed Dr. Mara Zapata to the Education Advisory Board and asked if she could give a brief description of what she does.

Board member Zapata announced that she is the Chairperson of Teacher Education Programs college-wide for Miami Dade College. She was previously employed by Miami-Dade County Public Schools for approximately twenty years. She stated that she also served as a grant writer and the Director of Education of the Historical Museum.

4. Selection of Chair and Vice Chair

Board member Gordon said that Mindy McNichols had moved on after serving on the Education Advisory Board for approximately ten years.

Board member Manning made a motion to appoint Rob Gordon as Chairman. John Salomon seconded the motion which was carried unanimously on voice vote.

Board member Manning made a motion to appoint John Salomon as Vice Chair. Chair Gordon seconded the motion which was carried unanimously on voice vote.

5. School Reports:

a. Introduction of New Regional and Local School Officials:

Carmen Maraneli, North Central Regional Superintendent, explained that Miami Springs' schools fall within the North Region District. She said that the school system moved from five to four regional offices. She discussed the location and different directors in her region office. She noted that she is working closely with the principals from all Miami Springs' schools.

Vera Hirsch, President of the Miami-Dade Foundation for Educational Innovation, Inc. commented that the School Board approved the Academy for International Education which is the first District managed Charter School. Miami Springs is the main campus which holds K-2nd grade and through many requests by the community, a 3rd grade was added. She advised the Board that next year the Charter School is planned to become a K-5th grade school.

Golnaz Sami arrived at this time*

Ms. Hirsch explained that throughout all three campuses, they will be using the Rosetta Stone program to teach students Spanish. She announced that the other two campuses could possibly become a 6th-8th grade school next year.

Chair Gordon asked Ms. Hirsch if she could further discuss the languages that will be taught to the K-3rd grade classes.

Ms. Hirsch stated that they are teaching Spanish as a foreign language and hope to eventually add a third language for the sixth grade.

Board member Zapata asked if the language was infused within a particular content area.

Ms. Hirsch responded that they are not a Bilingual School Organization (BISO) school because there is already a BISO school in Miami Springs. They are teaching Spanish as a second language and will be working with the students to become bilingual and bi-literate.

To answer Vice Chair Salomon's question, Ms. Hirsch replied that they had advertised throughout Miami Springs and the Gazette to recruit students. Many of the parents have access to e-mails and they also made some telephone calls.

b. Individual School Reports:

Javier Perez, Principal at Miami Springs Middle School, gave an update on the appearance of the school. Some of the hallways were painted with the help of the Region and Region Superintendent. He said that they are in the process of receiving bids to paint the entire school.

Principal Perez also reported on various school activities, including the Science Technology Engineering Magnet (STEM), fall sports programs and clubs, and the partnership with the Easter Seals program. He also announced the Title 1 parent meetings and Open House on September 21st at 7:00 p.m.

To answer Chair Gordon's question, Mr. Perez responded that he previously worked at South West Miami High School.

Vice Chair Salomon asked what the student enrollment was at Miami Springs Middle School and Mr. Perez replied that the school enrollment is currently at 1,614 students.

To answer Vice Chair Salomon's question, Mr. Perez responded that the enrollment is approximately 40 students over last year's enrollment.

Miami Springs Elementary School Principal Sally Hutchings reported that they are an A school again this year, although the school did not meet the Adequate Yearly Progress (AYP). She advised the Board that scores in Reading were 83% above and Writing and Math were 78%, while Science was at a 73%. The group that did not meet the AYP was in Mathematics.

Principal Hutchings reported on various curriculum assessments, including CELLA, FAIR, STAR, and Baseline Assessments. She also reported on various enrichment programs, including arts and crafts, science, dance, advanced math, painting, "Get Up and Move", strings, reading, ecology, and drama.

Principal Hutchings advised the Board that enrollment to date is 646 students. She continued reporting on the various activities taking place, including the 5th grade's first field trip to Rock Odyssey, "I Led the Pledge" at the next Council meeting, Bully Prevention on September 27th, participation in the Challenge Grant, and Jump Start Reads on October 6th.

Principal Hutchings explained the P.T.A activities, including a general meeting on September 22nd, car washes, box top collections, recycled uniform sales, membership drive, panther cards, and catalog sales. She noted that for community service, their students made cards prior to the 9/11 date for the local Firefighters and Police Officers.

Board member Zapata asked what grades participate in the Advanced Science program and Ms. Hutchings replied that they are planning it for 4th and 5th grades at least once a week from 3:05 p.m. to 4:30 p.m.

