



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Xavier M. Garcia

Vice Mayor Michael Windrem
Councilman George V. Lob

Councilman Billy Bain
Councilman Jaime A. Petralanda

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
Tuesday, May 28, 2013 – 7:00 p.m.
Council Chambers – City Hall
201 Westward Drive – Miami Springs

1. Call to Order/Roll Call
2. Invocation: Vice Mayor Windrem

Salute to the Flag: Students from the Academy for International Education Charter School will lead the audience in the Pledge of Allegiance and Salute to the Flag
3. Awards & Presentations:
 - A) Proclamation – Robert ‘Bob’ Haworth Day
 - B) Officer of the Month Award – April 2013 – Officer Darryl Cates
4. Open Forum: Persons wishing to speak on items of general city business, please sign the register located on the speaker’s stand before the meeting begins

5. **Approval of Council Minutes:**
 - A) 05-13-2013 – Regular Meeting
6. **Reports from Boards & Commissions:**
 - A) 05-09-2013 – Board of Parks and Parkways – Minutes
 - B) 05-16-2013 – Historic Preservation Board – Minutes
 - C) 05-20-2013 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice
 - D) 05-23-2013 – Code Review Board – Cancellation Notice
 - E) 05-28-2013 – Ecology Board – Cancellation Notice
7. **Public Hearings:** None
8. **Consent Agenda:**
 - A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$258,750 Over the Next Five Years, to Yamaha Motor Corporation for Leasing of Golf Carts, Pursuant to Section §31.11 (E)(6)(g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City’s Existing Contract/Contract Vendor for an Additional 5 Year Period
 - B) Recommendation that Council Approve an Expenditure to TLO Online Investigative Systems, the Lowest Responsible Quote, in the Amount of \$3,960.00, for a Three-year Online Investigative Subscription, Pursuant to Section 31.11 (C) (2) of the City Code
9. **Old Business:**
 - A) Appointments to Advisory Boards by the Mayor and Council Members
 - B) Ordinance No. 1054-2013 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-015, Parking of Commercial Vehicles in City Limits, to Update and Clarify Which Commercial Vehicles May or May not be Parked in the Residential, Multi-Family Residential, Business, and Commercial Zoning Districts of the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Draft discussed during the 5-13-13 meeting)
 - C) Code Compliance Revision Recommendations Regarding Commercial Vehicles in Commercial Districts (Carried forward from the 5-13-13 meeting)
 - D) List of Codes to be Reviewed
 - E) Recommendation to Move Forward with a Replacement Aquatic Facility

10. **New Business:**

- A) Approval of a New Full Time Position in the City Clerk's Office
- B) Resolution No. 2013-3581 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting A Revised City Employee "Pay Plan" for Fiscal Year 2012-2013; Reserving the Right and Authority to Amend or Supplement the Plan; Effective Date
- C) Recommendation from the Board of Parks and Parkways Regarding the Yard of the Month for June and August
- D) First Reading – Ordinance No. 1055-2013 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 70-02, Red Light Camera Enforcement, by Adopting and Implementing the Amendments and Newly Enacted Provisions of State Law Contained in CS/CS/HB7125; Providing for the Adoption and Implementation of Future Amendments and Statutory Provisions; Authorizing the Creation of a Local Hearing Officer Process Consistent with State Law; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date
- E) Resolution No. 2013-3582 - A Resolution of the City Council of the City of Miami Springs Authorizing the Hiring of Local Hearing Officers; Designating the City Clerk's Office to Provide Clerical and Other Assistance; Directing the Finance Department to Provide Support Services; Establishing an Administrative Fee for Each Hearing; Effective Date
- F) Consideration of the Vacation and Abandonment of an Alley Right-of-Way Between 157 Deer Run and 640 Curtiss Parkway
- G) Notification of Litigation Involving the City Annexation; Authorization to Secure Representation for Case
- H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure to Wrangler Construction, the Lowest Responsible Quote, in the Amount of \$37,120.00, for Sidewalk Repair, Replacement, Pursuant to Section 31.11 (E) (6) (g) 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.



Proclamation

By the Mayor of the City of Miami Springs

WHEREAS, it is important to recognize people who have enriched the community through their leadership, enthusiasm and camaraderie; and,

WHEREAS, seventeen years ago, Robert "Bob" Haworth created a softball league where the churches of Miami Springs would come together to enjoy the sport and share their love of the game; and,

WHEREAS, every Sunday afternoon during the springtime, the faithful would come out to play softball, have fun and build relationships between men and women of all faiths, focusing on what they have in common, as opposed to their differences; and,

WHEREAS, Bob is known as a dedicated man and a great leader who upholds Christian values and always made sure that those values were exhibited on the softball field; and,

WHEREAS, Coach Bob Haworth served as the Commissioner of the Miami Springs Coed Church Softball League from 1996 until 2013, and will be retiring and moving north to Winter Haven; and,

WHEREAS, as the cornerstone of the church softball league, Bob will be greatly missed by his fellow players and church members,

NOW, THEREFORE, I, Xavier M. Garcia, Mayor of the City of Miami Springs, Florida, do hereby proclaim May 28, 2013 as

"Robert 'Bob' Haworth Day"

in Miami Springs and in observance thereof, I call upon the citizens of Miami Springs to join me in recognizing his leadership and dedication that has enriched the community and every person that knows him.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Miami Springs, Florida to be affixed this 28th day of May 2013.

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk



Miami Springs Police Department

Memorandum

To: Officer Darryl Cates

From: Peter G. Baan, Chief of Police *Peter G. Baan*

Subject: Officer of the Month, April, 2013

Date: 05/15/2013

On 04/01/2013, Sergeant Andres Quintanilla drafted a memorandum which recommends that you receive the Officer of the Month Award for April 2013. The memo describes the details of your response to a suspicious incident call, which ultimately resulted in the arrest of two burglary subjects

The Miami Springs Police Department Awards Committee has concurred with Sergeant Quintanilla's recommendation, and I agree. You are invited to attend the City Council Meeting on Tuesday May, 28th at 7:00 pm, when this award will be publicly presented to you. You are invited to bring with you any family members, friends, or associates to share in this occasion.

I congratulate you for your outstanding performance, and compliment you on your professionalism. Your outstanding performance reflects highly on the professional reputation of the entire Miami Springs Police Department.

