



**AGENDA INFORMATION**

**CITY OF MIAMI SPRINGS**

**CITY COUNCIL**

**Regular Meeting**

**Monday, May 14, 2012**

**7:00 p.m.**

**Council Chambers – City Hall**

**201 Westward Drive, Miami Springs**

**Mayor Xavier Garcia**

**Vice Mayor George V. Lob**

**Councilman Bob Best**

**Councilman Dan Espino**

**Councilwoman Jennifer Ator**

**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 George V. Lob  
Councilman Dan Espino**

**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, May 14, 2012 – 7:00 p.m.**

**Council Chambers – City Hall**

**201 Westward Drive – Miami Springs**

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

**2. Invocation:** Councilwoman Ator

**Salute to the Flag:** Students from Springview Elementary School will lead the audience in the Pledge of Allegiance to the Flag

**3. Awards & Presentations:**

A) Proclamation – Mu Alpha Theta Math Club

B) Proclamation of Recognition – Grace Bain

**3. Awards & Presentations: (Continued)**

- C) Certificates of Achievement to All Angels Academy Students who Participated in the 32<sup>nd</sup> Annual Florida History Fair
- D) Presentation from All Angels Academy Students Regarding "When We Were Men" – Carolyn Bernal, Amanda Gard, Dakkea Jester, Jackie Mesa
- E) Fiscal Year 2011-2012 Government Finance Officers Association "Distinguished Budget Presentation Award" to the City

**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) 04-23-2012 – Regular Meeting

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

- A) 04-19-2012 – Historic Preservation Board – Minutes
- B) 04-24-2012 – Ecology Board – Minutes
- C) 04-26-2012 – Code Review Board – Cancellation Notice
- D) 05-01-2012 – Code Enforcement Board – Cancellation Notice
- E) 05-02-2012 – Architectural Review Board – Cancellation Notice
- F) 05-07-2012 – Zoning and Planning Board – Cancellation Notice
- G) 05-08-2012 – Recreation Commission – Minutes
- H) 05-09-2012 – Golf and Country Club Advisory Board – Cancellation Notice
- I) 05-07-2012 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 7, 2012, Subject to the 10-day Appeal Period

**7. Public Hearings:**

- A) Ordinance No. 1034-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Defining and Providing Regulations Governing the Location, Size and Maintenance of Portable Storage Modules; Providing an Exception to Regulation for Storage Containers; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

(First Reading: 4-23-2012 – Advertised: 04-26-2012)

**7. Public Hearings: (Continued)**

- B) Second Reading – Ordinance No. 1035-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-164, Northwest 36<sup>TH</sup> Street, by clarifying and Expanding the Principal Permitted Uses and Corresponding Qualifying Conditions; Correcting the Minimum Floor Area Ratio; Clarifying the Height Limitations of Structures; Revising the Required Materials for Construction of Pedestrian Walkways and Bike Paths; Establishing Applicability of Code Section 93-10 for Dumpster Enclosures; Clarifying Landscaping Requirements; Expanding the Defined Height of Parking Lot Lighting Fixtures; Expanding Prohibited Amenity Advertising; Providing a Substitute Exemption Provision from the Applicability of the District Boundary Regulations; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

(First Reading: 4-23-2012 – Advertised: 04-26-2012)

**8. Consent Agenda:**

- A) Approval of the City Attorney's Invoice for April 2012 in the Amount of \$12,467.25
- B) Recommendation that Council Approve an Expenditure to Variety Army Surplus, LLC, the Lowest Responsible Quoter, in the Amount of \$9,556.90 for Holsters, Flashlights and Tactical Slings, Pursuant to Section 31.11 (C) (2) of the City Code, to be Paid with Law Enforcement Trust Funds
- C) Recommendation that Council Approve Expenditures to CDW-G Computer Centers, Inc., the Lowest Responsible Quoter, in the Amount of \$1,300.32, for Attachmate V9.2 Licenses for Computer and Operating System Upgrades, and \$810.00 to Server Supply for 3 LAN Server Hard Drives, Pursuant to Section 31.11 (C) (2) of the City Code, to be Paid with Law Enforcement Trust Funds

Recommendation that Council Approve Expenditures of \$4,720.00 to MTS Software Solutions to Increase Fortis SE Licensing and Upgrades, and \$156.55 to AllProSoftware.com for StatTrack Software Upgrades, as Sole Source Providers, Pursuant to Section 31.11 (E) (6) (c) of the City Code, to be Paid with Law Enforcement Trust Funds

- D) Radar Trailer Donation to the Hialeah Gardens Police Department

**9. Old Business:**

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Report on PBA Contract Negotiations – Magistrate’s Decision and City’s Response

**10. New Business:**

- A) Resolution No. 2012-3544 – A Resolution of the City Council of the City of Miami Springs Calling for the Holding of a Special Election for the City on Tuesday, August 14, 2012; Specifying the Purpose of the Special Election; Providing Authorizations and Directions to the City Clerk; Effective Date
- B) Presentation from Calvin Giordano & Associates Regarding the Airport Golf District
- C) Recommendation that Council Waive the Competitive Bid Process to Little Smart Arts, LLC for the Utilization of the Multi-Purpose Room on the Third Floor of the Community Center on Tuesday Afternoons from 4:00 p.m. to 6:30 p.m. for the Operation of the Little Smart Arts Program, Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Provided by the City’s Existing Contract for an Additional One Year Period
- D) Request for City Council to Authorize the Execution of a “Release and Indemnification Agreement” in Order to Qualify for a Potential Grant Award to the City
- E) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$15,000.00 to Firepower Displays Unlimited, LLC for the Purchase of the Fourth of July Fireworks Display, Pursuant to Section 31.11 (E) (6) (g) of the City Code
- F) Recommendation that Council Approve an Expenditure to Superior Park Systems, Inc, the Lowest Responsible Quote, in the Amount of \$19,992.19, for One Model # BLG10A21V4F4-21’ 10 Row Galvanized Steel Frames 8” Rise Bleachers with Safe Vertical Bar Guard Rails and ADA Compliant that Meet all Required Specifications, Pursuant to Section 31.11 (C) (2) of the City Code

**11. Other Business:**

- A) Report on Status of CITT Funds
- B) Fiscal Year 2012-2013 Budget Process and Timeline
- C) Scheduling of Board of Appeals Meeting to Hear Case No. 03-V-12 – Julio Somarriba – 661 Falcon Avenue

**12. Reports & Recommendations:**

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

**13. Adjourn**

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If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.  
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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.  
\*\*\*\*\*

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.  
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**Government Finance Officers Association**  
 203 North LaSalle Street, Suite 2700  
 Chicago, Illinois 60601-1210  
 312.977.9700 fax: 312.977.4806

Agenda Item No.

City Council Meeting of:

5-14-2012

February 6, 2012

**PRESS RELEASE**

For Further Information Contact  
 Stephen J. Gauthier (312) 977-9700

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Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Miami Springs, Florida** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **William Alonso, Finance Director**.

For budgets including fiscal period 2010, over 1,250 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving nearly 17,400 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.





## *City of Miami Springs, Florida*

**DRAFT**

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 23, 2012, at 7:00 p.m.

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

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

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- City Planner James H. Holland
- Golf Pro Michael W. Aldridge
- Golf Superintendent Sandy Pell
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

### **2. Invocation:** Vice Mayor Lob offered the invocation.

**Salute to the Flag:** Students from Miami Springs Elementary School led the audience in the pledge of allegiance to the flag.

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

### **3. Awards & Presentations:**

#### **3A) Officer of the Month – March 2012 – Officer Robert A. Evans**

Officer Kelly read the letter he sent to the Chief of Police recommending Officer Robert A. Evans to receive the Officer of the Month Award for March 2012, for his quick response and rescue training that saved the life of a cardiac arrest victim. He also commended Probationary Police Officer (PPO) Kyle Kegley who was riding with Officer Evans and did an excellent job and gained valuable experience. He introduced Mr. Juvvadi, whose life was saved, and his wife who were present in the audience.

Mr. Juvvadi stated that when he woke up in the hospital the cardiologist told him that he had a 1% chance that he would survive and he would not sustain any neurological damage, which he attributed to the quick response of Officer Evans. He expressed his gratitude on behalf of his wife, his 2-year old daughter and friends and family for saving his life.

Chief of Police Peter G. Baan presented the March 2012 Officer of the Month Award to Officer Robert A. Evans.

Officer Evans stated that the response time for the Miami Springs Police Department is usually within two minutes and as long as they have the necessary equipment and training this type of assistance will happen more often.

Councilman Best commended Officer Kelly for his nomination of Officer Evans as Officer of the Month. He said that the Police Officers face life and death situations every day and he thanks them very much.

### **3. Open Forum:**

#### **Bullying Prevention Initiative**

Kim Werner of 1016 Meadowlark Avenue thanked City Manager Ronald Gorland for partnering with her to bring the Miami Springs Bullying Prevention Initiative to the City of Miami Springs. She is a school counselor for Nautilus Middle School in Miami Beach and is also an Obeyus bullying prevention trainer and was selected by the Florida Association of School Administrators to roll out the Florida Bullying Prevention Initiative in 2009, having trained two schools in Miami-Dade County.

Ms. Werner stated that the Miami Springs' Initiative has had the most powerful and positive energy that she had ever experienced. She invited counselors from the four local schools to support the initiative and Kathy Hirsh who is a state leader in bullying prevention will participate, along with a psychotherapist who is experienced with bullied youth.

Ms. Werner announced that a presentation would be held at the Rebeca Sosa Theatre on Wednesday, May 16<sup>th</sup> from 7-8:30 p.m., followed by an opportunity for the community to come together and ask questions about bullying. She will ask each school counselor to select a student to lead in a community-wide anti-bullying pledge. She continued to read the pledge and explained that this is an opportunity for residents, students and community members to sign a pledge board that could be displayed in the Community Center.

Mayor Garcia thanked Ms. Werner and informed her that any questions would be sent to her via e-mail.

Ms. Werner asked the City Manager for assistance in circulating information about the event to the schools and the community, and Mayor Garcia volunteered his assistance in making copies and circulating information.

### **Ducks**

William Burnett of 153 Navarre expressed his concern about missing ducks in his neighborhood. He said that the ducks were in danger of getting hit by cars and he called City Hall on April 9<sup>th</sup> asking for a "Duck Crossing" sign. He spoke with Mayor Garcia and Assistant Public Works Director Robert Williams; however he did not receive the name of the County representative to contact in regard to the sign.

Mr. Burnett said that the signs are no longer necessary because the ducks are nowhere to be found and he suspects that someone removed or relocated them. He said that Miami Springs is a bird sanctuary and the ducks are part of the ambiance of the community. He feels that someone is taking away a part of what makes Miami Springs a wonderful place to live.

### **5. Approval of Council Minutes:**

#### **5A) 04-09-2012 – Regular Meeting**

Minutes of the April 9, 2012 Regular Meeting were approved as written.

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

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

#### **6A) 04-11-2012 – Golf and Country Club Advisory Board – Minutes**

Minutes of the April 11, 2012 Golf and Country Club Advisory Board meeting were received for information without comment.

**6B) 04-12-2012 – Board of Parks and Parkways – Minutes**

Minutes of the April 12, 2012 Board of Parks and Parkways meeting were received for information without comment.

**6C) 04-16-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice**

Cancellation Notice of the April 16, 2012 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

**6D) 04-17-2012 – Education Advisory Board – Minutes**

Minutes of the April 17, 2012 Education Advisory Board meeting were received for information without comment.

**7. Public Hearings:**

None.

**8. Consent Agenda:**

**8A) Discussion of Payments to Carivon Construction Co. Regarding the CMI Project**

City Attorney Jan K. Seiden stated that the City Manager, Assistant City Manager/Finance Director and Project Manager Roy Rodriguez had conducted meetings with Carivon Construction that is the primary contractor in the rehabilitation and restoration of the Curtiss Mansion. The project has been completed, with certain minor exceptions, and there are remaining payments and performance issues that are in dispute between the City and Carivon.

