



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

Regular Meeting

Monday, September 10, 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

Councilwoman Grace Bain

Councilwoman Jennifer Ator

City Manager Ronald K. Gorland

Assistant City Manager/Finance Director William Alonso

City Attorney Jan K. Seiden

City Clerk Magali Valls



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Xavier M. Garcia

**Vice Mayor George V. Lob
Councilwoman Grace Bain**

**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, September 10, 2012 – 7:00 p.m.

Council Chambers – City Hall

201 Westward Drive – Miami Springs

1. **Call to Order/Roll Call**
2. **Invocation:** Councilwoman Bain
Salute to the Flag: Audience Participation
3. **Awards & Presentations:**
 - A) Yard of the Month Award – September 2012 – Kevin and Laura Berounsky – 555 Hunting Lodge Drive
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) 08-21-2012 – Workshop Meeting
- B) 08-27-2012 – Regular Meeting

6. Reports from Boards & Commissions:

- A) 09-03-2012 – Zoning and Planning Board – Cancellation Notice
- B) 09-04-2012 – Code Enforcement Board – Cancellation Notice
- C) 09-05-2012 – Architectural Review Board – Cancellation Notice
- D) 09-11-2012 – Recreation Commission – Cancellation Notice
- E) 09-05-2012 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment Subject to the 10-day Appeal Period

7. Public Hearings:

- A) Resolution No. 2012-3556 – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2012-2013 Budget; Confirming Date, Time and Place of Final Public Hearing
- B) Second Reading – Ordinance No. 1039-2012 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-100, Architectural Review Board – Established, by Qualifying and Restricting the Duties and Responsibilities of the Board; Eliminating the Board's Duties to Participate in the Mandatory Preliminary Review Process of Commercial Projects and to Issue Advisory Opinions for Each Project Review Conducted; Repealing all Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date (First Reading: 08-27-2012 – Advertised: 08-29-2012)

8. Consent Agenda:

- A) Approval of the City Attorney's Invoice for August 2012 in the Amount of \$12,204.75
- B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$19,200.00 to C. R. DeLongchamp for a Contract Renewal Option for an Additional Twelve-Month Period, Pursuant to Section 31.11 (E) (6) (g) of the City Code for the Leasing of the Community Policing Office, Utilizing Law Enforcement Trust Funds
- C) Approval of Budget Transfers Within Departments According to Charter Section 9.04 (1)

9. Old Business:

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) CMI Funding Requests and Related Issues (Tabled: 08-27-2012)

10. New Business:

- A) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Gene Duffy's seat)
- B) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Pete Baan's seat)
- C) Resolution No.2012-3555 - A Resolution of the City Council of the City of Miami Springs, Florida; Expressing the City's Intent to Declare that the Freedom from Domestic Violence is a Fundamental Human Right; Effective Date
- D) Resolution No. 2012-3557 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of City Recreation Facilities and Related Services; Effective Date
- E) Resolution No. 2012-3558 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for Special Waste Collections as Authorized by Code of Ordinance Section 93.09; Effective Date
- F) Resolution No. 2012-3559 – A Resolution of the City Council of the City of Miami Springs Amending the Current "Schedule of Charges" for Building, Plumbing, Electrical, Mechanical and Other Related Permit Charges or Fees; Effective Date
- G) Resolution No. 2012-3560 – A Resolution of the City Council of the City of Miami Springs, Florida; Supporting the Central Everglades Planning Project for the Restoration of the Central Everglades; Effective Date
- H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$63,700.00, to Island Fence of Dade for 29 Concrete Pilasters, (2) 8' Double Gates and (1) 3' Double Gate for the Curtiss Mansion, Pursuant to Section §31.11 (E) (6) (g) of the City Code

10. New Business:

- I) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of up to \$40,000 to James W. Linn, Law Firm Lewis, Longman and Walker P.A., for Both General Employee and Police Retirement Plans Consulting, Pursuant to Section 31.11(E) (4) (d) of the City Code

11. Other Business: None

12. Reports & Recommendations:

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

13. Adjourn

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

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

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



DRAFT

City of Miami Springs, Florida

DRAFT

The Miami Springs City Council held a **WORKSHOP MEETING** in the Council Chambers at City Hall on Tuesday, August 21, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- Chief of Police Peter G. Baan
- Comptroller Alicia E. González
- Zoning and Planning Director James H. Holland
- Golf and Recreation Director Omar L. Luna
- Golf Pro Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Building & Zoning Office Director Harold "Tex" Ziadie
- Elderly Services Director Karen Rosson
- Public Works Director Thomas Nash
- Professional Services Supervisor Tammy L. Romero
- Grant Writer/Public Info. Specialist Carol A. Foster
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Vice Mayor Lob offered the invocation.

Salute to the Flag: The audience participated.

3. Workshop on Proposed Fiscal Year 2012-2013 Budget (Continued from 8-6-2012)

City Manager Ronald K. Gorland said that since the last budget workshop there had been updates in the budget estimates to account for the outsourcing of tree trimming, landscaping and the elimination of \$25,000 originally budgeted for a traffic study. There are four alternatives for consideration.

The first option is based on using a roll back millage rate of 6.7875, according to Mr. Gorland. At this rate, Council would need to select a combination of cost reductions that would cover a \$452,000 deficit. The second option provides a combination of a millage increase, use of reserves and cost reductions. This option assumes a millage rate of 6.9950, which is an increase of 0.2550 mills or 3.8% from current year. At this millage rate, the deficit would be \$279,267 and the budget can be balanced via use of reserves and/or budget reductions outlined in the budget book.

On page four there is a proposed budget for FY2012-2013, which is balanced based on an increase of millage only, according to Mr. Gorland. This option would require a millage rate of 7.3320, which is an increase of 0.5920 mills or an 8.8% increase over the current millage rate of 6.74. He explained that the final option is based on the millage cap established on July 26th of 7.6480. This option would create a surplus of \$264,426. The updated list on page six shows proposed reductions based on past history and experience with previous budget workshops.

Assistant City Manager/Finance Director William Alonso stated that based on the bid opening for the liability insurance the projected savings is approximately \$30,000. There are two proposals from the Building and Zoning Office Director Ziadie and Zoning and Planning Director Holland recommending fee increases for next year in their departments. The proposed fee increases would generate approximately \$210,000 in additional revenues for next year.

3 - I. Building and Code Compliance – Revised

Mr. Alonso referred to a memo from Building and Zoning Office Director Ziadie dated August 16th that shows a revenue analysis and proposed fee increases.

Building and Zoning Office Director Tex Ziadie stated that his first recommendation is based on previous experiences. Several years ago there was a base fee of 2% for all new construction and 2% for alterations and remodeling. At that time, alterations and remodeling was changed to 3% and there was discussion of possibly changing new construction to 3%. He is recommending for the new construction fee to be changed to 3%.

Mr. Ziadie referred to a chart in the budget packet showing the fee comparisons in other communities. He projects that the revenue would increase an additional \$25,000 for the residential area and an additional \$60,000 in the commercial area based on the past two years' experience. The chart also shows a line item comparison for electrical, plumbing, mechanical, and structural fees that have not been changed in over 25 years and in most are lower than the other communities. He is recommending a 25% increase in those line items that is estimated to generate approximately \$5,000 in additional revenues.

Mr. Ziadie also recommended increasing the minimum permit fee to \$125. His fourth recommendation is to add a new item to the fee schedule called the Minimum Work Permit for very small jobs with a fee of \$50. This permit will strictly be at his discretion and the Building Official. This proposal would not generate additional revenue and could dilute revenue slightly, but it would be a good benefit to residents.

Mr. Ziadie continued explaining that his fifth recommendation is to increase the structural review charges to \$100 for residential and \$150 for commercial. This could result in a revenue increase of \$3,000. His sixth recommendation is to add two new fees to the schedule, which are fees for the conditional re-occupancy agreement in the amount of \$500 and a fee for the conditional code compliance agreement that is also proposed at \$500. Both fees have been tested for several years and are working extremely well.

Mr. Ziadie stated that his last recommendation is to add a statement to the fee schedule as follows: *"All jobs with a market value in excess of \$2,000 shall be rated on a percentage basis and not on a line item charge basis."* This allows the department to have the flexibility to recover the income necessary on a percentage basis.

To answer Mayor Garcia's questions, Mr. Ziadie replied that as of right now the fees are based on the line item and they are charged a percentage because it is such a large job and there is a significant loss in revenue if they are only being charged \$100 for the permit.

Mr. Ziadie said that the Building Official currently has the discretion to make a decision of the percentage basis and he would like to formalize it into the code so there are no questions about the fee.

Mayor Garcia asked if Mr. Ziadie could show him a comparison based on what other municipalities are charging and the requirements of the Florida Building Code. He would like to keep it at the discretion of the Building Official.

Councilman Best stated that based on a market value in excess of \$2,000 being charged a \$100 permit fee could be modified.

Mayor Garcia asked how the Building Official decides to charge more than a \$100 regular permitting fee and Mr. Ziadie responded that it is based on the permit application.

Vice Mayor Lob asked what percentage is being used and Mr. Ziadie replied that everything is proposed at 3%.

Councilwoman Ator asked if the 25% increase in line items would increase the fees for the special outlets from \$10.00 to \$12.50 and the swimming pool from \$100 to \$125 and Mr. Ziadie replied in agreement.

Mr. Ziadie clarified that line items in the chart are examples. In all cases Miami Springs is significantly lower than other communities and he is recommending 25% as a reasonable amount to increase the fees for the first time.

Councilwoman Ator said that she would not mind seeing all the line items being raised 25%.

Mr. Ziadie asked Council if they would like to see the line items after the 25% increase and they replied in agreement.

City Manager Gorland advised Council that by state statute, the Building Department cannot be a profit center and cannot make more money than it costs to operate the department. He believes there is room to bring in additional revenue totaling \$200,000 and still be in compliance with the state statute. The numbers are monitored periodically to make sure that the City is complying with the regulations.

Councilwoman Ator stated that she sees a big difference from a residential to a commercial standpoint and agrees with Councilman Best. She asked if other governments charge by percentage and Mr. Ziadie replied that almost all cities have a mixture in their fee schedules between a square footage designation or a percentage designation and line items the same as the City has.

To answer Councilwoman Ator's question, Mr. Ziadie replied that in the Miami-Dade County Code the line items apply to all commercial and residential buildings and the fees for new construction or are usually based on the square footage or a percentage basis.

Councilman Best asked if Council were to adopt all the recommendations if it would garner the City \$113,000 and Mr. Ziadie replied that is it only an estimate; he does not know the exact amount.

Mr. Ziadie explained that there are currently three demolition permits pending which are houses that are going to be demolished and rebuilt. There are also a couple of hotels that are potentially in the process of permitting and would fall under the new construction model.

Councilwoman Ator asked if a section of the code would come back red-lined to Council if they approved some of the fee changes and Mr. Ziadie replied in agreement.

City Manager Gorland clarified that the recommendations that are approved by Council tonight would have to come back during a regular Council Meeting so that Council can vote on them.

Councilwoman Ator said that she would like to see what was proposed red-lined because it is very hard to look at the chart.

City Manager Gorland clarified that Council would be provided with a red-lined chart for the next meeting.

3 - II. Zoning and Planning – Revised

Mr. Alonso explained that the next fee change proposal from Zoning and Planning Director Holland is a recommendation based on a revenue analysis.

Planning and Zoning Director James Holland said that Council asked to be provided with some comparisons from other municipalities and a spreadsheet is included in the packet that is based on seven other municipalities and some of the information was available online. The three types of conditions are fees that are presently assessed, fees that are not likely to occur but do not have provisions in the fee structure and the new fees.

Mr. Holland discussed the conditions that are highly unlikely to occur, explaining that there should be some provision by resolution to accommodate the rezoning request, zoning code amendments, comprehensive plan amendments, modification or release of a covenant and a street or alley vacation fee. The recommended amounts are shown in the third column on the spreadsheet and each of them are showing no anticipated revenue at the present time.

Mr. Holland explained that the other fees on the spreadsheet are presently assessed or fees that are not charged for. He discussed the fee changes for zoning variance requests for residential, commercial and buildings that are greater than 10,000 square feet for both residential and commercial. The variance and site plan appeals are currently \$100 for residential and \$200 for commercial and he is proposing to change the fee to \$500 for residential and \$600 for commercial.

Mr. Holland discussed the Zoning and Planning Board fees and stated that there is currently a provision for a \$1,000 fee that only applies to plats and not site plans. The proposal is \$2,000 for residential and \$2,500 for commercial. The residential would come in the form of a subdivision development or a condominium project and he does not anticipate any of those within the next year.

Mr. Holland said that he does anticipate a few site plans including AirBus with a site plan modification and one of the hotels proposed on the Abraham Tract. He reiterated that the proposal for the commercial properties is \$2,500 which will generate \$5,000 in revenue.

There are currently two types of zoning verifications which are for liquor authorizations and zoning verifications and there is presently no charge for these services, according to Mr. Holland. The proposal for the liquor license is based on the type of license. The first license is the 2 APS license for no alcohol consumption on premises for a proposed fee of \$160.

Mr. Holland stated that the A 2 COP license for on site consumption has a proposed fee increase of \$200 and the 4 COP license for nightclubs has a proposed fee of \$450.

Mr. Holland added that another type of verification that is sent out is a letter for zoning of the property and there is currently no charge. The proposed fee is \$150 for residential and \$200 for commercial. He commented that another service that is frequently requested for which the department does not charge is the determination of the FEMA flood elevation.

Mr. Holland explained that the zoning review fee is charged by all other municipalities in the areas that he canvassed. The comparisons were based on information from Miami-Dade County, Coral Gables, South Miami, Pinecrest, Miami Lakes, Palmetto Bay and Doral. Based on an average, he made an assumption because most fees are based on a certain number of cents per square foot.

Mr. Holland commented that Palmetto Bay charges a percentage of the total permit fee which is 6% with a minimum and a maximum for both residential and commercial properties. Doral does not charge a zoning review fee and instead they charge a zoning inspection fee which is \$75. Miami Lakes is one of the jurisdictions that have a flat fee of \$100 for each plan review for both residential and commercial. His proposals for the zoning review fee for residential is \$100 and \$200 for commercial, which is expected to bring in revenue of approximately \$80,000.

Mr. Holland estimated that 1,200 building permits are processed per year and 60% of these permits require zoning approval and that is the basis to generate the total revenue. There is a plus item on the zoning fee and the proposal is that there be a rework fee in the amount of 50% of the original fee for plans that have been denied twice.

Mr. Holland explained that another plus item is relative to the liquor licenses. In certain instances a covenant applies to the 2 COP and 4 COP licenses requiring that 51% of revenue be from food service. This covenant is required and there would be an optional fee of \$250 for preparation of the covenant or the applicant could go to their attorney and have it prepared. The increases and new fees would total approximately a little less than \$100,000 a year.