Attachments


cc: City Manager R. Gorland
Captain J. Kahn
Lieutenant R. Walker
Lieutenant S. Carlisle
Lieutenant J. Mulla
Sergeant A. Quintanilla
CPO
Personnel File

MIAMI SPRINGS POLICE DEPARTMENT

MEMORANDUM

TO: Peter G. Baan, Chief of Police

THRU: Chain of Command

FROM: Sergeant Jimmy E. Deal 

SUBJECT: Officer of the Month Nomination

DATE: May 9, 2013

The Awards Committee reviewed the nomination submitted for Officer Darryl M. Cates for the month of April, 2013. The awards committee concurs that the nomination meets the criteria for the prestigious Officer of the Month Award.

MIAMI SPRINGS POLICE DEPARTMENT

Rec'd 04/09/2013
P. Baan

MEMORANDUM

TO: Chief P. Baan (via Chain of Command)
FROM: Sgt. A. Quintanilla *AQ*
DATE: 04/01/13
SUBJECT: Officer of the Month Award

On 04/01/13 (Sunday 3/31/13, 11p-7a shift), at approximately 0331 hours, Ofc. Cates & Ofc. O. Garcia responded to a suspicious incident call at 580 Hunting Lodge Dr. The complainant advised he heard his dog barking and when he looked outside his window, noticed the interior light of his daughter's vehicle was on. Upon officers arrival, their investigation revealed that the vehicle may have been burglarized (vehicle's door was found unlocked) but the owner of the vehicle was not available and could not verify it. Ofc. O. Garcia gathered all the information for a report and left the area to return to his assigned zone. Ofc. Cates sensing the subjects may still be in the area stayed nearby. Approximately thirty minutes later Ofc. Cates observed two juveniles walking near the canal bank at the 10 block of Hunting Lodge Ct, one carrying a flashlight. He immediately called for backup officers to respond and set a perimeter of the area. He directed the perimeter points and advised units to turn off their headlights as they approached the area. Ofc. Cates was in the 500 block of Hunting Lodge Dr on the other side of the canal bank and was completely hidden from the view of the juveniles. Officer Pacheco and I responded to the perimeter points. After arriving and realizing the juveniles had nowhere to run, Ofc. Pacheco and I began approaching the subjects. Before we reached the juveniles, MSPD dispatch (Officer Nunez working the desk) advised he was receiving a burglary that had just occurred at 20 Hunting Lodge Ct with subjects matching the same description. At this point, Ofc. Pacheco and I approached the subjects and ordered them to the ground. One of the subjects immediately surrendered, but the other subject began to hesitate and look around. When he looked back and saw Ofc. Cates across the canal bank with his K-9 dog and that Ofc. Pacheco and I had him cornered, he finally surrendered. Both subjects were taken into custody without incident.

Investigation later revealed subjects burglarized several homes and vehicles in the area. A bag containing the stolen items and the subjects' flashlight was found near the canal bank where Ofc. Cates first spotted them. Additionally, a search incident of the arrests, revealed several pieces of jewelry and other stolen items in the pockets of the subjects' pants. Detectives Tamargo and Mayer responded to interview the subjects and process several crime scenes. When the investigation was completed, the subjects were charged with a total of 32 criminal charges, 26 of them being felonies. Over a total of 19 police report cases were solved and closed.

Am040813
4-9-13 J. K. Koh

I would like to take the time to nominate Ofc. Cates for the Officer of the Month Award, for several reasons. First, he showed his police experience and intuition when he stayed in the area. Second, he conducted an absolutely flawless perimeter. In fact it has been one of the quickest and most effective perimeters I have been a part of throughout the years. There was absolutely nowhere for the subjects to run and they had no idea they were being watched. Third, both subjects were taken into custody without incident. Both subjects were juveniles and did not realize the danger they had exposed themselves to by burglarizing occupied homes. A witness later told me that had he seen the juveniles in their home, he probably would have shot them in fear for his life. There are several known armed homeowners in the area, and a deadly ending to a burglary spree may have been prevented. Fourth, several cases were cleared as a result of the arrests. Lastly, Ofc. Cates has been the most productive officer (reflected on our monthly statistics report) for the month of March, as well as the entire year of 2013.

I respectfully request this nomination to be considered and for a commendation to be placed in his personnel file. I would also like to thank the Detective Bureau for its continued fine work. Your consideration is greatly appreciated.



DRAFT

City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 13, 2013, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor Michael Windrem
- Councilman Billy Bain
- Councilman George V. Lob
- Councilman Jaime A. Petralanda

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Recreation Director Omar L. Luna
- Golf and Country Club Director Paul O'Dell
- Golf Superintendent Sandy Pell
- Building & Code Compliance Director H. "Tex" Ziadie
- City Clerk Magali Valls
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Councilman Petralanda offered the invocation.

Salute to the Flag: Students from Miami Springs Middle School led the audience in the Pledge of Allegiance and Salute to the Flag

The Mayor presented baseball caps to the students who participated in the salute to the flag.

3. Awards & Presentations:

3A) Proclamation – Daniela Rodriguez Day

Mayor Garcia proclaimed May 13, 2013 as “Daniela Rodriguez Day”. He felt that it was important to recognize her many achievements in robotic engineering.

Ms. Rodriguez introduced “Steve”, her robot, and gave a demonstration of how it works.

3B) Yard of the Month Award – Leticia Blanco – 489 La Villa Drive

Leticia Blanco of 489 La Villa Drive was not present to accept her award.

3C) Presentation of Certificate of Sincere Appreciation to Former Councilman Bob Best

Mayor Garcia presented a Certificate of Sincere Appreciation to former Councilman Bob Best for his eight years of service to the City.

Former Councilman Best thanked Mayor Garcia and the entire City. He said that Councilman Petralanda made a very valid point in his invocation by saying that it is the residents that make things occur on Council. He thanked everyone who supported him over the years and the Administration and Council members who have served with him. Residents have a very serious item to consider moving forward in two years which is the fact that they have a great body of people to support and represent them.

3D) Presentation of Certificate of Sincere Appreciation to Former Councilwoman Jennifer

Former Councilwoman Jennifer Ator was not present to receive her award.

3E) Presentation of Certificate of Sincere Appreciation to Former Councilwoman Grace Bain

Mayor Garcia presented a Certificate of Sincere Appreciation to former Councilwoman Grace Bain for her one year of service to the City.

Former Councilwoman Bain said that it has always been a pleasure to serve Miami Springs and she enjoyed her time on Council and learned a lot. She commented that she did not know what to expect until she was sitting in the chair at the dais. Her heart will always be with Miami Springs and its residents and she will continue to do volunteer work and represent Miami Springs.