City Attorney Seiden noted that there is a letter from Heisenbottle Architects and a compilation of various payment documents that were submitted by Mr. Rodriguez in his capacity as Project Manager. There is also a proposed Construction and Close-Out Agreement and basically they agreed on all issues related to the close-out of the construction; there are a few items that need to be completed, but the payment amounts on the change orders and certain advance payments have been resolved, including a credit to Carivon in the amount of \$3,186.00.

City Attorney Seiden referred to items listed in paragraph 5 of the agreement that need to be dealt with by Carivon before the contract closes out. The parties have agreed, subject to Council approval, that the Administration will release one-half of the retainer based upon the representations that have been made between the parties. The other 50% of the retainer will be held until all items are completed, pursuant to the contract, and they are listed in Exhibit "A", attached to the agreement.

City Attorney Seiden commented that Mr. Heisenbottle and Mr. Rodriguez also agree, by virtue of the document, that it would be appropriate to distribute 50% or \$153,282.17. Council is being asked to authorize the City Manager to enter into the agreement and to authorize the reduction of the retainage. He explained that the retainage would not be released, nor will the agreement be finalized, until Carivon signs the proposed agreement.

**Councilman Espino moved to authorize the City Manager to reduce the contract retainage from 10% to 5% and to authorize/execute the Construction Close-out Settlement Agreement. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

City Manager Gorland thanked the City Attorney for a masterful job of pulling together three different parties in this contentious matter; he is very impressed and the City Attorney saved the City a significant amount of funds.

## **9. Old Business:**

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

Councilman Best (Group I) **re-appointed** Kevin Berounsky to the Board of Adjustment/Zoning and Planning Board for a full 3-year term ending on April 30, 2015.

Councilman Best (Group I) **re-appointed** Maria Garrett to the Code Review Board for a full 3-year term ending on April 30, 2015.

Councilman Best (Group I) **re-appointed** Martin Crossland to the Ecology Board for a full 3-year term ending on April 30, 2015.

### **9B) Discussion of Response from Miami-Dade County Elections Department Regarding Potential Withdrawal of Charter Questions from Election Ballot**

City Clerk Magali Valls stated that at the last meeting Council instructed her not to send the Resolution that was adopted until she determined what is the last day the City is able to withdraw the question from the ballot, if necessary. The Elections Department informed her that the date is May 25, 2012, and at this point she is requesting Council authorization to either move forward or wait until the last minute to send the second Resolution.

Mayor Garcia and Councilman Best expressed their desire to move forward and send the Resolution to the Elections Department.

Vice Mayor Lob emphasized that unless Councilman Espino submits his resignation and his vacant seat can be placed on the ballot, he does not want to incur the cost for placing the other two questions on the ballot.

Councilwoman Ator agreed with Vice Mayor Lob. She said that if Councilman Espino is not going forward with his resignation that is fine, but she would like to know one way or the other so that the City does not spend the funds unnecessarily.

Councilman Espino commented that he has been consistent about going forward with the resignation; it is a matter of selecting the exact date and it will be before the requested deadline.

City Attorney Seiden stated that he could prepare a resolution for consideration at the May 14, 2012 Council meeting if Councilman Espino submits his resignation prior to that time.

To answer Vice Mayor Lob's question, the City Clerk verified that May 25<sup>th</sup> is the deadline for submitting the resolution to the Miami-Dade County Elections Department.

Councilman Espino clarified that his last meeting would be Monday, May 14<sup>th</sup>. The only date to be concerned with is the date that he would be submitting the letter to make the resignation effective; his seat would become vacant and it could be filled at the following meeting on May 29<sup>th</sup>.

City Attorney Seiden explained that the Resolution could call for an election and he would like to determine if it must also include the names of the people on the ballot.

City Clerk Valls noted that the City Charter does not specify a qualifying period to replace the Council seat in this situation, and the qualifying period can be any length of time as long as it is finished by June 8, 2012. There is also a requirement to advertise twice at least ten days before the qualifying period begins.

City Attorney Seiden reiterated that he would like to check with the County to determine if they need a resolution with the actual names of the candidates. He added that if Councilman Espino resigns after the May 14<sup>th</sup> meeting, he would prepare a resolution calling for an election to fill the seat and then a qualifying period must be established.

Councilman Espino could not recall Council authorizing a Resolution with the names of the qualified candidates.

City Clerk Valls explained that the resolution calls for the election and the names on the ballot are submitted later after the candidates have qualified. In this case, the last day to submit the resolution to the County is May 25<sup>th</sup>.

Councilman Espino stated that the last day of qualifying for the County candidates is June 8<sup>th</sup> and he suspects that it would also be the last day for the City candidates to qualify.

Mayor Garcia commented that the City Attorney could not go forward with the resolution until Councilman Espino submits his letter of resignation.

Councilwoman Ator was concerned about the short period of time and having to give ten days notice before the qualifying period begins.

City Attorney Seiden stated that if Council passes the resolution on May 14<sup>th</sup>, there would still be time to advertise twice before qualifying period begins within the ten day requirement.

City Clerk Valls explained that she normally advertises in the River Cities Gazette and the Daily Business Review.

**By consensus, Council directed the City Clerk to forward Resolution No. 2012-3541, adopted on April 9, 2012 to the Miami-Dade County Elections Department and to secure information on the requirements for placing another question on the ballot to fill a vacant Council seat.**

#### **9C) Red Light Cameras Status Report**

City Manager Ronald K. Gorland stated that there were some recent questions about the status of the red light cameras that are one of the major revenue producing efforts of the City, and it is also about safety.

City Manager Gorland read a status report from Chief of Police Baan explaining that the red light camera system within the City of Miami Springs went active on Monday, January 9, 2012, and as of today 3,819 notices of violation have been issued. Currently the system consists of four cameras on approaches at the following locations: southbound LeJeune Road at N. W. 36 Street; westbound N. W. 36 Street at LeJeune Road; westbound N. W. 36 Street at Curtiss Parkway and eastbound N. W. 36 Street at South Royal Poinciana Boulevard.

To date, 2,013 violations have been paid on first notice and on a monthly basis approximately 68% of the total violations are paid on the first notice. At this time, it will be impossible to determine what the total average collections will be, since it could take over four months for the final disposition of a violation. As of today, the system has produced net revenue to the City of approximately \$90,000, not including Police personnel costs.

The Chief of Police has been researching the possibility of additional camera installations, and there appears to be at least two locations that would be suitable. Since there has been the expected drop off in the number of violations at the existing locations, the Chief intends to wait for at least two more months of statistics prior to recommending additional installations, according to Mr. Gorland. He noted that two charts detailing the violations notices and payment statistics were attached to the memorandum.

Mayor Garcia asked where the two additional locations were that the Chief was considering.

Chief of Police Peter G. Baan stated that there were fourteen initial locations that American Traffic Solutions (ATS) said were viable based on the statistics, and a couple were not practical due to obstructions to view, etc. He would like the cameras to at least pay for themselves so that it is not an economic burden to add cameras and he would like a couple of months to review the statistics before making a decision. He added that he is considering three locations that are all on the 36<sup>th</sup> Street Corridor.

Councilwoman Ator inquired about the Police personnel costs for the violation review and prosecution process.

Chief Baan explained that they are utilizing existing personnel for approximately one hour per day on the review process and it is hard to say what the prosecution process will end up costing because very few have gone to court so far. There were four court cases last week, this week there were five and there are thirty scheduled for next week. He has been sending three officers to court for training, but ultimately only one officer will respond for all the contested citations.

Mayor Garcia asked Chief Baan if he would be able to identify the number of violations given to Miami Springs' residents.

The Chief responded that the statistics could probably be broken down to identify Miami Springs' residents, although he does not feel it is a very high percentage. He offered to check into the Mayor's request.

#### **9D) CMI – Approval of New Historic Tax Credit Term Sheet**

City Manager Ronald K. Gorland stated that this agenda item is a recommendation for Council to approve the Main Street America Group term sheet as a replacement for the previously approved FTL term sheet regarding the \$738,320 Curtiss Mansion National Historic tax credit investment transaction.

City Manager Gorland explained that FTL, the original approved investor, decided not to participate in the proposed transaction when they were approached regarding possible improvements to their term sheet. A replacement investor, NGM Insurance Co., stepped in to replace FTL in the transaction as originally agreed to by FTL.

City Manager Gorland stated that in addition to, but not part of the term sheet, is the possibility that one or more of the following may be needed to close the transaction:

- A commitment that the net proceeds from the transaction will be used toward completion of the Curtiss Mansion parking lot, and may require that the funds be placed in a separate bank account.
- A commitment that the City will do whatever is necessary to obtain a Temporary Certificate of Occupancy (T.C.O.) within a specified period (i.e. 2 yrs.), and a Certificate of Occupancy (C.O.) within a specified period (i.e. 4 yrs.).
- A commitment that the City will cover any shortfalls required to obtain a C.O.
- Resolution of potential property and sales tax concerns.

City Manager Gorland added that City Attorney Seiden and Tax Attorney Chaves had reviewed the term sheet attached to the memorandum in the agenda packet.

City Attorney Jan K. Seiden referred to a reference in the new term sheet that Part III approval from National Park Service (NPS) is made before any substantial capital contribution is made for tax credits. He clarified that Part II approval was already secured from NPS and this calls for Part III approval, and it is unknown how long that will take. He explained that CMI President Jo Ellen Phillips would check on this and let him know.

City Attorney Seiden referred to the assumption listed as No. 8 on the second page of the term sheet that states: *"Satisfactory review of all construction, environmental and insurance matters and underwriting of the Project and guarantors."* He explained that Assistant City Manager/Finance Director William Alonso had already sent a number of documents to Main Street America Group for review, including the original deed and Release of Deed Restrictions, a copy of the survey, a soil report, boring sample and the current insurance on the building.

City Attorney Seiden advised Council that a potential issue that should be dealt with is that this is not a standard real estate transaction because Sunburst Hotels gave the Curtiss Mansion property to the City. The City received a deed and was never required to conduct an environmental study or to secure a title policy. He pointed out that if these are two requirements of the transaction it should be known at this time because it could potentially cost \$25,000 to \$30,000.

City Attorney Seiden added that the requirement of a C.O. was changed to a T.C.O. and there is a reference to No. 2 in the box on the second page of the term sheet in regard to title endorsements and title insurance policies.

City Attorney Seiden noted that under the "Placed in Service Date" section he is requesting a change in the second sentence that states: *"Should the project not be completed and placed in service by September 15, 2012, the Project shall be in default."* He said that the project could be placed in service, but it might not be completed by September 15<sup>th</sup> because the substantial funding cannot be done until August, and he would like the wording to be changed accordingly.

The "Audit & Tax Preparation Costs" paragraph was changed and apparently Mr. Chaves is satisfied with the change, according to Attorney Seiden. In regard to "Timing of Closing", he called attention to the fact that the last day to sign the document in order for it to be effective is April 27<sup>th</sup>, and if Council gives conditional approval to execute the document by this date it will give the Administration four days to resolve some of the issues.

City Attorney Seiden explained that the City Manager raised an issue under the "Transaction Costs", but Main Street America was not willing to provide a mutuality provision; the City would be responsible for their costs from the date the document is signed if the transaction does not close.

City Attorney Seiden would like assurances from Main Street America and the insurance company that the due diligence items that they asked to see could be resolved in advance of signing the document and this would reduce the City's risk tremendously. If they agree that they do not need a title policy or an environmental survey, and that the building does not have to be complete by a certain date, this would eliminate a number of potential issues that could end the deal at the City's expense.

City Attorney Seiden reiterated that the Administration is requesting conditional approval to execute the document by the end of the week if the issues can be resolved. Depending upon the results, the City Manager may call a Special Meeting to go over the details for final Council approval.

Nery Owens of 332 Payne Drive asked why FTL, L.L.C. changed their minds.

