



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

Regular Meeting

Monday, October 22, 2012

7:00 p.m.

Council Chambers – City Hall

201 Westward Drive, Miami Springs

Mayor Zavier Garcia

Vice Mayor Jennifer Ator

Councilman Bob Best

Councilwoman Grace Bain

Councilman George V. Lob

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 Jennifer Ator
Councilwoman Grace Bain**

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

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium".

**AGENDA
REGULAR MEETING
Monday, October 22, 2012 – 7:00 p.m.
Council Chambers – City Hall
201 Westward Drive – Miami Springs**

1. Call to Order/Roll Call

2. Invocation: Vice Mayor Ator

Salute to the Flag: Students from All Angels Academy will lead the audience in the Pledge of Allegiance and Salute to the Flag

3. Awards & Presentations:

A) Presentation of the Yard of the Month Award for November 2012 to Vicente and Susanne Beltran of 974 Meadowlark Avenue

B) Certificates of Appreciation for Youth Sports Organizations

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) 10-08-2012 – Regular Meeting

6. Reports from Boards & Commissions:

- A) 10-08-2012 – Board of Appeals – Minutes
- B) 10-09-2012 – Recreation Commission – Cancellation Notice
- C) 10-10-2012 – Golf and Country Club Advisory Board
- D) 10-25-2012 – Code Review Board – Cancellation Notice

7. Public Hearings:

- A) First Reading – Ordinance No. 1040-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Updating the Five-Year Schedule of Capital Improvements of the City’s Comprehensive Plan as Mandated by Florida Statutes Sections 163.3177 (3) (b); Providing a Conflicts Clause and Severability Clause; Providing an Effective Date

- B) First Reading – Ordinance No. 1041-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Amending the City Comprehensive Plan Based on Updated Data and Analysis; Amending the Text of the Future Land Use Element of the 1998 Comprehensive Plan as Amended; Revising and Updating the Existing Goals, Objectives, and Policies in Accordance with the Mandates Set Forth in Chapter 163 Florida Statutes; Authorizing Transmittal of These Amendments to the South Florida Regional Planning Council, State Land Planning Agency, and Other Applicable Agencies for Review and Comment as Required by Florida Statutes; Providing a Conflicts Clause and Severability Clause, and providing an Effective Date

**Board of Appeals
Case # 07-V-12
Roy Sandri
290 Hunting Lodge Drive
Zoning: R-1A
Lot Size: 75 ft. x 300 ft.**

Applicant is requesting a variance from Code Section 150-034 (A) to permit air conditioning compressors in a side yard.

**Board of Appeals
Case # 08-V-12
Francisco Bravo
1161 Ibis Avenue
Zoning: R-1B
Lot Size: 9,525 sq. ft.**

Applicant is requesting relief from Section 150-034 (A) to permit air conditioning compressors in a side yard.

8. Consent Agenda:

- A) Approval of Budget Transfers Within Departments Per City Charter Section 9.04 (1)
- B) Recommendation to Upgrade the Police LAN Server Operating System, the Police CAD Computer (computer aided dispatch) and firewall, as follows:
 - i. Recommendation that Council Approve an Expenditure to CDW-G Computer Centers, Inc., Utilizing GSA Schedule Contract # GS-35F-0195J, in the Amount of \$1,403.65 for Microsoft Windows Server Software, and \$1,617.44 for Microsoft Sequel Server Software, Pursuant to Section 31.11 (E) (5) of the City Code.
 - ii. Recommendation that Council Approve an Expenditure to Dell Marketing, L.P., Utilizing Florida Contract # 250-WSCA-10ACS; B27160, in the Amount of \$1,723.76, for Dell SonicWall Hardware (Firewall) and Licensing Software, Pursuant to Section 31.11 (E) (5) of the City Code.
 - iii. Recommendation that Council Approve an Expenditure of \$600.00 to USA Software, Inc., for USA Software-v7 Upgrade, and an Expenditure of \$300.00 for Three Years of Annual Maintenance, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code.

9. Old Business:

- A) Appointments to Advisory Boards by the Mayor and Council Members
- 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 (Gene Duffy's seat)
- C) 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)
- D) Recommendation to Permanently Allow Asphalt Shingle Roofs in Miami Springs
- E) Recommendation to Remove Code Section 150.010 (H) of the City Code – (Gravel roof coverings shall be required for all roofs with a slope of ½ to 2 and ½ to 12) Addendum to Roof Memo of September 26, 2012
- F) Consideration of Amending Code Section 150.034 Regarding the Location for the Installation of Central Air Conditioners and Heating Units, Pool Pumps and Equipment, and Sprinkler Pumps Equipment
- G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$3,000.00 to Southeast Design for Changes to the Design Plans for the Westward Drive Median Bikepath/Walkway, Pursuant to Section 31.11 (E) (6) (g) of the City Code

10. New Business:

- A) Consideration of Providing Prepaid Return Envelopes for Absentee Ballots for Municipal Elections
- B) Consideration of Amending Code of Ordinances Article IV – Memorial Committee – Section 32.20 – Establishment and Membership
- C) Resolution No. 2012-3565 – A Resolution of the City Council of the City of Miami Springs Providing for the Fifth Amendment to the FY2011-2012 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Undesignated Reserves to Cover Authorized and Approved General Fund Expenditures; By Increasing the Capital Projects Fund of the Special Revenue and Capital Projects Budget to Account for Curtiss Mansion Related Project Costs and Expenses; Providing Intent; Specifying Compliance with Accepted Budgetary Processes and Procedures; Effective Date

10. New Business:

- D) Recommendation that Council Award City RFP # 09-11/12 to A-1 Property Services Group, the Lowest Responsible Proposer, in the Amount of \$60,120.00, for the Miami Springs Country Club Roof Repairs, Pursuant to Section 31.11 (E) (2) 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.



CERTIFICATE OF RECOGNITION

Presented to

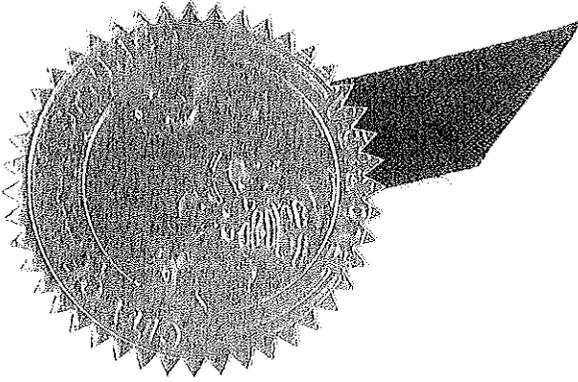
Vicente & Susanne Beltran
of
974 Meadowlark Avenue

for their home being designated as

**“YARD OF THE MONTH”
NOVEMBER 2012**

Presented this 22nd day of October 2012.

CITY OF MIAMI SPRINGS, FLORIDA



Xavier M. Garcia

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls

Magali Valls, CMC
City Clerk



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, October 8, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

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

Absent: Councilman George Lob

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Police Captain Jon Kahn
- Planning and Zoning Director James H. Holland
- Golf Pro Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Building & Code Compliance Director H. "Tex" Ziadie
- City Clerk Magali Valls
- Clerical Assistant Elora R. Sakal

2. Invocation: Mayor Garcia offered the invocation.

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

Mayor Garcia presented baseball caps to the students who participated.

3. Awards & Presentations:

3A) Officer of the Month Award – Officer Gonzalo García – August 2012

Police Captain Jon Kahn presented the Officer of the Month Award for August 2012 to Officer Gonzalo García.

Police Sergeant Thomas Kelly read his letter nominating Crime Suppression Officer Gonzalo Garcia as the Officer of the Month for his actions on Wednesday, August 15, 2012, in regard to a truck theft. An All Points BOLO was sent out over the Miami-Dade County frequency just as Officer Garcia left work when he observed a tractor trailer truck stopped on Okeechobee Road with another car stopped in front, and a white male was laying down in the center of the roadway.

Sergeant Kelly explained that what Officer Garcia thought was a traffic crash turned out to be the ending location of the stolen truck incident; the victim had shot the thief with a handgun and he was still holding the weapon when Officer Garcia stopped to assist. Officer Garcia requested fire rescue for the victim and he called the Hialeah Police Department to respond. He stood by and provided a statement to the Detectives and he completed an Assist Other Agency (AOA) report.

Sergeant Kelly explained Officer Garcia's qualities and work ethics that led to his selection as a CST Officer. As his supervisor for three days a week, he commends Officer Garcia for a job well done. He added that Officers Garcia and Hall make weekly arrests for weapons and narcotics violations and routinely deal with dangerous felons. Sergeant Kelly stated that the citizens of Miami Springs are well served by these dedicated officers.

Officer Garcia stated that he was honored to receive this award. He said that he was assisted by his partner Officer Jason Hall and it was a team effort, along with the Hialeah Police Sergeant. He thanked the Mayor and Council for the recognition.

(Agenda Item 10A was considered before Item 3B)

3B) Presentation by José Fuentes of The Fuentes & Rodríguez Consulting Group

Rich Candia of The Fuentes & Rodríguez Consulting Group, 8215 S. W. 160th Avenue, stated that they are proud to be the lobbyists representing the City of Miami Springs in Tallahassee, and they also view themselves as the City's partners. Their efforts are both local and state based and they do their best to interact on behalf of the City with local agencies and the County.

Mr. Candia referred to a letter that was sent to the City Manager outlining the firm's efforts during the last few years. He said that Mayor Garcia asked for an update on the annexation process and where it stands at this point in time.

Mr. Candia reported that the Town of Medley rescinded a resolution that they had previously adopted by changing the borders in the annexation agreement between the four cities. In speaking with the Town of Medley Mayor's office, they are ready to move on the annexation item and they informed him of the resolution that had been rescinded and that they are now in agreement with the previous agreement with the four cities. He will bring a certified copy of the resolution that was rescinded to the County in anticipation of what the next step should be.

Mr. Candia said that they have learned of an agenda item that will be considered by the County Commission on October 23rd that has language speaking to the ability of one Commissioner to give consent when an annexation does breach into his or her district. There are two Commissioners that are working with all four cities and they know that all four cities are working hard to make annexation happen. He does not anticipate any issues and they have been in contact with them on a regular basis.

Mr. Candia thanked the Mayor, Council and the City Attorney for the timely response when the County was considering charter amendments, which was very helpful and they were able to push back some of the more egregious language.