4. Open Forum:

No speakers.

5. **Approval of Council Minutes:**

5A) **04-22-2013 – Regular Meeting**

Minutes of the April 22, 2013 Regular Meeting were approved as written.

Councilman Bain moved the item. Councilman Lob seconded the motion, which was unanimously carried on roll call vote.

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

6A) **02-07-2013 – General Employees Retirement System – Minutes**

Minutes of the February 7, 2013 General Employees Retirement System meeting were received for information without comment.

6B) **02-07-2013 – Police and Fire Retirement System – Minutes**

Minutes of the February 7, 2013 Police and Firefighters Retirement System meeting were received for information without comment.

6C) **04-16-2013 – Education Advisory Board – Minutes**

Minutes of the April 16, 2013 Education Advisory Board meeting were received for information without comment.

6D) **04-18-2013 – Historic Preservation Board – Minutes**

Minutes of the April 18, 2013 Historic Preservation Board meeting were received for information without comment.

6E) **04-23-2013 – Ecology Board – Cancellation Notice**

Cancellation Notice of the April 23, 2013 Ecology Board meeting was received for information without comment.

6F) **04-25-2013 – Code Review Board – Cancellation Notice**

Cancellation Notice of the April 25, 2013 Code Review Board meeting was received for information without comment.

6G) **05-01-2013 – Architectural Review Board – Minutes**

Minutes of the May 1, 2013 Architectural Review Board meeting were received for information without comment.

6H) 05-06-2013 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the May 6, 2013 Zoning and Planning Board meeting was received for information without comment.

6I) 05-06-2013 – Board of Adjustment – Cancellation Notice

Cancellation Notice of the May 6, 2013 Board of Adjustment meeting was received for information without comment.

6J) 05-07-2013 – Code Enforcement Board – Minutes

Minutes of the May 7, 2013 Code Enforcement Board meeting were received for information without comment.

6K) 05-08-2013 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the May 8, 2013 Golf and Country Club Advisory Board meeting was received for information without comment.

6L) 05-14-2013 – Recreation Commission – Cancellation Notice

Cancellation Notice of the May 14, 2013 Recreation Commission meeting was received for information without comment.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1053-2013 – An Ordinance of the City Council of Miami Springs Amending Code of Ordinance Section 34-14, Appointments, by Adding Thereto a Maximum Number of Hours for Other Than Fulltime Classified Employees; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 04-22-2013 – Advertised: 04-24-2013)

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

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

Councilman Lob moved to adopt the ordinance. Vice Mayor Windrem seconded the motion which was carried 5-0 on roll call vote.

8. Consent Agenda: (approved with one motion)

8A) Approval of the City Attorney's Invoice for April 2013 in the Amount of \$13,263.75

There was no discussion regarding this item.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

8B) Recommendation that Council Approve a Change Order in an Amount not to Exceed \$4,000.00, on an "As Needed" Basis, to M. Jurado & Associates, Inc., for the Annual Costs of Conducting Mechanical Plan Reviews and Inspections, Pursuant to Section 31.11 (F)(11)(c) of the City Code

To answer Councilman Bain's question, City Manager Gorland clarified that the change order is for an inspector who does mechanical plan reviews. There is a lot of permit activity so additional funds must be allocated to compensate the inspectors.

City Attorney Seiden stated that it is important to note that the funds do not come out of the General Fund because the fees are paid by the people who are replacing a roof or building homes.

Discussion ensued regarding Councilman Bain's concern for residents paying for numerous inspections. He requested an analysis of all of the inspections.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

8C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$20,000, on an "As Needed" Basis, to Angel M. Alvarez, for the Annual Costs of Conducting Roofing Plan Reviews and Inspections and Building Inspections, Pursuant to Section 31.11 (F) (11) (c) of the City Code

To answer Councilman Bain's question, City Manager Gorland commented that the City attempts to do as much as they can at the lower cost which is not for the services of Building Official Edwin "Skip" Reed. In some cases, it is Mr. Reed if there are multiple inspections on the same site. The lower cost is paid to one of the inspectors to perform the same roofing inspections.

Councilman Bain asked if the full amount had been budgeted and City Manager Gorland replied in agreement. He added that as the City gets more business there will be a need for additional inspections.

Councilman Bain asked why Mr. Reed would have to be on a roof to perform an inspection if the City is paying for roofers to do inspections and City Manager Gorland responded that there are emergency situations from a construction standpoint.

Councilman Bain asked if it is possible that Mr. Reed and the roof inspector are being paid for inspecting the same roof and City Manager Gorland replied that it would not be possible.

City Manager Gorland said that the roofing inspector can make the first inspection and if a second inspection is required and he is not available, then Mr. Reed would make the second inspection.

City Attorney Seiden clarified that there will be subsequent inspections for the same roof at different phases of the construction and there may be a special circumstance where there may be something that the Building Official, in his capacity, may need to inspect as opposed to the roofing inspector.

To answer Councilman Bain's question, City Manager Gorland stated that Mr. Reed is compensated on an hourly basis and the Building Department Staff determines which roofing inspector performs the inspection.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

8D) Approval of Budget Transfers Within Departments

In reply to Councilman Petralanda's question, Assistant City Manager/Finance Director William Alonso explained why funds are transferred from one account to another.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

8E) Recommendation that Council Approve an Expenditure to Gus Machado Ford, the Lowest Responsible Quote, in the Amount of \$31,972.00, for 2 Ford 150 Regular Cab Trucks, Pursuant to Section 31.11 (C) (2) of the City Code

To answer Councilman Petralanda's question, City Manager Gorland stated that the proceeds from sale of vehicles at the auction went into the General Fund and the amount is more than enough to cover the cost of the two trucks.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

9. Old Business:

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

Councilman Petralanda (Group IV) appointed Kim Werner to the Education Advisory Board for a full 2-year term ending on May 31, 2015.

9B) Approval of Florida League of Cities Ad

Mayor Garcia commented that the changes that were made were the year, the picture and the names.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

(Agenda Item 10E was discussed at this time)

9C) Recommendation for Restructuring Recreation Department Staff

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

"We would like to restructure the staff at the Recreation Department to be able to provide a better service to our residents/park patrons. In FY2010 the Recreation Department asked for an additional (3) FT Recreation Specialist I. The Recreation Department has been functioning with no problem with the additional (3) FT Recreation Specialist. However, we feel that the Recreation Department could run more efficient if we had a designated pipeline for our employees. I am proposing to Eliminate the (3) FT Recreation Specialist I and add (2) FT Recreation Specialist II and (1) FT Recreation Leader. This will allow for us to mold/train the (1) Recreation Leader to eventually step into one of the Recreation Specialist II positions. The Recreation Specialist II positions are a great opportunity for our up and coming young staff to get a great experience in the Recreation Field, but this position in the Recreation industry has a high turnover. These positions are usually a stepping stone for those employees to continue to move up within the current Department or another opportunity. Please be advised that financially this will not impact our current budget.