City Manager Gorland responded that he was told FTL seemed to be surprised when the terms they offered were negotiated and at that point they decided to back out of the transaction. He said that Erik Wishneff and his father were surprised because this never happened before and they still do not know why there was a problem. He explained that Main Street American Group is part of a much larger insurance company and they seem to be a viable institution.

Ms. Owens would like reassurance that the relationship between the City and Curtiss Mansion, Inc. (CMI) will continue in the future when the new entity takes over.

City Attorney Jan K. Seiden stated that Mr. Wishneff had never dealt with FTL before, while they had previously done business with the Miami Street American Group.

City Attorney Seiden added that Mr. Chaves has looked into certain issues related to the taxability of the property in regard to sales and property taxes and the Administration will try to set a meeting with the Miami-Dade County Tax Assessor's Office sometime this week to determine the issues. The nature of the final agreement between the City and CMI will be dependent upon the answers to the questions.

Ms. Owens commented that CMI had suffered for twelve years to restore the Mansion and they should not be pushed aside in order to make \$738,000 in tax credits.

City Manager Ronald K. Gorland stated that the questions in regard to the County and State sales tax are very complicated and this is a very complex transaction in which the City is taking a 52-year lease for federal tax purposes that is characterized as a sale. The State allows 99-years before it becomes a sale and the City would never lose control of the property, which is important as far as the County is concerned. The Curtiss Mansion would remain a non-tax entity that is owned by the City.

City Manager Gorland explained that the Curtiss Mansion is clearly a museum by all characterization and it is able to earn back some of its operating expenses that is clearly defined as a tax-free entity. He said that in order to clarify this matter, the County must agree and they will be contacted to make this determination.

City Manager Gorland said that Mr. Chaves felt confident that these were not issues, but he wanted to bring them to the City's attention that they were potential problems. He said that it could possibly affect the financial performance if there are sales or property taxes attributed to the transaction on an annual basis. The issues must be resolved this week because it is important to know the exact numbers.

Councilman Best asked if in this particular transaction if the state tax law trumps the county tax law relative to the tax aspects of the deal and City Manager Gorland clarified that they are two different transactions.

City Attorney Seiden explained that the County, State and Federal facilities are tax exempt by matter of law in the State of Florida, while municipalities are not and they have the burden of going to the local County Assessor to request exemptions. He feels that the City has many arguments to present since the Mansion will be used for educational and civic purposes and any occasional revenue producing events would help to offset the operational expenses; the building is zoned P-1 for public use.

Councilwoman Ator said that after reviewing the information her concern is that the City would have to cover any shortfalls required to obtain a C.O., which is like writing a blank check because there is no guarantee what those costs might be. She would not recommend signing the document without knowing the potential risk. She asked to balance the cost of the shortfall with the cost to default, which is approximately \$50,000.

City Attorney Seiden understood Councilwoman Ator's concern. He said that the only thing the building needs in order to get a C.O. is a parking lot and there is a good idea that the cost is between \$200,000 and \$500,000, which is controlled by the City.

To answer Councilwoman Ator's question, City Manager Gorland said that he hesitates to enter into an open-ended transaction. However, the facility needs to be completed and operational and the City would probably step up anyway. The bullet point items have not been requested in the transaction and they were listed so that there are no surprises if they are requested. He feels that the downside is limited and the parking lot will come in close to \$500,000.

Councilwoman Ator clarified that she could not support execution of the contract if it includes the provision that the City is obligated to cover the shortfalls. She added that she had not seen a Request for Proposal (RFP) for the parking lot.

City Manager Gorland explained that the architect costs were estimated to be \$35,000 and once the drawings are ready the City can move quickly to finish the parking lot.

Councilman Espino understood that the Administration is looking for conditional approval on the revised term sheet and once the issues are resolved, it will come back to Council in full contract form.

City Attorney Seiden explained that the term sheet must be signed by April 27<sup>th</sup> and there could be one or two minor changes. The Administration will try to resolve the issues and find out to what extent the due diligence will be required by the insurance company.

City Attorney Seiden suggested that Council could give the City Administration the authorization to execute the term sheet with the condition that the City Manager arrives at what he feels, in his judgment, are the appropriate answers to the questions. If the City Manager feels that he has not gotten enough answers or the proper answers before the 27<sup>th</sup>, then he would have the option of calling a Special Meeting for Council's further consideration of the matter.

**Councilman Espino moved the item. Councilwoman Ator seconded the motion.**

To address Councilman Best's question in regard to the first bullet point, City Manager Gorland explained that none of the items listed in the bullet points have been requested.

City Attorney Seiden said that they will try to get the insurance company to commit to what they consider to be the basis of their due diligence and this will allow the City Manager to be in a better position to evaluate whether or not it should come back to Council or if tonight's approval is enough to go forward.

City Manager Gorland commented that none of the items listed in the bullet points are normally required and the Wishneff's are trying to make it a "cookie cutter" transaction, which is to their advantage as the broker.

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

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

**10. New Business:**

**10A) Approval of Budget Transfers Within Departments**

There was no discussion regarding this item.

**Vice Mayor Lob moved to approve the transfers. Councilwoman Ator seconded the motion, which was unanimously carried on roll call vote.**

**10B) Recommendation that Council Approve an Expenditure to the Florida League of Cities, the Lowest Responsible Quote, in an Annual Amount of \$226,830 for Workers Compensation Insurance, Pursuant to Section 31.11 (C) (2) of the City Code**

City Manager Ronald K. Gorland stated that this is a recommendation that Council approve an expenditure to the Florida League of Cities, the lowest responsible quote, in an annual amount of \$226,830 for Workers Compensation Insurance, pursuant to Section 31.11 (C)(2) of the City Code.

City Manager Gorland explained that the City had been contracting with Miami-Dade County Risk Management for this coverage for the last twenty years. This is a self-insured plan in which the City pays all actual claims costs, as well as the administrative fee to the County. During past years when claims were low the premium cost was lower than the cost of a fully insured plan, averaging annual costs between \$175,000 and \$275,000 over the past three years. A few years ago the State passed the Heart & Lung Bill that made certain cardiovascular conditions in Police Officers a workplace condition covered under Workers Compensation insurance causing a significant increase in claims totaling approximately \$300,000, and the projections are for future increases as more claims are incurred.

The Administration solicited quotes from various companies in an effort to reduce costs, as shown in the back-up documentation shown as Attachment "A", according to Mr. Gorland. Two quotes were received with a difference of \$150.00, however, when considering the payment plans the investments in the net cash flow resulted in "break even" for the two quotes.

City Manager Gorland noted that the premiums for Workers Compensation are based on a formula that considers salaries, which are broken down by job codes, and multiplies that amount by the % multiplier assigned to the job code by the State. All quotes received would be approximately the same with any difference being in the administrative charges that might be added. Since the quotes were almost identical, the selection was based on service levels, prior experience and the experience with other Florida municipalities.

City Manager Gorland explained that he met with Human Resources Director/Risk Manager Loretta Boucher and Professional Services Supervisor Tammy Romero and they unanimously chose the Florida League of Cities based on their handling of the City's property and liability insurance policy, their experience with municipal governments and their excellent service. The cost is \$226,830 and funds are budgeted in each department.

City Manager Gorland explained that the City's coverage through Miami-Dade County was on a pass-through basis, plus an administrative fee. The City now has to cover other costs mandated by the State and they are rising steadily due to some unfortunate claims. The cost of the insurance will vary with experience, the same as all insurance, but at least the City will have some control over the costs on an annual basis.

City Attorney Jan K. Seiden added that he does a lot of consultation with the Florida League of Cities, both in litigation and claims, and they have preventative programs to assist in evaluating dangerous situations at no cost. He stated that they are a fantastic organization and he could not give them a higher recommendation.

Councilman Espino was surprised that the Florida League of Cities was close to being the lowest bidder since this had not been the case with other cities that went out to bid for all types of insurance. He was concerned that there could be fluctuations in the cost because this would be the City's first experience with them in Workers Compensation coverage. He asked what other cities have encountered in their experience with the League for this type of coverage.

Assistant City Manager/Finance Director William Alonso replied that the cities that he contacted were very satisfied with the Florida League, but it is like any other type of insurance since it depends on the loss experience. He called Miami Shores and Sweetwater and everyone he spoke with is very satisfied. He added that the rate with the League is guaranteed for one year and next year it could fluctuate based on payroll and loss experience.

To answer Councilman Espino's question regarding the comparison sheet, Mr. Alonso explained that Brown & Brown offers two programs; the fully insured program is \$226,680 and they offer a loss portfolio ratio that is similar to a self-insured plan based on claims. He explained that the intent is to go with a fully insured plan.

Councilman Best asked how much was paid to the County last year on the self-insured plan and Mr. Alonso estimated that the amount was between \$150,000 and \$160,000.

To answer Mayor Garcia's question, Mr. Alonso clarified that there was no major difference between the quote from the Florida League of Cities and Brown & Brown. He said that the pricing is about the same and the decision to recommend the League is based on past experience with their service and the fact that they insure more municipalities.

City Attorney Seiden stated that the rates are set by virtue of the information that is provided on the salaries and the multiple factor created by the State and that is why the rates are identical. It is more of a "comfort zone" issue and hopefully because of the City's relationship with the Florida League of Cities they will offer a better rate on the other insurance coverage.

Councilman Espino expressed his concern that other cities had left the Florida League for their property insurance coverage and the City's decision to go with them could be temporary.

Assistant City Manager/Finance Director William Alonso stated that next month the City would send out Request for Proposals for property and casualty insurance. He explained that regarding the Workers Compensation coverage the premiums would be the same and the decision is based on which company will provide better service.

Councilman Espino asked why other providers declined to submit a proposal and Mr. Alonso explained that some companies said they needed more time to respond, while others responded that they only provide broker services or they prefer to package other casualty or property insurances.

**Councilwoman Ator moved to accept the recommendation of the City Manager and approve the use of the Florida League of Cities for Workers Compensation coverage. Councilman Best seconded the motion which was carried 4-1 on roll call vote with Councilman Espino casting the dissenting vote.**

**10C) Resolution No. 2012-3542 – A Resolution of the City Council of the City of Miami Springs Establishing a City Youth Advisory Council; Providing for Council Membership, Appointment Procedures, Term of Membership, Meetings of the Council, Council Officers and Duties, City Support Services, School Support Services, Absences of Members, Applicable Law, Council Duties and Responsibilities; Continuity of Council; Effective Date**

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

Attorney Seiden stated that the previously adopted resolution was restated with two changes that were requested by Council. Section 2 was changed to provide for eight members instead of seven and AIE Charter School was added to Section 3 as the eighth school. The language in Section 3 was changed to eliminate the reference to "Miami Springs" schools and will now read "Each of the following Schools . . ."

**Councilman Best moved to adopt the resolution. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.**

*Agenda Items 10D and 10E were considered after Agenda Item 9D*

**10D) Resolution No. 2012-3543 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Golf 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**

City Manager Ronald K. Gorland read the memorandum from Golf Director Aldridge into the record explaining the recommendation for the Golf Course summer fees and charges that are effective April 16, 2012 through mid-November 2012 and the summer membership effective April 16<sup>th</sup> through September 30, 2012. The recommended rates for daily play and memberships are the same as the 2011 summer rates, with the exception of adding a super twilight rate that will begin at 4:00 p.m. in an effort to increase revenue.

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

**Councilwoman Ator moved to adopt Resolution 2012-3543. Vice Mayor Lob seconded the motion which was carried 5-0 on roll call vote.**

**10E) Fiscal Year 2011-2012 Second Quarter Budget Status Report (Unaudited)**

Assistant City Manager/Finance Director William Alonso presented the second quarter budget report. He highlighted the main points on page three in the financial dashboard, noting that revenues are coming in at the same percentage as last year.