Councilman Best thanked Mr. Candia for the report and he asked him to explain what the Town of Medley rescinded in regard to the agreement between the four cities.

Mr. Candia explained that the Town of Medley was not happy with the agreed to annexation boundaries at some point and they passed a resolution that would allow them to go forward to procure other properties that were not in the original agreement. He said that Medley did not make any move to go forward with the resolution and since it was in place they were asked to rescind it, and they agreed.

City Manager Gorland commented that the land that was in contention was not part of the City of Miami Springs' annexation effort. He asked the City Attorney if the land was actually part of Doral and the City Attorney responded that he was not certain.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 09-24-2012 – Regular Meeting

Minutes of the September 24, 2012 Regular Meeting were approved as written.

Councilman Best moved the item. Councilwoman Bain seconded the motion which was carried 4-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 09-20-2012 – Historic Preservation Board – Minutes

Minutes of the September 20, 2012 Historic Preservation Board meeting were received for information without comment.

6B) 09-27-2012 – Code Review Board – Cancellation Notice

Cancellation Notice of the September 27, 2012 Code Review Board meeting was received for information without comment.

6C) 10-01-2012 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the October 1, 2012 Zoning and Planning Board meeting was received for information without comment.

6D) 10-03-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the October 3, 2012 Architectural Review Board meeting was received for information without comment.

6E) 10-11-2012 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the October 11, 2012 Board of Parks and Parkways meeting was received for information without comment.

6F) 09-18-2012 – Education Advisory Board – Minutes

Minutes of the September 18, 2012 Education Advisory Board meeting were received for information without comment.

6G) 09-25-2012 – Ecology Board – Minutes

Minutes of the September 25, 2012 Ecology Board meeting were received for information without comment.

6H) 08-15-2012 – General Employees Retirement System – Minutes

Minutes of the August 15, 2012 General Employees Retirement System meeting were received for information without comment.

6I) 08-15-2012 – Police and Firefighters Retirement System – Minutes

Minutes of the August 15, 2012 Police and Firefighters Retirement System meeting were received for information without comment.

6J) 10-02-2012 – Code Enforcement Board – Minutes

Minutes of the October 2, 2012 Code Enforcement Board meeting were received for information without comment.

6K) 10-01-2012 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment at their Meeting of October 1, 2012

Actions taken by the Board of Adjustment at their meeting of October 1, 2012 were approved subject to the 10-day appeal period.

Vice Mayor Ator moved the item. Councilwoman Bain seconded the motion which was carried 4-0 on roll call vote.

City Attorney Seiden stated that there is a strong likelihood that two of the cases will file appeals.

7. Public Hearings:

None.

Council sat as the Board of Appeals at 7:23 p.m.

The Mayor reconvened the City Council meeting at 7:48 p.m.

(Agenda item 10C was considered at this time.)

8. Consent Agenda: (Approved with one motion except for 8L and 8N that were pulled from the consent agenda)

City Manager Ronald K. Gorland explained that the items on the consent agenda are the majority of the purchase orders that are opened at the beginning of every fiscal year and there could be a few more that come up during future meetings. The purchase orders will be drawn against during the course of the year. The only exception is the first item for the City Attorney's invoice.

City Attorney Jan K. Seiden added that the range of the consent agenda extends from the people that do inspection services for the City, document storage, Golf Course chemicals and services, leases with the City and as needed services for the Public Services operations of the City, as well as computer updates, etc.

City Attorney Seiden noted that the documentation for each item is posted on-line with detailed explanations. Some items are based upon contracts with other governments and some are waivers of the competitive bid process, which require a 4/5 vote or a 4-0 vote since one Council member is absent.

8A) Approval of the City Attorney's Invoice for September 2012 in the Amount of \$12,629.25

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$49,000.00, for AMA Consulting, for Annual Cost of Building and Roofing Plan Reviews and Inspections on an "As Needed" Basis, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$15,000.00 for Orlando L. Blanco, P.E. for Annual Cost of Structural Plan Reviews, on an "As Needed" Basis, Pursuant to §31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8D) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$10,000.00 for M. Jurado & Associates for Annual Cost of Mechanical Plan Reviews, on an "As Needed" Basis, Pursuant to §31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8E) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$18,000, to International Data Depository (IDD) for a One-year Contract Extension for Storage of Documents Required to be Kept by Florida Records Retention Laws and Schedules, Pursuant to Section §31.11 (E)(6)(g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$12,000.00 to Miami Springs Historical Society for the Annual Rent Subsidy for the Miami Springs Historical Museum, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$12,000.00 to The Miami Herald for Advertising, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$40,000.00 to Albarni, Caballero & Company, LLC, for External Auditing Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for An Additional One (1) Year Period

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8I) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$33,000.00, on an "As Needed" Basis, to Turf Choice Chemicals, for Various Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8J) Recommendation that Council Award a Bid for Contractual Labor to Greens Grade Services Inc., Utilizing City of Coral Gables Bid No. IFB2007-10-22, in an Amount not to Exceed \$392,300.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8K) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$27,000.00 to Hector Turf for Original Toro Equipment Parts, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8L) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$12,000.00 to PNCEF LLC, for Leasing of Golf Maintenance Work Carts, Pursuant to Section 31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Provided Existing Contract with Vendor for Three-Year Period

City Manager Ronald K. Gorland stated that this is a recommendation that Council waive the competitive bid process and approve an expenditure of \$12,000.00 to PNCEF LLC, for leasing of golf maintenance work carts, pursuant to Section 31.11 (E) (6) (g) of the City Code and pursuant to the existing lease contract with the vendor for a four-year period. He clarified that the contract was originally signed on November 24, 2009 and will continue until November 24, 2013, which is a correction to what is shown on the agenda.

City Attorney Seiden explained that this is approval of an appropriation of the funds to pay the lease that has already been executed and in existence for a number of years. This is the fourth year of a four-year lease.

Councilman Best moved consent agenda item 8L. Vice Mayor Ator seconded the motion, which carried 4-0 on roll call vote.

8M) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$16,000 to Titleist, on an "As Needed" Basis, for Purchase of Resale Items for Pro Shop and Driving Range Supplies, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8N) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$64,428.00 to Yamaha Motor Corporation, for the Leasing of Golf Carts, Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Contract Renewal Provided Existing Contract with Vendor for 48 Month Period

City Manager Ronald K. Gorland stated that this is a recommendation that Council waive the competitive bid process and approve an expenditure of \$64,428.00 to Yamaha Motor Corporation for the leasing of golf carts, pursuant to Section 31.11 (E) (6) (g) of the City Code and pursuant to the existing lease contract with the vendor for a 48-month period to February 18, 2014. He explained that this is a correction to what was shown in the agenda.

City Attorney Seiden commented that this is an appropriation of funds for the third year of a four-year term of an existing lease for golf carts.

Councilman Best moved the item. Vice Mayor Ator seconded the motion.

Vice Mayor Ator recalled that in the past there were opportunities to re-negotiate the lease earlier in order to get a better offer. She asked if this had been looked into.

Golf Pro Mike Aldridge explained that the City was offered the best lease at the time; they are using the same golf carts and maintenance equipment, and if something better is offered it would be considered.

Assistant City Manager/Finance Director William Alonso stated that when the lease was signed there was time remaining on the old lease that was forgiven and the City was provided a new lease for new golf carts.

Mr. Aldridge said that the old lease was "back-ended" and the City would have owed a lot of money at the end, instead of at the front so that lease was ended in order to sign the new lease at the best price.

The motion carried 4-0 on roll call vote.

8O) Recommendation that Council Award a Bid to Howard Fertilizer Utilizing Town of Davie Fertilizer and Chemical Bid No. R-2011-147, in an Amount not to Exceed \$23,000.00, on an "As Needed" Basis, for Fertilizer and Chemicals, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8P) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$41,032.00, on an "As Needed" Basis to Palmdale Oil Co., for Fuel and Oil, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8Q) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$21,000.00, on an "As Needed" Basis to Aeration Technology for Deep Tining, Pencil Tining, Hydration Tine, Verticutting and Similar Procedures, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8R) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$17,000.00, on an "As Needed" Basis to The Miami Herald Publishing Co., for Advertising, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8S) Recommendation that Council Award a Bid to Lesco John Deere Fertilizer, Utilizing Town of Davie Fertilizer & Chemical Bid # R-2011-147, in an Amount not to Exceed \$33,000.00, on an "As Needed" Basis, for Fertilizer and Chemicals, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8T) Recommendation that Council Award a Bid to Diamond Fertilizer, Utilizing Town of Davie Fertilizer & Chemical Bid # R-2011-147, in an Amount not to Exceed \$55,000.00, on an "As Needed" Basis, for Fertilizer and Chemicals, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8U) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$15,000.00, on an "As Needed" Basis, to Florida Superior Sand for Champion Topdressing/Amendments/Soil Mixes, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8V) Recommendation that Council Approve an Expenditure of \$121,264.00 to Sungard H.T.E. Inc., for Application Service Provider (ASP) Service, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8W) Recommendation that Council Approve an Expenditure of \$17,423,45 to USA Software, Inc. for Annual Software Support and Maintenance Contract Renewal, as a Sole Source Provider, Pursuant to §31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8X) Recommendation that Council Approve an Expenditure to AT&T Mobility, Utilizing WSCA-NV w4-2001, in an Amount not to Exceed \$14,000, for Wireless Connectivity/Modem Card Connections for Mobile Data Terminals (Laptops in Police Vehicles), Pursuant to §31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8Y) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$6,680.00 to Miami Lakes Veterinary Clinic, for Veterinary Services, for the Two Police Canines, Pursuant to §31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8Z) Recommendation that Council Approve an Expenditure to SFM Services, the Lowest Responsible Quote, in the Amount of \$19,760.00, for Street Sweeping Services, Pursuant to Section 31.11 (C) (2) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8AA) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$180,732.00 to Vector Fleet Management for Fleet Maintenance Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional One-year Period

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8BB) Recommendation that Council Award a Bid to Grainger Industrial Supplies, Utilizing Florida State Contract No. 444-001-11-1, in the Amount of \$20,000.00, on an "As Needed" Basis, for Various Supplies and Stock Items, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8CC) Recommendation that Council Award a Bid to Miami Tire Soles Inc., Utilizing Florida State Contract No. 863-000-10-1, in the Amount of \$30,000.00, on an "As Needed" Basis, for Tires for all Vehicles and Equipment, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8DD) Recommendation that Council Award a Bid to Micar Trucking, Utilizing Miami-Dade County Bid No. 4056-0/16, in the Amount of \$30,000.00, on an "As Needed" Basis, for Various Types of Rock for Alley and Street Repairs, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8EE) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$15,000.00 to Ralph Wakefield, Pelican Playhouse, LLC, Pursuant to §31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional Twelve (12) Month Period

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8FF) Recommendation that Council Approve an Expenditure of \$17,000.00 to Allied Universal for Chlorine, as a Sole Source Provider, Pursuant to §31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

8GG) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$15,000.00 to Manny Fabian, Match Point Enterprises, Pursuant to §31.11 (E) (6) (g) of the City Code, and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Renewal Vendor for an Additional Twelve (12) Month Period

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

(Agenda Item 9D was considered at this time.)