Councilwoman Ator asked what the dates for the current revenue are based on and Mr. Holland replied that it is projected through this fiscal year. The revenue for last year was about the same as this fiscal year.

Councilwoman Ator stated that she was surprised that in South Miami they charged \$3,000 for residential zoning variances and she believes that the proposed \$350 seems like a lot as well.

Mr. Holland commented that \$350 is approximately the present cost in order to offset the cost for staff time, printing, and the processing time.

To answer Mayor Garcia's question, Mr. Holland responded that a rezoning request would be a present fee of \$500, whether or not it is residential or commercial and proposals go to \$3,000 and \$6,000 which is in keeping with the communities that were canvassed in the County.

Councilwoman Ator asked how the other Counties handle their mailing and publication fees and Mr. Holland replied that most are based on cost recovery. He noted that in the Village of Pinecrest the applicant is responsible for the mailing charge to notify the people in the affected area of the zoning variance.

Councilwoman Ator asked if Miami Springs requires that the letter go to the entire City or just the affected area and Mr. Holland responded that the letter goes to residents in the abutting property. There is a provision in the Charter relative to rezoning that he believes can be done by publication in the newspaper or it can be done by the electorate.

Councilwoman Ator explained that the additional burden is being placed on the applicant because they are responsible for sending the notice to the entire City rather than sending it to the people who are in the affected area so the true cost is not actually reflected on the chart.

Mr. Holland stated that there is a significant labor cost as well though the state law has been somewhat emasculated there is still a procedure that has to be followed that does require a lot of staff time.

Councilwoman Ator asked when the last time was that the City had a rezoning request and Mr. Holland replied that he was uncertain but it may have been with the proposal from Mr. Pino for the property along Curtiss Parkway.

Mayor Garcia asked if Mr. Holland could have all of his recommendations for his fees red lined and brought to the next meeting for Council and Mr. Holland replied in agreement.

Professional Services Division

Assistant City Manager Finance Director William Alonso said there was one more item to consider before the Police budget that is related to Professional Services regarding the mail out information.

Professional Services Supervisor Tammy Romero referred to a summary page showing the new proposal versus what is currently being done and the direct mailing service for the quarterly news letters, as requested by Council. It was proposed that the Springs Connection Newsletter would be turned into an eight page newsletter from the current four page newsletter and that it would continue to be inserted into the Gazette for a quarterly annual total of \$11,240.

Ms. Romero stated that the direct mail costs are estimated to be \$13,388 annually and it does not include the labor for Staff to bundle the packages. Each package must have a face slip that indicates the route number and number of routes in the mail service.

Ms. Romero commented that the fact sheets would be two-sided; the front side would be in English and the back side would be in Spanish. She proposed that the fact sheets should continue to be printed directly into the Gazette as a quarter page within the monthly news bulletins. She has also included information on the fact sheets as an insert into the Gazette as well as a direct mail.

Councilwoman Ator asked if the \$13,388 included the cost towards the post office and Ms. Romero replied that the cost is included at \$0.145 per mail piece.

To answer Councilwoman Ator's question, Ms. Romero replied that she had not heard of any postal service increases.

Ms. Romero explained that she separated the proposed eight page quarterly newsletter costs versus the current four page monthly newsletter costs to show that the costs are reduced if the distribution is on a quarterly basis. If the newsletters continue to be inserted into the Gazette on a monthly basis the cost would remain at \$11,240, instead of \$13,388.

Ms. Romero said that page three shows the proposed and current monthly costs for fact sheets. If the fact sheets were inserted into the big Gazette the annual cost would be \$15,780 and if they were printed into the Gazette as they are currently being done the annual cost would be \$6,300. Page four shows the monthly news bulletin which is presently 2-1/2 pages in the big Gazette for \$550 and the annual cost will remain at \$6,600.

Ms. Romero stated that the direct mailing system would be used for the Springs Connection and the facts sheet if Council approves this option. The Springs Connection would be published on a quarterly basis and the annual cost would be \$13,388. She reminded Council that the annual cost does not include staff labor and the delivery cost. A staff member has to deliver the boxes to the postal service.

Mayor Garcia asked if the direct mail service requires postage or labeling and Ms. Romero replied that it does and that small boxes have to be printed on the front or on the backside of the newsletter and there must be face slips.

Ms. Romero stated that another option besides every door direct mail was bulk mail and she would not recommend bulk mail rates because it requires an annual permit fee of \$380 and \$190 after each additional year, plus \$0.154 per mail piece.

Ms. Romero said that if the 8,000 newsletters that are currently being proposed and they have to be bundled in packs of 50 or 100 as they cannot exceed six inches in height. Each bundle has to have a facing slip which indicates the route number, the date of the route, the total mail pieces per bundle and the total number of bundles.

Ms. Romero estimated that there would need to be 141 bundles for packs of 50 or 71 bundles for packs of 100.

Ms. Romero explained that every door direct mail only allows 5,000 pieces at a time and the mailing needs to be separated into two days in order to keep those mail pieces less than 5,000 pieces. If this option is selected, it was recommended by the Postal Service that there be a delivery day on a Wednesday because it takes two to three business days to get to the homes. This would also keep the mailing away from the other flyers that are mailed to homeowners.

Ms. Romero clarified for Mayor Garcia that the postal service does not ensure that the newsletters are separated from the flyers in the mail and the postal service only recommended picking a day that flyers are not delivered to homes.

Mayor Garcia asked if the postal service told Ms. Romero what days the flyers were delivered in Miami Springs and Ms. Romero replied that the postal service representative that she spoke to did not have that information for the Miami Springs area.

Ms. Romero continued explaining that delivery day one would be separated into twelve routes which would be 4,992 mail pieces at a cost of \$723.84. Day two would be five routes and 2,019 mail pieces at a cost of \$292.76 which totals approximately \$1,017. She advised Council that every time these bundles are given to the postal service, the only forms of payment they accept are cash, money orders or checks payable to the U.S. Postal Service.

Ms. Romero said that four documents are required when the bundles are delivered to the postal service and they are attached in the packet for Council's review.

Councilwoman Bain stated that the process is a lot more complicated than she anticipated and Mayor Garcia commented that it is more complicated than they perceive it to be on the commercials.

Ms. Romero explained that she spoke with the printing company and they will be able to bundle the newsletters into packs of 50 and 100 if this proposal is selected.

To answer Councilwoman Ator's question, Ms. Romero said that the translation cost would have to be increased by \$3,300 and there are no other budgetary changes unless Council wants to use direct mail and the total cost would increase from \$11,240 to \$13,388.

Assistant City Manager/Finance Director William Alonso clarified that the current budget figures are based on quarterly publications of the Springs Connection and twelve monthly fact sheets. The additional impact on the budget will be calculated based on whether or not Council wants to use direct mail.

Councilwoman Ator commented that the budget also includes the 2-1/2 page News Bulletin in addition to the fact sheets and the quarterly Springs Connection.

Ms. Romero said that the monthly 4-page news letter would change to a quarterly 8-page news letter.

Mayor Garcia explained that there had been discussion at the last meeting on whether or not to send out the fact sheets during the same week as the news letter. He asked how much less it would be for this option.

Ms. Romero explained that the budget accounts for publishing the fact sheets as two ¼ pages in the Gazette. The news letter is a separate printing on a quarterly basis and it would be Council's decision on using direct mail for an additional \$2,148 as opposed to an insert in the Gazette.

Councilwoman Bain felt that a lot of people do not read the Gazette and if there are important issues to inform the residents it should go directly to the houses.

Ms. Romero said that the routes with the U. S. Postal Service would only reach 7,011 residents and the Gazette is sent to residents of Virginia Gardens and Medley as well. Since 8,000 issues will be printed, the extra 989 copies would be distributed at the various City Hall buildings and the Library.

Councilwoman Ator explained that the fact sheets would only be published in the Gazette and there would not be extra copies for distribution elsewhere.

Ms. Romero stated that some fact sheets were printed in-house and placed at various locations in the City.

3 - III. Police

Assistant City Manager/Finance Director William Alonso said that the Fiscal Year 2012-2013 budget is approximately \$359,487 or 7% more than the prior year due to various factors. The COPS grant that has funded the salaries of two uniform officers for the past three years has now ended and the City has to fund those salaries next year; there was a significant increase in Workers Compensation costs; there is an increase in pension contributions and the budget includes \$120,000 for vehicle replacements.

Chief of Police Peter G. Baan mentioned that the proposed budget is pretty much identical to what was presented last year with the exception of a couple of line items that were increased based on the cost of living increases, while there were small cuts in other areas. There was not much room to cut anywhere else because the budget had been cut the last few years due to economic conditions.

Mayor Garcia asked for an explanation of the line items that total the 7% budget increase and the Chief explained that the difference in the COPS grant is shown as an increase in regular salaries listed on page 19-4.

Mr. Alonso explained that regular salaries increased \$153,480; Workers Compensation is almost \$95,000; Police Pension is about \$88,000 and there is \$65,000 and \$4,200 for vehicles and equipment over and above this year.

Councilwoman Ator asked for an explanation of why the amended budget for salaries is \$2,426,557 for 2011-2012 and the projected for the year is \$2,266,672.

Mr. Alonso stated that the projection is not really accurate because there are 26 payrolls during the year and the more realistic numbers are shown in the actual salaries for the past two years.

Chief of Police Baan explained that pay raises and cost of living increases add up at the end of the year and the estimate is based on the prior nine months, while the remaining three months of the fiscal year are more expensive.

3 - IV. L.E.T.F.

Assistant City Manager/Finance Director William Alonso stated that the Law Enforcement Trust Fund budget begins on page 20-2 and the total is about \$69,600 for the year to cover investigations, undercover vehicles and related work. The actual operating budget for the Community Policing Office (CPO) is shown on page 20-4 and the only difference is a request for \$6,000 under machinery and equipment for computer technology upgrades.

Chief of Police Peter G. Baan mentioned that this budget has no impact on the General Fund since it funded from L.E.T.F. monies.

To answer the Mayor's question, Chief of Police Baan explained that the Promotions account includes funds for promotional items that are used for career days, etc. In addition, there are two training budgets for the officers and for the public.

Mr. Alonso noted that the budget for Crossing Guards is shown on pages 19-10 and 19-11 and Chief Baan clarified that the budget is reimbursed from parking ticket fines and a County subsidy.

To answer the Mayor's question, Chief Baan clarified that there are no financial arrangements between the Police Department and the towing companies. They use a rotating list of companies and they have an agreement for the towing of disabled police vehicles.

Chief Baan reported that the new red light camera system is in place and even though it was put in place as a safety program it has realized significant revenue that is estimated to be \$300,000 to \$400,000 next year. Two additional camera sites are being investigated for safety reasons and it looks like they will have a positive cash flow.

3 - V. Elderly Services

Assistant City Manager/Finance Director William Alonso said that the Elderly Services budget request is approximately \$11,000 or 3% higher due to an increase in food and operational costs, as well as a request for \$2,500 for building improvements and \$3,500 for a new air conditioner compressor.

The Repairs and Maintenance budget includes funds for replacement of the circuit boards, according to Mr. Alonso.

Elderly Services Director Karen Rosson explained that the circuit boards totaling \$7,000 were repaired this year and Mr. Alonso said that as a result it would reduce next year's subsidy to \$151,000 instead of \$158,000. The Repairs and Maintenance line item would be reduced to \$2,205.

Mr. Alonso explained that the budget is broken down into three sections for grant purposes under Title III C-1, Title III C-2 and Title III B.

To answer the Mayor's question, Elderly Services Director Karen Rosson stated that there is a slight increase in catering costs under Title III C-1 and Title III C-2 is for home delivered meals that are paid through the grant and the City pays for a small amount for the home delivered meals on the weekends.

Councilwoman Bain asked how many meals are delivered on the weekend and Ms. Rosson replied that there are ten to twelve meals delivered on Saturday and Sunday for those individuals that do not have family resources to rely on. They are currently serving 54 home delivered meals on the weekdays.

3 - VI. Public Services Department

3 – VI - i. Administration

William Alonso stated that the total Public Works budget is \$535,284 or 26% less than the prior year, due to reduction in personnel and the outsourcing. The budget has four divisions and the Administrative budget is \$5,278 or 1.3% higher than the prior year at \$410,909. Machinery and Equipment includes a request of \$2,500 for two new computers.

Mayor Garcia asked about the liability insurance costs and Mr. Alonso explained that all liability insurance numbers would be decreased among the departments and the total savings would be approximately \$30,000 altogether.

Councilwoman Ator stated that Professional Services on page 23-3 has been reduced over the years and next year's request is zero.

Mr. Alonso explained that the amended budget for Professional Services totaling \$7,163 is for updating the disaster operations manual and no updates are required next year.

To answer Councilwoman Ator's question, City Manager Gorland explained that updating the manual depends on the City's needs as there are changes and a meeting is held annually to decide if changes are required for following year.

Mayor Garcia asked if funds should be put aside each year for the disaster plan update and the City Manager explained that funds are put aside for significant impact items and he could find out what the cost might be over a period of years. He feels comfortable with the current process.

Mayor Garcia asked about the fleet maintenance expenses in the Administration budget and Public Works Director Tom Nash explained that there are two vehicles that are used for picking up supplies for the office and the stock room materials and the funds cover the gas, oil, tires, etc.

3 – VI - ii. Streets/Streetlights Division

Assistant City Manager/Finance Director William Alonso explained that the budget for the Streets Division is approximately \$15,000 or 5% higher than the prior year due to a major reclassification of personnel so that their salaries are reflected within the correct division they are assigned to. The total budget for Streets is \$317,916 and this includes \$27,000 for trees.

Councilwoman Ator noted that the fleet labor and parts to maintain the vehicles is \$15,000 and the fuel, oil, lubricants and tires totals another \$17,500. She said that \$15,000 for parts seems like a large amount of money.

Mr. Nash replied that it the repairs cover the loaders and the large Vac-con truck.

Mr. Alonso said that \$6,000 is for fuel for the trucks and it does not cover repairs. Fleet maintenance is broken down for normal maintenance.

Mr. Nash explained that the contract for fleet services is divided between the divisions to cover the repairs and maintenance of those vehicles. The vehicle maintenance is outsourced.

Mr. Alonso noted that fleet maintenance is covered on page 23-14 and the company is called Vector Fleet Services and they are paid \$14,000 a month to provide maintenance for all of the City vehicles, including Police and Sanitation. When repairs are made a work order is placed and the various departments are charged.

Mayor Garcia asked if fuel is included in the fleet maintenance budget and Mr. Alonso replied that fuel falls under a separate line item.

Councilwoman Ator asked about the \$8,000 budgeted for Fleet Maintenance and the separate line items totaling \$6,000 for Fuel, Oils, Lubricants and \$700.00 for tires.

Public Works Director Nash replied that the overall contract for fleet services is shared between the various divisions to cover the repair and maintenance of the vehicles. The vehicle maintenance is outsourced through a company and the contract is a set amount per year.