Current Staff:

Current Positions: (3) Recreation Specialist, Pay Grade 15 (\$26,845 to \$39,810) Current Pay for those positions: \$29,870.00 X (3) Employees = \$89,610.00 Current Budget for the Positions: \$89,610.00

Proposed Changes to Staff:

*New Proposed Positions: (2) Recreation Specialist II, Pay Grade 22 (\$31,909 - \$47,318)
New Proposed Positions: (1) Recreation Leader, Pay Grade 10 (\$23,726 - \$35,181)*

Proposed Pay for the (2) new Recreation Specialist II, \$32,857 Per Employee X 2 = \$65,714.

Proposed pay for (1) Recreation Leader, \$23,896.00.

Total Cost for the Staff: \$89,610.00.

We are recommending these changes, because we feel this will allow for the Department to be more efficient not only immediately, but also looking towards the future."

Mayor Garcia commented that the restructuring looks similar to what other departments were requested to do. He is happy to see that this is something that staff is implementing.

To answer Councilman Petralanda's question, Recreation Director Omar Luna stated that there are two current Recreation Specialists I and there is one position that has not been filled.

Councilman Petralanda asked Mr. Luna if this request is to change the employee's title and Mr. Luna replied that their job title would change but it also adds to their job description.

To answer Councilman Petralanda's question, Mr. Luna said that the employees would not need training.

Mr. Luna clarified that there will not be an impact on the current budget because the Recreation Specialist I position that is currently open will be deleted and there will a Recreation Leader that will be paid less so it will balance out to the same amount of funds.

Councilman Petralanda inquired if Mr. Luna would come back in the future asking to compensate the employees more because of increased job responsibilities.

City Manager Gorland clarified that it could happen. The Community Center is a highly complex facility and the employees are highly trained compared to what they were ten years ago. He cannot predict where it is going to take the City over the next few years.

Councilman Petralanda commented that the industry standard compensates more than what the City is compensating the employees even with the deleted position. It might force Council to increase their pay salary just because their title has changed.

Mr. Luna explained that there are currently three Recreation Specialists and one is going to be deleted and replaced with a Recreation Leader which will be compensated less and have less job duties. The other two positions will have an increase in job duties and will be promoted to the Recreation Specialist II position.

Councilman Petralanda stated that he is concerned that there will be a request to Council for raises next fiscal year.

To answer Councilman Lob's question, Mr. Luna responded that he has looked at other places and this is the standard pay grade.

Mayor Garcia said that the chances of having to compensate those two positions more are the same even if they were the three lower level positions. There is always a chance that Mr. Luna can request a raise for those two positions regardless of the position they are at.

City Attorney Seiden stated that the top range for the Recreation Specialist I is \$39,810 and the Recreation Specialist II is \$47,000 so there is a potential \$8,000 difference. The most important question would be what the employees are currently making and what they will be making after their promotion.

Mr. Luna commented that the employees are currently making \$29,870 and with the promotion they would make \$32,857.

City Attorney Seiden said that if Council were to approve this item, they will need to revise the City pay plan accordingly at the next meeting.

To answer Councilman Bain's question, City Manager Gorland explained that this proposal is not for the next budget and is to begin immediately for this budget. It is budget neutral and probably will be for the next budget although he cannot guarantee it.

Mayor Garcia stated that having people who are trained and who have increased their job experience would have the opportunity to step in and fill the positions for other employees that move on.

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

(Agenda Item 9D was discussed after Agenda Item 10H)

9D) Resolution in Favor of Annexation

Mayor Garcia stated that the annexation resolution was pulled from the agenda in lieu of his meeting today with the County Mayor who is not moving forward with his recommendation of having businesses in the proposed annexation area vote on the matter. They will go by the provisions of the County Charter and there is no need for the resolution.

The Mayor noted that the Town of Medley already adopted a resolution before they could be notified and the Village of Virginia Gardens will not be moving their resolution forward. He explained that there would not be any changes to the annexation proposal, except that the May meeting was cancelled and it will be held in June.

10. New Business:

10A) Recommendation from the Architectural Review Board to Add the Colors on the Community Center to the Color Palette

City Manager Ronald K. Gorland stated that on May 1, 2013, the Architectural Review Board recommended that the colors of the Community Center be added to the commercial color palette in the City, except for the N. W. 36th Street District. This recommendation supersedes the Board's recommendation made at their Meeting of April 3, 2013 on the same subject.

City Manager Gorland said that Planning and Zoning Director Holland reviewed this recommendation and provided his comments. The colors on the Community Center consist of five colors, of which two are already included in the City's adopted color palette for commercial buildings and one is limited to N. W. 36th Street. One of the colors could not be found on the Benjamin Moore website and it is assumed that it was discontinued. The two remaining colors are very close to colors that are already on the adopted color palette.

City Manager Gorland commented that the printing cost of the existing color palette was \$815.00, not including the cost of providing camera ready copies that was included in the consultant's fee of \$6,800.00. Mr. Holland is not making a recommendation, only that the color palette is sufficient and if Council wanted to add the other two colors it would be done by referencing the Benjamin Moore color number and not changing the existing forms.

Mayor Garcia stated that his recommendation was going to be to include the two color numbers and not reprinting the color palette.

City Attorney Seiden added that the color palette ordinance also provides that color variations are within the judgment of the Department.

Councilman Bain denied the recommendation based upon the Planning and Zoning Director's input and the current color palette ordinance that allows variations in color. Councilman Petralanda seconded the motion which was unanimously carried on roll call vote.

City Attorney Seiden read through the Architectural Review Board minutes and commented that one of the members had a good idea regarding impact fees for parking. He had the same idea years ago and it was eliminated in a subsequent ordinance. The parking situation has changed in the Downtown Neighborhood Business District (NBD) and Central Business District (CBD) and the board members should look at the ordinance before making comments about it.