9. Old Business:

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

Vice Mayor Ator (Group IV) **re-appointed** Ana Paula Ibarra to the Architectural Review Board for a full 3-year term ending on October 31, 2015.

Vice Mayor Ator (Group IV) **reappointed** Mary Ann Goodlett-Taylor to the Historic Preservation Board for a partial term ending on January 31, 2013. She asked Council to recognize her with a proclamation in January for thirty years of service.

Vice Mayor Ator moved to approve the reappointment of Mary Ann Goodlett-Taylor for an additional term to the Historic Preservation Board. Councilman Best seconded the motion, which carried 4-0 on roll call vote.

Mayor Garcia **re-appointed** Marc Scavuzzo to the Architectural Review Board for a full 3-year term ending on October 31, 2015.

(Agenda Items 9B and 9C were discussed simultaneously)

9B) 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)

9C) 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)

To answer the Mayor's question, City Attorney Seiden clarified that the Board members continue to serve until a successor is appointed.

Mayor Garcia recommended tabling the items until the next meeting when Councilman Lob is present.

Councilman Best agreed. He added that Council received a memorandum from the Mayor recommending Jim Caudle and he also submitted a memorandum to the City Clerk recommending Mr. Caudle.

Vice Mayor Ator said that Jennifer Glazer-Moon is an excellent candidate who would love to serve.

Councilwoman Bain clarified that her recommendation for Thomas Cannon is for the seat that is currently held by Gene Duffy and she would like to nominate Peter G. Baan to continue serving in his own seat.

Vice Mayor Ator felt that Chief of Police Baan should remain on the Police & Firefighters' pension board for a number of reasons, and she would be nominating Jennifer Glazer-Moon for Gene Duffy's position.

Mayor Garcia asked Vice Mayor Ator to submit the resumé for Jennifer Glazer-Moon and Councilman Best to submit the resume for Jim Caudle to the City Clerk.

Council **deferred** the items to the next meeting.

9D) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$25,760.00, on an "As Needed" Basis, to Atkins, for Resolution of DERM Complaints, Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager Ronald K. Gorland read the title of the recommendation as outlined in the memorandum from Assistant City Manager/Finance Director William Alonso.

City Manager Gorland explained that the memorandum refers to the attached 7-page Industrial Facilities Plan Review Section Report from DERM regarding the City's violations with the fertilizer contamination and diesel tanks located at the Golf Course. This has been a longstanding DERM violation that has existed at the Golf Course equipment shed and Atkins has been the City's representative to resolve these violations.

The City Manager stated that the City of Miami Springs had previously issued a Purchase Order (P.O.) to Atkins for the handling of the violation. The previous P. O. has been almost exhausted and the City is therefore requesting a P. O. in the amount of \$25,760.00 for Atkins to continue its work in resolving the tank location and contamination issues. Atkins has been the only one working on this issue; therefore, it is the City Staff's recommendation that they continue working on this matter.

Mr. Alonso's memo explains that in order to cover the cost, \$16,000 for the purchase of the field rake in the Recreation Field maintenance budget can be deferred and \$9,760 from the Golf Maintenance Repairs and Maintenance account can be utilized. During the second and third quarters, as revenues begin to come in, the expenditures can be re-appropriated as excess revenues are identified.

City Manager Gorland said that this topic was discussed during the budget hearings and the Administration does not want to use reserve funds, which would normally be the procedure since it is an expense that must be paid.

City Attorney Seiden explained that this request is related to the third part of the City's dealings with Atkins. First, the City received funds as part of the settlement from the construction issue in regard to the removal of the pipe from the Golf Course. The second item was the Golf Course Best Practices Manual, and the third part is the longstanding complaint about the equipment building.

City Attorney Seiden said that there are two phases and the first was whether or not Atkins could get DERM to agree to grandfather the City in for the use of tanks at the Golf Course location. Both tanks are above ground, which is very unusual, and in fact Atkins was successful in doing this, and in response there were seven pages of comments from DERM. They agreed to grandfather the City in, but DERM is requiring that certain containment issues and other issues be addressed, which was not anticipated.

The City Attorney added that Golf Superintendent Sandy Pell made a good suggestion, which is part of the expense that is approximately \$10,000 more. He explained that the old tank inside of the building is in poor condition and it would cost a certain amount of money to design new containment for that tank that is dated 1981. Sandy suggested looking into the newer fiberglass tanks since they are better constructed and the company who provides the tank will also provide the containment plans that will automatically be accepted by DERM.

City Attorney Seiden stated that a decision has not been made on the new tank yet, but Atkins has agreed to obtain pricing and they will try to get the best price in the marketplace. He said that part of the \$25,000 may not be used if the City ends up purchasing a new tank; but the tank cost will exceed the \$25,000, which is still being considered. Since the Golf Course is over the well fields of Miami-Dade County, this is something that cannot be avoided.

Vice Mayor Ator moved the item. Councilman Best seconded the motion.

Councilman Best asked about the movement of funding in the amount of \$16,000 and \$9,760.00, and if this is possible as a result of the landscaping agreement in place with the Golf Course and Recreation as far as mowing.

City Manager Gorland replied that the field rake was an expense that was identified during the budget process and the Administration tried to put off the purchase until next year, but they decided that the equipment would not last another year. Timing is an issue because the expense for Atkins is critical because DERM is involved and the equipment will be replaced later during the year; it is only a shifting of priorities.

City Attorney Seiden mentioned the tee box on the thirteenth hole at the Golf Course and complimented Golf Pro Aldridge and Golf Superintendent Pell for doing an excellent job to correct the problem with the golf balls going into the surrounding homes.

Mayor Garcia also complimented Mike Aldridge and Sandy Pell for the condition of the Golf Course since they work with a minimal budget and are able to perform miracles.

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

(Agenda Item 10A was considered after Item 3A)

10. New Business:

10A) Recommendation from the Board of Parks and Parkways – Yard of the Month Awards – October and November 2012

City Manager Ronald K. Gorland stated that the Board of Parks and Parkways members are recommending that Council approve 356 DeLeon Drive for the Yard of the Month for October and 974 Meadowlark Avenue for the Yard of the Month for November.

Vice Mayor Ator moved to approve the recommendations of the Board of Parks and Parkways for the Yard of the Month. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

(Agenda Item 10B was considered after Item 11A)

10B) Recommendation to Permanently Allow Asphalt Shingle Roofs in Miami Springs

Mayor Garcia stated that he reviewed the recommendation and is open to considering it after speaking with many residents, including some who are against it because of their concern about lower property values if shingle roofs are allowed.

City Manager Ronald K. Gorland read a recommendation from Building and Code Compliance Director Ziadie to permanently allow asphalt shingle roofs. He said that Council voted on January 11, 2011, to approve Ordinance No. 1002-2010 that allowed for asphalt shingle roofs with a sunset provision that will expire on January 11, 2013. The change has benefited the residents by providing a lower cost alternative to tile roofs; they have been certified as safe and approved by the State of Florida and Miami-Dade County.

City Manager Gorland stated that 22 permits for shingle roofs had been issued since January 2011. Based on the damage during Hurricanes Wilma and Katrina, older tile roofs are more susceptible to damage during storms than older shingle roofs. Homeowners with tile roofs tend to store extra tiles on their property and they can become a windborne hazard during a storm.

Vice Mayor Ator recalled past Council meetings when the Building Official was present to provide information on shingle and tile roofs. She said that it was clear that even though shingle roofs were approved by the Florida Building Code that there was still a downside to shingles because they could not be cleaned and they have a shorter lifespan, while there are benefits to tile. Council agreed to a sunset provision and she understands the economy is still bad and this is the reason this was brought up. She would prefer to extend the sunset provision one additional year.

Vice Mayor Ator was concerned that shingle roofs would deteriorate at a quicker pace and in some cases it takes years to condemn houses that are in bad shape. She reiterated that she would propose extending the provision to allow shingle roofs for one additional year.

Councilman Best recalled that in the past several residents approached Council asking for the allowance of shingle roofs and Council suggested a sunset period. It is not fair without Councilman Lob present to move forward and eliminate the request for an additional sunset so he will agree to the one-year sunset provision.

Councilwoman Bain agreed with Councilman Best because Councilman Lob is not present, but she is one that spoke to residents who feel that they have a right to decide whether they want a shingle or a tile roof. She is in favor of allowing shingle roofs permanently, but she would go with a one-year extension.

Mayor Garcia clarified that the provision for shingle roofs sunsets in January 2013, and Mr. Ziadie agreed.

Councilman Best stated that he would not want to vote for a permanent change to allow shingle roofs in Councilman Lob's absence. He reiterated that he has no problem with voting for a one-year extension.

Vice Mayor Ator moved to extend the sunset provision for one-year on the currently drafted ordinance. Councilman Best seconded the motion.

Mayor Garcia agreed with Councilwoman Bain that the residents should have the option for installing either a shingle or tile roof. He commented that the shingle materials had improved since 2008, and the opposing residents feel that the property values will decrease if all houses change from tile to shingle. In regard to senior citizens, it is very costly to install a tile roof and it would break their bank accounts.

Mr. Ziadie agreed that the quality of asphalt shingle roofs had improved dramatically and he does not believe that they deteriorate at a faster rate than tile. There are certain chemicals to clean shingle roofs and some of the issues that were raised in the past are not relevant today. Every single senior resident that he spoke with is in favor of allowing shingle roofs.

Mayor Garcia asked Vice Mayor Ator to rescind her motion to extend the sunset period until Councilman Lob is present and she responded "no".

The Mayor added that waiting until the next meeting would allow Council to become more educated on the issue. He is not in favor of a one-year extension without a vote from the entire Council.