Mr. Alonso noted that Fleet Maintenance is shown on page 23-14 and the company is called Vector Services who is paid approximately \$14,000 per month and they provide maintenance for all city vehicles, including the Police, Sanitation, etc. Each time a vehicles requires service a work order is generated and the amount of the repairs is automatically charged to the respective department.

To answer Mayor Garcia's question, Mr. Nash clarified that the cost of fuel is not included in the Fleet Maintenance line item.

Mr. Alonso added that the City has its own gas tanks and the charges are not included in Fleet Maintenance.

To answer Councilwoman Ator's question, Mr. Alonso said that the budget for contractual services in Fleet Maintenance is only \$5,000, even though the company is paid \$14,000 per month, because all the other costs are being billed to the various departments who use their services.

3 – VI - iii. Public Properties

Assistant City Manager/Finance Director William Alonso noted that the budget is \$425,000 or 41% lower than the prior year due to the major reclassification of personnel and a reduction in personnel due to the outsourcing of the function. The reductions are reflected in salaries, as well as fleet maintenance, fuels and tires related to the vehicles. The budget was reduced from \$1,024,000 to \$598,773.

Mayor Garcia asked and William Alonso replied that the electricity charges are based on the bills from Florida Power and Light (FPL) and they are divided between the various departments.

Councilwoman Ator asked about the FPL rate hike and Public Works Director Nash responded that they tried bulbs with different wattage on Curtiss Parkway and the lighting for the flags in various locations, which has helped reduce the electricity costs. He advised Council that they are looking into various options for energy savings.

William Alonso added that the City Staff has met with a couple of companies in regard to city-wide energy savings in all areas of the City, including the field lights, street lights, etc.

City Manager Gorland clarified for Councilwoman Ator that the City would be impacted by an FPL rate hike.

City Manager Gorland stated that the City could save energy over time, although the initial cost might be high for implementing program. He added that it is premature to discuss at this point, the cost is not in the budget and he would bring back a proposal within the next quarter of the year.

Councilwoman Ator asked if the proposed budget takes any cost increases into account, according to what FPL is proposing for a rate hike.

Assistant City Manager/Finance Director William Alonso said that the budget did not include any proposed rate hikes.

Councilwoman Ator asked the Administration to take the rate hike into consideration because FPL is open to discussing the matter.

3 – VI - iv. Building Maintenance

Assistant City Manager/Finance Director William Alonso stated that the Building Maintenance budget is \$118,000 or 41% less than the prior year due to capital expenditures that were in this year's budget totaling \$90,000 for the City Hall elevator and fire alarm system.

3 – VI - v. Fleet Maintenance

Mr. Alonso explained that the request for the Fleet Maintenance budget is \$13,250. The line item for Other Contractual Services was \$31,000 in the prior year and it will actually end up at approximately \$6,000, due to the correct billing of work orders to the various departments that was not being done in the prior years. The costs are spread among the departments that are using the service.

Mayor Garcia inquired and Public Works Director Nash replied that the Operating Supplies line item includes brakes, batteries, windshield cleaners, tires, supplies, etc.

Mr. Alonso clarified that the contract for fleet maintenance only includes the labor and tools, while the City provides the actual supplies.

3 – VI - vi. Road and Transportation

Assistant City Manager/Finance Director William Alonso explained that the budget for Road and Transportation does not affect the General Fund since the funds are received from the Citizens Independent Transportation Trust (CITT). The budget request for next year totals \$583,000, including the operation of the city-wide shuttle and \$300,000 for repairs and maintenance.

Mr. Alonso advised Council that there are certain sidewalks that CITT will not fund; they will only cover the cost of sidewalks if they are part of a road project. Mr. Nash has prepared a plan for city-wide sidewalk repairs, including safety related repairs totaling \$40,000 that are not included in the budget.

To answer the City Manager's question, Mr. Nash replied that the sidewalks around the High School were determined to be the most critical. There is 3,300 linear feet of sidewalk area.

City Manager Gorland added that the sidewalks around the school are the School Board's responsibility and the City has been going back and forth with them and continues to maintain it. The School Board contractor tore up the sidewalks during the renovation of the High School.

Mayor Garcia asked the Administration to separate the \$40,000 for sidewalk repairs to show what expense is related to the school area.

Councilwoman Ator asked about the salaries for administration and Public Works Director Tom Nash answered that the salary for one employee falls under the category for Road and Transportation.

To answer Councilwoman Ator's question, Mr. Alonso clarified that a certain percentage of the Public Works' salaries were previously charged to the salaries-administration and CITT will only fund one employee.

3 – VI - vii. Sanitation

Mr. Alonso explained that the Sanitation Fund is self sufficient and does not affect the General Fund. The total budget is \$2,261,725 or approximately \$12,000 more than last year.

Mayor Garcia asked about the new recycling program in the commercial area and where the expenses are covered in the budget.

Public Works Director Tom Nash replied that the green recycling containers Downtown are picked up through the Public Properties division on Mondays and Thursdays. The recycling material is taken to the Public Works facility and picked up by WSI.

Assistant City Manager/Finance Director William Alonso noted that there is a line item for solid waste recycling in the Sanitation budget that covers all recycling costs.

To answer the Mayor's question, Mr. Nash explained that the new commercial recycling containers were a recommendation from the Ecology Board and did not involve a grant. The containers were purchased at a minimal cost from funds in the Public Properties budget this year. It is a pilot program in the Downtown area in order to see how people are receptive to recycling. The results are positive and most of the recycling material was picked up from the area on Curtiss Parkway near Starbucks and Miami Springs Pharmacy building.

Mayor Garcia said that he had received a good response from residents about the program and requests from residents for more containers along the bike path on Curtiss Parkway.

Mr. Nash offered to place two containers on Curtiss Parkway, as suggested by the Mayor.

The City Manager explained that they are considering green containers as opposed to the blue since he was told that they look too industrial. He thinks the new program is going to work well.

Mayor Garcia asked the Administration to monitor the use of the containers to see if the unused ones could be relocated to different areas like the bike paths.

Councilwoman Ator asked about the outstanding bills and William Alonso replied that a collection company was hired and liens were placed on properties. When the collection started there was more than \$300,000 outstanding.

Mr. Alonso offered to provide an update of the outstanding sanitation bills at the next meeting.

To answer Councilwoman Ator's question, Mr. Alonso stated that 99.9% of the residents pay their sanitation fee through the tax bills. The only people who have not paid their taxes are those whose properties have not been sold through tax certificates. If a resident does not pay their tax bill by March 31st, the property is automatically put up for tax certificate sale and when the tax certificates are sold, the City receives the tax revenue.

Mayor Garcia asked about a \$20,000 decrease in County collection fees shown on page 29-2.

Mr. Alonso will check to see what caused the \$20,000 reduction in the collection fees in the Sanitation budget.

Mayor Garcia asked about the increase in fleet maintenance of an additional \$50,000 and William Alonso responded that an additional \$50,000 was budgeted this year while the actual for the previous year was \$105,000. He concluded that the line item was over budgeted.

3 – VI - viii. Stormwater

Mr. Alonso said that the Stormwater budget is basically the same as the previous year; the increase of \$3,600 is related to depreciation and not a cash flow issue.

Public Works Director Nash said that currently he is working with two stormwater projects for the Bentley Drive area and another on Bluebird Avenue by Springview Elementary school. The plans were reviewed by an architect and were forwarded to DERM for approval, which normally takes three to four weeks. Construction will hopefully begin within the next two months.

To answer Councilwoman Ator's question, Mr. Nash replied that the cylinders along North Royal Poinciana Boulevard are part of a County streetlight project that was part of a grant through Miami-Dade County.

Mayor Garcia asked if N. W. 36th Street falls under the County's jurisdiction and Mr. Nash replied that it falls under the Florida Department of Transportation (FDOT).

The Mayor asked Mr. Nash to check with the County to see what type of light fixture they are going to use and Mr. Nash offered to look into the Mayor's request.

Councilwoman Ator and Mayor Garcia asked Mr. Nash to determine who pays for the electricity for the new lighting.

Mr. Alonso stated that there are two memos that Tom Nash prepared. The August 16th memo refers to the tree related permit fee and a fee of \$35.00 is recommended for any tree related permit request. The fee would cover the cost of Code Compliance and the Public Services Department for paperwork processing and site visits.

Mr. Alonso referred to the second memo recommending an increase in the administrative fee from \$10.00 to \$25.00 for bulk trash collection, which has been the same rate since 1997, and it covers the additional work involved by Public Services and the Finance Department in collecting and preparing the paperwork and photographs involved to process the billing of trash pick-up above the weekly allotted amount of ½ truck load.

Mayor Garcia asked for an example of a tree related permit and the associated fees.

Public Works Director Tom Nash explained that the current permit covers tree planting and tree removal; a permit is not required for proper tree trimming. This fiscal year 58 permits were pulled for planting and removal of trees. The permits are logged in by the Building and Zoning Department and sent to Public Works to arrange a site visit to evaluate the request that normally takes ten to thirty minutes. Currently there is no fee to cover the administrative costs and if there had been a fee in place this year it would have generated \$2,080 for the 58 permits.

To answer the Mayor's question, Mr. Nash clarified that when residents ask if a tree can be removed he visits the property to assess the situation. The permit fee would only apply to the removal of the tree and not for him to inspect the tree. Sometimes a home owner pulls a permit and never removes the tree and they follow up to see whether or not the tree is removed and mitigation is required.

Public Works Director Nash explained that some municipalities charge a significant permit fee for tree removal based on his research.

Councilwoman Ator asked if the tree removal permit fees are regulated by State law like the Business Tax fees that can only be raised 3% every other year and City Manager Gorland responded that he was not aware of such a regulation in regard to tree removal permit fees.

Councilwoman Ator commented that the fee adjustment for bulk trash collection would cover the additional work for the billing of trash pick-up above the allotted amount. She asked if the fee could be incorporated into the normal fees for trash collection.

Mr. Nash explained that the sanitation rates are set by resolution and they cannot be changed by the Administration. A Supervisor takes a photograph of the bulk trash so that there is no dispute with the property owner about the extra charge and then Staff processes the paperwork to generate the invoice that is sent out by the Finance Department. The current administrative fee of \$10.00 does not cover the work involved in the billing and \$25.00 is recommended. This year there were 66 billable loads.

The Mayor called for a 5-minute recess at 9:08 p.m.

VII. Parks and Recreation Department

3 – VII - i. Administration

Mr. Alonso stated that the Recreation Department Administrative budget is approximately \$80,000 or 5% lower than the prior year mainly because of capital expenditures this year that will not occur next year. The total budget is \$1.5MM.

There are two additional agenda items that Golf and Recreation Director Luna prepared regarding the youth league costs and his proposals for new fees, according to Mr. Alonso. Mr. Luna will present recommendations and options based on his youth league cost analysis and the various funding requests from the leagues.

Councilwoman Bain referred to the youth league cost analysis and the column for City Staff totaling \$32,300 for soccer, \$33,000.00 for Little League and \$9,000 for football. She asked why the cost for Staff is included in the analysis if they are already working for the Department and the salaries are included in the budget. She felt that the actual staff related costs should be listed as they apply to the various sports.

Golf and Recreation Director Luna stated that the analysis shows the actual costs related to the Staff who works at the parks because of baseball, football and soccer.

To answer Councilwoman Ator's question, Mr. Luna explained the number of Staff members that work at an event depends on the magnitude of the event and what is happening. There are multiple Staff members for Saturday football games and for Little League practice only one employee is required, while night games might need two employees. He said that the employees monitor the restrooms, control the crowd and pick up trash.

Councilwoman Ator felt that some of the costs related to Staff would be borne by the City anyway and the question is how much more it really costs the City per participant.

Mr. Luna commented that he is trying to show what the actual cost is related to the youth leagues and sometimes a park is not staffed if there are no activities going on there.

City Manager Gorland reminded Council that the increased cost for Staff to monitor the restrooms was only when no activities were going on at the fields.

Further discussion ensued regarding the cost to monitor the restrooms and the cost for Staff being at the park during youth activities.

To answer Vice Mayor Lob's question, Mr. Luna explained that basketball was not included in the spreadsheet with the other youth leagues because it is an in-house program.

Mayor Garcia referred to Option 1 in which the City would donate a set fee per child registered in each respective program. He asked how the cost for Staff would be paid for under this option and the City Manager responded that the leagues do not pay for Staff.

Mayor Garcia stated that there is still a dollar amount involved for employees that the City incurs above and beyond what the City will give to the leagues and this should be considered in the investment made to the youth programs.

Golf and Recreation Director Luna said that the various options outline ways to save dollars related to the youth leagues. Some cities pay \$5.00 per participant to the league and the analysis shows what the cost would be based on \$10.00 and \$15.00 per player compared to what the savings would be based on the cost this fiscal year. The youth leagues were asked how much they need for the programs and the cost is mostly related to referees and umpires.

Mr. Alonso stated that Option 3 shows what the City funded this year in the first column and the second column shows what they are requesting next year, which is approximately an \$8,000 increase. This year the City's cost was \$24,638 and they are asking for \$32,504 for next year. Option four is based on giving the leagues the amounts they are requesting; Option 3 gives them the same amount as this year and Options 1 and 2 are flat fees.

Councilwoman Ator referred to Option 1 and asked if it includes a set fee for all kids or just kids who live in Miami Springs and Mr. Luna clarified that it covers all kids registered in the programs.

City Manager Gorland explained that the richness of the program is dependent on kids participating from outside the City or else there would not be enough kids to operate the programs properly.

Mayor Garcia commented that when the programs want to grow they should understand what the City has budgeted and the extra fees should be incorporated into their registration fees without putting the burden on the city. He knows that many of the sports want to go year-round and because of that a percentage of the extra cost is falling on the City.

Councilwoman Ator explained that she liked Option 1 and Councilwoman Bain expressed her opposition to this option because it would increase the cost to the residents for their kids to participate in the programs.

Councilwoman Bain asked how much Virginia Gardens donates to the soccer program and if they pay an equal amount.

City Manager Gorland said that the amount paid by Virginia Gardens is uncertain. They asked the City to cover the cost of the referees and that cost has increased considerably, in addition to an increase in the number of referees that are needed.

Golf and Recreation Director Luna said that soccer uniforms are covered through the registration and he thinks that Virginia Gardens covers some of the referee costs.

Councilwoman Bain said that it would help to have a breakdown of what the registration fees are in order to be able to tell if the cost is reasonable.

Mr. Luna responded that the Little League fees are very reasonable based on what other leagues charge to participate, but they must find a way to support the program and sometimes it requires an increase in the registration fees. Last year the basketball registration fee was raised \$10.00 and there were no complaints; the increase was needed to support the program. He emphasized that there must be a compromise between the City and the leagues because the City continues to support the programs and gets nothing in return.