City Attorney Seiden reiterated that the City previously had an impact program, but it was eliminated years ago. He would like the Architectural Review Board members to know that the provision was in the Code and the City took the position that instead of keeping the impact program and charging a fee for insufficient parking, to simply eliminate the need for parking except in cases of new construction or the expansion of an existing building.

10B) Recommendation from the Education Advisory Board Regarding the Youth Advisory Council

City Manager Ronald K. Gorland stated that based on the actions taken at their meeting of April 16, 2013, the Education Advisory Board members would like to make a recommendation to have two students from Miami Springs Senior High on the Youth Advisory Council, which are José Maldonado and an alternate student who submitted his application before the last Education Advisory Board meeting.

City Attorney Seiden stated that unless Council changes the ordinance, they cannot approve the request because the ordinance specifically calls for only one student from each of the following schools: Miami Springs Senior, Miami Springs Middle, Miami Springs Elementary, Springview Elementary, All Angels, Blessed Trinity and Seventh Day Adventist.

City Attorney Seiden commented that the minutes of the same meeting included discussion about having people come prior to the Education Advisory Board meeting and he would like the Clerk's Office to advise the members not to hold any meetings before their regular meeting and to have only one meeting.

Mayor Garcia asked if it would be appropriate for Council to approve the one student who submitted his application and the City Attorney agreed that the membership nomination should be ratified by a vote of the City Council.

Councilman Petralanda said that he is impressed by the Education Advisory Board because the school Principals report on the conditions in the schools and everything the students are doing. He read the minutes and there is one thing that he does not like about the Youth Advisory Council requirements and that is the provision that students must reside within the City of Miami Springs. He said that students live in Hialeah, Virginia Gardens and Medley and they should be able to participate in the program.

City Attorney Seiden stated that a model ordinance was provided by the School Board and he basically copied the provisions. In section (3), it states that the Youth Advisory Council shall consist of seven members and each member shall be a resident of the City of Miami Springs. Council could change the provision if they agree.

Mayor Garcia suggested sending back a recommendation to the Education Advisory Board to see how they feel about having non-residents on the Youth Advisory Council. He personally would not mind as long as they attend a school within Miami Springs.

Attorney Seiden said that other cities might have restrictions on similar boards and the schools in Hialeah would include their residents and the schools in Hialeah Gardens would have their residents. This would guarantee representation by kids from each community and this might be another factor to consider.

Councilman Petralanda reiterated that the students from outside the community who attend schools in Miami Springs should be allowed.

By consensus, Council agreed to send the recommendation to the Education Advisory Board in regard to amending the residency requirement for the Youth Advisory Council.

Councilman Lob moved to accept José Maldonado as a member of the City of Miami Springs Youth Advisory Council. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

Mayor Garcia clarified that only one student is allowed per school unless the ordinance is amended.

10C) Resolution No. 2013-3578 – A Resolution of the City Council of the City of Miami Springs Establishing Rates for Collection of Garbage, Trash and Recycling for Residential and Commercial Customers Within the City of Miami Springs; Effective Date

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

Councilman Bain asked if the City would have to cover the cost increase for this year.

Assistant City Manager/Finance Director William Alonso explained that the fees for garbage, trash and recycling are included on the tax bills and the fees are submitted to the County in July. The increase went into effect in August; the same thing will happen again this year and the increase will apply in the following year.

Mayor Garcia clarified that the City does not make money on the sanitation fees; the residents are charged what it actually costs to provide the service because the funds are in an enterprise fund.

Councilman Lob moved to adopt the resolution. Vice Mayor Windrem seconded the motion which was unanimously carried on roll call vote.

(Agenda Item 10D was discussed after Agenda Item 10I)

10D) First Reading – Ordinance No. 1054-2013 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-015, Parking of Commercial Vehicles in City Limits, to Update and Clarify Which Commercial Vehicles May or May not be Parked in the Residential, Multi-Family Residential, Business, and Commercial Zoning Districts of the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden said that this is not really a first reading of the ordinance. City Clerk Magali Valls put this item in a format so that Council could see that this is the first part of what the eventual ordinance would be so they have an idea of where they are going with the ordinance.

City Attorney Seiden started with the format of the underlined portion under subsection (a). The prior Ordinance stated that commercial vehicles could not be parked anywhere. This new ordinance subsection explains the parking of commercial vehicles in the single family residential zoning districts of the City. He read the approved vehicles as follows:

“Approved Parking - All cars, trucks, vans or sport utility vehicles that do not have any signage or other commercialized features or additional equipment attached which do not exceed 19,000 pounds of gross vehicle weight may park in any approved parking location in any single family residential zoning district of the City.”

City Attorney Seiden stated that the 19,000 pound provision should be changed. Subsection (b) is what Councilman Bain wanted and essentially it is going to put a burden on Code Enforcement. He read subsection (b) as follows:

“Restricted and limited approved parking. All cars, trucks, vans, or sport utility vehicles that contain only signage, or a combination of signage and a minimal amount of commercialized features, to be determined in the discretion of the City Code Enforcement Department, which do not exceed 19,000 pounds of gross vehicle weight, may park in any approved parking location in any single family residential zoning district of the City.”

City Attorney Seiden said that subsection (c) is basically what has been talked about and states that *“All cars, trucks, vans, or sport utility vehicles that contain signage, or a combination of signage and a substantial amount of commercialized features or additional equipment attached, which do not exceed 19,000 pounds of gross vehicle weight, may only park in the rear yard of any single family residential property so long as the vehicle is no closer than five (5) feet from any property line.”*

City Attorney Seiden commented that subsection (d) is basically a variance provision which is similar to the Recreational vehicle provision which says that if a person has a commercial vehicle that has signage or a combination of signage and a substantial amount of commercialized features or additional equipment attached, which cannot be parked in the rear yard of a single family residential property for any reason, which is confirmed by the City, may apply for parking in the side yard of any residential property. This is similar to variance requests for recreational vehicles.

City Attorney Seiden stated that subsection (e) for daytime and visitation parking is good but needs some adjustments. He read subsection (e) as follows:

"All commercial vehicles that are providing repair or other services to any single family residential property in the City may park in any approved parking location in the residential zoning districts of the City from 8 o' clock a.m. to 5 o' clock p.m. daily. In addition, any residents of the City who regularly operate commercial vehicles as part of their employment may park their commercial vehicles at their single family residences during the aforesaid daily hours."

City Attorney Seiden said that there were many comments about this Section. It will be recommended to Council that the hours be restricted to a few hours instead of a full day.

Building and Code Compliance Director Tex Ziadie showed a PowerPoint presentation which included photos of different size trucks being used as commercial vehicles.