Principal Dovale from Springview Elementary commented that the school received the Five Star Award again for the fourth year in a row. She reported on various parent activities, including Parent Portal training on September 28th, a Parent Volunteer Workshop, Parent Drop in Day, and Open House. She advised the Board of various activities, including the 5th grade Rock Odyssey field trip, adopt a classroom program, and interventions. She explained that Springview Elementary is a provider to Supplemental Educational Service (SES) Programs. She stated that the school updated their website through funding from PTA.

Principal Dovale reported on various enrichment activities, including Spanish, arts and crafts, chess, dance, reading, math tutoring, and student government. She was very pleased to announce that Springview Elementary is an A school and met the Adequate Yearly Progress (AYP).

Ms. Dovale announced the various scores for the AYP, including 3rd-5th grade scoring 88% in Reading, 88% in Math, 97% in Writing, and 77% in Science. Learning games were 77% in Reading and 76% in Math. Inadequate progress of the lowest 25 was 78% in Reading and 63% in Math; leaving a grand total of 624 points.

Vice Chair Salomon congratulated Ms. Dovale for having a beautiful Open House; the atmosphere was very welcoming and friendly. He asked what the current enrollment was and Ms. Dovale replied that currently the school has 475 students and at the end of the last school year there were 498 students or approximately 30 less.

Board member Manning asked how the class sizes were and Ms. Dovale responded that their class sizes are fine. Kindergarten has eighteen students per class, 1st and 2nd grade have between 16-18 students per class and their main issue is with the gifted 2nd, 3rd, and 4th grade classes because the school currently has 125 gifted students.

Board member Golnaz asked how many gifted teachers are generated and Ms. Dovale replied that they have generated six gifted teachers.

Carmen Maraneli, North Central Regional Superintendent, advised the Board that they are still looking at the budget on a weekly basis. The school allocations will be adjusted next week and they are based on the enrollment. The goal is to reach the 18, 22, and 25 classroom limits without moving children around classes.

Principal Thomas Ennis from Miami Springs Senior High School reported on various activities, including the Fairchild Challenge, Anchor Club being awarded the 2012 International Anchor Club for the second year in a row, Academy of Hospitality and Tourism receiving one of eight Academy Awards, Mu Alpha Theta placing 11th in the nation, the Football team being 0-2, the Golf team being 4-1, and Volleyball team being 1-3.

Mr. Ennis reported on FCAT scores. He noted that they came in at a "C" with 453 points and hope on the other 800 points. The 800 points encompasses graduation rate, readiness, and acceleration. He stated that they did not make AYP and the school grade was moved down to a B. Their Advanced Placement (AP) passing rates came in as 39% passing three and above which is very competitive.

Board member Manning asked if she could see that report and Mr. Ennis replied that he will email her the courses and rates.

Vice Chair Salomon asked what the enrollment is and Mr. Ennis responded that they are currently up 80 students.

Board member Zapata asked Mr. Ennis if the instructional reviews for AP were in specific content areas. Mr. Ennis responded that they are cross curricular.

To answer Board member Zapata's question, Mr. Ennis stated that the service projects are service learning tied to curriculum and some of the points go to community service through the Anchor Club.

Chair Gordon asked how the strand of courses for Science, Technology, and Mathematics were doing and Mr. Ennis replied that it is doing fairly well.

Golnaz Sami introduced herself at this time.

Chair Gordon explained that a lot of communities support advanced programs in Mathematics and Sciences. He noted that it seems that there may be a feeder system at both the private and public schools that could feed great students into the high school.

Ms. Maraneli advised the board that one of their goals in the Region is to look at feeder pattern continuity between the work that has begun in the Elementary Schools.

Board member Zapata asked if there would be a possibility of pursuing funding if it was identified.

Ms. Maraneli replied that they do look for partnerships and would work with partners if they are identified.

6. PTA/PTSA Reports:

Susan Baan, PTA President at Miami Springs Middle School, Vice President for Miami Springs High School and Dade County PTA Feeder Pattern Representative reported various accomplishments and activities, including new patio tables, a welcome back breakfast for the teachers, t-shirt sales, Title 1 meeting, and a Papa John's membership drive.

7. Business/Reports

a. Art in Public Places to Raise Funds for Schools

Vice Chair Salomon explained that there are plans to hold a large Art in Public Places event in Miami Springs to help raise funds for local Public Schools. He asked that the parents, PTA, Principals, and students get involved in this event to help support and fund the local Public Schools.