Mayor Garcia commented that the residents are paying for the increases to the sports leagues in their tax bill and the users pay for the increase in the registration fee and also in their taxes. He said that there should be a cap on the City's contribution and there must be some control over the growth of the programs without putting the additional expense on the City.

Councilwoman Ator stated that the problem is related to the spiraling costs and the growth of the programs. The City cannot promise to pay for all the referee fees and there should be another method of funding. She suggested that the City could pay a certain amount per kid or per organization and sponsors can also donate funds.

Mayor Garcia agreed with Councilwoman Ator that the City could set a dollar amount to help the leagues and if the program grows during the year it would be the league's responsibility. He asked to consider what would happen if other sports programs ask the City for funding like the Optimist Club archery team that has 200 participants. They might ask for the same amount per kid the same as the other teams are allotted and he questioned how the City could give to one youth group and not another.

Councilman Best was of the opinion that the funding would be determined by the cost of the program because the costs differ between programs.

Vice Mayor Lob said that the City has been committed to pay for the referees for many years and the league did not ask for a certain amount and since archery does not have referee fees the City will not be obligated to pay. He agrees that Council should consider setting a limit on what they pay for referee fees.

City Manager Gorland reiterated that the alternatives were provided for Council's consideration in order to be fair between the sports and to have better control over the City's expenses. Miami Springs is the only community that does it this way and what other communities are doing should be considered based on Mr. Luna's recommendations.

Mayor Garcia mentioned that different youth groups request assistance from the City and there should be some control over the amount. Council should not agree to continue doing the same that has always been done because costs continue to increase and the taxes will increase. He reiterated that there needs to be a cap on the dollar amount.

Councilman Best said that it seems the number of participants is what determines the answer to the question, which is outlined by Mr. Luna. This could be the starting point in making the determination of the amount of funding per program. If other programs want to be included they should be added at this time.

Vice Mayor Lob commented that soccer pays \$24.00 per referee and football pays \$50.00 per referee, which is a big difference and soccer has more participants than football.

Councilman Best agreed that the football equipment is expensive and the league covers the expense. He reiterated that the number of participants will drive the decision.

Mayor Garcia asked Council if there was an agreement on any of the options.

Councilwoman Ator replied that whether it is Option 1 or Option 2, Council needs to redefine the City's relationship with the youth leagues and not pay for all the referees that show up. The City could give them a check and let the leagues decide how to spend the funds. The benefit to the leagues is that they will know exactly how much they will receive and the amount of funds they need to raise to make up for the difference. She noted that she sponsored a team and they did not ask for the check until the season was over. There are financial issues within the leagues and instead of the City being the check writer every time a referee is paid, the leagues should be more responsible.

Councilman Best stated that the fee per official or referee is known and based on the number of games and officials there should be a running record of what the City spends each year.

Vice Mayor Lob said that the problem is that no one knows when the teams will reach the finals and how many games they will play.

Councilman Best suggested a contingency amount to cover the unknown factors.

Mayor Garcia said that some leagues want to extend their seasons and they might ask for double the referee fees in future years. He said there is no cap on the amount and the City should not make the blanket statement that they will pay for referee fees.

Golf and Recreation Director Luna commented that most cities make a one-time donation to the leagues for them to spend as they wish and this option would save administrative time in paying the umpires.

Councilman Best agreed that a one-time annual donation would be the best option instead of the amount being unknown every year.

City Manager Gorland stated that the Administration is trying to determine how much the City can afford, how much Council is willing to spend and the fairest way to allocate the funds. This is the only way to manage the cost and the stress on the City's fields is horrendous.

Councilwoman Bain commented that Council must decide how much to give to the youth organizations, while they allocate money to other organizations that some Council members might think it is important, but the residents do not. She said that going through the budget and making decisions about what expenses to cut, it does not seem fair to give CMI the money that they requested. The City is giving money to them to start their business and there are residents in the City that are not interested in the Mansion. She commented that some residents feel it is justified to help the youth organizations whether or not they are expanding.

City Manager Gorland stated that the total budget for the youth leagues for Fiscal Year 2011-2012 is \$24,638 and the request totals \$32,504. Council must determine if the City can afford \$32,504 and the Administration will continue doing the same thing. Once Council agrees on the amount, it must be broken down a certain way based on the options presented.

Mayor Garcia stated that once Council agrees on the dollar request, it must be quantified because even though the funds are for the youth programs, they cannot be given everything on their wish list.

Councilwoman Bain clarified that she is only concerned that they have enough money to run the programs and for the residents to be able to afford it for their kids. She feels that all youth activities are important and Council should try to help as much as possible because the idea is to keep the youth busy, educated and healthy. She knows that Mr. Luna wants to implement programs using the internet and this will also need to be funded.

Mayor Garcia explained that there must be a balance within the budget because the same applies to the Police pension and the employee salaries. Council cannot give everything to everyone that asks for support. He said that the Golf Course is an example because less than 5% of the residents actually use the facility, yet everyone bears the burden of funding the operation every year. He said that every Department in the City is responsible for making Miami Springs Beautiful and there should be a balance across the board.

Councilwoman Bain felt that the youth leagues are used to getting a certain amount of funds and Council should not make cuts without letting them know in advance. Council could approve a certain amount and let them know how the procedure will be in the future. Option 1 is not enough because it is less than what they have always received.

Councilwoman Ator explained that the issue is not the amount of dollars; it is how the funds will be allocated.

Mayor Garcia commented that no one complained about the amount of funding this year and the fee for basketball was raised \$10.00. He would agree to give the leagues a certain amount of money and if there are extra expenses during the year, the leagues must work through it without requesting additional dollars.

To answer Councilman Best's question regarding the increase in the Little League costs, Mr. Luna explained that it is due to the increase in the umpire fees and the new fall league. Last year there was only one team playing in the fall and this year there are four teams, which means more games. The Little League is requesting \$13,000 to cover the fall league and the winter/spring league referee fees.

Mayor Garcia asked for a cost analysis for the regular season and the additional expenses related to extra seasons beyond recreation.

Mr. Luna replied that the spring season, including playoffs is \$10,760 and the fall league is a minimum of \$2,544 for four teams playing twelve games at \$53.00.

Mayor Garcia asked if anyone else felt there was a difference between the regular recreational seasons and games that are above and beyond that level for any of the leagues and all agreed that there is a difference except for Vice Mayor Lob. Councilman Best suggested that it might make sense to increase the amount from \$32,504 to \$35,000 and distribute it to the leagues based on a percentage.

Mayor Garcia emphasized that it was agreed that there is a difference between the normal recreation sport and the additional travel or competitions that are beyond the normal expense. The recreational aspect costs less than the competitive aspect and it will cost less to run the normal recreational baseball program and it is the same with soccer and football. He would like to separate the two different programs.

Golf and Recreation Director Luna confirmed that the soccer league is the only league that travels, while baseball falls under the normal recreation program.

Mayor Garcia commented that the fall season is beyond the normal season.

Mayor Garcia asked Council to consider programs that go beyond the regular recreational sport season.

Councilwoman Ator asked which teams they play in the fall and Mr. Luna replied that they play other Little League teams from other cities. It is like a travel team, but it is the same as recreational Little League.

Mayor Garcia said that the dollar amount is already included in the analysis. He is trying to make the point that there is a recreational aspect for the regular season and the competition/additional season.

Mr. Luna stated that the cost for the soccer season referees covers travel from U-9 to U-16. The registration for the in-house program is covered by Virginia Gardens. The total of \$11,532 is for the travel teams.

Mayor Garcia commented that even though the City agrees to pay for referees the Village of Virginia Gardens pays for the recreational referees for the soccer league. They are taking upon themselves an expense that should be the City's expense under the agreement to pay for referees.

Councilwoman Ator asked how much it costs to pay the referees for all of the U-8 and under and Mr. Luna responded that he did not have the number but he would find out the information.

Councilman Best asked if the Town of Medley contributes to the programs and how many kids from Medley participate in the leagues and Mr. Luna responded that he did not have accurate information on the number of kids from Medley.

Mayor Garcia reiterated that Council could approve a dollar amount and it should be properly allocated and budgeted according to a formula. He likes the option of writing one check for a certain amount and any expenses they incur over that amount for extra games would be their responsibility. He explained that when more money is needed that the first reaction from the leagues is to ask Council for the funds because the City has historically written a check to them. He knows that there are other means of raising funds through the Optimist Club like selling raffle tickets.

For the next meeting, Mr. Luna will show Council all the information requested for this item.

City Manager Gorland asked what number should be used for budget purposes and whether it is the total \$32,000 requested or \$25,000.

Assistant City Manager/Finance Director William Alonso explained that the current budget amount is based on the request of \$32,000.

Mayor Garcia clarified that he is okay with the request for \$35,000 and Council agreed. He requested a breakdown for the request and to consider how it should be allocated.

Finance Director Alonso informed Council that many items are being carried forward and it might be a good idea to have another budget workshop to finalize the numbers. He explained that there is a lot of work that needs to be done to present Council with a balanced budget before the first budget hearing in September. After reviewing the Recreation and Golf budgets, Council must give direction on how to balance the difference.

Councilwoman Ator asked to go back to the printed material for the Community Connection and the fact sheets because that was never settled and there should be a better idea of what Council wants since there are more questions to be answered.

Council agreed to schedule another Workshop Meeting for Tuesday, August 28th at 5:30 p.m.

Councilwoman Ator requested another column in the Parks & Recreation spreadsheet showing the budget amount for FY 2011-2012 for the in-house programs.

Mr. Luna said that some programs were not budgeted for like the Teen Program.

Vice Mayor Lob commented that he is waiting for a fencing program and Mr. Luna explained that the instructor is very expensive.

Mayor Garcia asked Mr. Luna if the program fees could be used to offset the expenses and Mr. Luna responded that it is possible to do this for the Yoga program that provides the most revenue. A fencing instructor might charge \$100.00 per hour and there must be enough participants in order to recoup the expenses.

Councilwoman Ator referred to Exhibit "A" in the proposed fee schedule and Mr. Alonso explained that all the fees listed are brand new and they are not currently in the fee schedule.

Mr. Alonso explained that if there is consensus from Council to implement the new fees, a resolution will be brought back at a future Council meeting for approval.

To answer Councilwoman Ator's question, Mr. Luna explained that he would review the discount for the employees and Council members.

Mr. Alonso explained that the general admission for the pool and gym is free for employees, Council members and the immediate family members under age 19. There is a 50% discount for the summer programs and special events operated by the Recreation Department.

Councilwoman Ator said that the fitness room membership, open gym and pool membership is \$170.00. She previously wrote a check for the fitness room membership in the amount of \$150.00 that was held until she was notified that fee was actually \$75.00.

Mr. Luna explained that \$170.00 is half of the total annual membership fee for the fitness room, pool and open gym, which is a specific program that normally costs \$340.00 and Council members and employees receive a 50% discount.

Councilwoman Ator informed Mr. Luna that she could pay \$150.00 for the fitness room membership and get the same benefit that she would pay \$170.00 for since she has the general admission pool and gym for free.

City Manager Gorland said that the fees would be clarified for the next meeting.

Discussion ensued regarding the family pool membership fee and Council asked Mr. Luna to include it in the next rate resolution.

Mayor Garcia mentioned that there was an issue when Council last discussed the playground private rental fees and the problem that residents would not be allowed to use the facility with their kids. He asked to keep this in mind when considering the rental fee.

Mr. Luna referred to a February 7th discussion and explained that the Administration is not recommending the rental of the playground facilities and it was left open for the consideration during the budget process.

Council agreed not to include a fee for rental of the playground facilities.

Council agreed to charge residents a \$50.00 rental fee for use of the pavilions for a 3-hour minimum and \$25.00 per additional hour.

Mayor Garcia suggested charging non-residents \$100.00 for the pavilion rental and Vice Mayor Lob asked if Virginia Gardens' residents would be considered residents.

City Manager Gorland commented that non-residents usually find a friend in Miami Springs to rent the facilities at the resident rate.

Council agreed to charge Virginia Gardens' residents the same rate as Miami Springs' residents.

Vice Mayor Lob asked if there would be a conflict when Little League members are using the batting cages and Mr. Luna explained that they would not rent the batting cages during a Little League practice or game.

Councilwoman Bain asked about the Dog Park rental restrictions due to the facility being funded through a grant.

Councilman Best explained that under the grant requirements for the Dog Park there was a stipulation that there could not be a charge for use of the park and Mr. Luna explained that this was only a suggestion to increase revenue.

Council agreed not to rent out the Dog Park.

Councilwoman Ator asked if the hourly rate for rental of the buses includes the driver and Mr. Luna responded affirmatively.

Mr. Luna stated that he does not receive many requests for renting the bus and the fee is a suggestion for increasing revenue. He said that the normal charge for rental of private buses is approximately \$180.00 or \$200.00 per trip.

To answer Councilwoman Ator's question, Mr. Luna clarified that the drivers are paid based on the salaries of the employees who are certified to drive the bus.

Discussion ensued regarding the \$50.00 participation fee in the 4th of July parade for private for-profit organizations.

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

William Alonso informed Council about the advisory on Hurricane Isaac.

Mayor Garcia asked how much is currently charged for renting the Gazebo and the City Manager responded that the fee is \$500.00 for professional filming shoots and for other events there is normally no charge.

Mr. Luna said that he receives requests for renting the Gazebo for weddings and charging a fee would generate revenue.

City Manager Gorland explained that the rental of the Curtiss Parkway median is a new fee that he recommended in order to manage its use since there has been damage to the parkway during past events. The fee will help to curb the use and pay for repairs and the decision to charge a fee will be left to the City Manager's discretion.

3 – VII - ii. Pool

Assistant City Manager/Finance Director William Alonso stated that Pool budget is listed on page 24-10 and there are no major changes to the budget totaling \$261,000, which is approximately \$5,700 less than the current year.

Mr. Luna informed Council that there are plans to put out a Request for Proposal (RFP) to Diamond Brite the pool surface and the pool might be closed during the months of December, January and February that will result in a cost savings on the pool heater and chemicals. There would also be a loss of revenue of approximately \$3,000 from Miami-Dade County Aquatics Club and another \$2,000 from Doral for a total revenue loss of between \$5,000 and \$7,000.

Assistant City Manager/Finance Director William Alonso explained that funds for the pool resurfacing are not included in the budget and he will revise the pool budget and the revenue budget based on closing the pool for three months. There is \$260,000 set aside in the designated fund balance for the resurfacing, but estimates were received that varied from \$250,000 to \$350,000 and the actual expense will depend on the responses from the RFP.

Mr. Luna advised Council that the average time period for resurfacing the pool is 10-12 years and the current surface is approximately 13 years old. The pool was recently tested and the report indicated that the resurfacing must be done as soon as possible because the surface could crack.

Mayor Garcia requested a cost analysis for what the return on the investment would be if the pool and the building were replaced. He said that this would be an option for future consideration and not part of this budget cycle.

City Manager Gorland offered to provide the proposal for a new pool facility that was received from Link Construction a few years ago.