Mr. Alonso reported that expenditures are the same at 47-49% and the year-end projection for the General Fund reserves is \$4,578,463, or a decrease of \$325,000 from the beginning balance. He explained that the budget provides for the utilization of funds from the designated fund balance totaling \$466,000, and the expected surplus of \$141,000 reduces that amount to \$325,000.

The Golf Course financial indicators show that the operation is doing very well this year, according to Mr. Alonso. The loss as of March 31<sup>st</sup> is \$68,000 compared to \$150,000 for the same period last year.

Assistant City Manager/Finance Director William Alonso pointed out that the percentage of recreation expenditures collected in fees is up to 17.5% compared to 13.5% last year for the same period. He explained that the Chief's report on red light cameras was as of April 20<sup>th</sup>, and for the first quarter from January 9<sup>th</sup> to March 31<sup>st</sup> there was a net profit to the City of \$70,725.00 in red light fines. The designated fund balance shown on page 17 indicates that as of March 31<sup>st</sup> there was \$1,054,705 in designated items; there is still \$3.5MM or 25% in place.

The reason for the decrease in the Golf Course loss is due to increased revenues of 12.3% over last year for the same period, according to Mr. Alonso. Rounds are up 6%, greens revenues are up 13% and driving range revenues are up almost 16%, while memberships are running low.

Councilman Best said that the membership revenue had been a concern over the years and he asked if there was any way to enhance resident memberships.

Golf Professional Mike Aldridge explained that residents receive a discount and since there were not many resident memberships they offered a reduced rate of \$25.00 during the week and a \$5.00 walking fee. He added that twenty-five summer memberships had been sold for \$275.00 each. He attributed the problem with declining memberships to the Canadians who no longer come to Miami Springs from the Hollywood area.

To answer Vice Mayor Lob's question, Mr. Aldridge responded that there are plans for a summer league for juniors again this year.

Mayor Garcia mentioned that the Golf Course is in good condition and he knows that it is associated with a maintenance cost. He complimented Golf Superintendent Sandy Pell for her hard work and doing a great job that does not go unnoticed.

Councilman Best said that the red light camera revenues total \$70,725 to date and \$100,000 was budgeted for the entire year. He understands that the violations may decline once people are aware of the cameras, yet the revenue is significant.

Mayor Garcia commented that the number of violations may not drop as much as expected considering the transient traffic on N. W. 36<sup>th</sup> Street. He added that most of the accidents were caused by non-residents and unfortunately some fatalities in those accidents involved Miami Springs' residents.

**10F) Ordinance No. 1034-2012 – First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Defining and Providing Regulations Governing the Location, Size and Maintenance of Portable Storage Modules; Providing an Exception to Regulation for Storage Containers; 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 ordinance is based on the recommendation of the Building and Zoning Office Director. The utility shed provisions basically stay the same and he included an introductory provision for the utility shed portion that states: *“The following provisions shall regulate and govern the maintaining of other types of outdoor storage containers . . .”* and what was (A) through (E) before is now 1 through 5.

City Attorney Seiden noted that new language in Section (B) includes a description of what is typically a portable storage module and provides for the following:

1. *“A portable storage module is typically an outdoor storage container that is made of extruded plastic, cannot comply with the installation or wind load requirements of the Florida Building Code for permanent ground installation, is of a non-permanent and portable nature and are commonly known as “Rubbermaid Sheds” in the community.*
2. *Any portable storage module that is a minimum of six feet in height at the center point of the module may be maintained in the rear yard of any single-family residential property of the City, so long as it is not placed within five feet of any property line, is capable of being dismantled within three hours, complies with the size limitations provided in Code Sections 150-011 (A) (2) and (A) (3), there is no other shed or module located in the rear yard of the property, and the property owner executes a hold harmless to the City to evidence the owners understanding of the potential liability issues associated with the placement and use of such modules.*
3. *Any portable storage module that is less than six feet in height at the center point is considered to be an outdoor storage container and is not regulated by the Code of Ordinances.”*

Councilman Espino asked if a hold harmless agreement would be required if a provision to dismantle such sheds before severe weather is included; this would put the burden on the property owner. He added that Code Enforcement would not have to spend so much time and it would eliminate the paperwork because the owner would be responsible for any damage.

City Attorney Seiden agreed to change the provision to read: “. . . is capable and shall be dismantled within three hours of a pending storm. . .”

Councilwoman Ator commented that she would rather have the opinion of Building and Zoning Office Director Ziadie regarding the change because his reason for the hold harmless was to evidence the owners understanding of the potential liability issues. She also would not want the burden of the paperwork, but her impression was that this was part of the education process.

Vice Mayor Lob said that the reality is that some of the portable structures would be overlooked and he would question why a hold harmless is necessary.

City Attorney Seiden offered to check with Mr. Ziadie to see if he has any objection. He explained that if there is a problem he would re-draft the ordinance and bring it back to Council.

**Councilman Espino moved to approve the ordinance, as amended, on first reading. Vice Mayor Lob seconded the motion which was carried 4-1 on roll call vote, with Councilwoman Ator casting the dissenting vote.**

#### **10G) Discussion Regarding Advertising in the Conference Edition of the Quality Cities Magazine to Celebrate the Florida League of Cities 86<sup>th</sup> Conference in Hollywood, Florida to be Held During August 23-25, 2012**

City Manager Ronald K. Gorland stated that this is an agenda item that is normally presented to Council on an annual basis for consideration.

City Clerk Magali Valls informed Council that funds were included in the City Council promotions account, based on last year's decision to include a color full-page ad.

Mayor Garcia commented that last year's advertisement generated many positive comments and he approves of the layout.

Councilwoman Ator suggested checking with CMI President Jo Ellen Phillips to see if there might be a more current photograph of the Curtiss Mansion that could be incorporated into the ad and the City Manager agreed.

**Councilman Best moved to approve an expenditure of \$1,000 for the Florida League of Cities ad. Councilman Espino seconded the motion.**

Mayor Garcia said that he would support the item with the condition that Councilman Espino would be included in the Council photograph, even though the ad would not be published until August 2012 after his pending resignation.

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

**10H) Recommendation that Council Approve an Expenditure to Southeast Design Services, the Lowest Responsible Bidder, in the Amount of \$9,800.00, for Architectural and Design Services for the Westward Median Project, Pursuant to Section 31.11 (C) (2) of the City Code**

City Manager Ronald K. Gorland read the title of the award. He stated that Council directed the Administration to request quotes for the architectural design work for the Westward Median Project, consisting of a lighted bike path/walking track beginning at the median across from the Library and ending on Hammond Drive.

The Administration solicited quotes from six architectural firms and received four written quotes for the design plan, according to Mr. Gorland. He said that all firms were provided with a listing of the requirements of the project description in order to develop their quotes. Based on the quotes received, the Administration recommends Southeast Design Services as the lowest of the four bidders.

City Manager Gorland stated that once the plans are ready they would be submitted to Council and to the Citizen's Independent Transportation Trust (CITT) for final approval of the project before issuing the construction Request for Proposal (RFP). The total cost for the design work is \$9,800.00 and CITT funds would cover the expense.

Mayor Garcia commented that some of the quotes were almost \$90,000 and Southeast Design Services is willing to do it for \$9,800.00.

Assistant City Manager/Finance Director William Alonso added that because it is such a small job it was hard to get bids from architects. He said that the company that submitted a quote for \$183,000 totally misunderstood or they were not really interested in securing the job.

**Councilman Best moved the item. Councilwoman Afor seconded the motion.**

Vice Mayor Lob asked if the vision for revitalization would be considered for this project, especially the lighting aspect.

Mayor Garcia clarified that the electrical system would be included and the City will decide the lighting design in the future.

Mr. Alonso reminded Council that the project would be completed in phases and the final phase would include the lighting.

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

**10I) Ordinance No. 1035-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-164, Northwest 36<sup>TH</sup> Street, by clarifying and Expanding the Principal Permitted Uses and Corresponding Qualifying Conditions; Correcting the Minimum Floor Area Ratio; Clarifying the Height Limitations of Structures; Revising the Required Materials for Construction of Pedestrian Walkways and Bike Paths; Establishing Applicability of Code Section 93-10 for Dumpster Enclosures; Clarifying Landscaping Requirements; Expanding the Defined Height of Parking Lot Lighting Fixtures; Expanding Prohibited Amenity Advertising; Providing a Substitute Exemption Provision from the Applicability of the District Boundary Regulations; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date**

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

Attorney Seiden stated that this is the first amendment that expands, clarifies and makes certain regulations more easily applicable or inapplicable to the District, based on past problems with variance cases. There are other issues that are important to specific cases that were presented to the Administration and they are also included.

City Attorney Seiden explained that most of the corrections were made by City Planner Jim Holland. He noted that Section (B) (1) (c) and (d) under Permitted Uses were amended since business colleges, secretarial schools and similar education facilities are not permitted, although there is an exception for aviation schools. Cultural or recreational facilities and athletic clubs, theaters, auditoriums, libraries, etc. are permitted as long as the occupancy does not exceed 999. He said that the changes were made in accordance with Federal Aviation Authority (FAA) and the Miami-Dade County regulations for Airport Zoning.

To answer Councilman Espino's question, City Planner James Holland clarified that buildings of a significant size and occupancy are not allowed in the Airport Zoning District of Miami-Dade County. The regulation began with public schools and was later changed to include all schools with the exception of aviation schools.

City Attorney Seiden recalled that B. J.'s Warehouse wanted to build in the Abraham Tract and they were told that it would not be allowed because of the flight path since it would have a large occupancy. He added that the County Airport Zoning regulations are being reviewed for amendment based on current development.

City Attorney Seiden added a provision in subsection (h) that states "*All uses identified as permitted uses within a building with other permitted uses but not as a stand alone uses provided in Code Section 150-164 (B) (2) (d), with the express condition and limitation that the aforesaid uses are permitted as principal uses only in already existing buildings.*" He explained that there are a lot of permitted uses, but not as stand alone uses. If someone were to build from the ground up they are not permitted uses, unless they are combined with other uses. The exception is only for buildings that already exist.

City Planner Holland mentioned that there are sixteen stand alone restaurants in the 36<sup>th</sup> Street District that became non-conforming uses upon passage of the ordinance.

Councilman Espino stated that the point is to encourage development and some accommodations should be made for non-conforming uses as long as the Code includes this provision.

City Attorney Seiden said that redevelopment is encouraged, but the City cannot make someone tear down an existing building like Mc Donald's or the Pilot House. He added that the City received a specific request and Council is being asked to approve a special use for a chapel viewing service with or without on-site catering, with the express condition and limitations provided in Section (h) that no body preparation or cremation services are permitted on site. This use would be specifically for the building next to the Aladdin Motel property.

City Attorney Seiden added that he owns a building that has this type of use, which is a chapel viewing service. In the building in Miami Springs, there is the added benefit of an existing kitchen facility and they proposed their idea for catering events. The gentleman already has a number of these facilities in the County, and the difficulty with this particular building is that the use was ruined by the Le Jeune Road flyover. The use could further be restricted by limiting the number within the District. He commented that there is nothing religious about the use and he does not consider it a chapel.

City Attorney Seiden pointed out that under Section (4), permissible accessory uses and structures are limited to new structures only. Section (5) is new and provides that any development or redevelopment in the District must be in compliance with all applicable Miami-Dade County Airport Zoning regulations and all applicable FAA regulations.

City Attorney Seiden explained that Section (D) (3) (a) – Floor area limitations – was corrected because there could typically be a building that is less than 1.0 F.A.R. and the City Planner pointed out that any building that falls below 1.0 would be in violation, so it was changed to .01. The height limitations in Section (E) (3) provides that the height must be subject to compliance with all applicable restrictions and limitations provided in the Miami-Dade County airport Zoning regulations and the FAA.

Section (G) (2) (f) was changed to read that any onsite pedestrian/bike paths must have decorative pavers, according to Attorney Seiden. He explained that Section (G) (13) deals with dumpster locations and a provision was included that all such equipment enclosures must also be in compliance with the provisions of Code Section 93-10. Section (16) (a) (iv) was changed to provide for appropriate palms and tree species at 30-foot intervals. Language was eliminated in (v) and included in (vi) relative to irrigation.