Heather Bettner, CEO/President of Prince Media Development explained the different projects that she is working on in South Miami and in Pinecrest. She noted that she spoke with Council and explained the art project and she believes that they are going to allow this project to take place.

Ms. Bettner commented that they came up with the idea of calling the event "Soaring in Miami Springs". Along with the tag line, she would like to create energy, a feeling of upward momentum, and success. She stated that it is also a take of the aviation history that Miami Springs holds. She felt that the most prolific figure that could be used would be the Eagle.

Ms. Bettner mentioned that they plan on creating twenty sculptures that would be placed in public right-of-ways and private right-of-ways in Miami Springs sponsored by private companies. She has already received some sponsors for this project. She advised the Board and audience that this project encompasses all the school principals and PTA's to really get the children involved. She asked for help from the PTA's to find sponsors for each school in Miami Springs. She reported that the expected launch date of the sculptures would be on July 4, 2012.

Discussion ensued regarding the various artists Ms. Bettner is hoping to have participate in this project.

PTA member Susan Baan explained that Miami Springs Middle School created an aerial sculpture of an eagle that was made out of students.

To answer Principal Dovale's question, Ms. Bettner clarified that the art teachers would be able to get involved. She gave the principals her contact information and stated that any interested art teachers can contact her and she will provide them with all the information.

Chair Gordon asked Ms. Bettner if she would coordinate the communication with the schools and Ms. Bettner replied that she will communicate with the schools and she has asked Vice Chair Salomon for the e-mails of each Board member.

Ms. Bettner explained that she will be attending each monthly meeting to give an update on the project status.

Vice Chair Salomon advised the Board and audience that during the Council meeting, City Attorney Seiden stated that they could open a non-profit fund for the City so citizens who wish to make donations can make their checks payable to that fund.

Board member Zapata asked if this was going to benefit only the Public Schools in the community or both and Ms. Bettner replied that it is benefiting just the Public Schools.

Board member Manning introduced some of the faculty from different schools.

b. All Angels Academy Victory Gardens Presentation by Denis Albiza and Suzy Gard

Chair Gordon commented that he purchased two books called "The Edible School Yard" and distributed one copy to each of the Elementary Schools. The gardening movement has a lot of benefits as far as education goes so he came in contact with Denise Albiza and Suzy Gard who have a movement to create a community garden as well.

Denise Albiza explained that the victory garden that they are currently doing at All Angels is part of a large inter-disciplinary project. They have selected World War II as their theme and decided to make it a year long project. She noted that they had already begun working with the students and have written letters to local businesses for donations. They are going to teach them not only about healthy eating but sustainability as well.

Ms. Albiza reported various ways that education will be combined with the Victory Garden project, including math, science, and technology with a weather station, and web cameras.

Suzy Gard explained various subjects the students will be learning throughout the Victory Garden project, including, measuring, using different soils, canning the extra vegetables, and safety procedures.

Board member Zapata commented that she loved the idea and how it was tied to curriculum. She noted that Miami Dade College North Campus Early Education center has a vegetable garden that produces excess amounts of vegetables that they give away.

c. Youth Advisory Council

Board member Manning said that she will follow up with Council to see if they passed the Youth Advisory Council.

d. Advanced Academics Committee

Chair Gordon stated that he will have more to report on this topic at the next meeting.

e. Education Advisory Board Goals

Board member Manning noted that the new board members should read the previous board minutes as this topic was already discussed and then give their own feed back at the next meeting.

f. Legislative Issues

Iraida Mendez-Cartaya, Assistant Superintendent from Inter-Governmental Affairs Grants Administration and Community Engagement, explained that the School Board of Miami Dade has adopted its Legislative platform for this upcoming Legislative session.

Ms. Mendez-Cartaya stated that the current fiscal year is the fifth consecutive year that the School Board of Miami Dade County has effectuated reductions. They have effectuated \$108MM of reductions without eliminating teaching positions. She reported on various revenue sources, including state revenues, tax proceeds, stabilization funds, jobs for education, and base student allocation.

Ms. Mendez-Cartaya explained the various funding priorities that the Board has outlined for the upcoming Legislative session, including investing a percentage of dollars to education as the state's economy recovers and grows, replacing "Jobs for Education" funds embedded in the Florida Education Finance Program (FEFP) with state revenue, and maintaining the current required employers' contribution rate to the Florida Retirement System by absorbing the planned increase for the 2012-2013 fiscal year.