City Attorney Seiden stated that he and Mr. Ziadie have suggested changing the 19,000 pounds to 10,000 pounds.

Mr. Ziadie commented that some issues were raised regarding plumbing trucks so he went to Doug Orr Plumbing and spoke with Kevin Berounsky and Clark Rinehart. He received a registration title on two of their primary service vehicles and both are less than 10,000 pounds and therefore would not affect them.

Councilman Bain stated that the Doug Orr trucks still have the signage and ladders on them.

City Attorney Seiden said that Mr. Ziadie is willing to take the burden about making a value judgment regarding substantial or minimal in those subject categories and also make a determination as to whether something can fit in the back yard or not.

City Attorney Seiden explained that the other topic to discuss was the visitation parking for people who live in the area but drive a commercial vehicle. They should be able to park their vehicle in front of their house for a certain number of hours but not 8 hours.

Councilman Petralanda stated that he did not remember having that discussion and Mayor Garcia commented that what Council discussed was if a person was coming to make repairs.

Councilman Bain said that the discussion was brought up because Mr. Ziadie advised Council that people would drive around and then park again for two more hours.

City Attorney Seiden explained that what is being discussed is the visitation parking for people who happen to live in Miami Springs but work elsewhere and go home for a specific reason and they park their commercial vehicle in their yard for a certain amount of time.

Councilman Petralanda commented that people can work until 7:30 p.m. or 8:00 p.m. and it is still daylight outside.

City Attorney Seiden clarified that in current zoning issues there are a lot of gated communities and if Council goes by the way that the gated communities go, most of the complaints are about people coming too early and staying too late to work. The question is how the eight hours would be justified unless there was a start and a finish time because there is no way to enforce it.

Councilman Bain asked Council if they received phone calls regarding this issue and Councilman Lob said he received one e-mail and Mayor Garcia said that he received one phone call.

Councilman Bain said that he did not receive any phone calls and that there was one complaint in the paper and then he received an e-mail regarding a yellow truck that he would drive by on different occasions to look at and was only there once. He also discussed a red truck that comes and goes from a certain location but he is unsure if the person lives there or not. He has been driving around the City and does not see what the issue is.

Mr. Ziadie commented that he will not see an issue because commercial vehicles are currently not allowed.

Discussion ensued regarding the comments and responses from the residents that Council has been hearing and receiving.

Councilman Bain stated that Council has the opportunity to make a common sense ordinance. There are more important things to residents in this City than the commercial truck situation. Someone can have a minivan that is registered as a commercial vehicle but it does not have any signage on it.

Mayor Garcia recommended that if there is a code that needs to be reviewed, City Manager Gorland should call Council and advise them of the code and its issue and if there are three Council members who do not wish to hear the issue then it should not be placed on the agenda.

City Attorney Seiden said that it would be appropriate for items to come before the Council even if it is just to make a decision whether to hear the item or not.

To answer Mayor Garcia's question, Mr. Ziadie replied that he has not received any complaints regarding the small hybrid vehicles.

Councilman Petralanda asked if Council can make a provision where some trucks can be acceptable at 19,000 pounds but others cannot and City Attorney Seiden replied that Council can make an exception for 19,000 pound vehicles that are customized to be recreational vehicles.

Police Chief Baan suggested allowing 19,000 pounds but restricting the length of the truck so there is not a long box and it also has to have a standard pick-up truck bed.

Mayor Garcia suggested that Council members get a copy of the vehicle that they are looking at and show it to their front, side, and rear yard neighbors and ask for their opinion.

City Attorney Seiden asked Council for their opinion on the visitation issue and Mayor Garcia replied that he does not mind what City Attorney Seiden recommended.

Councilman Lob asked how Mr. Ziadie will know if they are visiting or not and City Attorney Seiden responded that the main category is that they would have parking for repairs and Council could theoretically legislate that.

Councilman Bain suggested that Council drive around the City and see what they are going to make their ruling on. In his experience the problem is not as egregious as it is being represented.

Councilman Bain asked if a truck with a tool box in the back of it will be considered a commercial vehicle and City Attorney Seiden replied that it would be minimal.

Discussion ensued regarding the decision on this item.

Councilman Bain asked what would happen to Miami-Dade County vans or City of Miami vans and City Attorney Seiden replied that they have not reached that section of the ordinance yet but there are exceptions for government vehicles.

City Attorney Seiden stated that Section B is for multi-family zoning which are parking lots and discussion ensued regarding what Section B of the multi-family zoning includes.

No action was taken on this item; it will be discussed at the next Council meeting.

(Agenda Item 10E was discussed after Agenda Item 9B)

10E) Recommendations from the Memorial Committee Regarding Father Carney and Pastor Schmidt

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

"At their meeting of April 1, 2013 the Memorial Committee members discussed the following items that Council had referred to them:

1. Consideration of re-naming 59th Avenue from where it enters Miami Springs to Hunting Lodge Drive Father Carney Way.

After discussion, Committee member Rinehart moved to approve the proposal to re-name 59th Avenue from where it enters Miami Springs to Hunting Lodge Drive as Father Carney Way. Committee member Pérez-Vichot seconded the motion, which carried 3-0 on voice vote.

2. Recommendation to honor Pastor Schmidt's long time service to Miami Springs.

After discussion, Committee member Rinehart moved to approve the recommendation for the signage, ranking Curtiss Parkway #1, Azure Way #2 and Glen Way #3. Mr. Pérez-Vichot seconded the motion."

City Attorney Seiden clarified that the motion did indeed pass 3-0 although it is not stated in the memo.

Tamara Thomas of 261 Deer Run commented that Pastor Schmidt served as a Lutheran Pastor for sixty years and his service was celebrated approximately a year and a half ago. She would like to encourage approval of option #1 which is on Curtiss Parkway. Pastor Schmidt was loved by the community and served along with Pastor Imhoff who is also present to speak.

Pastor Imhoff of 254 Curtiss Parkway thanked Council and the Administration for this consideration. Pastor Schmidt is a significant person in history with regard to this City. He urged that Council gives strong consideration and Pastor Schmidt's family would certainly appreciate it as well as the Grace Lutheran Church.

Mayor Garcia stated that this is something that he proposed because he felt that it was very important. It is very unfortunate that both of these men passed at similar times.