City Attorney Seiden stated that outdoor advertising was expanded to prohibit it on umbrellas or any style or form of building wallscape.

City Attorney Seiden referred to new language in Section (L) (3) that states that *"The City Administrative Staff shall retain the authority to exempt any proposed development or redevelopment project for this District that is being proposed for any existing structure or structures from the application of any or all of the provisions of Code Section 150-164. This exemption shall not be applicable to development or redevelopment projects in this District proposed for vacant or "ground up" construction which retains the continuing availability of the City variance process for specific relief from the provision of this code section."* He added that the Airbus proposal for two new simulators will be exempt since it is an existing structure.

City Planner Holland mentioned that discussions were held with Airbus and they were advised of some requirements in the Code that the City would like them to do, such as the landscaping on 36<sup>th</sup> Street on the northwest corner adjacent to a residential area. They have agreed to the color palette and they are going through the internal approval process.

City Attorney Seiden advised Council that this is only the first amendment and the Administration will come back with two additional sections.

Mayor Garcia asked why there could not be a provision that allows wallsapes.

Attorney Seiden responded that wallsapes are legislated by the County and there is currently a dispute between the County and the City of Miami. He said that technically wallsapes are not allowed at all unless they are permitted by the County.

Mayor Garcia said that on 36<sup>th</sup> Street wallsapes should be considered and City Attorney Seiden agreed that it is a good idea, but this is the wrong place to include it in the Code until regulations are in place. He would rather wait until adopting a specific section in the Code for billboards and wallsapes.

Mayor Garcia added that billboards and wallsapes could be revenue producing items.

The City Attorney reiterated that he is not against the idea of billboards and wallsapes, but they must be properly regulated.

City Planner Holland clarified that palms were added to the landscape requirements because the minimum setback on 36<sup>th</sup> Street is ten feet and the typical spread on a shade tree is more than the setback.

**Councilwoman Ator moved to approve Ordinance 1035-2012 on first reading. Vice Mayor Lob seconded the motion which was carried 5-0 on roll call vote.**

#### **10J) Report on PBA Contract Negotiations – Magistrate's Decision**

Mayor Garcia stated that the report was not received on time and therefore the item has been **pulled from the agenda.**

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Springs River Festival**

City Manager Gorland expressed his appreciation to the Springs River Festival Committee for organizing a great event.

**Congratulations**

City Manager Gorland congratulated the family of Councilman Espino on pending parenthood.

**Storytime**

City Manager Gorland announced that the Miami Springs Community Center will host Storytime on Thursday, April 26<sup>th</sup> from 11 a.m. to 12:00 p.m. for children ages 2-4. Local resident and City of Hialeah Fire Chief Karl Odin will be the special guest reader.

**Little League**

City Manager Gorland reported that the Miami Springs Little League will host a regional "Pitch, Hit, Run" contest at Prince Field for boys and girls ages 7-12 on Saturday, April 28<sup>th</sup> from 4-8 p.m.

**Pioneer Gala Dinner Dance**

City Manager Gorland reminded everyone of the Miami Springs Historical Society Pioneer Gala Dinner Dance on Sunday, April 29<sup>th</sup> at the Miami Springs Country Club from 6-10 p.m. with the theme "In the Spirit of Miami Springs." Everyone is invited to attend and dress in character from the 1920's, 1930's and 1940's.

## **Relay for Life**

City Manager Gorland announced that the 2012 American Cancer Society Relay for Life will be held at the Circle on Saturday, May 5<sup>th</sup> and Sunday May 6<sup>th</sup> and a large turn-out is expected.

## **12C) City Council**

### **Springs River Festival**

Councilwoman Ator was able to attend the Springs River Festival on Friday and heard from her family that the event was wonderful. She was gone for a few days with her sister and mother and when she came home it was reported that her kids had two fish that had already died.

### **“Wizards in Wonderlands”**

Councilwoman Ator appreciated the support of the other Council members and Commissioner Rebeca Sosa for the Pelican Playhouse production “Wizards in Wonderlands.” Her son is in the production and he did very well in the second act. The performance will continue on Friday, April 27<sup>th</sup> through Sunday, April 29<sup>th</sup>.

### **AIE Charter School Movie Night**

Councilwoman Ator reported that the AIE Charter School will be holding a Movie Night at the school on Friday, April 27<sup>th</sup> at 7:00 p.m. to raise funds for their playground.

### **Miami Springs/Virginia Gardens Soccer Club**

Councilwoman Ator received an invitation to the Miami Springs/Virginia Gardens Soccer Club fundraiser at Woody’s on Sunday April 29<sup>th</sup>.

## **Relay for Life**

Councilwoman Ator is looking forward to attending the American Cancer Society Relay for Life and hopes to see everyone at the event.

### **“Wizards in Wonderlands”**

Councilman Best saw the production “Wizards in Wonderlands” on Thursday, April 19<sup>th</sup>. He thanked County Commissioner Rebeca Sosa for the Proclamation she gave to Ralph Wakefield and Nancy Jones for the Pelican Playhouse, which is very special. The performance is excellent and Councilwoman Ator’s son is a character who has the skills to perform on stage. The production will continue at 7:30 p.m. on Friday, April 27<sup>th</sup> and Saturday, April 28<sup>th</sup>, with the final performance at 2:00 p.m. on Sunday, April 29<sup>th</sup>.

### **Springs River Festival**

Councilman Best felt that the Springs River Festival event went very well and he thanked the Police Department for their assistance during the event without any incidents.

### **Springs River Festival**

Councilman Espino thanked the Springs River Festival Committee for putting together another successful event. He spent a lot of time there during the three days and there were many wonderful booths selling everything from corn to stone crab claws.

### **“Wizards in Wonderlands”**

Councilman Espino commented that the Pelican Playhouse production of “Wizards in Wonderlands” was fantastic and the performance was very funny.

### **Congratulations**

Councilman Espino congratulated the woman’s group at Blessed Trinity for hosting their bi-annual retreat and it is great to see a group of individuals who give so much of themselves to the community and their faith.

### **Miami Springs/Virginia Gardens Soccer Club**

Councilman Espino announced that the Miami Springs/Virginia Gardens Soccer Club is hosting a fundraiser for the woman’s team at Woody’s on Sunday, April 29<sup>th</sup> from 4-8 p.m. It will be a good time for all with food and entertainment and the proceeds will go to the team for travel to a Disney tournament.

### **Relay for Life**

Councilman Espino mentioned that the 5<sup>th</sup> Annual Relay for Life is being called the “River Cities Relay for Life” due to the involvement of the Town of Medley. The event begins at noon on Saturday, April 5<sup>th</sup> and ends at 6:00 a.m. on Sunday, April 6<sup>th</sup>, with entertainment, activities and teams selling refreshments. The Woman’s Club will host the survivor luncheon at 1:30 p.m. on Saturday and anyone who plans to attend should R.S.V.P. to the Club. This year the “Honorary Fighter” is Medley Councilwoman Griselia DiGiacomo who is battling cancer.

### **Parenthood**

Councilman Espino was happy to report that he and his wife are expecting their first child. He thanked everyone in the community who reached out to them with support and accolades. He looks forward to having his son or daughter taking part in community activities.

## **Springs River Festival 5K Run**

Councilman Best mentioned that he is very proud of his daughter Kristen who placed first in her class and fourth overall in the Springs River Festival 5K Run.

## **Congratulations**

Vice Mayor Lob congratulated Councilman Espino and his wife for expecting their first child. He wished him the best of luck as a father.

## **Health Fair**

Mayor Garcia reported that the City hosted the first Health Fair at the Community Center on Friday, April 20<sup>th</sup> from 5-8 p.m. that was organized by the Barry College School of Nursing. He congratulated the nurses for a good turn-out and said they are planning next year's event.

## **Springs River Festival**

Mayor Garcia congratulated the Springs River Festival Committee members for one of the best events that he had ever attended. He received many positive comments from folks that had a great time. He participated in the Chili Cook-off and congratulated Woody's for winning first place in the contest.

## **Optimist Archery Club**

Mayor Garcia added that the new favorite at the Springs River Festival was the Optimist Club archery tent. He is very excited for the Archery Club and the new archery booth.

Vice Mayor Lob said that the archery tent had approximately 300 participants and the Archery Club is gaining many members.

## **Godfather**

Mayor Garcia announced that he became the Godfather of his nephew Matthew who is his sister's son. During the process of the paperwork, it was determined from the photographs that he was baptized at Blessed Trinity Church in 1976.

## **Reunion**

Mayor Garcia explained that approximately 22 years ago, someone in his family gave up one of their children for adoption, which was his cousin, and he was recently reunited with the family. He took his cousin to the Miami Heat game and enjoyed the time. It has been a happy month for the Garcia family.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 9:48 p.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of: 05-14-2012.

Transcription assistance provided by Suzanne S. Hitaffer.

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





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

The **Miami Springs Historic Preservation Board** met at 7:00 p.m., on Thursday, April 19, 2012 in the City Hall Council Chambers.

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

**1) Call to Order/Roll Call**

The following were present: Chair Mary Ann Goodlett-Taylor  
Vice Chair Sydney Garton  
Charles M. Hill  
Yvonne Shonberger

Absent: Michael Windrem

Also Present: Board Secretary Elora R. Sakal

**2) Approval of Minutes: March 19, 2012 Regular Meeting**

Minutes of the March 19, 2012 meeting were approved as written.

**Vice Chair Garton moved to approve the minutes of March 19, 2012 as written. Board member Shonberger seconded the motion which was carried unanimously on voice vote.**

**3) Old Business:**

**a. Proposed Designation of the H. O. Goodlett House – 141 Shadow Way**

Chair Goodlett-Taylor asked if any progress was made regarding this item and Board member Hill replied that Board member Windrem was going to search and get a chronology of the names of the previous owners of the H.O. Goodlett House.

Board member Hill commented that he is waiting for a phone call from a friend who is in the real estate business and could possibly be of some help.

Vice Chair Garton stated that one of the discussions from the last meeting was whether or not to include the garage to the designation.

Board member Shonberger explained that the garage behind the H.O. Goodlett House has no history and though it has some architectural style, she feels that it should not be included in the designation.

**Board member Shonberger made a motion to designate the H.O. Goodlett House and not include the separate structure of the garage. Board member Hill seconded the motion which was carried unanimously on voice vote.**

Vice Chair Garton said that not designating the garage should be made clear to the owners.

Vice Chair Garton stated that the following sentences should be included in the "significance of site" section in the designation:

"Built in 1925 by B.L. Smith, one of two identical homes (except for reversed floor plan) built on back to back lots. The Curtiss Bright Company platted the area in 1927 as part of Country Club Estates."

Board member Shonberger asked Chair Goodlett-Taylor who owned the H.O. Goodlett House before her family and Chair Goodlett-Taylor replied that her family rented the house from Mrs. Lena Curtiss Wheeler.

Board member Shonberger clarified that Pioneer Hugh Frank rented the H.O. Goodlett House from Mrs. Wheeler from 1925 to 1934 at which time it was then rented to Hiram Owen Goodlett.

Board member Hill explained that documents show that the house was purchased by H. Owen Goodlett in 1946.

Vice Chair Garton commented that her documents show that it was sold to Eden Torres in 1999 who is the present owner.

Vice Chair Garton stated that she would like the designation to include Mr. Owens wife's name and Mr. Torres' wife's name in the sentences that show the date of purchase.

Board member Shonberger asked the Board Secretary if the information gathered at this meeting could be typed as report.

Vice Chair Garton said that she would type the information she gathered and send it to the Board Secretary.

Board member Shonberger's notes explained that in 1926 the town was incorporated as Country Club Estates. She asked if it was called the Town of Country Club Estates and Vice Chair Garton responded that it was a subdivision.