Ms. Mendez-Cartaya mentioned different ways of Capital Funding, including extending the term of general obligation bonds from 20 years to 30 years, expanding the allowable use to include operating expenses that maintain, renovate or repair existing school facilities, or maintain, secure or upgrade school technology equipment, and fully funding provisions of Florida Statute 1013.64 pertaining to funding of the Public Education Capital Outlay Program (PECO) that involves constructions and maintenance programs of the public school districts.

Ms. Mendez Cartaya explained that there is a process that school districts across the state use to co-enroll students. She noted that she would like for the continuation to allow co-enrollment as a strategy for high school students who need credit recovery or need to improve their cumulative grade point average for graduation purposes.

g. Discussion Regarding Cancellation of October and November Meetings due to Elevator Repair at City Hall

Chair Gordon would like to continue to meet for the months of October and November and Board member Manning agreed.

8. Other

Board member Manning discussed the STEM program and asked if the board should send a letter of recommendation to Council.

Chair Gordon stated that the community supports the idea and the next step should be for Council to also agree to send a letter to the District so they are aware of it.

Board member Zapata advised the Board that those sites are District selected based on the lists of criteria, so therefore Miami Springs may not meet the criteria.

Chair Gordon commented that there may not be enough funding available to have the STEM program. He recommended a better way of going about it is by saying they would like a National Foundation Academy in Science, Technology, Engineering, and Mathematics at the high school to get closer to the actual STEM program.

Ms. Mendez- Cartaya explained that as communities are becoming more demanding in regard to the types of programming that they want to see in their schools and in a time of limited resources for the school district, the two parties basically have been negotiating those kinds of potential program enhancements that the municipalities would compensate for. Part of the discussion has also been that the cities may have bonding capacities that the school district does not.

Discussion ensued regarding whether or not Miami Springs would be able to maintain a magnet program.

Board member Zapata made a motion that the Board prepare and submit a letter to the City Council expressing ideas to move forward to committing to partner with the School System. Vice Chair Salomon seconded the motion which was carried unanimously on voice vote.

Board member Manning commended Mindy McNichols for her time spent on the Education Advisory Board. She recommended that Council recognize her for her ten years of service to the Board.

Board member Manning made a motion that City Council recognize Mindy McNichols for her ten years of effort with the Education Advisory Board. Vice Chair Salomon seconded the motion which was carried unanimously on voice vote.

9. Adjourn

There was no further business to discuss and the meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Elora R. Sakal
Clerk of the Board

Approved as written at meeting of:

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.

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City of Miami Springs

Ecology Board

Cancellation Notice

The Ecology Board Meeting of Tuesday, September 27, 2011 has been canceled in advance.

Allene M. Paz
Secretary to the Board

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



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The regular meeting of the **Miami Springs Code Enforcement Board** was held on **Tuesday, October 4, 2011** at 7:11 p.m. in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:11 p.m. by Chairman Marlene B. Jimenez.

Present: Chairman Marlene B. Jimenez
Vice-Chairman Raul Saenz
John Bankston
Rhonda Calvert
Walter Dworak
Robert Williams

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

Absent: Jacqueline Martinez-Regueira

2) Invocation/Salute to the Flag

All present participated.

3) Approval of Minutes:

Minutes of the August 2, 2011 meeting were **approved as written**.

Board member John Bankston moved to approve the minutes of August 2, 2011. Vice-Chairman Raul Saenz seconded the motion, which was passed unanimously by acclamation, all members voting "aye".

4) OLD BUSINESS- CASES

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

Ms Broom was not present.

Tex Ziadie presented an update to the case as follows:

At the August 2, 2011 CE Board meeting, the following decision was made:

Board member Rhonda Calvert made a motion to grant Ms Broom 30 days to:

1-Get rid of the two vehicles (campers).

2-Remove the vines and clean up around the house.

3-Remove the fallen tree.

In addition, Ms Broom was to come back to the Board at the September 6th, 2011 meeting and provide the Board with a timetable for the sale or demolition of the house. The motion was seconded by Vice-Chairman Raul Saenz and it passed unanimously on roll call vote.

Ms Broom was offered help by various Board members to get someone to haul away the campers and also help from the Building Department if she decided to demolish the house.

Since the September Board meeting was cancelled, Ms Broom was advised of a thirty day extension. To date the only work that has been done is the mowing of the grass and the removal of the fallen tree. The campers are still there.

On October 4, 2011, Officer Taveras received an E-Mail from Ms Broom notifying us that she would not be able to attend the meeting. She was advised by Officer Taveras that we would be recommending a daily fine of \$100 be levied against the property for failure to remove the two campers by the deadline previously set (30 days from the August meeting).