Councilwoman Bain agreed with the Mayor's suggestion.

Councilman Best does not understand how a one-year additional study period would hurt.

Mayor Garcia reiterated that Council could wait until the next meeting to vote on a one-year extension. He said that the sunset provision still applies until January 2013, and there is still time to hold a discussion with a full Council.

Councilman Best does not want to be perceived as pushing something through and it could result in a locked vote anyway. He has no problem with waiting for a full Council and he noted for the record that he is in favor of a one-year extension.

Vice Mayor Ator commented that she installed two roofs in the past few years. She received three quotes for a barrel tile roof and one of the vendors offered to give a quote for a shingle roof based on the new ordinance, which upset her because she perceived this as a company that was pushing a shingle roof. This does not make sense based on past discussions and after listening to the recommendations from the Building Official.

Mr. Ziadie agreed that most Building Officials would recommend tile roofs and the code has changed for the installation of tile roofs since 2007. His opinion is that tile roofs are not better than shingle after looking at the damage from past hurricanes.

The motion carried 3-1 on roll call vote.

The Mayor clarified that the motion passed to extend the sunset provision for one year and Councilwoman Bain said that she was under the impression that the motion was to wait until Councilman Lob is present.

Councilwoman Bain stated that she is changing her vote to "no" because she misunderstood the motion.

City Attorney Seiden confirmed that the motion is for a one-year extension of the current ordinance with the sunset provision.

The motion was denied 2-2 on roll call vote with Vice Mayor Ator and Councilman Best voting "yes" and Councilwoman Bain and Mayor Garcia voting "no."

10C) Consideration of Referral of Street Naming (Charles Quijano) Request to Memorial Committee

City Manager Ronald K. Gorland read a memo from Mayor Garcia regarding a request from Mrs. Elma Quijano to name a street after her son who was born and raised in Miami Springs and passed away in a tragic accident at the age of 20 on November 4, 2006. At the time, her son Charles Quijano was attending Miami-Dade College and Douglas Orr School for Plumbers. If Council feels it is appropriate an agenda item may be scheduled so that Council could refer this item to the Memorial Committee for consideration or any suggestions they may have.

Mayor Garcia clarified that the Memorial Committee considers these types of requests and that is why it is being presented to Council.

Vice Mayor Ator moved to submit the request to the Memorial Committee for their review. Councilman Best seconded the motion, which carried 4-0 on roll call vote.

City Attorney Seiden advised Mrs. Quijano that the Memorial Committee usually meets at 6:00 p.m. on the first Monday of the month before the Board of Adjustment meeting. He added that the criteria that is considered for a memorial is listed in the Code of Ordinances.

(Mayor Garcia called for a 5 minute recess at 7:52 p.m.)

(Agenda Item 10D was considered after Item 9C)

10D) Resolution No. 2012-3564 – A Resolution of the City Council of the City of Miami Springs Providing for the First Amendment to the FY2012-2013 General Fund and Special Revenue and Capital Projects Fund Budgets; by Re-Appropriating Reserved Fund Balances to Fund Open Encumbrances Through September 30, 2012; Effective Date

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

Attorney Seiden stated that this is a re-appropriation of encumbered fund balances from the prior fiscal year.

Vice Mayor Ator moved to adopt the resolution. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

11. Other Business:

11A) Consideration of a Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter

Vice Mayor Ator said that it is very important to provide feedback to the City Manager and she takes this task very seriously, just as she has encouraged other Council members to do it, even suggesting to use a form to objectively evaluate him.

Vice Mayor Ator stated that she would begin her comments with the good and then go to the bad, although she does not have very much bad or very little, and it can be called "needs improvement" area.

Vice Mayor Ator said that it is no secret that she was very much in support of Mr. Gorland being hired as the City Manager. He has exceeded her expectations, much more so than the former City Manager, who she thought was a good, but had weaknesses. Mr. Gorland always manages to be composed, level headed, kind and generally speaking he is very neutral. He is also respectful, unemotional and she thinks that it helps Council and helps with the citizens. She has only heard one person complain about him and it was someone who did not really think he should have the job to begin with.

Vice Mayor Ator said that the City Manager's business expertise has come in extremely handy, and it has been invaluable to the City. He is very business minded, understands the financial issues of the City, he is serious, responsive and she could go on and on to say a lot of really good things about him.

Vice Mayor Ator added that the City Manager has a positive attitude, and it is not that "we have done it that way in Miami Springs" but instead he will say, "How are we going to try to do that?"

Vice Mayor Ator commented that in the need improvement area, she can only say that all of the things that make the City Manager such a good City Manager also lead to some of his weaknesses. She finds that he has trouble and there are times when there is an issue with criticism of his employees. She had to dig deep to look for some weaknesses, but she does not think it is fair to evaluate someone and not provide some weaknesses.

Vice Mayor Ator said that one recent example, is that she really believes that the buck stops with the City Manager. When Council did the budget and had the meeting two weeks ago, on the day when Council held the final meeting, numbers with valuations of how much the City will receive in tax value were received based on potential revenue from new hotels. She argued that the numbers were speculative and she did not understand why Council was considering them, but the Mayor insisted on handing out the numbers. Councilman Best also said that as reflected in the minutes, but he pointed to the paperwork.

Vice Mayor Ator said that she wrote down some of the other things that were said and someone else on Council said that the money is coming to the City, and the millage rate should be set below 7.0.

Vice Mayor Ator went to see Manny Perez who is an architect and she asked for an explanation of the \$42MM because she did not understand. He said he would not even deal with that. She later learned that the Planner had calculated the \$42MM in revenue in error and he then estimated that the property would be valued at between \$10MM and \$12MM. She was completely floored when she got that estimate and she was beside herself. She felt that the numbers were rushed to be put together; they had no basis and Council should have never considered them and yet they did.

Additionally, Vice Mayor Ator said that she spoke with someone who knows about the valuation of property and she said that the Eurohotel was estimated by the Planner to be \$42MM and she was told that that was the most ridiculous thing that the person ever heard and that the property was worth \$10MM to \$11MM, off the top of their head.

Vice Mayor Ator stated that there have been other issues with the Planner too, he writes memos that the City Attorney says should never be written and truthfully she reads the Board of Adjustment packet since her husband attends the meetings. It is not a lot of criticism, but she would like to see that all the "I's" are dotted and the "T's" are crossed because she has said a million times that the "devil is in the details".

Vice Mayor Ator said that if anyone she knows is a detailed person it is Ron Gorland and the fact that she says this has no bearing on whether or not she gives him a vote of confidence because she would wholeheartedly give him a vote of confidence and she is so glad he has the job. He has done a wonderful job, but we just need to make sure the information that is coming out of the City is accurate. That would be her criticism; she appreciates the City Manager's hard work and she hopes that he is not too insulted. He should not be insulted.

Mayor Garcia commented that the City Attorney has an email that was sent from Councilman Lob and the City Attorney read it into to record:

"It has a busy year for you, one that I bet you never expected. I feel that you have tackled all the issues head on while keeping us all informed; informed in a timely manner more so than we have before and very crucial with all the issues that we are facing. I spoke to you about issues that I have had and you have responded efficiently and professionally; explaining your reasons for doing whatever it was at the time and listening to me when I may have had a different view. You have responded to any request I have had in a timely manner while always keeping me informed of progress. You handled any criticism that I threw your way very well and in the way it was meant, as constructive criticism.

I know we have some challenges ahead, and I have confidence that you will lead the city in the right direction. This said, you have my vote of confidence. I apologize for not being there today and telling you this in person. Sincerely, Councilman Lob."

Councilwoman Bain stated that she had worked with the City Manager for the least amount of time and she finds him to be a very open person; anytime she has needed help he has been there for her. As Councilman Lob said, the City Manager is very quick in responding to any questions she has had and he is very informative; she thinks he is fair and she admires him most because he listens and he does not take the attitude that "it is my way or the highway" because everyone can use improvement; no one is perfect and the City Manager is open to suggestions.

Councilwoman Bain stated that any issues she has with the City Manager she has already talked to him about them and she would not pick this time to address her comments. She addresses them as they work together and now is not the time to be addressing anything. If she has a problem with the City Manager it should be dealt with at the time when things were occurring.

Councilwoman Bain explained that there is always room for improvement and of course the City Manager will receive her vote of confidence, and she knows she can trust that he will still keep performing to the same standards. Council has a lot of challenges and she knows that the City Manager will work hard on fixing the pension issues, developing 36th Street, getting revenue for the City and she thinks he will face the challenges and find solutions.

Councilwoman Bain said that the only thing she will say is that sometimes she feels that the City Manager tries to please everybody, especially Council, and he cannot and he will not be able to do that. Even if she is one of the people that he cannot make happy, he cannot make every Council member happy because they think differently and have different values. She said that all the City Manager has to worry about is doing the right thing that he feels that is best for the citizens and the residents of Miami Springs and he will be fine. She totally appreciates the City Manager.

Councilman Best said that as most are aware, he was very much in favor and went on record three or four months before the previous City Manager left his post, that he felt that Mr. Gorland was the man for the job in this town.

Councilman Best thinks that Mr. Gorland represents a completely different management style relative to the previous City Manager and he thinks it is for the betterment for the City, meaning that he brings some private sector experience with him. Running municipal and running private entities are "apples and oranges."

Councilman Best commented that the City Manager's follow up is superlative, he is open to criticism; he is willing to listen and to his credit he is very defensive to his Administration and his employees and those who work under him; there is nothing wrong with that to the extent that he will still listen and he believes he will.

Councilman Best said that it is very important in any management structure that employees, Lieutenants, etc. in an organization and managers know that they "have the boss' back" and he thinks most know that they have Ron's back. He is pleased for that and he is pleased for the employees.

Councilman Best feels that Ron knows how to "think out of the box" and he too was in receipt of the recent memo regarding the change in numbers from the City Planner relative to the hotel. He took the liberty of doing the math in order to see what the difference would be and he agrees with Vice Mayor Ator. He can say one thing and that is Mr. Gorland will take full accountability for the mistake, which he gives him credit for. Going forward, this is a done deal and he is sure that in the future when numbers are presented that they will be appropriately displayed after more thought and research.

Councilman Best said that the City Manager did a nice job with the budget and he reiterated that he thought outside of the box in terms of doing things. Nobody was laid off and nobody lost their job. Some things were consolidated that made sense and at the end of the day monies were saved. He applauds the City Manager and certainly Mr. Alonso and Staff.