Discussion ensued regarding The Country Club Estates and when it was incorporated as a development and was no longer a part of Hialeah.

Board member Shonberger clarified that in 1925 the H.O. Goodlett House was part of Hialeah and was designated as Country Club Estates in 1926.

Board member Hill commented that he would like to find the correct wording on whether the development was designated or incorporated in 1926.

Vice Chair Garton stated that Country Club Estates became the Town of Miami Springs in the 1930's which later became the City of Miami Springs in the 1960's.

Board member Shonberger stated that the specific years should be clarified as to when Country Club Estates became the Town of Miami Springs and when it became the City of Miami Springs.

Board member Hill asked if there were any available funds to purchase an abstract and Vice Chair Garton replied that it would be nice to be able to view the abstract.

Board member Hill commented that he would not have to update the abstract but he would like to pull it from storage and review it.

Board member Shonberger said that City Clerk Magali Valls would be able to guide the board on where they can find an abstract of the H.O. Goodlett House.

Board member Shonberger explained that the word plotted in the H. H. Highhouse designation report needs to be changed to platted. She noted that when explaining the identical homes in the significance of site section, the wording "except for reversed floor plan" should be inserted and continued with "built on (back to back) abutting lots."

Vice Chair Garton read additional historical information on the H. H. Highhouse report that was going to be included in the designation report for the H. O. Goodlett House.

Board member Shonberger would like to get more information from Chair Goodlett-Taylor at the next meeting regarding the Highhouse family and Goodlett family. She added that she would like to get more details on the historical content and Pioneer Hugh Frank.

**b. Review of Addresses Submitted by Board Members of Homes Built in the 1920's and 1930's.**

This item was not discussed.

**4) New Business: None.**

**5) Reports/Requests:**

Board member Shonberger reported on upcoming events including the Tour of Miami Springs on Saturday, April 21<sup>st</sup>, the Antique Show at the Women's Club on Saturday, April 21<sup>st</sup>, and the Pioneer Gala on Sunday April 29<sup>th</sup> which will include a private auction.

Vice Chair Garton commented that she is now a member and the Legislative Committee Chairman of The Villagers. She will be going to the Florida Trust Meeting in May and to Nantucket in June.

**6) Adjourn**

There was no further business to discuss and the meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Elora R. Sakal  
Board Secretary

Approved as written at meeting of:

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**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, FLORIDA***

The **Ecology Board** met in Regular Session at 7:00 p.m., on Tuesday, April 24, 2012 in the Council Chambers at City Hall.

**1) Call to Order/Roll Call**

The meeting was called to order at 7:01 p.m.

The following were present:

Chairman Martin Crossland
Vice Chair Wendy Anderson-Booher
Ann Trina Aguila
Carl Malek

Also present:

Operations Superintendent/Arborist Tom Nash
Board Secretary Elora R. Sakal

**2) Approval of Minutes**

Minutes of the March 27, 2012 were approved as written.

**Vice Chair Anderson-Booher moved to approve the minutes. Board member Aguila seconded the motion which was carried unanimously on voice vote.**

**3) Old Business:**

**a) Recycling in Other Cities**

Chairman Crossland noted that Grant Writer Carol Foster may be able to receive funding for recycling from the State of Florida. He distributed paperwork that listed a website and said that this organization gives grants on creative recycling (attached for the record).

Operations Superintendent/Arborist Nash explained that someone could speak with City Manager Gorland regarding the grant idea to get further assistance.

Chairman Crossland offered to speak with City Manager Gorland regarding the grant proposal from Carol Foster.

Board member Aguila asked Chairman Crossland if he had given the paperwork to the City Manager that was gathered from the last meeting regarding recycling bins and Chairman Crossland replied that he has not, but he will give it to him.

**b) C.U.T.E. Project**

Board member Malek commented that he did not bring any information regarding this topic, but that he is still working on speaking with several of the civic groups.

Discussion ensued regarding the Boy Scouts and Girl Scouts cleaning around the canal from the Lion's Club to the Circle a week before the Springs River Festival.

Board member Malek stated that he also would like to speak with the local churches to see if they would be interested in this project.

Vice Chair Anderson-Booher explained that the school year is almost over and she believes that the Eco Hawks last big event probably was the Springs River Festival. She noted that she would speak with the sponsor of the Eco Hawks regarding the C.U.T.E. Project.

Board member Malek asked when the Eco Hawks meet and Vice Chair Anderson-Booher replied that they meet on Wednesdays after school and the sponsor is the art teacher.

Board member Malek said that he would try to pass by the High School to speak with the Eco Hawks sponsor.

Chairman Crossland asked what areas would need cleaning up.

Vice Chair Anderson-Booher responded that the Bell South building along North Royal Poinciana Boulevard needs cleaning up.

Board member Aguila added that the student parking lot at the High School needs to be cleaned up.

Board member Malek commented that some of the areas he sees that need cleaning up are near the golf course and anywhere around Downtown Miami Springs.

Board member Aguila noted that the swales around the clay pits always have trash and beer bottles.

Board member Malek has a friend who designs pictures and he would like to ask him to design a poster and some t-shirts to go along with this event.

**4) New Business:**

**a) Senior Center's Complimentary Lunch With Plastic Utensils and Plates**

Chairman Crossland distributed a report on the meal program at the Senior Center (attached for the record). He would like to propose that the Senior Center provide stainless steel knives and forks rather than disposable picnic style utensils and that the City Council purchase a dishwasher for the Senior Center.

Board member Aguila agreed with his proposal but she believes that the main issue would be the sanitation requirements. The Health Department requires a certain temperature of hot water to be used in the dishwasher.

Vice Chair Anderson-Booher explained that a commercial dishwasher would have to be used. A commercial dishwasher is going to run at the required temperature which is extremely high.

Board member Aguila suggested that seniors provide their own reusable utensils that they would bring and take home.

Vice Chair Anderson-Booher asked what was the volume of people that the Senior Center gets for lunch and Chairman Crossland responded that it is approximately thirty people.

Board member Aguila noted that signs could be placed inside reminding the seniors to bring their own utensils or an Eco Hawk member could go and make a presentation to the seniors to encourage them to bring their own utensils.

Chairman Crossland said that he spoke with Elderly Services Director Karen Rosson and she explained to him that she received recycling bins at the Senior Center but does not know what the procedures are for emptying them when they are full.

Vice Chair Anderson-Booher clarified that Ms. Rosson needs an explanation on what to do with the recycling bins.

Chairman Crossland stated that Ms. Rosson would like for the recycling bins to be enclosed so that locals cannot use them as a trash bins.

Operations Superintendent/Arborist Nash explained that the recycling bins that are at the Senior Center are the same ones that residents have at their homes. Mr. Williams received the recycling containers but they did not come with the logos so he went to a local printer and made the logos for the outside of the recycling bins.

Mr. Nash commented that since Mr. Williams is on vacation, he will be visiting the different sites and placing the containers indoors. The City recently changed contracts and now has a new company for disposal called Sun Disposal. He noted that Waste Services Inc. (WSI) will still be picking up the recycling.

Mr. Nash added that the two recycling containers will be relocated closer to the Senior Center and one of the seniors that clean up after the lunches will then take the indoor recycle outside and transfer the materials into those recycle bins. It will then be taken to the roadway on recycle day by a Public Works staff member or a Recreation Center employee. He also mentioned that the recycling bins at the Recreation Center will be moved from an enclosure by the pool closer to the Recreation Center and a staff member will then transfer the materials from the indoor recycling bin to the recycle bins outside.

Board member Aguila asked where the recycling bins are at Stafford Park and Operations Superintendent/Arborist Nash replied that he is not certain because he is substituting for Mr. Williams who usually attends this meeting.

To answer Board member Aguila's question, Operations Superintendent/Arborist Nash stated that the recycling bins that were used at the Springs River Festival were hauled down Canal Street and picked up by WSI after the festival.

Operations Superintendent/Arborist Nash explained the different areas where the indoor recycling bins will be placed.

Discussion ensued regarding the possibly of switching the Styrofoam plates that are being used at the Senior Center to recyclable plates.

Operations Superintendent/Arborist Nash clarified that to his understanding, Sun Disposal is going to be handling the garbage and WSI will be handling the recycling.

#### **b) Chickens in Our Backyards**

Chairman Crossland distributed paperwork from Laura Pilgrim regarding hen facts and benefits (attached for the record). He is not certain if this item involves the Ecology Board and if they can agree with it or not.

Operations Superintendent/Arborist Nash explained that this topic would have to go before Code Enforcement.

To answer Chairman Crossland's question, Board member Aguila said that hens are probably prohibited in Miami Springs because of health reasons and because people are not providing and maintaining the four square feet of coop.

Board member Aguila felt that it is a great idea for those who are responsible in maintaining the hen and coop.

Chairman Crossland asked how they would judge if a person is maintaining the hen and coop and Vice Chair Anderson-Booher said that is where the issue would arise.

Board member Aguila suggested getting in contact with the Code Enforcement Department in Tampa to see if there are any issues with hens since it is acceptable in that City.

Chairman Crossland stated that he would speak with Ms. Pilgrim and suggested that she could contact the Code Enforcement Department in Tampa.

Vice Chair Anderson-Booher commented that she saw a petition at the Springs River Festival regarding hens being allowed in Miami Springs.

Chairman Crossland recommended that Ms. Pilgrim should go before the City Council with a presentation about allowing hens in back yards.

Board member Aguila would like to place the discussion of grants on the agenda for next months meeting.

**5) Adjournment**

There was no further business to be discussed and the meeting was adjourned at 7:49 p.m.

Respectfully Submitted,

Elora R. Sakal  
Board Secretary

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

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

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

### CODE REVIEW BOARD

Due to the fact that the City Council has not directed the Code Review Board to review any ordinances this month, the regular meeting of Thursday, April 26, 2012 has been canceled in advance.

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

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Magali Valls, CMC  
City Clerk

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





**CITY OF MIAMI SPRINGS  
FLORIDA**

**CANCELLATION NOTICE  
CODE ENFORCEMENT BOARD**

The regular meeting of the Code Enforcement Board scheduled for Tuesday, May 1, 2012 has been cancelled in advance due to lack of cases to be heard.

*Tex Ziadie*

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Tex Ziadie  
Director-Building and Code Compliance Department

cc: City Clerk  
City Manager  
Code Enforcement Board Members by E-Mail  
Post



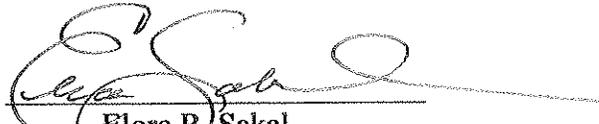


*City of Miami Springs, Florida*

*Architectural Review Board*

**CANCELLATION NOTICE**

The Architectural Review Board meeting of May 2, 2012 has been canceled in advance.

  
Elora R. Sakal  
Board Secretary

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





## *Zoning and Planning Board*

### *Cancellation Notice*

The Zoning and Planning Board meeting of Monday, May 7, 2012 has been canceled in advance.



Elora R. Sakal  
Board Secretary

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





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

The **Recreation Commission** met in Regular Session at 7:00 p.m., on Tuesday, May 8, 2012 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:

Vice Chair Clark Rinehart  
Dr. Stephanie Kondy  
Jorge Santin

Absent:

Chairman John Shapiro  
Beth Tilman

Also present:

Golf and Recreation Director Omar Luna  
Board Secretary Elora Sakal

**2) Approval of Minutes**

Minutes of October 11, 2011 meeting were approved as written.

**Board member Kondy moved to approve the minutes. Board member Santin seconded the motion which was carried unanimously on voice vote.**

**3) Old Business:**

**a) Park Space Availability**

Board member Santin stated that this item has been discussed many times before but he wanted to know if anything new has occurred.

Recreation Director Luna explained that the park he is trying to target at the moment is the Miami Springs Middle School. Funding will be needed to re-do the field completely with such things as irrigation. He noted that the cost for this project would be approximately \$50,000 to \$80,000. The biggest challenge is finding the funds to begin the project.