Vice Mayor Windrem moved to approve the consideration of re-naming 59th Avenue from where it enters Miami Springs to Hunting Lodge Drive "Father Carney Way." Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

Vice Mayor Windrem moved to approve Option #1 for naming the section fronting the Grace Lutheran Church on Curtiss Parkway after Pastor Schmidt. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

(Agenda Item 10F was discussed after Agenda Item 9C)

10F) Resolution No. 2013-3579 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Golf Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Reserving the Right and Authority to Amend or Supplement the Schedule of Charges; Effective Date

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

Councilman Bain moved to adopt the resolution. Councilman Petralanda seconded the motion which was unanimously carried on roll call vote.

10G) Consideration of New Open Forum/Agenda Items Name and Address Policy

City Manager Ronald K. Gorland read the memorandum from City Attorney Jan K. Seiden recommending that the Mayor and Council consider changing the customary practice requiring only that names of speakers be stated for the record at the podium. The speaker will record their address as an optional request on the sign-up log.

City Manager Gorland explained that during a recent Council meeting, a minor came to the podium and was distressed that she was being asked to provide her address. After the meeting, he asked the City Attorney if addresses were required, resulting in the attached response. His memorandum addressing the longstanding custom makes it clear that the addresses are not required for the record. He also recommends that addresses only be requested on the form logs because they are public record documents.

To answer Councilman Bain's question, the City Attorney explained that the policy of the City Council will be that speakers at the podium will only be requested to provide their name verbally and their address on the sign-in sheet will be optional. In the past, addresses were requested as a means of contacting people in order to provide a response.

Councilman Bain moved the item. Councilman Lob seconded the motion which was unanimously carried on roll call vote.

(Agenda Item 10H was discussed after Agenda Item 10D)

10H) Code Compliance Revision Recommendations Regarding Commercial Vehicles in Commercial Districts

Building and Code Compliance Director Harold "Tex" Ziadie explained that this item regarding commercial vehicles in commercial districts is the easiest to address if Council wished to discuss it at this time. Currently no commercial vehicles are allowed to be parked in any of the commercially zoned areas if they exceed one ton. His recommendation is to allow commercial vehicles and different districts should have different allowances. The breakdown of the districts is Airport/Golf, N. W. 36th Street, Abraham Tract, Central Business District (CBD), Neighborhood Business District (NBD) and Public Properties and Church Properties.

Mr. Ziadie stated that the larger areas on 36th Street would allow large and small commercial vehicles provided that spaces are provided for them by the property owner.

City Attorney Seiden explained that in the commercial areas there are a certain number of spaces available and that is why the parking is restricted.

City Attorney Seiden asked Council to review the information that was provided and to call him or Mr. Ziadie with any questions or comments.

(Agenda Item 10I was discussed after Agenda Item 10F)

10I) Budget Request for Golf FY Summer 2013

City Manager Ronald K. Gorland read the memorandum from Director of Golf Paul O'Dell dated May 9, 2013 regarding an addendum budget request for Golf FY Summer 2013, outlining the following goals objectives and methods:

Goal #1 – Change the perception of Miami Springs Golf and Country Club.

Objective: Provide a better conditioned golf facility for the residents and guests at the golf course to ensure golfers a more pleasurable experience.

Methods: Achieve by purchasing sod, seed and sand to cover barren areas to make golf course more marketable.

This will be measured by utilizing customer service cards in order to receive feedback and will be an ongoing process.

Goal # 2: Resod Driving Range and practice area with Sea Isle Paspalum turf.

Objective: To increase Driving Range revenue and product differential in the market place and deliver through word of mouth, good will advertising as well as other advertising methods.

Methods: Award bid to best bidder to complete project.

This will be measured by increased use of Driving Range and slight increase in purchasing of range balls and will be monitored through quarterly financial reports. This should be completed by June 15, 2013.

Goal # 3: Changing of Point of Sale system in the Pro Shop for better control measures.

Objective: This purchase will allow staff to work more efficiently, track and capture data to better balance cash and credit card receipts. This system allows the ability to print and obtain signed releases of liability on patrons' receipts.

Methods: Purchase the FORE program to change from tokens at Driving Range to a printed series of numbers to be entered in ball machine to keep better track of range ball sales. This will be measured by control of purchases and gives the City liability coverage for golf carts and club rentals that has previously not been in place.

In order to accomplish established goals the following is a list of requests to improve golf facility and prepare for new golf winter season along with aforementioned explanatory information for Council's review and approval:

1. Driving Range rebuild project with Paspalum grass project includes killing old existing turf, stripping and Fumigation of tee and practice putting area, tilling in 2-inches of new sand, lasering and replanting with Paspalum and new driving range amenities inclusive of mats, yardage markers, yardage signs, club washers, miscellaneous items for \$70,000.

Additional revenues projected with new improvements: Anticipation of a \$60,000 increase over last year's revenue at Driving Range. This will also attract new customers with the addition of the Paspalum renovation giving them a more pleasurable Driving Range and practice experience of Phase I and demonstrating incorporation of new turf into the Phase II plans. This equates to an additional \$12,207.40.

2. Change to FORE! Reservations Inc., for new golf management software program inclusive of integrated electronic tee sheet.

City Manager Gorland asked Mr. O'Dell if he decided to eliminate # 2 and he responded that he would pull this item, although he would still use part of it.

3. Tree trimming necessary for turf growth (minimal only). Refer to the attached estimate from City outsourcing company totaling \$9,459.00.
4. Bermuda Celebration sod for repairs on holes # 1, 8, 9, 13 and various areas on golf course, particularly on green slopes to improve playability for upcoming summer and winter season. The associated cost is \$25,000.00.
5. Princess Bermuda 77 grass seed to over-seed bare areas on golf course for \$6,500.00.
6. Sand for topdressing to improve soil conditions, percolation and rooting capabilities: 500 tons @ \$565.00 for 25 tons equates to \$11,300.00.
7. Additional four applications of granular fertilizer to assist with grow-in during summer months: 9 tons x 4 @ \$5,940.00 equates to \$23,760.00.

8. Professional services for support to Superintendent for turf consultation and programs for \$3,000.00.
9. Replace over ten-year old computer hardware in Golf Director's office for business efficiency for \$3,000.00.

The total request is \$173,626.40 minus \$9,400.00 (#2) which amends the total to \$164,226.00. All budget requests are required to increase profitability of the golf course for the upcoming winter season.

To answer Mayor Garcia's question, Golf Director Paul O'Dell confirmed that all Council members toured the golf course with him and they were shown what is necessary for the facility.