Mayor Garcia emphasized that Council must put funds aside for capital improvements and a little money saved each year will accumulate in order to cover the expenses. The fact is that the pool will have to be replaced at some point and he would like to put funds aside.

3 – VII - iii. Tennis

Assistant City Manager/Finance Director William Alonso stated that the Tennis budget is basically the same as the current year and the only significant change is that Match Point reduced their fee to \$15,000 and the budget is \$6,400 less.

3 – VII - iv. Maintenance

Mr. Alonso said that the Parks Maintenance budget is \$123,815, which is an increase of \$16,000 due to a capital expenditure request for a field rake in the amount of \$15,618.

Vice Mayor Lob asked if the funds for bleacher replacement were in the budget and Mr. Luna responded that he decided to wait another year to see if the bleachers are really necessary because most people bring their own canopies and chairs to the games.

Councilwoman Bain moved to continue the meeting until 11:30 p.m. Councilman Best seconded the motion, which carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Vice Mayor Lob asked how much the bleacher would cost and Mr. Luna replied it would cost \$20,000 for a 15-tier bleacher, not including the shade structure and they normally last 20-30 years.

Vice Mayor Lob asked about considering a lower bleacher that is wider in length and Mr. Luna said that it would not fit and the higher bleacher is needed for visibility and the cost is approximately the same.

Councilwoman Ator asked how high a 15-tier bleacher is and Mr. Luna explained that it is approximately 20-feet high. She said that people bring their own chairs even when bleachers are available.

Vice Mayor Lob said that most soccer fields do not have bleachers.

To answer the Mayor's question, Mr. Luna said that the bleachers normally last 20-30 years if they are properly maintained, but they should be brought up to code for safety regulations.

Vice Mayor Lob asked if consideration had been given to 7-tier bleachers and having more across the field and Mr. Luna said that he thought about that option, but there would be an issue with visibility and being able to see over the canopy tents that people bring.

Mayor Garcia commented that some fields have lower bleachers and pop-up tents cannot be placed in front of the bleachers.

Vice Mayor Lob asked if the lower bleacher would be less expensive and Mr. Luna estimated that the cost would be the same because two smaller bleachers would be require two concrete pads and ADA entrances. His concern was that one of the bleachers would be near foul ball territory and a player running for a foul ball could hit the bleacher.

Councilwoman Ator was concerned that a small child could fall from a 15-tier bleacher and Mr. Luna said that according to Code, bleachers must have a fence and panels so that kids cannot not fall off or through the steps.

Mayor Garcia asked about the maintenance of the tennis courts and when they would have to be refurbished again and Mr. Luna responded that it would not be required for another two years since two courts were repaired last year and three were done this year. The issue is that the water table from the canal makes them crack within a few months.

City Manager Gorland explained that it would be expensive to replace the courts and the estimate for five new courts, plus a restroom at the Golf Course was approximately \$500,000.

Mr. Luna estimated that replacing the existing courts would cost between \$5,000 and \$7,000 per court.

Mayor Garcia commented that this is one expense that must be planned for and funds should be put aside every year. He commented that funds are not in the budget and perhaps money is being spent on other things and Council should prioritize how the available funds should be spent.

Councilman Best asked about the maintenance of the Community Center building and he noted that the stairwell needs to be cleaned.

Mr. Luna commented that the condition of the stairwell is a design issue because the concrete floor has grooves that collect dirt. He plans to pressure clean the surface and apply an epoxy sealer.

VIII. Golf Course

Assistant City Manager/Finance Director William Alonso explained that the Golf budget requires a General Fund subsidy of \$210,000.

Councilwoman Bain moved to extend the meeting for fifteen minutes until 11:45 p.m. Councilman Best seconded the motion, which carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Mr. Alonso stated that the Pro Shop budget is \$529,398 and Golf Professional Aldridge is present to answer any questions.

Councilwoman Ator asked how much this year's subsidy is projected to be and Mr. Alonso said that the loss as of June 30th was \$149,000 compared to \$252,000 last year for the same time period. He projected this year's subsidy to range between \$250,000 and \$300,000.

To answer Vice Mayor Lob's question regarding marketing, Mr. Aldridge explained that the improved condition of the course will attract players and there are plans for additional advertising.

Mayor Garcia asked about the Groupon promotions and Mr. Aldridge explained that he is currently using Deal Caddy through the Golf Channel because the City receives more revenue per golfer. The last response from Deal Caddy was not great, but the use of Groupon has declined also.

To answer Councilwoman Ator's question, Mr. Aldridge said that he will try using Living Social in September. He will be using CanAm instead of the Canadian pass.

Mr. Aldridge said that he advertised heavily in the Canadian market hoping that memberships would increase and the revenue actually decreased \$15,000 since the members did not want to drive to Miami Springs. He said that Miami Springs is one of the busiest courses in the County for eighteen holes.

Vice Mayor Lob explained that he was trying to determine if the advertising budget should be increased since there is a return on investment through the use of new media sources. He would like to continue to look for new ways to market the course.

Councilman Best asked for current information showing the greens fees for the surrounding golf courses for the winter and summer seasons.

Councilman Best noted that the revenue for October is down every year and Mr. Aldridge explained that it is due to the rain. Last October the course was closed for four days in a row, which is 12% of the revenue for the month and people from up north are arriving later during the month of November.

Assistant City Manager/Finance Director William Alonso explained that the Golf Maintenance budget is about the same as the current year or a \$3,000 increase.

IX. Discussion of Changes to Proposed Budget

City Manager Gorland said that there must be re-clarification on the new Planning and Zoning fee structure so that the budget can be revised for the next Workshop meeting.

Mr. Alonso said that Council requested that Mr. Ziadie and Mr. Holland provide a red-lined format showing current and proposed fees. He said that they would bring back their requests and the numbers can be finalized at the next meeting on Tuesday, August 28th.

Councilwoman Ator asked Council to consider the proposal from the Professional Services Supervisor related to the printing and mailing costs for the quarterly newsletter.

Mayor Garcia commented that it might be less expensive to have an outside company like Kinko's print the newsletters instead of doing the work in-house.

Public Services Director Tammy Romero explained that the primary distribution was insertion into the River Cities Gazette and a few were printed in-house for City Hall and the Community Center.

Vice Mayor Lob moved to extend the meeting fifteen minutes until 12:00 a.m. Councilwoman Bain seconded the motion, which carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Ms. Romero clarified that the newsletter is inserted into the big issue of the Gazette. The News Bulletin section is 2-1/2 pages for city-wide news and the two ¼ page fact sheets are printed in English and Spanish. She said that there might not be a requirement for the fact sheets to be printed monthly. The last fact sheet was on the Charter amendment questions.

Mayor Garcia said that the cost for the quarterly insertions in the Gazette costs \$11,240 annually and mailing to the homes would be an additional \$2,000.

Mr. Romero clarified that the difference between the insertions in the Gazette and the mailing to the homes is \$2,148.00, plus there is an additional \$3,300 for the translation cost that she mentioned earlier. The total budget increase would be \$5,448.00.

To answer the Mayor's question, Ms. Romero explained that the translation cost is about \$0.24 per word and the most expensive translation costs \$550.00 for the newsletter. She is proposing \$550.00 for the translation of an eight page quarterly newsletter instead of \$275.00 for the four page letter, although the cost will vary according to the number of words.

Discussion ensued regarding the need for publishing the news letter in English and Spanish.

Councilwoman Ator asked to consider how many people do not read the Gazette because it is only published in English. She agreed that the newsletter should be translated.

Council agreed to direct mail an eight page news letter on a quarterly basis, with 12 monthly fact sheets for an additional \$3,300 for the translation and \$2,148 for the direct mailing.

Mayor Garcia urged Ms. Romero to obtain a mailing schedule of the value advertisements from the Post Office so that the news letter would be mailed at a different time.

Discussion of the changes to the proposed budget will be discussed at the Workshop meeting on Tuesday, August 28th in order to determine how to balance the budget, according to Mr. Alonso.

4. Adjourn

There being no further business to be discussed the meeting was adjourned at 11:54 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as _____ during meeting of:

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

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

DRAFT



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, August 27, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

Mayor Xavier M. Garcia
Vice Mayor George V. Lob
Councilwoman Jennifer Ator
Councilwoman Grace Bain
Councilman Bob Best

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
Zoning and Planning Director James H. Holland
Golf Superintendent Sandy Pell
Building & Zoning Office Director Harold "Tex" Ziadie
Public Works Director Thomas Nash
Professional Services Supervisor Tammy L. Romero
City Clerk Magali Valls
Clerical Assistant Elora R. Sakal

2. Invocation: Councilwoman Ator offered the invocation.

The audience participated.

3. Awards & Presentations:

3A) Resolution No. 2012-3553 -- a Resolution of the City Council of the City of Miami Springs Canvassing Returns of the Miami Springs Special Election of August 14, 2012 and Declaring Results Thereof

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

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

3B) Administration of Oath of Office to Councilwoman Grace Bain

City Clerk Magali Valls administered the Oath of Office to Councilwoman Grace Bain.

3C) Certificate of Sincere Appreciation to Carlos Blanco on the Occasion of his Retirement from the City's Public Works Department

Mayor Garcia presented a Certificate of Sincere Appreciation to Carlos Blanco in recognition of seventeen years of service to the Public Works Department.

Mr. Blanco thanked Council, the Administration and Staff. He commented that he has known them for a long time and it has been great working for the City.

4. Open Forum:

Neighborhood Relations Committee

Jo Ellen Phillips of 372 De Leon Drive, representative for Miami Springs on the Aviation Department Neighborhood Relations Committee, announced they will be meeting at the Curtiss Mansion on Tuesday, September 25th from 6:30 p.m. to 8:00 p.m. The public is invited to the event, which is a great opportunity for people to learn about what is going on at the airport.

Mrs. Phillips commented that Deputy Director Miguel Southwell would be present to discuss the airport expansion program, the possible renovation of the Crystal Palace parking area, rough plans for central terminals renovation, update on the 20/50 plans and information on the Centurion Project.

Farmers Market

Mother Susan Keedy of 1200 Heron Avenue announced that All Angels will be holding a Farmers Market every Saturday beginning September 22nd until the end of March. There will be booths selling fresh produce, baked goods, vegan foods, plants, flowers and artisan foods. At this point there are 17 vendors who have confirmed and would like to be a part of the market on a regular basis.

Mayor Garcia thanked Mother Keedy for taking on this task since the City has wanted to have a Farmers Market for a while. He inquired if she had asked for or received any funding for the Farmers Market and Mother Keedy replied that she had not asked or received funding.

Petty Crimes in the City

Chuck Adams of Palmetto Drive gave kudos to the Police Department for catching someone in an alley stealing a bicycle. He sees various vehicles with scrap metal in the back of their trucks driving down his alley and he believes those vehicles may be the same vehicles that are stealing bicycles and other valuables. He noted that Coral Gables has a program called Citizens on Patrol that allows citizens to watch for crime in their area and that if Miami Springs had such a program, there would be less petty crime. He suggested that people should take photos of the cars that drive down the alleys.

Shutters

Mr. Adams commented that a woman who sits on a board had advised him to remove his shutters after they were up for a year. He admitted that he was wrong for having them up that long, but he was unhappy that he had to re-install them two days later because of a tropical depression.

5. Approval of Council Minutes:

5A) 08-06-2012 – Workshop Meeting

Minutes of the August 6, 2012 Workshop Meeting were approved as written.

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

5B) 08-13-2012 – Regular Meeting

Minutes of the August 13, 2012 Regular Meeting were approved as written.

Councilwoman Bain moved the item. Councilwoman Ator seconded the motion which was carried 3-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 08-16-2012 – Historic Preservation Board – Minutes

Minutes of the August 16, 2012 Historic Preservation Board meeting were received for information without comment.

6B) 08-20-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice

Cancellation Notice of the August 20, 2012 Revitalization and Redevelopment Ad-Hoc Committee was received for information without comment.

6C) 08-23-2012 – Code Review Board – Cancellation Notice

Cancellation Notice of the August 23, 2012 Code Review Board meeting was received for information without comment.

6D) 08-28-2012 – Ecology Board – Cancellation Notice

Cancellation Notice of the August 28, 2012 Ecology Board meeting was received for information without comment.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1037-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-51, Color Palette Compliance; by Providing an Exception Provision and a Variance Process to the Color Palette Compliance Program Established by this Code Section; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 06/25/2012 – Advertised: 08/01/2012 – Tabled: 08/13/2012 – Advertised: 08/16/2012)

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

Attorney Seiden stated that this is the second reading and it is a public hearing. There have been no changes made since the first reading. This is an attempt to make the color palette program a little more flexible.

Attorney Seiden noted that Section (C) (1) (a) is an exception provision that provides an exemption for commercial properties from the color palette compliance program. He explained that people had objected based upon a "branding" requirement of the type of business they own and they are required by their parent or overlying company to paint the building certain colors. This provision addresses that issue.

City Attorney Seiden said that there had also been complaints and inquiries from various citizens, property owners and business owners who feel that the color palette program should not apply for one reason or another. In order to give them an opportunity to be heard, a variance provision was applied so that if people feel that they cannot comply for some reason, and they are not a branding situation, they can apply for a variance and go through the Board of Adjustment and the City Council if necessary.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Chuck Adams of Palmetto Drive asked if this ordinance referred to commercial properties and City Attorney Seiden replied in agreement.

There were no additional speakers and the public hearing was closed.

Councilwoman Ator moved to adopt the ordinance on second reading. Vice Mayor Lob seconded the motion which was carried 5-0 on roll call vote.

7B) Second Reading – Ordinance No. 1038-2012 – An Ordinance of the City Council of the City of Miami Springs Deleting all References to the Abraham Tract Sub-District of the Airport, Marine and Highway Business District Contained in Article XV and in Code of Ordinance Sections 150-154, 150-157, and 150-158; Establishing Code of Ordinance Section 150-165, Abraham Tract District; Providing Purpose; Permitted Uses; Prohibited Uses; Adult Related Business Regulations; Setbacks and Floor Area; Height Limitations; Off-Street Parking and Loading; Signage; Development Review Procedures; Requirements for Development Review; Exemptions; Fees; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 06/25/2012 – Advertised: 08/01/2012 – Tabled: 08/13/2012 – Advertised: 08/16/2012)

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

City Attorney Seiden stated that this is the second reading and public hearing. There were many clerical errors in transcribing from one system to another and City Clerk Magali Valls did a great job in correcting the formatting errors, except for some remaining towards the end of the ordinance that can be fixed by the codifiers.

City Attorney Seiden explained that the revised version of what was the 36th Street District ordinance was prepared by City Planner Holland instead of Calvin Giordano & Associates and he has done a good job. The first part of the ordinance repeals anything that was in the former Airport, Marine and Highway Business District and creates a separate district for the Abraham Tract. If this ordinance passes, there will be a separate set of district boundary regulations for the 36th Street District and it will put a separate set of district boundary regulations in place for the Abraham property.