Councilman Best strongly endorses Mr. Gorland and gives him a full vote of confidence.

Mayor Garcia heard comments that Mr. Gorland had exceeded expectations, but he wanted to let him know that he did not exceed his expectations. The reason why he voted to select Mr. Gorland as the City Manager after going through the selection process is because the expectations he had for him were very high and he has met every expectation he had for him. If not, he would not have been the person who was selected to be the City Manager; he was not handed the position and he had to be qualified for it and he actually "put the money where his mouth was."

Mayor Garcia said that Mr. Gorland put his heart and soul into the job and this is seen in his work every day. He said that the City Manager is exactly what he expected and he knew that he was going to work as hard as he does and that his office door would stay open, regardless of who he was meeting with, except for a closed door meeting with an attorney. He met with the City Manager today to go over the agenda and when a resident came to see him that person was allowed to come in and voice their opinion. He noted that in other cities there are Managers that do not allow residents to knock on their door and this is a testament for the type of city that Miami Springs is and for the City Manager's management skills.

Mayor Garcia commented that he would not even try to compare Mr. Gorland with the previous City Manager; there are different management styles and the difference between the previous City Manager's style and the current City Manager's style, he will say that they are very big shoes to fill. Jim Borgmann was here for many years and he did many great things within the City and even though he did not always agree with Mr. Borgmann, the fact is that he was always willing to work with Council and Mr. Gorland had very big shoes to fill. He thinks that Mr. Gorland has done a good job and more than filled the shoes with his own management skills. Ron made it very clear that he would do things differently.

The Mayor feels that the City Manager's business savvy has been a great help because he sees him work day in and day out, not just sharpening the pencil and reducing expenditures, but he also looks at ways of "growing the pie", which is something that has been tried for many years and he has done it very intelligently. He credits the City Manager for attracting some of the businesses and for opening their eyes to different ways of doing things to start their businesses. There are new hotels being built and he gives some of the credit to the City Manager. He understands that the original numbers were actually lower in regard to the tax base, but it is still a lot more revenue than what the City is currently receiving.

Mayor Garcia commented that he pressed the City Manager for the numbers on the hotels as a last minute request that he thought of and he wanted Council to understand that the dollars were forthcoming to the City. It is not something that relies on the approval of the County Commission like annexation; it is brick and mortar in the ground and new revenue coming to the City. He personally takes the blame for pressing the City Manager for the numbers and should have allowed more time.

The Mayor said that the City Manager had multiplied the communication with Council by more than 100% on issues, even when he feels that it might not be important, but he would never tell him that because Council can never have too much information. He feels that Council can do a better job having this information and it allows him to be able to answer questions instead of saying "I don't know." The elected officials are perceived as the heads of the City who know everything, which is very difficult, but most times he knows the answers to the questions now thanks to the Manager's communication. He appreciates this and also the City Manager's accessibility to residents as well as Council and for his open door policy.

The fact is that the City Manager is open to ideas; he is not closed minded even though he might stand firm on his opinion, but he helps Council to understand his point of view, according to the Mayor. He appreciates Mr. Gorland's openness and for educating Council on some of his points of view. On the opposite side, Mr. Gorland has been open to Council's ideas and he is willing to consider different ways of managing things.

Mayor Garcia commented that the City Manager cannot make everyone happy as mentioned by Councilwoman Bain. He will say that the City Manager is not expected to always make him happy; he only wants the Manager to listen to what he is asking for, not only for him, but for the residents as well. The City Manager helps him see the light and gives him the materials he needs to respond to the residents' requests.

Mayor Garcia stated that the adopted budget saved money for the City and cut \$250,000 dollars from the landscaping budget by outsourcing the service, which is working out great. The fact that the jobs of the employees in those positions were saved is a testament to the City Manager's hard work.

Mayor Garcia commented that the City Manager surrounds himself with the right people and the new organizational change that was implemented seems to be running fine. The ultimate buck stops at Council and if they do not let the City Manager know there is a problem or an issue with his management skills that is wrong. There should be communication from Council to the City Manager on a regular basis.

The Mayor emphasized that communication is key; Council does a great job and the City Manager's door is always open. He gave the City Manager his vote of confidence.

Councilman Best moved to give the City Manager a vote of confidence. Councilwoman Bain seconded the motion which was carried 4-0 on roll call vote (Councilman Lob was absent).

City Manager Gorland stated that it had been a pleasure working with Council. He gave credit to Assistant City Manager/Finance Director William Alonso for the budget and he was asked to do more than in previous years. He said that William has done a wonderful job in a dual role as Finance Director and Assistant City Manager. He also gave credit to the employees who provide him with information and he decides what to distribute as quickly as possible.

City Manager Gorland thanked Council for their support and offered to work hard, if not harder, in the coming year. His view of the organization was very different than other people and there were too many direct reports to him and as a result it took time dealing with all the reports, which is not what Council wanted. Council needed someone who could pay attention to them directly and that is the role of the City Manager. The reorganization has worked well and it is not finished yet. He thanked Council for the vote of confidence.

The Mayor thanked the City Manager for his hard work and for surrounding himself with the right people.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Vote of Confidence

City Manager Gorland thanked Council for the vote of confidence.

PBA Negotiations

City Manager Gorland stated that the City made a counter offer to the PBA on Friday, September 28th and has not yet received a response.

Events

City Manager Gorland commented that there are many events scheduled for October, November and December that are posted on the website.

Farmers Market

City Manager Gorland reported that the All Angels Farmers Market is doing great and he urges everyone to make it a weekly trip.

Pumpkin Patch

City Manager Gorland announced that the Pumpkin Patch will be starting soon.

Curtiss Mansion

City Manager Gorland said that the Curtiss Mansion is holding activities, as well as the City and this is a great time of the year to be in Miami Springs.

12C) City Council

Farmers Market

Vice Mayor Ator reported that she received a text message from a non-resident who told her that the Farmers Market was awesome. The event is scheduled from 8 a.m. to 3 p.m. and since most vendors sell out before noon or 1 p.m. she urged people to arrive early to get the best selection.

Attorney's Luncheon

Vice Mayor Ator attended the Miami-Dade County Commission on Ethics luncheon with the City Attorney and the speaker was Doral Mayor J. C. Bermudez. She thought the presentation was very interesting and he provided copies of legislation that the City of Doral had passed regarding the Code of Ethics and Citizens Bill of Rights. The City of Doral's Charter and Code of Ordinances was written from scratch, while the City of Miami Springs' Code is very outdated and many provisions no longer apply since they are contradictory. She will ask the City Manager to review the Code of Ethics and Citizens Bill of Rights that was recently passed on September 19, 2012 by the City of Doral.

Equipment on Side Yards

Vice Mayor Ator said that Planning & Zoning Director Holland raised the issue regarding equipment on the side of the house. She would like to receive additional information.

Mother Keedy

Vice Mayor Ator asked everyone to include Mother Keedy in their prayers since her brother passed away suddenly.

Recreation Commission

Vice Mayor Ator spoke with the City Manager regarding the Recreation Commission and some questions that one of the Board members raised about holding the meetings. In reviewing the attendance list she noted that the Commission had only met a couple of times. She understands that the advisory boards serve at the will of the Council and her concern is that the boards should meet in order to receive reports and talk about the issues. She suggested that Council could review the advisory boards and perhaps some that had not met recently like the Recreation Commission could hold quarterly meetings even if no items are brought forward. She added that creative solutions to problems had come from the talented citizens on the advisory boards that have a desire to serve.

Strategic Planning

Vice Mayor Ator said that during the budget process the Strategic Plan that was approved by Council last year was not discussed and this should be reviewed when considering the City's long-term goals. Looking back at the plan, there were many items that Council addressed that met with the Strategic Plan and there is a value to include it when considering the budget.

Plumbing equipment

Vice Mayor Ator said that an issue was raised in regard to plumbing equipment on the Golf Course by the pump station that should have been buried. She asked if this had been taken care of and the City Manager responded that he spoke with the citizen who raised the issue and the above ground equipment meets all the qualifications and will eventually be buried.

Advisory Boards

Councilman Best commented that citizens who have something of interest should come forward and request an agenda item through the City Clerk, in conjunction with the City Manager. Some of the advisory boards bring valuable information to Council as a result of studies or observations.

Golf and Country Club Advisory Board

Councilman Best said that he received comments from members of the Golf and Country Club Advisory Board relative to the condition of the Champion Greens that were installed some years ago. Through a request to his appointee, this issue will be raised at the next Board meeting and hopefully a recommendation will be forthcoming for Council to consider as an agenda item.

City Attorney Seiden said that as a general rule, the advisory boards act as Council's "eyes and ears" and Council can direct them to address certain issues. Some boards have more autonomy than others; the idea is that Council can request information for consideration and possible action.

Vote of Confidence

Councilman Best congratulated City Manager Gorland on his vote of confidence and wished him well in the year to come.

School Tour

Mayor Garcia announced that he toured Miami Springs Middle School during the summer and saw that the school had been painted, but they need more assistance.

School Superintendent/Bonds for Schools

Mayor Garcia met with the School Superintendent who considers Miami Springs as an "incubator" when considering new programs such as the ITEC program at the High School and the County managed AIE Charter School. There is an interest in a STEM program at the Middle School that will bring in new technology and opportunities for the students. The Superintendent is aware that the elementary schools are doing well and he wants to help them to do more. Springview has a language program and they are slated to receive five new buildings if the bond issue is passed. There is a list of all the school projects that are slated to be done based on the bond issue. The School Superintendent invited him to attend a Hispanic Heritage celebration and it was a wonderful performance. Every school in Miami Springs is slated for improvements based on the bond program and the School Superintendent has set goals for other projects that were completed; he has not set goals that could not be achieved.

Johnny's The Bistro

Mayor Garcia mentioned that he received invitations to The Bistro at Johnny's on Thursday, October 11th at 6:00 p.m.

Strategic Planning

Mayor Garcia commented that during the budget process the strategic plan was taken into consideration during his conversations with Assistant City Manager/Finance Director William Alonso who has the list of priorities. He suggested an update at a future meeting on the progress of implementing the strategic plan. He assured everyone that the City Manager and the Assistant City Manager/Finance Director have not forgotten about the plan.

Halloween Event

Mayor Garcia reported that Springview Elementary will host a Halloween event on Thursday, October 25th to raise money for the school, which is a great event that he attended last year. He informed the school to notify the City Manager and the River Cities Gazette.