Ms Broom's E-Mail was displayed (a copy of the E-Mail is attached at the end of these minutes) and Tex Ziadie summarized it by saying that Ms Broom had not been able to get rid of the campers although she had called Kauff's and another company. She also said that she hoped to be able to begin demolition of the house in December and asked if December 15th seemed like a reasonable goal for completing the demolition. Tex Ziadie stated that this seemed very reasonable. She had already gotten two bids on the demolition and was awaiting a third.

There was discussion on the matter by the Board.

Vice-Chairman Raul Saenz made a motion that a penalty of \$50 per day for failure to remove the campers be levied against the property starting October 5, 2011 and running until the property is in compliance by the removal of the campers. Also that a report of Ms Broom's progress on the demolition be brought back to the Board in November. Member Robert Williams seconded the motion. There was additional discussion after which a roll call vote resulted in the motion passing by a vote of 3-2 with Members Bankston and Calvert voting "nay".

Tex Ziadie stated that he had received other E-Mails from Ms Broom earlier in the evening before the meeting. She had asked if the stand alone accessory structure in the rear of the property could be kept and not demolished. Tex responded that Code Compliance had no knowledge of the condition of the building and that unless there was an inspection by the Building Official to determine its viability as a structure, we could not say. Ms Broom agreed to an inspection and it is tentatively set for Thursday, October 6, 2011. Tex will keep the Board updated on any progress or other developments.

5) NEW BUSINESS-CASES

- 1) Case# 07-997, 07-480 & 07-1534
Address: 489 Lafayette Drive
Owner: Deutsche Bank National Trust Company
Violation: Request for Reduction of Fine

The Bank's representative did not appear. This case was tabled until next month and contact with the representative is made.

- 2) Case# 11-579
Address: 517 Minola Drive
Owner: Wayne A. McMullen & Joann M. Price
Violation: 93-13 Maintenance of Property

Tex Ziadie reported that this case had been removed from the docket as the property had been brought very close to being in compliance. An inspection by Tex Ziadie on October 3rd had shown that all of the overhanging trees had been cut back to the property line and much of the excessive ground cover removed. Mister McMullen has been given an additional thirty days to remove the rest of the ground cover.

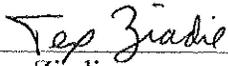
6) Council Liaison Report and Request

Councilwoman Ator was present. She did not have any statement for the Board.

7) **Adjournment**

There being no further business the meeting was duly adjourned at 7:32 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.

Tex Ziadie

From: Tex Ziadie
Sent: Tuesday, October 04, 2011 5:35 PM
To: Tex Ziadie
Subject: FW: Code Enforcement Board Today

From: Broom, Sonja [<mailto:Sonja.Broom@aa.com>]
Sent: Tuesday, October 04, 2011 4:28 PM
To: Lourdes I. Taveras
Subject: RE: Code Enforcement Board Today

Thanks Lourdes...it has been my plan to attend the meeting. The agenda you sent to my home indicates I am first up. However, I will not be able to attend.

In my absence, if you would please convey the following:

I have never been able to find an entity to take the motor home from the backyard. I have had many leads, someone would take it if all liquids were drained (no problem) but someone else would have to tow it but they needed a title. Went through obtaining a title through the state with proof of me being the Personal Representative and my father's death certificate. Called the person back but now he said I have to gut the inside of the motor home. The Code Enforcement Commissioner who sits in the middle gave me Kauff's as a reference for assistance. I called them some time ago and they gave me two leads – neither of them panned out. After the last failed attempt – I called Kauff's again and this time spoke to Eric the Terminal Manager. He said really no place will accept motor homes because it is costly to separate metal from fiberglass. He is still checking but frankly – I have given up.

We did receive an offer on the property which we felt was lower than what we can accept. So Plan B is to demolish the house (apparently this will also solve getting rid of the vehicles in the back yard as well). Given the process of applying for the various permits – do you think December 15th is doable from Miami Springs perspective – for the house to be leveled? I believe it is enough time for a contractor to arrange the job. We have two quotes and am awaiting a third. One other question I had was – can we leave the rear cement building standing – with the promise to install a proper door and replace the couple of windows to make it look more presentable? We would continue to maintain the lot. It is nearly empty now and would remain empty.

Thank you in advance and I apologize I will not be delivering this information in person.