Recreation Director Luna said that the School Board is in favor of the project but they do not have any funds to contribute. The School Board mentioned that they would continue use the field regularly with their Physical Education classes during the week which would create additional maintenance. He reiterated that the biggest challenge will be finding the funds to do this project.

Board member Santin asked if there was an estimate in reference to the maintenance and Recreation Director Luna replied that if he was to receive the funding for the project then he would work with Golf Superintendent Sandy Pell regarding such things as fertilizing, top dressing, and finding out what the costs would be to maintain the field.

Board member Kondy asked if the City has explored any grants that may be available and Recreation Director Luna responded that he cannot speak on behalf of Grant Writer Carol Foster but he knows that she is always looking for grants and she sends him e-mails all the time. He said that he has applied for many grants but they have been denied quite often.

Board member Kondy stated that since the park belongs to the School Board, there may be some additional resources through education.

Recreation Director Luna explained that another challenge is that because the park is on school ground property the School Board would have to push the grant.

Vice Chair Rinehart said that installing turf would be very costly but it would eliminate the maintenance issue.

Recreation Director Luna commented that Council has always been conscious and made it aware that though it is not likely, the School Board at any given time could take the field away from the City.

Board member Santin mentioned that another park area such as Springview Elementary may draw some issues with the lack of restrooms while the Middle School would not be an issue with restrooms since there is one across the street at Stafford Park.

Recreation Director Luna noted that there is a concern with parking at Springview Elementary and therefore they are really hoping to be able to work with the park at Miami Springs Middle School because there is a parking area next to the park and a restroom.

Board member Santin questioned if some schools would allow use of the school restrooms and Recreation Director Luna replied that some schools do allow the use of school restrooms.

**b) Park on the Corner of Poinciana and Ludlam Drive**

Recreation Director Luna explained that the area is called a park, but is really not considered a park. Miami-Dade County owns the property and Public Works provides daily maintenance such as picking up trash and litter. He said that other activities at this park would have to be inquired through the Police Department.

Board member Kondy asked about the park on Royal Poinciana and Albatross and Recreation Director Luna responded that there was a point in time when the City wanted to make that area a dog park but the residents did not want a dog park in that location. He stated that he has a few long term ideas for projects such as passive parks that would have picnic tables and a walking path. There are some issues that need to be addressed at the parks that are used daily and once they are addressed then there could be the possibility of expanding those areas.

**c) Status on The Wall of Fame in the Community Center**

Recreation Director Luna commented that he does not know what the status is on the Wall of Fame in the Community Center.

Vice Chair Rinehart asked if any of the board members knew anything regarding the Wall of Fame and Board member Santin replied that he does not know anything and that the initiative was made by former Mayor Billy Bain.

Board member Santin asked if Recreation Director Luna could ask the City Council and Recreation Director Luna replied that he will ask Council what the status is regarding the Wall of Fame.

**d) Status on Drainage Problem on Stafford Park**

Vice Chair Rinehart said that he noticed that the Tot Lot was elevated at Stafford Park and it looked very nice.

Recreation Director Luna stated that the Tot Lot had to be elevated due to the issue with the drainage at Stafford Park. He noted that he was able to review old city plans and realized that Stafford Park is the lowest area in the City. The street sits approximately six feet higher than the park so the water percolates into the park.

Recreation Director Luna explained that he spoke with former Public Works Director Robert Williams about fixing the drainage and they came to the conclusion that something could be attempted internally, but it probably will not solve the issue and it would be costly.

Discussion ensued regarding ideas on what could be done to fix Stafford Park's drainage issues.

Board member Kondy asked if Recreation Director Luna had thought using a pumping system to pump out the water and Recreation Director Luna responded that he had thought of using a pumping system since Public Works had pumped out the water once and it worked well.

**4) New Business:**

**a) Equipment and Improvements to Existing Parks**

Board member Santin stated that he is sure that Recreation Director Luna has a wish list and is more in tune to what improvements are really needed and he asked if he could share the list with the board members.

Recreation Director Luna commented that he recently removed the bleachers at Prince Field. A work order is usually made every year to repair it but it was in such poor condition that it needed to be removed completely. He said that he hopes to replace the bleacher before the football season starts.

Recreation Director Luna reported that the playground on Prince Field was re-mulched. Clay and safety bases were added to the ball fields. He noted that the floors at the Community Center were resurfaced. The Dog Park was divided into two sections for large dogs and smaller dogs. New tables and chairs were placed at the Dog Park. He said that the Dog Park is being sprayed for fleas and ticks approximately every four to six weeks or on an as needed basis when they receive a complaint.

Recreation Director Luna explained that it is difficult to keep the Dog Park free of fleas and ticks because some owners are bringing their dogs that have fleas or ticks and then the park is infested and needs to be sprayed. The owners need to ensure that their animals are being treated properly before coming to the park so that other animals are not affected.

Recreation Director Luna commented that there is no lighting on the south side of the pool deck and this is one item that is on his wish list. There used to be lighting that would sit on the wall on the old Recreation Center. He said that there are dark spots in the pool and this is a safety issue. There are guards where the dark spots are to ensure safety.

Recreation Director Luna stated that another item on his wish list is replacing water fountains at the parks because they are in poor condition and water barely comes out of them. He would also like to replace the heater for the pool. It is very outdated and should have been replaced but it is luckily still working and it would cost approximately \$40,000 to replace the heater.

Recreation Director Luna reported that another item on his wish list is to replace some of the irrigation on the ball fields. Some of the irrigation does not reach certain areas so it is being watered by hand which is time-consuming and it would cost approximately \$15,000. He hopes to eventually replace the perimeter fence at Prince Field and it would cost approximately \$30,000.

Recreation Director Luna explained that the Community Center Pool needs to be marcited and it is a big issue that should have been done last year according to the industry standard. It will cost approximately \$50,000 to marcite the pool. He continued with his wish list commenting that replacing the vita course at Stafford Park would cost approximately \$70,000.

Recreation Director Luna reported the cost of items that he has on his wish list for the upcoming years included, \$80,000 for safe structures on the bleachers at all parks, approximately \$30,00 to \$40,000 for a new bleacher at Stafford Park, and possibly \$160,000 for vita course lights at Stafford Park.

Recreation Director Luna listed some major items from the capital improvement plan that he would like to be done approximately ten years from now including, repainting the Community Center, inspecting the roof, replacing equipment, resurfacing the gym, and replacing the playground at Peavy Dove.

Board member Santin asked if there was anything in the budget or any general funding that is being budgeted for future capital improvements that need to be done and Recreation Director Luna replied that there are still some funds in the budget from the skate park. He believes that Council is putting funds aside on an annual basis for those projects.

#### **b) Summer Program for 2012**

Recreation Director Luna commented that the Summer Camp sold out within the first week of registration and all the parents who registered are residents of Miami Springs. Programs Supervisor Patricia Bradley does an amazing job with the Summer Camp. There is an arts and crafts and a dance component within the camp and at the end of the summer there is a talent show for dance and an art gallery show held on the same night.

Recreation Director Luna noted that the program has expanded and he wants to do more activities such as adding a get fit program where the kids will be learning and doing things for their health but they will not know that they are doing it because it will be blended with obstacle course and active games. He said that they will be going on field trips and doing other activities.

Recreation Director Luna mentioned that if a parent is looking for a more specific class such as dancing or Tae Kwon Do, he would recommend them to Holly Bain's Dance Studio on Westward Drive or Ray's Tae Kwon Do on the Circle.

**c) 2011-2012 Budgeted Items for Parks and Recreation**

Recreation Director Luna explained that not much was budgeted. There were some funds in the repairs and maintenance budget and improvements were gradually being done. He said that the budget was tight last year and he believes that it will be a little tighter this year.

Board member Kondy asked if the fee schedule has helped and Recreation Director Luna responded that it has helped a lot. Revenues are being generated at a decent rate. He explained that the program that develops the most revenue is yoga. The Community Center is over the 18% that they should be at with revenues.

Board member Santin asked if the funds that were not used on the skate park could be utilized for projects that are necessities and to ensure that those funds are spent wisely and Recreation Director Luna replied that the pool lighting is the most important project. Not having enough lighting is a safety issue.

To answer Board member Santin's question, Recreation Director Luna said that the electrician from the City gave him a quote so that they had idea of how much it would cost.

**d) Status Update on all City Recreational Programs**

Board member Kondy asked if there were any programs or activities for adults and Recreation Director Luna replied that there is a walking club which is free and once a person walks a certain amount of miles they will receive a free water bottle or bracelet. The walking club is going on a field trip to the beach and they will be walking the board walk and will then be treated to lunch after.

Recreation Director Luna stated that there is also a Jazzercise class for adults in the mornings and at night. He noted that there is an aerobics/line dancing class for seniors. There is a new program called story time where a mother and their child would come to the Community Center and a guest reader will read a story. It has been a great success and the parents and kids really enjoy it.

Recreation Director Luna commented that the basketball program is growing. Registration begins this month and there will be a specialized instructional program for teenagers who want to better their skills in basketball. He said that they will register the first 15 teens that sign up and it will be a six week course.

Recreation Director Luna explained that there is a new teen program that has teens volunteering and doing community work. They have gone on field trips to a Heat game, a FIU football game, bowling, and ice skating. It is a program that does not generate any revenue and the teens are a great help.

Board member Santin asked if there was a program that Recreation Director Luna would like to implement but is having trouble starting and Recreation Director Luna responded

that he would like to start flag football. There is a challenge with field space and the time frame.

Recreation Director Luna said that he would also like to consider starting a volleyball program but time is needed for it to be programmed correctly. He noted that he is really trying to start an AAU basketball team that would represent the City and will be presenting the proposal to Council this year. He stated that he is trying to find out what it would cost to have an AAU basketball program.

Recreation Director Luna explained that his goal is to hopefully start the AAU basketball program and eventually host the events at the Community Center. It would generate a lot of revenue for the Community Center. He said that he would need the funding for uniforms and hotel stays if he were to start an AAU basketball program.

Board member Santin noted that he would like to see a volleyball program and that the sport is becoming more popular.

Recreation Director Luna said that he gets a lot of people during the open gym for volleyball on Fridays. He would like to start his own program for kids.

**5) Other Business: None**

**6) Adjournment**

**There was no further business to be discussed and the meeting was adjourned at 7:57 p.m.**

Respectfully Submitted,

Elora Sakal  
Board Secretary

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

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

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## *Golf and Country Club Advisory Board*

### *Cancellation Notice*

The Golf and Country Club Advisory Board meeting scheduled for Wednesday, May 9, 2012 has been canceled in advance.



Elora R. Sakal  
Secretary to the Board

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





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

The **Board of Adjustment** met in Regular Session at 7:00 p.m., on Monday, May 7, 2012 in the Council Chambers at City Hall.

**1) Call to Order/Roll Call**

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

The following were present:

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

Absent:

Kevin Berounsky  
Vice Chairman Francisco Fernández

Also present:

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

**2) Approval of Minutes**

Minutes of the February 6, 2012 meeting were approved as written.

**Board member Tallman moved to approve the minutes. Board member Fajardo seconded the motion which was carried unanimously on voice vote.**

Chairman Pérez-Vichot wanted to congratulate Board member Fajardo for being appointed as a Circuit Court Judge.

Board member Fajardo explained that she has turned in her resignation from the Board of Adjustment/Zoning and Planning Board effective at the end of the month.

3) **Old Business: None**

4) **New Business:**

A) **CASE # 03-V-12**

**Julio D. Somarriba**

**661 Falcon Avenue**

**Zoning: R-1B Single Family**

**Lot Size: 75 ft. x 135 ft.**

Applicant is seeking a variance from Code Section 150-017 Recreational Vehicles (B) *Parking and Storage*: To store an RV in the side yard of their property.