City Attorney Seiden noted that Section D is missing, since a separate attorney was hired to work on the adult related business regulations and she has notified City Planner Holland that she is almost ready to meet and review her work. At some point, there should be a discussion on the permitted uses when there are nudity and alcoholic beverages involved. Section D has been reserved and when Council is prepared to discuss it, the ordinance will be amended and inserted into Section D.

City Attorney Seiden stated that he received a call from the people who are interested in developing the Shoney's property. They are supposedly closing on the purchase of the property tomorrow with the intent to build a six-story suite hotel at the same location.

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

Vice Mayor Lob moved to adopt the ordinance on second reading. Councilwoman Ator seconded the motion.

City Attorney Seiden mentioned that in this district, the review procedures are not the same as the review procedures in the 36th Street District since it was by design.

Councilwoman Ator commented that she is not in favor of the exclusion of the Architectural Review Board, but she understands the City Attorney's position. She wanted to voice her disagreement because changes had been made in regard to the Architectural Review Board to the point that it does not exist.

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

8. **Consent Agenda: (Approved with one motion)**

8A) Recommendation that Council Award a Bid to Micar Trucking, Utilizing Miami-Dade County Bid # 4056-0/16 in the Amount of \$16,500, on an "As Needed" Basis for Various Types of Rock for Alley and Street Repairs, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award.

City Attorney Seiden explained that this item does not require any funds and it is simply to change the name because the original person who was awarded this bid has gone out of business and Micar Trucking is taking over.

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

8B) Recommendation that Council Award City RFP # 08-11/12 to Florida League of Cities, the Lowest Responsible Proposer, in the Amount of \$273,315.00, for Property, Casualty and Liability Insurance, Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Ronald K. Gorland read the title of the award.

Assistant City Manager/Finance Director William Alonso stated that the final savings for the year was \$30,000.

To answer Mayor Garcia's question, Mr. Alonso responded that depending on the League of Cities claims for the year, they will return excess premiums to the different cities. As stated in the memo, the Board of Directors voted to distribute \$8MM among the cities and Miami Springs' portion of that is approximately \$46,000 that will be received at the end of December this year. The net effect is that the City will be paying approximately \$273,000 for insurance next year.

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

8C) Recommendation that Council Award a Bid for Contractual Labor to Greens Grade Services, Inc., Utilizing City of Coral Gables Bid #IFB 2007-10-22, in an Amount not to Exceed \$59,189.35, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

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

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

City Manager Ronald K. Gorland read the recommendation.

Councilman Best asked if Land & Sea provides the oil for the entire city and Public Works Director Tom Nash replied that Land & Sea is solely for the Golf Course. The City uses MacMillan oil for Public Works, fleet and police.

City Manager Gorland clarified that Land & Sea is the only company that can access the fuel tanks for the Golf Course.

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

8E) Approval of Settlement Agreement and Release with Atkins North America Inc. on Basin 35 Project

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

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

9. Old Business:

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

Vice Mayor Lob confirmed the appointment of Fredy Albiza to the Architectural Review Board for an unexpired term ending on October 31, 2012.

Mayor Garcia appointed Jorge Filgueira to the Code Enforcement Board for a full 3-year term ending on November 30, 2014.

Mayor Garcia appointed Marc Scavuzzo to the Architectural Review Board for an unexpired term ending on October 31, 2012.

Mayor Garcia asked City Clerk Valls how many members are needed to make a quorum for the Architectural Review Board and City Clerk Valls replied that there is now a quorum with the two new appointments.

9B) Discussion Regarding City Manager's Evaluation Process

City Manager Ronald K. Gorland read the memorandum from Human Resources Director Loretta Boucher as follows:

"As requested, the Human Resources Department recently conducted an informal survey amongst Miami-Dade County municipalities inquiring about formal performance measures used to evaluate their city managers. While most respondents use the process our city currently utilizes, two municipalities provided the performance evaluation forms that they use. Both are attached for Council's consideration in the event that Council decides to change the current City Manager evaluation process."

Mayor Garcia stated that he appreciated the options, but he likes the process that the city currently utilizes.

Councilman Best said that he too is of the opinion that the way Council has conducted business in terms of the yearly vote of confidence for the City Manager, City Clerk and City Attorney is fine. He feels that there has been very good discussion relative to this topic over the years and there have been pros and cons, but overall it is quick and to the point. If this new performance evaluation was adopted it would be too voluminous.

Councilwoman Ator explained that she had encouraged the City Manager to look for more objective criteria when Council prepares to evaluate the City Manager since the reviews are often right after the budget and also because people forget the criteria that they want to look at. She appreciates that Ms. Boucher provided the forms and asked the City Attorney what is his opinion of the forms.

City Attorney Jan K. Seiden replied that he preferred the first form from the City of North Miami because it seems easier to interpret if Council decides to change the process.

Councilwoman Ator felt that this form should be adopted because it gives Council something to evaluate people with and she would like the form to be adopted under the condition that Council does not have to fill it out.

Mayor Garcia asked if the forms become public record if they are filled out by Council and City Attorney Seiden replied in agreement.

Councilman Best moved to maintain the status quo in the City Council's vote of confidence for the City Manager on an annual basis. Councilwoman Bain seconded the motion which was carried 4-1 with Councilwoman Ator casting the dissenting vote.

10. New Business:

10A) Report from the Springs River Festival Chair; Request to Hold the Festival on April 5, 6, and 7, 2013

Connie Brandenburg of 851 Falcon Avenue, Chair of the Springs River Cities Festival, explained that due to Easter being earlier in April she is requesting the event to take place on April 5, 6, and 7 next year.

Vice Mayor Lob asked if there was anything else occurring during those dates.

Mayor Garcia asked for the requested dates to be checked to ensure that there are no events already occurring. He suggested that the dates be voted at the next meeting in September so that City Manager Gorland can confirm that nothing conflicts with those days.

City Manager Gorland clarified that the dates were already validated.

Ms. Brandenburg explained that last year the festival went pretty well considering the weather and the economy. There was not a lot of support or sponsors, but she was still very pleased with the turnout. The funds that were spent totaled approximately \$30,000 in local companies, including off duty police, the electric company, the local companies, Public Works, the insurance company as the supplies for the bar and beer tents.

Ms. Brandenburg said that the donations went to the Eco-Hawks, the Anchor Club, the girls soccer team, the Golden Hawks Band boosters, the Miami Springs Historical Museum, the Historical Society, Boy Scout Troop 34, the C.A.T.S. Organization, Relay for Life Cancer Walk, Rotary Club "Funsters" and special donations to the Rotary Club in memory of Paul Latch and the Lions Club in memory of Wade Smith.

Ms. Brandenburg explained that any help with funding would be appreciated and Mayor Garcia replied that he believes there are funds in the existing budget.

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

10B) CMI Funding (Tabled: 08-13-2012)

10 B i) CMI Request for Funding of Construction Budget Shortfall

10 B ii) Clarification of Council Workshop Directives Regarding CMI Funding

City Manager Ronald K. Gorland stated that this is a CMI request for funding of construction budget shortfall.

City Manager Gorland explained that the City Council has approved advancing CMI \$475,000 in order to complete the restoration project of the Mansion. This amount combined with the \$2MM in grant funds from the County GOB Bond and \$1MM from the FDOT would have completed the \$3,475,000 budget for the restoration.

City Manager Gorland said that there have been some costs related to the fire inspection and other miscellaneous items that have increased the total cost of the project to \$3,485,000. He received an email from Roy Rodriguez, Project Manager, requesting additional funding from the City to cover the shortfall. He asked Richard Wheeler of CMI how he would like to handle this request and he requested that the \$10,000 be handled in the same way as the rest of the funding is being handled; 50% as an investment and the other 50% added to the loan amount to be repaid at some time in the future.

Mayor Garcia asked if there had been any change since his conversation with City Manager Gorland this afternoon and City Manager Gorland replied that nothing had changed.

Mayor Garcia requested that City Manager Gorland and CMI get together and come up with one plan that can be presented to Council. He was hoping that it would have happened before the Council meeting, but since it has not, he prefers that it not be discussed this evening and that Council discusses it at the meeting on September 10th.

Councilman Best and Councilwoman Ator agreed with Mayor Garcia.

This item was tabled until the September 10, 2012 Council meeting.

10C) First Reading – Ordinance No. 1039-2012 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-100, Architectural Review Board – Established, by Qualifying and Restricting the Duties and Responsibilities of the Board; Eliminating the Board’s Duties to Participate in the Mandatory Preliminary Review Process of Commercial Projects and to Issue Advisory Opinions for Each Project Review Conducted; Repealing all Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date (Tabled: 08-13-2012)

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

Attorney Seiden reviewed Section 32-100 and noticed that they do conflict and acknowledged that Councilwoman Ator was right.

Attorney Seiden noted that in Section F, words were added to make it abundantly clear so there are no misunderstandings as to what exactly are the duties and responsibilities of the board. Language was added as follows:

“ . . . upon receipt of specific directions or requests from the City Council”.

Attorney Seiden explained that the items under Sections H and I were directed to some of the discussions related to the Abraham Tract. In the Abraham Tract, the role of the Architectural Review Board was excluded to make it more consumer, citizen, and commercial developer friendly. The language that is not in the Abraham Tract remains in the 36th Street District Boundary regulations.

City Attorney Seiden feels that the City Staff is capable of conducting the review without having to send the recommendation to the Architectural Review Board for their review. He has stricken out the previous language included under Section H and Section I eliminating the requirement. If Council agrees to remove these two provisions from this Section, Council must then remove or amend the process as set forth in the 36th Street District Boundary regulations in Code Section 150-164 at a later time.

Councilman Best moved to approve the ordinance on first reading. Councilwoman Bain seconded the motion.

Vice Mayor Lob commented that Council removed Calvin Giordano & Associates from the process and they were previously giving their opinions on the provisions. At this point, there is no architect looking at whether or not developments on 36th Street would be within the approved design guidelines. He understands that it is a subjective item and since there is no architect to review and approve the design he would like to know how the City Council would get an opinion.

City Attorney Seiden explained that the Planning and Zoning Director and the City Building Official are the ones who originally dealt with Office Depot. He is not saying that they are architects, but they do have extensive experience in building and construction and they certainly have the ability to look at the designs that were prepared by Calvin Giordano and determine whether they comply with regulations. If Staff feels that they do not have the expertise on a particular project then the plans can be taken to the Architectural Review Board.

Vice Mayor Lob commented that Office Depot does not look like any of the two designs.

City Attorney Seiden stated that Office Depot was an already existing structure and the Planning and Zoning Director and the Building Official did as much as they could under the circumstances.

Mayor Garcia clarified that if this provision goes into effect as is, a review of the Architectural Review Board is not mandatory, but if there is any question as to whether a design complies, then it could be reviewed by the Board.

City Attorney Seiden commented that architects are well trained and they like to do things based on their particular expertise. In some cases it is very difficult to go before them when someone is trying to work out a project and in this case, there is only one design and he is not certain that redesigns are necessary. If there is something that needed to be reviewed then it could certainly be sent to the Architectural Review Board.

Councilman Best stated that the only thing that is being lost is an aesthetic opinion on a particular project which can still be rendered.

Councilwoman Ator explained that she never supported this provision in defense of the Architectural Review Board and the members fought hard for their position during the whole process. If this ordinance is passed, it will limit the board to the point that there will be monthly cancellation notices. In defense of the board, they would like to continue to do the work that they think they should be doing under the Code and she would continue to support having citizens involved in that process.

Mayor Garcia reiterated that the board members, who are residents, are still going to have their opinion if the Council needs their assistance.

City Attorney Seiden stated that it would save time for projects that should be expedited. There is a requirement to go before the Zoning and Planning Board and they will at that time have the ability to look at the design and determine compliance with the ordinance. Not all of the board members are design professionals, but they will have the ability to bring in individuals who have the expertise if they so desire. There are many ways that it can be done.

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

Mayor Garcia asked for a 10-minute recess at 8:10 p.m.

10D) Consideration of Flagpole Lease Extension Agreement with STC Five LLC, a Delaware Limited Liability Company, Assignee of Sprint Spectrum, L.P. (Tabled: 08-13-2012)

City Attorney Jan K. Seiden stated that a number of months ago Global Signal contacted him because his name is on the original lease which started years ago. It was a ten-year lease with two five-year option terms. The City is currently in the first of the option periods and the present lease with the two periods would normally expire in 2016. The City has been asked to consider the granting of four additional five-year option terms even though there are nine years left on the current lease.

City Attorney Seiden said that in consideration of the granting of the additional 20 years worth of option periods, Global Signal has offered the City \$7,000 and he has raised four questions for Council's consideration. The first question is related to the benefits/detriments of agreeing to an additional extension period at this time with nine years still remaining. The second question is related to the amount of compensation being offered to the City in exchange for an effect of granting 20 more years of additional use.

City Attorney Seiden continued stating that the third question is related to the future value of the site for cellular tower use to the present lessee or another company or for some other City purpose. He questioned if it is the proper exercise of judgment to this City Council to bind obligations of future Councils through 2041.

City Attorney Seiden explained that the City receives letters all the time from people who want to buy the lease and they want to put the leases together and wholesale them to outside companies. Mr. Alonso has run the numbers and they come up short from the City's perspective so it has never been seriously considered. He is not certain what would be a proper amount, but \$7,000 for 20 additional years does not seem to be enough. He suggested asking Global Signal to make a better offer and see what figure they would come back with if Council agrees to do so.

Vice Mayor Lob asked if there is any knowledge of any other city that is in a lease that they renegotiated and City Attorney Seiden replied that he does not know of any other cities that may have done this.

City Attorney Seiden commented that this is an extension agreement and not a renegotiation.

Councilwoman Ator mentioned that in 2016, which is five years before the original term ends, there is not going to be enough broadband space for all the cell phones that are supposed to be in use.

City Attorney Seiden said that for passive use, the City could not have found a better investment. In the past, Sprint sued the City because a previous Council took a lot of time entertaining a location for the tower.

Discussion ensued regarding a tower being built on the BellSouth building.

Vice Mayor Lob moved to leave the lease as is and entertain this item at a later date. Councilwoman Ator seconded the motion.

Councilman Best commented that entering into this agreement would not be in Council's best interest. Technology is constantly changing and five years from now the tower can be worth more than it is now.

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

10E) Recommendation that Council Award City Bids # 04-11/12 and 05-11/12 to Raydel Landscaping Corporation, the Lowest Responsible Bidder, in the Amount of \$168,000.00, for Professional Landscaping Maintenance and Tree Trimming, Removal and Disposal Services, Pursuant to Section 31.11 (E) (1) of the City Code (Tabled: 08-13-2012)

City Manager Ronald K. Gorland read the recommendation as follows:

"On May 2nd, the City advertised the invitation to Bid #04-11/12 for Professional Landscaping Maintenance Services and Invitation to Bid #05-11/12 Professional Tree Trimming, Removal and Disposal Services Citywide of which 30 vendors were notified of the opportunity to bid. On May 17th, contractors were required to attend a Mandatory Pre-Bid conference. The Pre-Bid conference included a shuttle tour of the areas that were to be maintained under the contract. There were 26 vendors in attendance. On June 12th, the City received 13 bids for landscaping and 11 bids for tree trimming.