Sonja Broom

From: Lourdes I. Taveras [<mailto:taverasl@miamisprings-fl.gov>]
Sent: Tuesday, October 04, 2011 10:26 AM
To: Broom, Sonja
Subject: Code Enforcement Board Today

Good morning Ms. Broom,

Just another reminder that today is the meeting, your case is on the agenda, which was mailed to your address.

See you at 7:00 in the Council Chambers at City Hall.

Lourdes Taveras
Code Compliance Officer



City of Miami Springs, Florida

Architectural Review Board

CANCELLATION NOTICE

The Architectural Review Board meeting of October 5, 2011 has been canceled in advance.


Elora R. Sakal
Board Secretary

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



Golf and Country Club Advisory Board

Cancellation Notice

The Golf and Country Club Advisory Board meeting scheduled for Wednesday, October 12, 2011 has been canceled in advance.


Elora R. Sakal
Secretary to the Board

cc: City Council
City Manager
Assistant City Manager
City Attorney
City Clerk
Golf and Country Club Advisory Board Members
Mike Aldridge, Golf Director
Post

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DRAFT



CITY OF MIAMI SPRINGS, FLORIDA

The **Board of Adjustment** met in Regular Session at 7:00 p.m., on October 3, 2011 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at: 7:10 p.m.

The following were present:

Chairman Manuel Pérez-Vichot
Vice Chairman Francisco Fernández
Alternate Bill Tallman

Absent:

Ernie Aloma
Kevin Berounsky
Ariana Fajardo

Also present:

City Attorney Jan K. Seiden
City Planner James H. Holland
Board Secretary Elora R. Sakal

2) Approval of Minutes

Minutes of the August 1, 2011 meeting were approved as written.

Vice Chair Fernández moved to approve the minutes as written. Board member Tallman seconded the motion which was carried unanimously 3-0 on voice vote.

3) Old Business: None.

4) New Business:

City Attorney Jan Seiden explained to the applicants that there are normally five Board members that vote and make a recommendation. Since there are only three Board members present, in order to receive the variance, applicants must receive a unanimous vote from the Board members present. Applicants going forward are waiving any arguments they have to receive the unanimous vote.

Councilman Espino stated that he wanted to discuss two ordinance changes that had been made. The first ordinance was for homes that are built on undersized lots and the second ordinance was for requiring Board of Adjustment's approval for certain liquor licenses. He noted that it was thought to be appropriate to streamline the process and make it a municipal process that can be approved when requested, therefore allowing a business or property owner to proceed forward without having the 30 to 60 day delay. He thanked the Board members for their hard work and time.

Councilman Espino advised the Board that Council is now engaged in strategic planning. He asked the Board members to let Council know if they had any thoughts about the code or other issues that they feel that the City should look at in the future.

City Attorney Seiden commented that City Planner Holland removed two variances as a result of the newest ordinance amendment, which basically deals with an established property that is deficient as existing in width, length, or area. This new ordinance has removed the need for a variance for such homes as long as it does not exacerbate the variance or the non-conformity of the property.

A) CASE # 19-V-11
Pedro Gonzalez
1259 Bluebird Avenue
Zoning: R-1B, Single Family Residential
Lot Size: 75 ft. x 122 ft.

Applicant is requesting a variance from Code Section 150-013 *RI-B district (A)* to retain replacement ficus hedges.

City Planner Holland advised the Board that the initial recommendation was for approval, but then he was unaware of a Code Enforcement history on this case and changed the recommendation to one of denial. This involved the replanting of ficus hedges which are prohibited by code. The offending hedges in this instance are along the East side of a portion of the property line.

Code Compliance Officer Tex Ziadie said that Mr. Gonzalez was first cited for replacing ficus hedges in June of 2009. He distributed photos to the Board members. He mentioned that in one of the photos the plants that were planted were brand new with the tags still on them. Mr. Gonzalez and his wife were advised that the replanting or replacement of ficus hedges were not allowed and they refused to comply.

Mr. Ziadie noted that as a result of non-compliance, in November of 2010, the applicants were brought to the Code Enforcement Board where they ordered that the applicants remove the ficus hedges no later than March 1, 2011; if they were not removed by that time, a penalty of \$25 per day would begin. He stated the Mr. Gonzalez asked if he could apply for a variance and was allowed to have the opportunity to apply. Mr. Gonzalez did not apply for the variance until July of this year.

Applicant Pedro Gonzalez commented that he was unaware that ficus hedges were not allowed in Miami Springs. He advised the Board that he maintains his yard and is bothered that he is being penalized for doing so. He said that the previous Mayor and Mr. Ziadie recommended that he apply for a variance.