Curtiss Mansion Event

Mayor Garcia announced that another great Halloween event will be held at the Curtiss Mansion and the information is posted on the City's website or at Curtissmansion.com.

“Trunk or Treat”

Mayor Garcia reported that the City of Miami Springs will host “Trunk or Treat” on October 27th at 6 p.m. which is a free Halloween event between the Community Center and Prince Field. Bracelets will be sold first to Miami Springs and Virginia Gardens’ residents for \$2.00 each for festivities inside the field until the Wednesday before the event and then they will be sold to the general public for \$10.00 each.

Christmas at the Circle

Mayor Garcia is looking forward to the City holding Christmas at the Circle with snow.

Miami Springs Restaurants

Mayor Garcia commented that he had dinner at one of the many local restaurants on Friday and the food was delicious. He mentioned that it is hard to promote all the restaurants and he is loyal to JR’s Burgers, Harvest Moon and Burritoville, but this is the first time that he ate at Crackers and the food was very good with reasonable prices.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:36 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magali 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** met in regular session, Monday, October 8, 2012, and during the meeting sat as the **Board of Appeals**. The meetings were held in the Council Chambers at City Hall, beginning at 7:00 p.m. On **ROLL CALL** the following were present:

1) CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:23 p.m.

The following were present: Mayor Zavier M. Garcia
Vice Mayor Jennifer Ator
Councilman Bob Best
Councilwoman Grace Bain

Absent: Councilman George V. Lob

Also Present: City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Planning and Zoning Director James H. Holland
City Clerk Magali Valls
Board Secretary Elora R. Sakal

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

2) MINUTES OF REGULAR MEETING:

Minutes of the May 29, 2012 Board of Appeals meeting were approved as written.

Councilman Best moved to approve the minutes. Vice Mayor Ator seconded the motion, which was carried 4-0 on roll call vote.

3) NEW BUSINESS:

**Case # 06-V-12
Emery Salom & Ileana 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.

Planning and Zoning Director Holland stated that this matter came before the Board of Adjustment on September 5, 2012. The code section is 150-034 (a) which reads "*central air conditioning, heating units, pool pumps and equipment and sprinkler pumps and equipment to be installed in conjunction with the construction of a new residential structure may only be located in the rear yard of the home sides*". The proposal from the applicant is to place the pool equipment in a side yard with a setback of approximately 14-feet minimally from the property line.

Mr. Holland said that the adjoining property impacted by this request has no openings except for a side garage door on the side of the property and it was indicated that the neighbors next door had no objection and they provided the applicant with a letter. The vote of the Board of Adjustment was 4-1 to deny the variance. It was mentioned at the meeting and later confirmed that the location of an air conditioning compressor on the same side yard had been approved when the building permit was issued, but it was in error.

Mr. Holland commented that he believes that the general sentiment of the Board of Adjustment is that the ordinance should be amended to permit such equipment in a side yard but not a minimum side yard. A conflict was also identified in the code with the definition section that states that no such mechanical equipment can be placed in a minimum rear yard.

City Attorney Seiden explained that the cement pad shown in the pictures provided in the packet was represented as the pad that was going to be used for the pool pump. The pad is not going to be used for the pool pump and it is designated for the air conditioner.

Applicant Mr. Salom stated that he made the mistake of not explaining to the Board of Adjustment why he wanted to place the pool equipment in the side yard and he will not make that mistake tonight. He distributed a letter of support from his neighbors to Council. This property was abandoned by fire and water damage and was a hazard to the community. The property was purchased by Mr. Alvarez and he then bought the property from him with the plans as well as the foundation that was already built. The electrical wiring was already set and permits were made for the electrical equipment as well as the air conditioner.

Mr. Salom commented that it is not a new construction and it is an existing construction that he bought with the plans already made. If the location has to be moved it would require the rerouting of the electrical lines which is an additional cost that he did not foresee in the original purchase. He would like to keep Miami Springs looking beautiful and putting the equipment in the rear yard would impede his view which is what he bought the property for. He distributed a letter to Council from himself and his wife summarizing the issue.

City Attorney Seiden explained that this is in fact new construction. The gentleman bought a partially built home, but for the City's purposes it is a new construction. The lines that are reflected in the photos refer to the air conditioning unit and not necessarily the pool pump at this point. This was done in error and there have been a couple of similar cases. If it is the desire of the Board of Appeals to grant the relief to this gentleman based upon the fact that the electrical was already located in that side yard, the City will ask the applicant to file an application for a variance for the electrical for the air conditioning unit.

City Attorney Seiden said that even though it was permitted; it was permitted in error. The applicant would have to get a variance so that the record is clear that in fact it was done in error. This process may be changed if Council changes the wording in the code some time in the near future. The current code is very clear. Council passes ordinances for the betterment of the community; not for the enjoyment of the particular residents by a particular owner.

City Attorney Seiden noted that nothing can be said regarding the air conditioning equipment because it has already been wired. The applicant will be asked to file an application for a variance. Variances have been given before because it is quite an expensive process to reroute that many electrical lines for that type of equipment and because it was permitted in error. The applicant is not at fault because he came into a situation that existed in regard to the house being built to that point.

Councilman Best stated that the Board of Appeals has had many issues come in front of them regarding the same situations as this one. He agrees with the idea of changing the wording on the ordinance and welcomes it as an agenda item in the future. The Board of Adjustment is in no way at fault because they were following the letter of the law as it exists. Council has the ability, sitting as the Board of Appeals, to look at situations in a different fashion and he would be in favor of granting the variance to the applicant.

Councilwoman Bain agreed with Councilman Best. She advised the applicant to speak with his neighbor to discuss an arrangement that would satisfy them both so the noise would not be an issue.

Mr. Salom replied that he has spoken with his neighbor and they also have their air conditioning unit on the same side and they had no issues with it.

Vice Mayor Ator disagrees with Councilman Best. She sympathizes that the applicant will have to go through the variance process with the Board of Adjustment again. She does not see any hardship with this variance and does not feel that it is appropriate to grant the variance for all of the reasons that the City Attorney stated. She looks forward to the discussion of changing the ordinance, but until this item is placed on an agenda, the variance should not be granted.

Mayor Garcia agrees with Councilman Best and Councilwoman Bain. He clarified that he can recall approving a variance for a pool pump to be placed in the same side yard where the air conditioner was placed. He understands the City Attorney's views regarding the fact that this is new construction. He also understands that the applicant purchased the property "as is" and he is not at fault for the issue coming about which is what is leading him to grant him the reverse of the Board of Adjustment decision.

City Attorney Seiden stated that if Council was inclined to grant a variance by overruling the actions of the Board of Adjustment, he asks that Council be specific on the record as to why they are granting the variance so as not to create a harmful precedent for the enforcement of this code provision in the future.

Mayor Garcia asked if City Attorney Seiden could recommend a motion.

City Attorney Seiden recommended that if Council is inclined to grant the motion to overturn the actions of the Board of Adjustment and grant the variance, it would be based upon the specific acknowledgement of the facts of this particular case as created by a subsequent owner of a partially constructed home that has already been permitted to have electric equipment on the side and that the granting of the variance would not be substantially harmful to the allowed placement of pool pumps in virtually the same location in the side yard.

Councilman Best accepted the motion recommended by City Attorney Seiden. Councilwoman Bain seconded the motion.

Vice Mayor Ator said that while the electrical was permitted for the side yard, it was in error. She asked how a motion can be made based on the allowance of the electrical in the side yard if the applicant needs to get a variance for the permitted electrical and City Attorney Seiden replied that the Council has previously given a variance in a situation like this granted in that case, the equipment was actually installed.

City Attorney Seiden recommended that Council grant the variance because he believes that the error and the cost factor involved would potentially fall on the City for their failure to properly review the plans and act properly.

Councilman Best asked if the variance would occur at the next Board of Adjustment meeting and City Attorney Seiden replied in agreement.

Councilman Best stated that he would like to withdraw his motion and reinstate his motion in as much as the variance goes in front of the Board of Adjustment relative to the ground connections that City Attorney Seiden is suggesting and that it be granted prior to the addition of the infrastructure item relative to all the electric on the same side of the house.

Councilman Best commented that it would be inappropriate for the applicant to receive approval for the pool equipment without the approval of the variance for the electrical.

City Attorney Seiden explained that what Councilman Best is saying is true, but the equipment is in place already and the matter has to be adjudicated by the Board. He suggested that Councilman Best can make his approval of the overturned variance conditional upon that approval being granted.

Councilman Best apologized and said that he would like to keep his original motion and not reinstate it.

City Attorney Seiden stated that a caveat will be added stating that this action will not take effect until the granting of the variance for the air conditioning equipment.

The motion was carried 3-1 on roll call vote with Vice Mayor Ator casting the dissenting vote.

Mr. Salom asked if he can continue his construction since he is now permitted and City Attorney Seiden replied that he must get in contact with Mr. Holland tomorrow to file an application for a variance to allow the placement of the air conditioning unit in the side yard. The construction can continue except for the two items. Once it is done, it will grant both variances for the air conditioning and the pool equipment.

City Attorney Seiden stated that there will be two other cases that are going to come before Council; one being very similar to this one and the other not so similar but they are regarding the same issue. The ordinance was created as the result of the Board of Adjustment actions and he would supplement that by telling Council that it was brought up by the Board of Adjustment, but in fact the prior Council sent it to the Code Review Board and the actual ordinance that was developed was as a result of the actions of the Code Review Board. If Council would like to revisit this ordinance they may do so.

4) OTHER BUSINESS:

None.

5) ADJOURNMENT

There was no additional business to be considered by the Council sitting as the Board of Appeals and the meeting was adjourned at 7:48 p.m. to the City Council Regular Meeting.

Respectfully submitted,

Elora R. Sakal
Board Secretary

Approved as _____ during meeting of: _____

Transcribed from tape by Elora R. Sakal.



City of Miami Springs, Florida

Recreation Commission

CANCELLATION NOTICE

The Recreation Commission meeting scheduled for Tuesday, October 9, 2012 has been canceled in advance.

A handwritten signature in cursive script, reading "Elora R. Sakal", is written over a horizontal line.

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



CITY OF MIAMI SPRINGS, FLORIDA

The **Golf and Country Club Advisory Board** met in Regular Session at 7:00 p.m., on Wednesday, October 10, 2012 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

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

The following were present:

Chairman George Heider
Ken Amendola
Michael Domínguez
Mark Safreed

Also present: Board Secretary Elora Sakal

2) Approval of Minutes

Minutes of the April 11, 2012 meeting were approved as amended.