A preliminary overview of the bids were reviewed on June 15th by Tom Nash, Operations Superintendent; Lazaro Garaboa, Operations Supervisor, and Tammy Romero, Professional Services Supervisor and it was determined that only 8 bids were considered responsive. Five bids were incomplete for neglecting to furnish a safety plan program as required in Amendment # 4 issued on June 4, 2012.

A committee comprised of William Alonso, Assistant City Manager/Finance Director; Tom Nash, Operations Superintendent; Mr. Eric Carpenter, Public Works Director for the City of Doral; Mr. Osdel Larrea, Assistant Public Works Director for the City of Miami Gardens and Tammy Romero, Professional Services Supervisor all met and evaluated the remaining bids on July 17th. After careful review, the committee is making a recommendation for Raydel Landscaping Corp., as the lowest responsible bidder. References have been verified.

It is the recommendation of the administration that this bid should be awarded to the lowest responsible bidder, Raydel Landscaping, Corp. However, this recommendation of the administration is specifically subject to the City Council's determination that the subject services of the bid should be outsourced. The cost is \$63,000 for landscaping and \$105,000 for tree trimming leaving the total at \$168,000.

Based on the "outsourcing analysis", the annual savings for outsourcing both landscaping and tree trimming services would be approximately \$327,473. Additionally, if Solid Waste Collection Services are included, then the annual savings of all services would be approximately \$896,426."

Mr. Alonso clarified that the annual savings of \$327,473 changed to \$240,000.

City Attorney Seiden said that this will go into effect on October 1st.

City Manager Gorland stated that the savings overtime would move to \$327,473 because of certain items such as employee retirements and three positions will not be replaced.

Mayor Garcia asked if this company will also be fertilizing and Public Works Director Tom Nash replied in agreement.

Mayor Garcia asked what the standard procedure will be for the maintenance of the traffic when the company is trimming a tree in the street and Mr. Nash responded that they are required to adhere to certain guidelines and it is his responsibility to ensure that the company complies with them.

To answer Councilman Best's question, Mr. Nash said that if this item is approved then he will have to set up a series of meetings through October 1st to go over all of the preparations.

City Attorney Seiden explained that there are a lot of materials in the RFP regarding such requirements related to schedules and sectors. If this is approved by Council, there will need to be a signed contract that incorporates the entire bid document.

Councilwoman Ator stated that she represents Design by Nature who is one of the bidders and they are not the recommended company, but she wanted to advise the City Attorney.

Attorney Seiden clarified that unless there is a reason based upon substantial competent evidence that a Council member or administration has to deny the bid to the lowest responsible responsive bidder then they are legally bound in their jobs to award it.

City Attorney Seiden clarified for Mayor Garcia that it is his understanding that the RFP's are not assignable without the City's approval.

Mayor Garcia commented that his paperwork shows the certification of fertilizing and the pesticides is not under the same name as the landscaping and tree trimming company and the company name that is listed is called King and I Services, Inc. He asked if these are services that are going to be outsourced.

Mr. Nash responded that he did not have the answer to the Mayor's question.

City Attorney Seiden stated that it is possible that they used that company to secure chemicals.

Mayor Garcia asked if Mr. Nash could confirm with the Raydel representative that is present tonight.

Mr. Nash confirmed that Raydel has an employee who holds the chemical license and upon verification they can move forward with it. He said that his license allows an umbrella so if Raydel does falter, he could put them under his current license.

Councilman Best moved to approve the item. Councilwoman Bain seconded the motion which was carried 5-0 on roll call vote.

10F) Recommendation for Council's Rejection of All Bids Submitted Under Bid No. 06-11/12 for Solid Waste Collection and Disposal Services

City Manager Ronald K. Gorland read the recommendation.

City Manager Gorland stated that during the budget hearings regarding outsourcing of certain Public Works services there was consensus among Council to not pursue outsourcing solid waste. As such, it is necessary in the proper course of action to formally reject all bids as presented.

Councilwoman Ator moved the recommendation. Vice Mayor Lob seconded the motion which was carried 5-0 on roll call vote.

10G) Consideration that Council Support the City Applying for the Florida Recreation Development Assistance Program (FRDAP) for a Fiscal Year 2013-2014 Matching Grant for \$97,500, Towards Replacement Lighting for Prince Field (Tabled: 08-13-2012)

City Manager Gorland read the recommendation as follows:

"By this memo, we seek approval from the City Council to proceed with an application to the Florida Recreation Development Assistance Program (FRDAP) for an FY 2013-14 grant for \$97,500 towards replacement lighting for Prince Field. The cost of the total project as of 2012 is estimated by Musco Lighting to be \$130,000, of which, if awarded, the City must share 25%, or \$32,300. The deadline for receipt of this proposal is between September 14th and September 28th, 2012.

Please note that this program is for projects in FY 2013-14, and that the Florida Division of Recreation and Parks performance and obligation to award program grants is contingent upon an annual appropriation by the Florida Legislature. Should the FRDAP program and our project proposal receive funding, grantees will have up to three (3) years from the start of the state's fiscal year in which funds are appropriated to complete the project or funds will revert. Therefore, if awarded, there will be no budgetary impact on the City until FY 2013-14 or the following two years."

City Manager Gorland stated that this item is being brought to Council because of the matching requirement. Council is not being asked to approve it now but will be asked in the future if the City receives this award and there is funding available.

Vice Mayor Lob moved to approve the City to proceed with an application for the grant. Councilwoman Bain seconded the motion which was carried 5-0 on roll call vote.

10H) Resolution No. 2012-3551 – A Resolution of the City Council of the City of Miami Springs, Florida; Urging Local Retailers Selling Tobacco Products to Refrain from Selling and Marketing Flavored Tobacco Products Because Such Products Tend to Promote and Influence Tobacco Use by Minors and Young Adults; Effective Date (Tabled: 08-13-2012)

City Attorney Seiden read the title of the resolution.

Councilman Best moved to approve the item. Councilwoman Ator seconded the motion.

To answer Vice Mayor Lob's question, City Attorney Seiden explained that Council is urging retailers to refrain from selling and marketing flavored tobacco products.

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

10I) Resolution No. 2012-3554 – A Resolution of the City Council of the City of Miami Springs, Florida; Authorizing the City's Acceptance of Grant Funds in the Amount of \$2,869, as a Sub Recipient of the Miami-Dade County Association of Chiefs of Police Countywide Prisoner Processing Project Under the Edward Byrne Memorial Justice Assistance Grant Through the American Recovery and Reinvestment Act of 2009; Authorizing the City Manager to Execute Grant Contracts and Agreements, Execute Contracts and Agreements to Accomplish Grant Funding Purposes, Expend Funding for Established and Authorized Purposes, Receive and Expend Additional Funding that Might Become Available, Execute Amendatory Application Documentation, and to Exercise all Contractual Rights, Authorizations and Privileges Available to the City; Effective Date

City Attorney Seiden read the title of the resolution.

City Attorney Seiden said that City Clerk Valls had asked him to advise Council that the number on top of the resolution should be 2012-3554.

Vice Mayor Lob made a motion to approve Resolution No. 2012-3554. Councilman Best seconded the motion.

To answer Councilwoman Ator's question, City Attorney Seiden clarified that this is for a County-wide program that allows for arrest affidavits to be done.

Chief of Police Peter G. Baan explained that this grant was applied for approximately three years ago and it is basically to fund the software interface into the County's automated arrest form system.

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

(Council went back to Agenda Item 10E)

11. Other Business:

11A) Presentation of Fiscal Year 2012 Third Quarter Budget Report (Tabled: 08-13-2012)

Assistant City Manager/Finance Director William Alonso stated that the City is projecting a surplus of \$123,000 this year. However, subsequent to this there are a couple of items that will probably require some additional funding which will be brought to Council at a future date. The additional funding requests include the replacement of the roof at the Country Club due to leaks, which is currently in the Request for Proposal process and to diamond brite the pool. There is \$260,000 in the designated fund balance to cover the pool expense, but it could cost approximately \$250,000 to \$350,000.

Mr. Alonso said that as of June 30th the red light cameras brought in approximately \$255,000 net. He noted that 78% of the budgeted revenues have been collected compared to 79% last year. The goal is for the Recreation expenditures to remain at 20% and as of June 30, 2012, the City was collecting at the rate of 24.5% compared to 22.1% for the same period last year. The State Board of Administration (SBA) account is netted out to \$83,000 and they keep collecting every month.

Mr. Alonso explained that as of June 30th, the total loss for the Golf Course is \$149,701 compared to \$252,000 for the same period last year. He projected that the loss would be approximately \$250,000 to \$300,000 depending on how the rest of the year goes. Total revenues are up 6.4%. The total rounds played are up over 6% and greens are up almost 9%. The only revenue that is down is due to the Canadian memberships.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Tropical Storm Isaac

City Manager Gorland reported that the storm damage was very minimal. He thanked Public Works for going out of their way to prepare for the storm, doing a wonderful job and helping with the loss of a Poinciana tree that fell during the storm. He also thanked the Police Department for a job well done.

Budget Workshop

City Manager Gorland reminded Council of the Budget Workshop Meeting scheduled for Tuesday, August 28th at 5:30 p.m.

C.A.T.S.

City Manager Gorland reported that on Friday, August 31st the low-cost mobile spay/ neuter clinic will be back in Miami Springs.

Labor Day Holiday

City Manager Gorland wished everyone a great Labor Day weekend and encouraged everyone to drive safely.

National Yoga Month

City Manager Gorland reported that on Tuesday, September 4th everyone is invited to attend a reception being held in the City Hall Lobby from 6:30 - 8:30 p.m. to celebrate National Yoga Month with Natasha Salmon Cogno's yoga students from the Miami Springs Community Center and the Senior Center.

Small Claims Court Clinic

City Manager Gorland reported that Miami-Dade County Department of Regulatory and Economic Resources, Division of Business Affairs will host a free Small Claims Court Clinic at Miami Springs City Hall. For more information contact the Business Affairs/Consumer Protection's Mediation Unit at (305) 375-3677.

Historical Society Fall Kickoff

City Manager Gorland announced that the Miami Springs Historical Society will hold its 2012 Fall Kickoff Party on Saturday, September 8th at the home of Frank and Yvonne Shonberger, 85 Deer Run in Miami Springs and all are invited to attend.

12C) City Council

Tropical Storm Isaac

Councilwoman Bain thanked the Police Department and Public Works for their clean up and efforts to get the City back to looking the way it was before the bad weather.

Pelican Playhouse

Councilwoman Bain reported that the Pelican Playhouse rescheduled their event to September 15th at 7:30 p.m. and September 16th at 2:00 p.m.

Back to School

Councilwoman Bain wished good luck to students returning back to school and asked that they be safe.

Little League Registration

Councilwoman Bain reported that the Little League registration has started and soccer is in the process of starting as well.

Back to School

Councilwoman Ator added that there are a lot of pictures about the first day of school. All Angels' first day of school starts next Monday after Labor Day. She is looking forward to the start of the school year for the All Angels' students.

CMI Agreement

Councilwoman Ator truly believes that the City and CMI can come to an agreement and Council went the right direction by sending the item back to the City Manager and requesting that CMI sit down with the City Attorney and the City Manager. She feels that everyone has the same goals for the Curtiss Mansion.

League of Cities Conference

Councilwoman Ator reported that the conference ended early on Saturday after the President was sworn in. She had the opportunity to attend the Women's Elected Official Luncheon and she enjoyed it and thought that Councilwoman Bain would also enjoy it had she been there and maybe in a couple of years she will be able to attend the luncheon.

Gold Coast Breakfast

Councilwoman Ator said that she spoke with Rich Candia regarding emails from the County Commission and he stated that he was planning on providing Council with more information. He appreciated that Mayor Garcia attended the conference and assisted in writing some things to say. He also complimented City Attorney Seiden for his detailed email response.

Happy Birthday

Councilwoman Ator wished her son Mason a Happy Birthday. He will be 7 on Friday, August 31st.

Tropical Storm Isaac

Vice Mayor Lob thanked Public Works and the Police Department for their help during Tropical Storm Isaac.

Council Meeting

Vice Mayor Lob apologized for his absence at the last Council Meeting due illness.

Pelican Playhouse

Councilman Best confirmed that the Pelican Playhouse event was rescheduled for September 15th at 7:30 p.m. and September 16th at 2:00 p.m. because of the tropical storm.

Condolences

Councilman Best gave his condolences to a Miami Springs family who lost their daughter last night.

CMI

Councilman Best also hopes to come to an agreement regarding the Curtiss Mansion. It is something that needs to move forward and be done responsibly.

Florida League of Cities

Mayor Garcia reported that the Florida League of Cities swore in Mayor Manny Maroño from Sweetwater as the new President. He is a very good friend to the City of Miami Springs and has helped the City in many ways.

Annexation Meeting

Mayor Garcia stated that Council will receive more information including the minutes of the meeting so they get a better understanding of what occurred at the meeting. He explained that the Charter Review Committee put forth some recommendations in reference to incorporations of cities and in that language, annexation was being involved and it was going to affect the City in a negative fashion until some County Commissioners stepped in.

Tax Bill

Mayor Garcia said that he received his tax bill and he asked that people who are willing to share their tax bill bring it in to the next meeting to look at what the effects are as a whole and so Council can create the memo that he recommended be done to educate residents as to what percentage of the bill is Miami-Dade County versus what is assessed by Miami Springs.

Mayor Garcia noted that less than 1/3 or \$813 of his tax bill is the assessment from the City of Miami Springs using the proposed millage rate, not considering any future reductions or the garbage fee.

To answer Councilwoman Ator's question, the Mayor confirmed that the assessed value of his property decreased.

Mayor Garcia spoke with someone who has ties to the Tax Assessor's office and they stated that they are doing more investigations on property value comparables within the vicinity and sales were also being taken into consideration. He would like to put together a flyer informing residents of how much of their total taxes are for the City of Miami Springs.

Condolences

Mayor Garcia stated that the family who had the recent loss is in his prayers. He asked for everyone to take into consideration what they deal with on the City Council and look at what is really important.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:26 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

Approved as _____ during meeting of:

Transcription assistance provided by Elora R. Sakal.

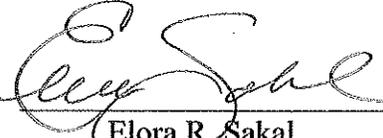
Words ~~-stricken through-~~ have been deleted. Underscored words represent changes. All other words remain unchanged.