Chairman Pérez-Vichot explained that the code strictly states that a property cannot have ficus hedges.

City Attorney Seiden mentioned that when an ordinance is passed in the City, there is often a preliminary discussion before an ordinance is prepared at which point they are televised, streaming online, published online on the City's website and advertised in the City's newspaper. He asked Mr. Gonzalez why it took him until July of 2011 to file for a variance.

Mr. Gonzalez noted that he does not know that the dates are correct. He believes that it happened in 2009 and was cited in November of 2010.

Mr. Ziadie stated that he never suggested that Mr. Gonzalez should apply for the variance. Mr. Gonzalez appeared before the Code Enforcement Board and asked if there was anything else he could do and a Board member answered that he could have applied for a variance. He reiterated that Mr. Gonzalez asked if he could apply for a variance and was told that he would still be allowed to do so.

To answer City Attorney Seiden's question, Mr. Ziadie replied that the first time he received notice that there was a potential violation was in June of 2009.

Mr. Gonzalez reiterated that he does not believe that this issue goes back to 2009.

City Attorney Seiden advised Mr. Gonzalez that they have record stating that it did indeed go back to 2009, and he would be glad to provide him with a copy of it so he would have an accurate understanding of it.

Vice Chair Fernández moved to deny the requested variance. Board member Tallman seconded the motion which was carried unanimously 3-0 on voice vote.

City Attorney Seiden explained to Mr. Gonzalez that he has a right to appeal their decision. He stated that this Board only makes recommendations to Council who will review the minutes at their regular meeting on Monday, October 10, 2011. He advised Mr. Gonzalez that if he would like the City Council to hear the issue he is certainly entitled to do so and may contact the City Clerk to fill out the paperwork and come before the City Council and plead his case.

**B) CASE # 20-V-11
Olga Lawson
295 Nahkoda Drive
Zoning: Single Family Residential
Lot Size: 118 ft. x 120 ft.**

Applicant is 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.

Applicants decided to wait to be heard at the November meeting.

**C) CASE # 22-V-11
Ricardo Rodriguez and Stacey Griffith-Rodriguez
600 Eastward Drive
Zoning: R-1C, Single Family Residential
Lot Size: 50 ft. x 142 ft.**

Applicants are requesting a variance from Code Section 150-013 *R-1C district* (B) and (C) to permit a wooden fence in the front yard, which also exceeds 3 ½ ft.

City Planner Holland explained that there had been an ongoing process between the applicants and the former City Planner to the extent that they were given false information. He mentioned that there was a three page letter from the applicants stating the situation. He noted that one of the technical issues with this case is that it involves the definition of a front yard.

City Planner Holland stated that there is a conflicting provision. He discussed what the applicants are requesting and what is permitted by the City.

Stacey Rodriguez dispersed photos of her property. She commented that the way their lot is set up, they do not have a back yard. She commented that they had been told by the previous City Planner that it would be approved without a problem and to apply for the variance. She advised the Board that they contracted a fence company and the variance was denied.

Discussion ensued regarding the process that the applicants have gone through with the previous City Planner.

Chairman Pérez –Vichot asked what was being proposed on Eastward Drive and Ms. Rodriguez replied that nothing is being proposed for Eastward Drive.

Mr. Rodriguez said that the previous City Planner had told the applicants that they may install a 3 ½ ft. wood picket fence as long as it looked nice. When the applicant took plans to the previous City Planner, they were told that a wood picket fence would not be allowed in their “front yard”.

Mr. Rodriguez explained to the Board that the City Planner was considering the east side of their property as their front yard. He mentioned that he offered to install a 3 ½ ft. aluminum fence in their “front yard” and were told that they could do so. The applicants removed hedges and were prepared to build a fence on the south side of the property but they were denied again.

Chairman Pérez–Vichot noted that the applicant’s setbacks would not work if Eastward Drive were their front yard because they would be too close. They are 19 ft. away from Eastward Drive because it is their side yard.

Mr. Rodriguez stated that they are requesting a six-foot corner to go along where the existing hedge used to be to have privacy from the neighbors.

To answer Chairman Pérez–Vichot’s question, Ms. Rodriguez replied that they were going to landscape along the Eastward Drive side to get some privacy in that area.

Chairman Pérez–Vichot asked if the landscaping would work for them on South Drive as well and Ms. Rodriguez responded that she would like to have as much privacy as they can, especially between their neighbor’s house.

Mr. Rodriguez commented that a neighbor had responded to a Courtesy Letter but had put it in their mail box.