Board member Dominguez moved to approve the minutes as amended. Board member Amendola seconded the motion which was carried 3-0 on roll call vote. Chairman Heider was absent at that meeting and could not vote.

Minutes of the June 13, 2012 meeting were approved as amended.

Board member Amendola moved to approve the minutes as amended. Board member Dominguez seconded the motion which was carried 3-0 on roll call vote. Board member Safreed was absent at that meeting and could not vote.

3) Old Business:

Board member Amendola said that some of the greens that were very wet are improving. Fairways fourteen and fifteen are horrible and they should be doing better because of the growing season. Fairway fifteen has bare patches, muddy areas and weeds and fairway fourteen has more weeds than grass. He hopes that the condition will get better before the winter. He would like to ask Ms. Pell if it is a coincidence that there are Australian pine trees or if it has something to do with the condition of that side of the fairway.

Chairman Heider noted that it has been a bad season for rain. Holes fifteen and eleven flood easily because they are low. The Golf Course is a little too soft right now due to all the rain.

Discussion ensued regarding the need for a program to improve the soil and grass.

Board member Domínguez commented that the visible eyesore that he has seen are the huts that are on the range.

Chairman Heider stated that the roofs have been put back up on the huts and were taken down due to the tropical storms.

4) New Business:

a) Total Rounds for the First Six Months of 2012, 2011, & 2010

Chairman Heider commented that the Golf Course recently celebrated its 15th birthday.

Chairman Heider said that some of the things that stood out to him in the total rounds were the weekend rounds. Weekend rounds are 32% of the total rounds minus the memberships. If the figure for the weekday resident walking of 667 rounds was taken out, the number would be even with the total rounds for the year. The weekend resident rate had an increase from 615 rounds to 1,520 rounds which is approximately a 66% increase.

Chairman Heider commented that the \$25.68 for the senior weekday rate seems to be a pretty good number. The seniors decided not to buy memberships because if they played 52 rounds, their total amount would be approximately \$280 where the senior membership is approximately \$500. He believes that residents are coming to play on the Golf Course and he would be in favor of eliminating the weekday resident walking fee or increasing it to \$15.

Board member Domínguez stated that \$15 for the majority of the walking residents falls into a lot of nine hole walking and not 18 holes. The senior weekday generated \$50,000 more in revenue and maybe there are additional seniors that are willing to walk. The membership increased by \$11,000.

Chairman Heider said that the 667 weekday resident walking rounds is not a lot but at least the opportunity was given to the residents to play for \$5.

Board member Safreed explained that the weekday senior rate with a cart increased a lot.

Board member Domínguez stated that the weekend resident rate was another fee that increased. It seems like the weekday senior rate and the weekend resident rate both brought in a lot of revenue.

Chairman Heider commented that the pro rated income for memberships was \$51,438 and in 2011 it was \$64,034 which was a loss of approximately \$13,000 in memberships. If the fee for residents to walk was increased to \$15, it would create a revenue of approximately \$9,000 and it could off-set the loss of memberships.

Board member Safreed was surprised by the number of players for the shootout which was 752 rounds.

Board member Domínguez asked if a resident that is playing in the shootout pays a weekday resident rate and Chairman Heider replied in agreement.

Chairman Heider clarified that these are the averages per round. During the winter and summer time, the rates can be a little higher.

Discussion ensued on why the averages per round were not adding up correctly.

Board member Domínguez said that the first thing that should be done that may be a safe move would be to audit the shootout.

Board member Safreed clarified that a PGA Member is a pro rate for former pros.

Chairman Heider mentioned that Tee Time USA went from 21 rounds to two rounds.

Board member Safreed asked if the Golf Course is paying for Tee Time USA and the board members were uncertain.

Board member Domínguez said that with the current situation, he knows that economically people do not have the time or the money to play as much golf as they used to. This change that has been made with the residents is a good one that has increased resident activity.

Board member Safreed asked if the residents who are walking are also playing on the weekends and Chairman Heider replied that it is possible.

Chairman Heider stated that the idea was to try to get the residents to purchase a membership and make the commitment to play at the Golf Course year round. He mentioned that he would not mind using the \$5 fee after 3:00 p.m. but he would have liked for Golf Pro Aldridge to be here to discuss restrictions for it.

Discussion ensued regarding what the "Junior" and "Junior with Parent" fees entail.

Board member Safreed commented that a lot of the Canadians like to walk.

Chairman Heider said that there would need to be some restrictions to the non-resident walk rate.

Board member Amendola asked what the (C) stands for next to some of the fee items and Board member Domínguez replied that it shows at the top of the list that the (C) stands for promotional rates.

Board member Domínguez asked who the Prime Timers were and Chairman Heider responded that they are seniors that used to work for the City that played once a week.

Chairman Heider would like to know if Golf Pro Aldridge knows where their golfers are coming from and said that he will bring this question up at the next meeting.

Board member Domínguez commented that every golfer that is not a local golfer that may play at the Golf Course still raves about the Premier Card.

Discussion ensued regarding the Premier Card and how well it worked for the Golf Course.

Board member Domínguez said that even if the revenue is negligible, it is increasing the exposure of the course by bringing in additional rounds.

Board member Safreed commented that the group rate weekend fee stood out to him. He assumes it is for the tournaments.

Board member Domínguez mentioned that the Golf Course lost a lot of rounds in the tax exempt tournament. A lot of the tournaments are not for profit which would fall into the tax exempt.

Board member Amendola asked if the Rotary Club event that is coming up will be a tax exempt tournament and Board member Safreed said that he is uncertain.

Chairman Heider explained that there may be restrictions to the tax exempt tournaments.

Discussion ensued regarding the tax exempt tournaments.

Board member Safreed said that the group rate weekend compared to the non-resident weekend and the resident weekend is a good rate.

Chairman Heider stated that he would like to put this item on the agenda for the next meeting.

(Rounds Report attached for the record)

b) Maintenance Standards for the Golf Course

Chairman Heider said that he put this item on the agenda mostly for Golf Superintendent Pell. He wanted her to put something together to place on the bulletin board prior to aerification of the greens or aerifying the fairways to let the golfers know three to four weeks in advance.

Board member Amendola commented that this has been discussed with Golf Superintendent Pell before and she said that the issue by doing this would be if there was be a date change.

Chairman Heider explained that communication is great and if something gets cancelled in advance, the notice on the bulletin board can be replaced with a cancellation notice.

Chairman Heider stated that he would like to put this item on the agenda for the next meeting.

5) Other Business:

Chairman Heider said that he wanted to discuss the first cut in the fairways. He wanted the board members to ask other people what their opinions are of the first cut. He believes that the first cut should be removed completely because it is not helping the grass grow in some areas and makes it difficult to hit the ball.

Removing it would benefit the course a lot and it would speed up play on the golf course which hopefully will generate more revenue.

Board member Amendola commented that everyone complains about the first cut.

Chairman Heider would like to put an item regarding surveys on the agenda for the next meeting.

Board member Domínguez asked if Chairman Heider is referring to the first cut in general or to the cut that Golf Superintendent Pell has been contouring and Chairman Heider replied that he would like to cut the Bermuda all the way down to the St. Augustine.

Board member Amendola said that a golfer would be better off being in the rough than in the first cut and that is not the way it should be. He agreed with Chairman Heider and said that if it cannot be improved then it should not be there at all.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 8:08 p.m.

Respectfully Submitted,

Elora Sakal
Clerk of the Board

Approved as _____ during meeting of: _____

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

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

**MIAMI SPRINGS GOLF & COUNTRY CLUB
ANALYSIS OF ROUNDS PLAYED
FOR THE FISCAL YEARS ENDING:**

GREEN & CART FEES

TYPE
RACK RATES

	9/30/2012					9/30/2011		
	Number	%	Revenues	%	Avg Per Round	Number	Revenues	Avg Per Round
Weekend Non-Resident	1,532	4.4%	73,768	7.9%	48.15	1,674	80,358	48.00
Weekday Non-Resident	1,070	3.1%	40,323	4.3%	37.69	966	35,673	36.93
Weekend/Holiday Resident	1,520	4.4%	62,891	6.8%	41.38	615	26,146	42.51
Weekday Resident	457	1.3%	11,003	1.2%	24.08	387	12,981	33.54
TOTALS FOR TOP RACK RATES	4,579	13.1%	\$ 187,985	20.3%	\$ 41.05	3,913	\$ 168,975	\$ 43.18
SEASONAL(A); DISCOUNT(B); PROMOTIONAL RATES(C)								
resident Weekend > 11:00 (B)	796	2.3%	28,532	3.1%	35.84	892	31,484	35.30
Non resident Weekend > 11:00 (B)	701	2.0%	27,088	2.9%	38.64	850	32,879	38.68
Twilight-Weekday	1,312	3.8%	39,607	4.3%	30.19	1,654	49,588	29.98
Twilight-Weekend	2,490	7.1%	80,289	8.6%	32.24	2,347	75,636	32.23
Super Twilight (after 4)	608	1.7%	11,363	1.2%	18.69	2,259	42,221	18.69
Tee Time USA	2	0.0%	73	0.0%	36.50	21	738	35.14
Shootout (C)	752	2.2%	18,769	2.0%	24.96	797	20,359	25.54
Seniors Weekday	10,533	30.2%	270,466	29.1%	25.68	8,481	220,730	26.03
Group Rate Weekend (B)	1,061	3.0%	46,303	5.0%	43.64	1,322	55,910	42.29
Spectator	34	0.1%	612	0.1%	18.00	28	504	18.00
Prime Timers (C)	346	1.0%	7,423	0.8%	21.45	339	7,109	20.97
Teacher, Police, Fire	183	0.5%	4,588	0.5%	25.07	189	4,855	25.69
Men's Golf Assoc. (A)	232	0.7%	9,646	1.0%	41.58	264	11,848	41.72
Weekday resident Walking	667	1.9%	3,115	0.3%	4.67	-	-	-
Junior	115	0.3%	859	0.1%	7.47	426	3,182	7.47
Junior with Parent	88	0.3%	1,583	0.2%	17.99	102	1,835	17.99
PGA Member	240	0.7%	4,318	0.5%	17.99	280	5,037	17.99
Can-Am Golf (B)	76	0.2%	2,107	0.2%	27.72	334	9,362	28.03
Tax Exempt Tournament	593	1.7%	15,699	1.7%	26.47	1,140	27,935	24.50
Replay 18 Holes	-	0.0%	-	0.0%	-	4	75	18.75
Replay 9 Holes	17	0.0%	203	0.0%	11.94	17	203	11.94
TOTALS FOR OTHER DISCOUNTED RACK RATES	20,846	59.8%	\$ 572,643	61.7%	\$ 27.47	20,503	\$ 588,041	\$ 28.68
TOTALS FOR ALL RACK RATES	25,425	72.9%	\$ 760,628	81.9%	\$ 29.92	24,416	\$ 757,016	\$ 31.00
Membership Activity:								
Member 18 Hole cart	5,816	16.7%	108,702	11.7%	18.69	2,996	55,995	18.69
Weekday resident Cart Fee	78	0.2%	1,822	0.2%	23.36	-	-	-
9-Hole Member Cart Rate	345	1.0%	4,113	0.4%	11.92	387	4,613	11.92
Trail Fee	2	0.0%	1,550	0.2%	775.00	2	775	-
Membership pro rated income	-	0.0%	51,438	5.5%	-	-	64,034	-
Member walk	3,199	9.2%	-	0.0%	-	4,330	-	0
TOTALS FOR ALL MEMBER ROUNDS	9,440	27.1%	\$ 167,625	18.1%	\$ 17.76	8,972	\$ 156,583	\$ 17.45
TOTALS FOR ALL PAID ROUNDS THRU 9/30/10	34,865	100.0%	\$ 928,253	100.0%	\$ 26.62	33,388	\$ 913,599	\$ 27.36
Employee Rounds	16	-	-	-	-	66	-	-
Comp rounds	20	-	-	-	-	21	-	-