City Planner Holland stated that there were no letters of support or opposition from the neighbors. This request is to permit the parking of a thirty foot boat and trailer in the east side yard of this particular property. He said that the matter came before the board in May of 2010 and a copy of the minutes for that meeting are included in the packet.

City Planner Holland noted that the motion for the variance at that time was denied and the applicant who is the present applicant did not appeal the decision of the board to Council. There was a condition with the denial that the concrete slab be extended to the north to permit the parking of the boat in the rear yard. The applicant complied with the condition in the form of concrete and paver ribbons that extend to a newly constructed wood fence on the north property line.

City Planner Holland commented that the situation now is that there is a projecting eave on an addition to the home that the homeowner is hitting with his boat when he attempts to get it into the rear yard. There are no obstructions in the rear yard that would permit the boat to be parked there.

Chairman Pérez-Vichot asked the applicant if he could access the ribbon pavers coming from the back alley and applicant Julio Somarriba replied that he cannot.

Applicant Somarriba distributed surveys to the board. He said that his complaint during the first variance hearing was that his home is offset on the property. He mentioned that if he tries to back in the boat, he will break his mirror or hit the corner of the house.

Chairman Pérez-Vichot noted that the survey that was distributed by the applicant shows that the wood fence is approximately seven feet inside of his property line.

Discussion ensued regarding how the applicant's wood fence is inside of his property line and how the surveyor could have made a mistake when drawing the survey.

Applicant Somarriba clarified that he does not have enough room to back in the boat from the alley.

Board member Aloma commented that it is difficult to back up the boat when the house is not aligned.

City Planner Holland noted that the boat is on a triple axle trailer which makes the maneuvering more difficult. He believes that the issue with the survey had been taken care of. There is a reduction of the plat in the upper right hand corner of the original survey in the packet. It appears that the alley was not platted and there were two eight foot utility easements.

Chairman Pérez-Vichot asked the applicant if he has the boat moved back as far back as possible and applicant Somarriba responded that he indeed has the boat moved as far back as possible.

Chairman Pérez-Vichot asked the applicant if there was absolutely no way that coming in from the alley he could turn from the alley into the backyard and applicant Somarriba replied that he cannot turn from the alley into the backyard because there is not enough width and he has an avocado tree in the middle of the yard as well.

Chairman Pérez-Vichot asked the applicant if the boat can be moved all the way back to the edge of the home and Applicant Somarriba responded that he can move it back to approximately four feet before the edge of the home.

Board member Fajardo stated that the first time the applicant came before the board he told the board that the width of the boat was 9.5 feet. She said that there is almost thirteen feet at the most narrow point of the home.

Chairman Pérez-Vichot explained that the thirteen feet did not include the overhang on the home.

Board member Fajardo replied that the overhang did not interfere with the boat and was nowhere near the boat.

Board member Aloma commented to Board member Fajardo that there is a hedge and Board member Fajardo replied that the applicant can trim the hedge so that it does not take up space.

City Attorney Seiden asked how thick the hedge was and City Planner Holland replied that it is the neighbor's hedge.

Applicant Somarriba stated that he trims the hedge right against the chain link fence.

City Attorney Seiden clarified that Board member Fajardo is having an issue with one of the pictures in the packet. He noted that there is one picture in which he can see that the boat is directly up against the hedge.

Board member Fajardo explained that it is a big boat and if someone has an RV they should be able to afford to keep them and this size boat in a yard is not something that the board has ever dealt with in the past.

Applicant Somarriba said that the board has indeed dealt with this issue in the past and the previous objection he received from the board was because his boat did not look right; not because of its width or length. He mentioned that he had pictures of other residences that have boats in their side yard and that his boat in the side yard looked better than the boats in the photos.

Chairman Pérez-Vichot stated that the condition in the previous variance was if the applicant could move the boat all the way back and Applicant Somarriba replied that he accepted that condition and spent the funds to be able to move the boat into the rear yard.

Chairman Pérez-Vichot explained that the applicant is now saying that he cannot move the boat back and as Board member Fajardo pointed out, there is approximately thirteen feet from the back corner of the house to the property line and the boat is 8'6", which would give the applicant approximately a four foot clearance.

Board member Tallman clarified that the boat is 9'6".

Board member Aloma asked if the room that the boat abuts to has any other windows or doors on another side and Applicant Somarriba responded that there are other windows and doors on the other side of the room.

Board member Aloma mentioned that if the boat was moved back, then the door would be blocked and it cannot be used, but there are other doors that can be used on the other side of the home.

Board member Aloma noted that the bumpers on the trailer are too high and are probably getting in the way.

Board member Fajardo asked why the applicant cannot move the trailer straight back into the rear yard and Applicant Somarriba replied that it is too difficult because the boat is on a triple axel trailer.

**Board member Fajardo felt that a boat of that size should not be in a home of Miami Springs and moved to deny the variance because, based on the survey, she believes the boat can be moved back. Board member Tallman seconded the motion, which was carried 3-1 on roll call vote with Board member Aloma casting the dissenting vote.**

City Attorney Seiden advised the applicant that he is allowed to appeal the decision. He reminded the applicant of the ten-day appeal period and advised him to stay in touch the City Planner.

**B) CASE # 04-V-12**  
**Richard A. Mikluscak**  
**208 Carlisle Drive**  
**Zoning : R-1 Single Family**  
**Lot Size : 60 ft. x 127 ft.**

Applicant is seeking a variance from Code Section 150-017 Recreational Vehicles (B) *Parking and Storage*: To store an RV in the side yard of their property.

City Planner Holland explained that the variance is to permit the parking of a utility trailer in the west side yard. The trailer is approximately six feet wide, fifteen feet long and seven feet in height and is barely discernible from the street. The rear yard is not accessible from the alley and would require the removal of a cluster of palms. He noted that there are other outdoor obstructions such as a brick outdoor barbeque pit.

City Planner Holland said that the only opportunity would be to remove the palms from the southwest corner of the property and provide a gate at that location. To the south of the trailer there is a non-permanent canopy where the applicant has various materials stored and immediately south of the canopy is a palm tree. It is possible that the trailer could be moved farther to the south but would require the removal of the canopy. He noted that he recommends the approval of the variance and did not receive any letters of support or objection.

Chairman Pérez-Vichot asked the applicant if the canopy can be moved behind the palm tree and Applicant Mikluscak replied that the canopy is temporary.

Chairman Pérez-Vichot asked if the trailer could be moved closer to the palm tree and Applicant Mikluscak responded that it could be moved a little bit closer but the driveway ends at the back of the home and he moves the trailer himself.

Applicant Mikluscak explained that, as he stated in his application, it is difficult for him to use his utility trailer if he cannot move it by himself. If he puts it in the back yard on the grass then he will not be able to move it by himself.

Chairman Pérez-Vichot said that the survey shows that the driveway ends more or less at the end of the house and there is approximately another ten feet that he can move the trailer back.

Applicant Mikluscak commented that there is a slight drop off of the concrete that he would have to repave or re-do the stepping stones that are currently there.

City Planner Holland clarified that if the Board is suggesting moving the canopy to provide additional parking space in the side yard the trailer would still be in the side yard.

Chairman Pérez-Vichot explained that the further back the trailer can be moved, the less visible it would be and that has been the policy.

Applicant Mikluscak stated that he purchased the home in 1998 and one of the attractive features was that the driveway extended all the way down the side of the home and he feels that it does not make a lot of sense to drag a utility trailer that is virtually invisible from the street behind a six foot privacy fence. He mentioned that he would have no issue installing a seven foot fence to completely hide the trailer, but it would then be in violation of another provision of the code.

Applicant Mikluscak said that to the extent that he cannot use his own property to store his own property means that he does not really own the property and the City does. He asked that he be granted reasonable use of his property. He commented that even though he sat on this board for a couple of years, the City puts their citizens through a lot of grief, time and effort in order to get permission to use their property for what would be a reasonable purpose.

Applicant Mikluscak explained that City Planner Holland mentioned that approximately 95% of these variances are granted and he asked why the City would put citizens through this type of situation if the majority of the variances are granted.

Chairman Pérez-Vichot stated that Mr. Mikluscak has been on this board and is aware of the procedures of placing an RV in a garage, rear yard, and in some cases the side yard.

Board member Aloma asked if the trailer could be moved further back and Applicant Mikluscak replied that it is the furthest that he can conveniently move the trailer back.

Board member Tallman reviewed the survey with the applicant. The palm tree was placed in the middle and he was not sure if the survey was drawn to scale and Applicant Mikluscak responded that the palm tree is nearly in the middle and he could not maneuver the trailer beyond the palm tree.

Board member Tallman asked how the applicant towed the trailer and Applicant Mikluscak replied that he tows the trailer with a truck.

Board member Tallman explained that he could back the trailer in and then maneuver it.

Applicant Mikluscak said that he would not want to put the trailer on his grass when he has a driveway that he can put it on.

City Attorney Seiden clarified that if the applicant moved the temporary canopy behind the palm tree, he could move the trailer back to where the pavement ends which would be approximately five feet according to the survey and pictures. The policy has always been that if the RV cannot be placed in the back yard, it has to be as far back as possible on the side yard.

Board member Aloma clarified that Applicant Mikluscak previously stated that because the driveway slopes down towards the back yard, if he moved the trailer any further back he would not be able to physically maneuver it.

Applicant Mikluscak said that he would not be able to maneuver it with the tongue of the trailer where the pavement ends and he would be limited to backing it into that area with the truck.

Board member Tallman stated that the Applicant would have the truck to be able to pull the trailer back out again. The situation is a hardship being an impossibility and a hardship being a nuisance.

Applicant Mikluscak asked that he be granted permission to park his trailer in his side yard in his driveway and hopes that it is acceptable.

Board member Tallman explained that consideration is not the issue and he is very sympathetic to the situation. His concern is that having a standard of clearly definable hardship is the only thing that permits the board to grant a variance.

**Board member Aloma moved to approve the variance with no conditions. The motion died due to lack of a second.**

**Board member Fajardo moved to approve that the applicant is able to keep the RV in his side yard with the condition that he move it back as far possible to the end of the concrete slab. The motion died due to lack of a second.**

**Board member Tallman moved to deny the variance. The motion died due to lack of a second.**

Board member Aloma asked who would be in charge of making sure that the applicant moves the trailer as far back as possible and City Attorney Seiden replied that the City Planner would make the determination.

City Attorney Seiden noted that Board member Fajardo's motion was to move the trailer as far to the end of the concrete slab as possible and if that includes moving the canopy then the canopy would be moved as well. He clarified for Board member Tallman that City Planner Holland has visited the property and has said on the record that he does not believe the trailer can be placed in the back yard.

Board member Aloma reiterated that whether the trailer is moved ten feet back or five feet back, it will still be visible.

**Board member Aloma agreed to second the motion, as re-stated by the City Attorney, to approve so long as City Planner Holland determines that the applicant moved the RV as far back as he could.**

City Attorney Seiden commented that Board member Fajardo's motion was consistent with virtually every RV motion that the Board has done for as long as he can remember.

Board member Aloma mentioned that along with the trailer is a tongue that makes it an extra four feet in length.

City Attorney Seiden suggested that Board member Aloma could ask that the motion be amended to say that the tongue of the trailer does not go any further than the end of the concrete slab.

City Attorney Seiden clarified that the motion is to grant the variance as long as the RV is pushed back to the edge of the pavement so that the tongue stops at the end of the pavement. If that necessitates the relocation of the temporary canopy then so be it.

Board member Tallman asked if it would make sense to back the trailer in and have the tongue sit on the concrete and Board member Aloma replied that he would have an issue with that.

Board member Fajardo clarified for Chairman Pérez-Vichot that the applicant pulls in the trailer manually leaving the tongue facing towards the back yard.

**The motion was carried 4-0 on roll call vote.**

**5) Other Business: None**

**6) Adjournment**

**There was no further business to be discussed and the meeting was adjourned at 7:51 p.m.**

Respectfully Submitted,

Elora R. Sakal  
Board Secretary

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

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

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