Zoning and Planning Board

Cancellation Notice

The Zoning and Planning Board meeting of Monday, September 3, 2012 has been canceled in advance.


Elora R. Sakal
Board Secretary

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Attorney
City Planner
City Clerk
Zoning and Planning Board Members
Post



**CITY OF MIAMI SPRINGS
FLORIDA**

**CANCELLATION NOTICE
CODE ENFORCEMENT BOARD**

The regular meeting of the Code Enforcement Board scheduled for Tuesday, September 4, 2012 has been cancelled in advance due to lack of cases to be heard.

Tex Ziadie

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 September 5, 2012 has been canceled in advance.


Elora R. Sakal
Board Secretary

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Attorney
City Clerk
Planning and Zoning Director
Architectural Review Board Members
Post



City of Miami Springs, Florida

Recreation Commission

CANCELLATION NOTICE

The Recreation Commission meeting scheduled for Tuesday, September 11, 2012 has been canceled in advance.


Elora R. Sakal
Clerk of the Board

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Clerk
City Attorney
Recreation Commission Members
Golf Pro Mike Aldridge
Omar Luna, Recreation Director
Post

DRAFT



CITY OF MIAMI SPRINGS, FLORIDA

The **Board of Adjustment** met in Regular Session at 7:00 p.m., on Wednesday, September 5, 2012 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at: 7:03 p.m.

The following were present: Chairman Manuel Pérez-Vichot
Vice Chairman Francisco Fernández
Ernie Aloma
Kevin Berounsky
Bill Tallman

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

2) Approval of Minutes:

2A) March 5, 2012

Minutes of the March 5, 2012 meeting were approved as written.

Board member Berounsky moved to approve the minutes. Vice Chair Fernandez seconded the motion which was carried unanimously on voice vote.

2B) May 7, 2012

Minutes of the May 7, 2012 meeting were approved as written.

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

City Attorney Seiden read the following email from Tex Ziadie into the record regarding a previous case:

"I have appeared before the Board of Adjustment in the past and asked that when motions are made in regard to recreational vehicles and the screening that is required that the motions be very specific as to what type of screening must be installed. At the February meeting a variance was granted to 145 Deer Run for a boat in the side yard. The scanned copy of the minutes is attached and I have two issues with the variance.

Number one, the variance states that it is for parking the boat in the side yard and does not specify which side, and number two, the variance calls for installation of a six-foot gate, but does not state that it must be solid or at least opaque. It does say properly screened. But as I have said before, this is open to some wide interpretation. From the attached pictures you can see that the gate has been installed, however you can see right through it and I am not sure that it does not fulfill the desired screening that the Board was asking for, but it is a six-foot gate.

The owner has also placed potted plants in front of the gate. The City Planner's statement in the minutes rightfully said that the gate should preclude visibility from the street, but the motion and the action themselves were not specific enough in my opinion. Jan if I am wrong please let me know.

In this case the resident installed the gate without a permit, so although we have to allow him to keep it when he applies for a permit, but we can also cite him and tell him that it is unacceptable. We might have to settle for some type of paneling added to the structure so that you cannot see through it even though the motion does not say that. Could you please read the email into the record."

City Attorney Seiden agreed that Mr. Ziadie is right and the Board members should be careful.

Chairman Pérez-Vichot stated that the Board cannot control someone that wants to circumvent the City. The person needs to apply for a permit and at that point the drawings are reviewed and either approved or disapproved. There are various ways of screening that creates visual privacy and perhaps the Board should not tell them exactly what they need to do.

City Attorney Seiden said that the memorandum from the Zoning and Planning Director was clear and it should be repeated in the motion and whatever screening method is used, the boat should not be visible from the street.

(New Business was considered before Old Business)

3) **Old Business:**

- A) **Case # 05-V-12**
Vicente Rodriguez and Diana Rodriguez
465 DeLeon Drive
Zoning: R1-C
Lot Size: 142 ft. x 100 ft.

Applicants are requesting relief from Code Section 150-034 to permit air condition compressors in a side yard.

Attorney Seiden said that he would not object if the Board agrees that there is no reason to delay this case just because the Applicant is not present.

Chair Pérez-Vichot stated that in this case there is only an encroachment of one foot or so and the job was permitted by the City, which means that the City is part of the problem. The Architect should have done better research, but they both erred. In order not to burden the owner, he would have no problem considering the case.

Zoning and Planning Director said that the setback of the adjacent property is in excess of 20-feet or 27-feet as he could recall. There is quite some distance to the north and the property is heavily landscaped with a hedge between the two properties. He heard the unit running and it is very quiet. The permit was approved by the City in error.

Chair Pérez-Vichot asked if there are two units and Mr. Holland replied in agreement.

City Attorney Seiden said that this case is before the Board for one reason. This property was allowed to be built from scratch in violation of Section 153.034 because it put the unit in the side yard instead of the rear yard. It is deserving of a variance in his opinion.

Vice Chair Fernández commented that a variance was not required when it was originally permitted if ten years has passed because the Code was not in place.

Board member Aloma recalled looking at the home when he moved into his house in 2003 so he knows it has been a long time.

Attorney Seiden was under the impression that the new Code was in effect at the time, but the record should reflect that a permit was issued in error and the City should not ask the property owner to move it back.

Board member Aloma moved to approve the variance as submitted. Vice Chair Fernández seconded the motion, which was carried unanimously on voice vote. All aye.

4) New Business:

- B) Case # 06-V-12
Emery Salom & Heana Perez
851 Hunting Lodge Drive
Zoning: R1-A
Lot Size: 20,160 sq. ft.**

Applicants are requesting relief from Code Section 150-034 to permit pool equipment in a side yard.

Zoning and Planning Director Holland stated that there were no letters opposing or in support of the variance. He is not aware if the applicant had met with any of the neighbors or not.

The application is to permit a pool pump and equipment in a side yard, which is contrary to Code Section 150.034 (A) that requires that such equipment be placed in the rear yard only, according to Mr. Holland.

Mr. Holland said that an old survey of the property next door to the east is attached in the packet as an exhibit. He pointed out that the location of the air conditioning compressor on the lot next door at 901 Deer Run is not where it is actually located at the present time and it is almost opposite the proposed location of the pool pump.

Mr. Holland referred to the photograph showing the east side yard view toward the Golf Course with a ficus hedge along the right side that is nine feet tall and rather dense. The concrete pad has been constructed without proper authorization from the City; it is four-foot square and projects out from the wall by approximately one-foot. The gate will be constructed and the pool equipment would not be visible from public view.

Chair Pérez-Vichot asked if the side yard in this case is an average of the front and the back since it is an irregular lot. According to his calculations, the required side yard should be 11-feet.

City Attorney asked if the bridal path is part of this property and the Applicant responded that he was uncertain.

The City Attorney noted that the survey shows that the bridal path is part of the property and there are various properties around the Hunting Lodge area that have bought the land to the bridal path from what was formerly the Curtiss/Bright Company. He recommended that this should be checked before anything happens because that property is not part of the legal description if it has not been purchased.

Attorney Seiden assumed that the bridal path was purchased; it does not affect the City in any way, but he would recommend that the Applicant check it out to make sure.

Chair Pérez-Vichot said that there is an encroachment into side yard that is a couple of feet and Mr. Holland clarified that it is the concrete pad.

City Attorney stated that there are two ordinances that were adopted in 2006 and 2007 at the direction of the City Council at that time. The first ordinance basically states that no air conditioning or heating equipment is allowed in the side yard, and this was subsequently amended to include pool and sprinkler equipment. There is clear direction from the City Council within the last five years of how they view these situations.

Chair Pérez-Vichot commented that the pad should not encroach on the setback and the City Attorney stated that it should not be there; it should be in the rear yard.

Chairman Pérez-Vichot said that there is an exemption on this condition for corner lots with the 15-foot setback on the street side as long as it has the proper screening. He knows that this is not a corner lot, but the distance comes into play. In this case, it was mentioned that the property line is 8-feet away.

Board member Aloma felt that this case is an example of why the Board of Adjustment exists, because the Code is not always black and white. In this case, he plays golf and he would hate to see an A/C unit from the golf course on the 12th green. Even though the mandate is for placement in the rear yard, this is the best protected area in this case from view from all sides.

City Attorney Seiden commented that it is not only view but is also the noise and Board member Aloma said that if he missed a put when the compressor turns on he would be upset.

Chair Pérez-Vichot inquired if the A/C unit on the adjacent property abuts the garage.

Building and Zoning Director Holland responded that he was not sure if it is a garage that had been enclosed at one time, but it is a blank wall with no openings. He added that pool equipment runs a lot quieter than air conditioning compressors.

Applicant Emery Salom of 851 Hunting Lodge Drive submitted a letter from his neighbor to the east that could potentially be affected by the equipment stating that he has no problem with it. In fact, his A/C is next to it and it would not bother him at all.

Chair Pérez-Vichot stated that the pump would typically operate in the daytime and it would not be an issue for someone sleeping; it is different than an A/C unit.

Mr. Holland mentioned there are quieter A/C compressors called variable speed starters and although it does not apply in this case, they could be considered in the future.

Vice Chair Fernández commented that the Applicant basically has a clean slate. In this case it is an oversize lot and the hardship was created by the architect. He said that the purpose of the Board is not to legislate and they understand the Applicant's problem, He said that in this case there is really no hardship other than the fact that the slab was poured and that is where the placement of the equipment was envisioned.

Chairman Pérez-Vichot asked if the placement of the equipment could be moved towards Hunting Lodge Drive away from the property line.

Board member Aloma said that it would be more visible from the street if the unit placed at the location suggested by the Chairman.

City Attorney reiterated that the equipment must be in the rear yard.

Mr. Salom commented that the Code applies in general, but not all homes are located on the Golf Course and it is different because everyone can see the back yard. They did not want to obstruct the view of the visitors to the Golf Course and the equipment would be in the way if he wants to build a gazebo or something else in the future.

Board member Tallman asked where the surrounding homes had their pool equipment placed on the properties. The aerial photograph shows five houses in a row that all have pools.

City Attorney Seiden responded that the pool equipment for the surrounding homes is probably located in side yard because they were built before the Code was amended. He said that if the Board is inclined to grant a variance in this case they should include specific reasons into the record or else the Code will be unenforceable.

Chair Pérez-Vichot agrees with Mr. Holland's recommendation not to encroach into the side yard, but to include the side yard as untouchable area. He would like to look into this matter in the future, as suggested by the Zoning and Planning Director.

Chair Pérez-Vichot commented that he agrees with Vice Chair Fernandez that no hardship has been demonstrated. The only other location would be in the backyard away from the setback.

Board member Aloma said that when the house was purchased the refrigerant lines were already in the ground under the slab and a condensing unit is difficult to move.

To answer the City Attorney's question, Mr. Salom clarified that the lines to the equipment were previously installed.

City Attorney Seiden explained that the lines to the equipment were not part of the Applicant's statement and it should be include in the record.

Vice Chair Fernández recalled past cases in which there were financial hardships and the Board did not grant variances. He said that a financial hardship is not to be considered.

Chair Pérez-Vichot said that if the work was done by the previous owner without a permit the City would still have to inspect the plumbing and electrical lines.

Attorney Seiden explained that the statement that was submitted by the Applicant is not inclusive of some of the discussion he has heard. For instance, he did not know that the Applicant was not the original owner when the construction began. It is now known that the work was done previously to get to this point and the Applicant has suffered. The biggest problem is that when an architect is going to build a house in Miami Springs, the Board of Adjustment is not the place to find out the requirements. He would have a better feeling about this case if there was nothing on the property and everything was explained about the proposed location of the equipment.

Attorney Seiden said that the architect must not have come to the City to find out the Code requirements and they built the structure to the status where it is now and while in this particular case there might be issues raised that would support a variance. He commented that a lot of work is put into ordinances, along with the work of the City Council and the work should not be thrown out because of one case.

Attorney Seiden explained that it has now been determined that the Applicant is the new owner and there is a letter from the next door neighbor that does not object. Also, according to the Applicant, there are facilities already built towards the slab.

Chair Pérez-Vichot said that it is critical to know if the work was permitted or not, because if there is a permit he can see a real hardship. If the work was done without a permit then he would not agree.

Discussion ensued regarding whether or not the equipment lines were placed under the slab by the pool contractor.

City Attorney Seiden commented that another factor to consider is if the proposed location is less damaging and the Board must make the determination whether or not the combination of factors is something that merits a variance.

Chair Pérez-Vichot asked Mr. Holland if he could find out if the work was permitted and he agreed that he could.

The City Attorney said that finding out if the work is permitted would hold the Applicant up for another thirty days, which he assumes is critical to the project.

Chair Pérez-Vichot said that he would feel totally different if the work was done without a permit and Vice Chair Fernández agreed.

Board member Tallman stated that perhaps the Board should vote to deny with the understanding that the Applicant has the opportunity to appeal to Council who would be in a position to actually make the ruling in light of the ordinance that they passed.

Mr. Salom said the pool work had not been permitted and he is requesting to place the equipment on the side.

Vice Chair Fernández moved to deny the request for the variance; as he stated previously there is a clean slate and an opportunity to design accordingly. Board member Tallman seconded the motion which was carried 4-1 on roll call vote with Board member Aloma casting the dissenting vote.

Attorney advised the Applicant that he could appeal to the City Council.

Mr. Salom said that he was confused because there is a permit to allow the A/C on the side of the house. He said that he has a permit that was approved before he bought the house. He does not understand why he was allowed to buy a property with an A/C on the side so that the view of the Golf Course is not obstructed. He argued that the houses on the Golf Course are different because everyone can see into the back yard.

Board member Aloma agreed with the Applicant that the view of the Golf Course is one of the factors when purchasing a property.

Mr. Salom reiterated that the A/C is already permitted and he cannot understand.

Attorney Seiden said that he cannot answer the question about permitting for the A/C unit in the side yard and if this was done it was done in error. They are not permitted in the side yard unless a variance is granted. The same philosophy applies to pool pumps and he does not know what due diligence was done by the buyer's representative when the house was purchased.

Chair Pérez-Vichot explained that if the A/C in the side yard was permitted it was done in error.

Attorney Seiden referred to the other case scheduled on this agenda and noted that a permit was issued in error and generally speaking, since the error was the City's, it is more than likely the variance will be granted. He explained that if Mr. Salom was granted a variance, it would set a precedent and that is part of the difficulty.

Attorney Seiden informed Mr. Salom that he has the right to appeal the decision. He suggested that he write a letter to the City Council advising them of his particular situation since it was not part of the original statement. He added that Mr. Salom should meet with the Zoning and Planning Director before the appeal is filed because there might more problems with the rest of the house.

5) **Other Business: None**

6) **Adjournment**

There was no further business to be discussed and the meeting was adjourned at 7:47 p.m.

Respectfully Submitted,

Elora R. Sakal
Board Secretary

Approved as _____ during meeting of: _____

Transcribed by Suzanne Hitaffer.

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”.