Note:
Data from GolfTrac application with exception of Membership Pro Rated Income from HTE.



CANCELLATION NOTICE
CODE REVIEW BOARD

Due to the fact that the City Council has not directed the Code Review Board to review any ordinances this month, the regular meeting of Thursday, October 25, 2012 has been canceled in advance.

A handwritten signature in cursive script, reading "Magali Valls", is positioned above a horizontal line.

Magali Valls, CMC
City Clerk

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

MIAMI DAILY BUSINESS REVIEW

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



STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

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

CITY OF MIAMI SPRINGS PUBLIC HEARINGS - OCT. 22, 2012
PROPOSED AMENDMENT OF CITY'S COMPREHENSIVE PLAN, ETC.

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

10/12/2012

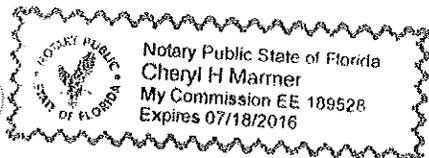
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has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

Sworn to and subscribed before me this

12 day of OCTOBER, A.D. 2012

(SEAL)

V. REYNOSO personally known to me



NOTICE OF PUBLIC HEARINGS OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS TO CONSIDER THE RECOMMENDATIONS OF THE CITY LOCAL PLANNING AGENCY RELATIVE TO THE CONSIDERATION OF AMENDMENTS TO THE CITY COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Miami Springs will conduct public hearings on the following ordinances related to the proposed amendment of the City Comprehensive Plan following receiving the recommendations of the City's Local Planning Agency relative to the proposed amendments:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN, AS MANDATED BY FLORIDA STATUTES SECTIONS 163.3177 (3) (b); PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, BASED ON UPDATED DATA AND ANALYSIS; AND AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE 1998 COMPREHENSIVE PLAN AS AMENDED; TO REVISE AND UPDATE THE EXISTING GOALS, OBJECTIVES, AND POLICIES IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held on Monday, October 22, 2012 beginning at 7:00 p.m.

The hearings will be held at the City of Miami Springs, City Hall, located at 201 Westward Drive, Miami Springs, FL 33166. All interested parties are encouraged to appear and be heard regarding the proposed Amendments to the Comprehensive Plan and may submit written or oral comments before or at the hearings.

A copy of the proposed Amendments will be available for public inspection at the City Clerk's office 201 Westward Drive, Miami Springs, FL 33166, between 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations at any of these meetings because of a disability or physical impairment, should contact the City Clerk's office at 305.805.5006, at least 48 hours prior to the meeting.

If any person decides to appeal a decision made in any matter considered at these meetings/hearings, such person may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

Magali Valls, CMC, City Clerk

10/12

12-3-241/1964729M

\$ 143.43

ORDINANCE NO. 1040-2012

City Council Meeting of:

10-22-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTIONS 163.3177 (3) (b); PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, F.S. §163.3177 (3) (b) requires local governments to annually update its Five-year Schedule of Capital Improvements which is consistent with its Comprehensive Plan and may be accomplished by Ordinance rather than as an amendment to the Local Comprehensive Plan; and,

WHEREAS, the City Council, acting as the Local Planning Agency, held its duly advertised public hearing on October 22, 2012, reviewed the proposed Five-year Capital Improvements, and forwarded its recommendation to the City Council; and,

WHEREAS, the City Council held its required first public hearing on October 22, 2012, approving revisions to the Five-year scheduled Capital Improvements and will conduct the required second public hearing before adoption; and,

WHEREAS, the City Council is desirous of adopting the aforesaid Schedule of Capital Improvements to guide future development of the City and protect the public's health, safety and welfare;

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

Section 1: That the City Council of the City of Miami Springs hereby revises the Capital Improvements Element of its Comprehensive Plan by updating the Five-year Schedule of Capital Improvements (Five-year Capital Improvement Plan) attached hereto as Exhibit "A".

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

Section 3: That if any part whatsoever of this Ordinance shall be held invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

Section 4: That this Ordinance shall become effective immediately upon its adoption.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

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

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

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 10-22-2012
Second reading: 11-19-2012

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



MIAMI DAILY BUSINESS REVIEW

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

NOTICE OF PUBLIC HEARINGS OF CITY OF MIAMI SPRINGS LOCAL PLANNING AGENCY REGARDING AMENDMENTS TO THE CITY COMPREHENSIVE PLAN

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

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

CITY OF MIAMI SPRINGS PUBLIC HEARINGS - OCT. 22, 2012
PROPOSED AMENDMENT OF CITY'S COMPREHENSIVE PLAN, ETC.

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

10/12/2012

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

Sworn to and subscribed before me this

12 day of OCTOBER, A.D. 2012

(SEAL)

V. REYNOSO personally known to me

NOTICE IS HEREBY GIVEN that the City Council of the City of Miami Springs, sitting as the Local Planning Agency, will conduct public hearings on the following ordinances related to the proposed amendment of the City Comprehensive Plan:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN, AS MANDATED BY FLORIDA STATUTES SECTIONS 163.3177 (3) (b); PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, BASED ON UPDATED DATA AND ANALYSIS, AND AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE 1998 COMPREHENSIVE PLAN AS AMENDED; TO REVISE AND UPDATE THE EXISTING GOALS, OBJECTIVES, AND POLICIES IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held on Monday, October 22, 2012 beginning at 7:00 p.m.

The hearings will be held at the City of Miami Springs, City Hall, located at 201 Westward Drive, Miami Springs, FL 33166. All interested parties are encouraged to appear and be heard regarding the proposed Amendments to the Comprehensive Plan and may submit written or oral comments before or at the hearings.

A copy of the proposed Amendments will be available for public inspection at the City Clerk's office 201 Westward Drive, Miami Springs, FL 33166, between 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.

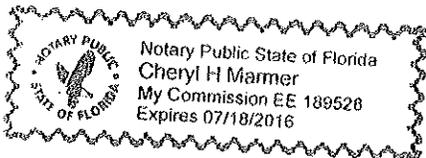
In accordance with the Americans with Disabilities Act, any person requiring special accommodations at any of these meetings because of a disability or physical impairment, should contact the City Clerk's office at 305.805.5006, at least 48 hours prior to the meeting.

If any person decides to appeal a decision made in any matter considered at these meetings/hearings, such person may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

Magali Valls, CMC, City Clerk

10/12

12-3-242/1964730M



\$134.68

ORDINANCE NO. 1041-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, AMENDING THE CITY COMPREHENSIVE PLAN BASED ON UPDATED DATA AND ANALYSIS; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE 1998 COMPREHENSIVE PLAN AS AMENDED; REVISING AND UPDATING THE EXISTING GOALS, OBJECTIVES, AND POLICIES IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163 FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and,

WHEREAS, the City Council of the City of Miami Springs adopted the City of Miami Springs Comprehensive Plan by the enactment of Ordinance No. 849-98 on September 29, 1998; and,

WHEREAS, Chapter 163 Florida Statutes provides for amendments to adopted Comprehensive Plans under the Expedited Review Process; and,

WHEREAS, the City Council desires to amend the Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan; and,

WHEREAS, the City's Local Planning Agency (LPA) has reviewed the proposed amendments to the Comprehensive Plan at a duly advertised meeting on October 22, 2012, and determined that such amendments were consistent with the City's Comprehensive Plan; and,

WHEREAS, the City Council has agreed with and accepted the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, F.S., and that the proposed amendments are consistent with the City's Comprehensive Plan; and,

WHEREAS, the City Council held its first required and duly advertised public hearing for the transmittal of the proposed amendments on October 22, 2012 and will conduct the required second public hearing before adoption and transmission; and,

WHEREAS, the City has received and responded to timely comments from certain review agencies which have been granted such authority under Section 163.3184 (3) (b) 3 and 4; and,

WHEREAS, City Council is desirous of adopting the aforesaid textual amendments to the City Comprehensive Plan:

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

Section 1: That the City Council of the City of Miami Springs does hereby approve and adopt the Comprehensive Plan Amendments attached hereto as Exhibit "A".

Section 2: That the City Council of the City of Miami Springs does hereby authorize the amendment of the City of Miami Springs Comprehensive Plan previously adopted by the enactment of Ordinance No. 849-98, in accordance with the approved and adopted amendments to its current Comprehensive Plan, as amended, which amendments shall include and consist of the pages identified as Exhibit "A" Text Amendments to the Future Land Use Element, which are hereby incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, and all required supporting documentation is on file at City Hall in Miami Springs, Florida.

Section 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 4: That the effective date of this plan amendment ordinance, if the amendment ordinance is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment ordinance shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment ordinance may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

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

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

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 10-22-2012
Second reading: 11-19-2012

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

**Don't
FORGET!**



*PLEASE BRING
YOUR
BOARD OF APPEALS
PACKET!*