City Planner Holland read the courtesy letter as follows:

“Ricky and Stacey have always been great neighbors with high regard for their home and neighborhood. If they feel they need this variance, we have no problem with their request. Every improvement they have made to their property is positive.”

Chairman Pérez–Vichot asked if anything less than six feet would work for the applicants and Ms. Rodriguez replied that if they had to, they just need to put something up. She suggested having a six foot fence between their property and their neighbor’s property, and a smaller fence parallel to South Drive.

City Attorney Seiden said that he is not as convinced with the house address as he is about the fact that the property has no back yard at all.

Jo Ellen Morgan Phillips of 372 De Leon Drive advised the Board that Stacey and Ricky have always kept their house immaculate and they do have a problem as far as having no back yard. She explained that she had previously spoken with Chairman Pérez-Vichot regarding fencing. She urged the Board to approve the variance.

Board member Tallman appreciated all of the comments that had been made. He mentioned that the argument of the service recovery aspect of this variance was not lost on him, but he believes that in the context of a variance the Board wants something that is narrowly defined so that it is pretty clear and compelling should this issue come up again in the future.

Board member Tallman noted that looking at the drawings, there is no door on the side of the building that opens into the front yard. Therefore, it is hard to make an argument to a rational person that it is the front yard and that it should be subject to the regulations.

City Attorney Seiden stated that when Board members are looking at why they are granting a variance, they always should consider the geographical design and nature of the property. This property is unusual because the side yard is non-existent except to the Eastward Drive side. He commented that he does not believe the Board would be doing any damage to case precedent by granting the variance.

Board member Tallman moved to grant the variance on the basis that the letter of the law is not consistent, but very clearly within the spirit of the law in what the spirit of the law is meant, to govern for this area that it is appropriate and permissible. Board member Fernández seconded which was carried 3-0 on voice vote.

City Attorney Seiden explained that this Board only makes recommendations to Council who will review the minutes at their regular meeting on Monday, October 10, 2011, but they will not discuss the case. He reminded the Applicant of the ten-day appeal period and advised him to see the City Planner after the appeal period and if the Council approves it and there was no appeal filed, then the applicant may go ahead and install the fence.

**D) CASE # 24-V-11
Wilfrido A. Benitez
521 Raven Avenue
Zoning: R-1B, Single Family Residential
Lot Size: 90 ft. x 135 ft.**

Applicant is 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.

City Planner Holland said that the subject property is an interior lot with an alley to the rear. The boat is parked in the rear yard. He advised the Board that he had received one letter of support and one letter of objection. The City's recommendation is for approval as submitted.

Chairman Pérez-Vichot mentioned that the boat is pretty far back and they have a gate in the front. He asked if there is also screening on the side and City Planner Holland replied that they have a six-foot wood fence all around the property.

City Attorney Seiden noted that while looking at the photos it looks as though the boat could even be pushed back farther.

To answer Chairman Pérez-Vichot's question, the applicant responded that the boat is 27 feet long.

Vice Chair Fernández moved to approve the variance and that the applicants meet the condition for the variance in that they cannot place the boat in the back yard due to access from the alley or the garage. The Applicant has screened the boat from the side and the front and has pushed it as far back as possible. Board member Tallman seconded the motion which was carried unanimously 3-0 on voice vote.

City Attorney Seiden explained that this Board only makes recommendations to Council who will review the minutes at their regular meeting on Monday, October 10, 2011, but they will not discuss the case. He reminded the Applicant of the ten-day appeal period and advised him to see the City Planner after the appeal period and if the Council approves it and there was no appeal filed then the applicant has a variance to keep the boat in the location that it is in.

**E) CASE # 25-V-11
Eugenio Lugo and Kathy Harris
230 Albatross Street
Zoning: R-1C, Single Family Residential
Lot Size: 75 ft. x 127 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.

Applicants decided to wait to be heard at the November meeting.

F) **CASE # 26-V-11**
Juan and Dawn Hoyos
85 Glendale Drive
Zoning: R-1C, Single Family Residential
Lot Size: 100 ft. x 108 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.

Applicants decided to wait to be heard at the November meeting.

5) **Other Business:**

Mayor Zavier Garcia of 40 Whitethorn Drive wanted to address the Board regarding variances and codes that need to be reviewed. He thanked the Board members for their time and effort and he will return again to speak with the entire Board on this topic again.

6) **Adjournment**

There was no further business to be discussed and the meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Elora R. Sakal
Clerk of the Board

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”.