Councilman Bain commented that he would like to invest \$70,000 in the golf course instead of the Driving Range because the use of the Driving Range is less during the summer. The funds could go toward the golf course so it will be ready for the winter season and the Driving Range could be addressed in the next budget. He suggested replacing the mats at the Driving Range.

Mr. O'Dell stated that the Driving Range is the only asset at the golf course that makes money and it needs to be addressed because it is all weeds. Part of the request includes new mats. The new Paspalum turf will save money on chemicals, fertilizer and water; it is very aggressive and it grows faster than Bermuda turf. He said that he may not do the practice area and he could move some of the turf out to the tee box areas on the golf course. He strongly recommends the Paspalum turf for the Driving Range.

Mayor Bain asked how many people are using the Driving Range to hit golf balls and Mr. O'Dell responded that there are quite a few.

Mayor Bain asked if there is a monthly breakdown on revenue for the Driving Range and if revenue has gone down, which would justify the expense.

Mr. O'Dell replied that revenue had decreased; people do not use the Driving Range because of the weeds. He said that the Paspalum turf would give the golf course a product differential because none of the other local courses have it except for Miami Beach, Normandy and Pembroke Lakes. This would be Phase I and it will allow time to become familiar with the turf and he is going after funding from outside sources and a grant from the Oprah Winfrey Foundation.

Mr. O'Dell added that the Miami Springs Golf Course was the first to allow minorities and it has a rich history that is something to be proud of. It is also the City's largest asset. It is time to move forward because the golf course has gone backward over the last five years. The courses that stand out in favorable ways are the most attractive and most profitable.

Mr. O'Dell said that he would like to return to zero-based budgeting. He explained that there are many situations, including a huge worm problem that must be treated before new turf is planted. Sod will be purchased to handle the green surrounds where it is hard to grow seeds. The Paspalum turf is very hard and it will take over areas that are barren; it will grow over the existing Bermuda turf and hopefully the grant will be awarded so that the golf course can shut down next summer for the installation of new turf.

City Manager Gorland clarified that any purchase over \$25,000 would have to come back to Council for approval, including \$70,000 for the Paspalum turf.

Mayor Garcia asked if there is a sole source provider for the Paspalum turf and Mr. O'Dell explained that he reached out to five growers of the particular strain of grass because it loves muck soil.

Mr. O'Dell stated that the City of Coral Gables is utilizing the same company to do the installation on their driving range and there is a time slot that Miami Springs can take advantage of between now and the month of July. The City of Coral Gables has already paid the \$7,000 mobilization fee to the company and this will not apply to Miami Springs.

City Attorney Jan K. Seiden explained that the Code provides for certain circumstances that would permit purchasing in the best interest of the City without bidding or quotes. The reality is that a determination must be made as to whether or not this is an emergency condition that requires this action. If the company has a contract with Coral Gables, the City might be able to piggy-back on their contract.

City Attorney Seiden asked Mr. O'Dell to consider what improvements need to be done tomorrow in order to save the facility. If a determination is made and management agrees that certain improvements need to be done that are in the best interests of the City, in the nature of an emergency condition, then the competitive bid process can be waived. He said that if Council is so inclined, they could approve the purchases and allow Staff to make a determination as to what items can be purchased off other contracts, what items they feel are emergencies in the best interests of the City by waiving competitive bidding and leaving it to the judgment of the Administration.

City Attorney Seiden further explained that Council could pass the recommendation in theory and to ask the Administration to do as much as they feel is appropriate in terms of bids and quotes. In those situations that do not allow the opportunity for bids and quotes they can exercise their emergency powers in order to get things done within the time window.

In response to the Mayor's question, Mr. O'Dell stated that he requested quotes from four suppliers out of the five that grow the strain of grass and specifications were included in the quotes. He received two responsive quotes and one is \$7,000 higher. He said that the window is the fact that this is the growing season and that is why the seed and the sod is necessary at this time; this has been neglected in the past and the infrastructure is suffering. He emphasized the fact that he needs to move forward with the improvements.

Councilman Bain commented that the computer equipment can wait for bids or piggy-backing on other contracts. He asked Mr. O'Dell which items are the ones that Council should address at this time.

Assistant City Manager/Finance Director Alonso said that any expense over \$10,000 would need Council's approval. The sand for the topdressing can be purchased from the current supplier. The Golf Director is looking for funding and as far as purchasing, it can be done through the normal process because the vendors are already approved and Council sets aside a certain amount of funds every year for each vendor. The main item is # 1 totaling \$70,000.

Mr. O'Dell reiterated that the Paspalum turf would cut down maintenance costs by 50% because it does not need as much fertilizer, chemicals or water. By starting with the Driving Range it will allow a learning curve and provide product differential. Miami Springs has a lit range, but it has terrible conditions and making these improvements will spread the word about the golf course.

Mayor Garcia asked how much it would cost to address the golf course without considering the Driving Range and Mr. O'Dell responded that it would cost approximately \$6MM.

The Mayor commented that \$70,000 is a "drop in the bucket" compared to \$6MM and everything that has to be done. He will say that \$70,000 will make a big difference on the Driving Range and help to increase revenue, while other improvements are made to the golf course in the future.

Mr. O'Dell said that the golf course areas will be addressed through the seed and sodding. The new turf on the Driving Range will allow a product differential.

Councilman Bain added that Mr. O'Dell is using the Driving Range as a marketing tool.

Mayor Garcia said that Mr. O'Dell's first order of business was to make sure that sod was placed around the putting green area at the entrance to the Golf and Country Club and that made a noticeable difference and shows an air of progress. He asked how many other golf courses have driving ranges with lights at night and Mr. O'Dell clarified that there are no others within a 25-mile radius.

The Mayor feels that the Driving Range is a marketing tool and Mr. O'Dell agreed that it will help to attract people to the facility and they will see the progress at the golf course.

Mr. O'Dell continued to explain his personal contacts that he previously worked with who he reaches out to for their expertise in different situations such as the problem with the worm activity. He was told about a product that is less expensive than other products and he was advised of how it should be applied. He further explained past successes at other golf courses when they were in need of help.

Mayor Garcia commented that it was very helpful to meet with Mr. O'Dell and to learn that there are further plans to improve the golf course and he feels that it is not ready to be marketed at this time. There is a greater need for the golf course and he hopes to continue with the plans for improvement.

Mr. O'Dell agreed with the Mayor that a lot needs to be done. He said that he is recommending what needs to be done right now as he sees it. The Driving Range turf will be a quick turnaround because Paspalum is an aggressive grass that will take one month to grow in and take hold.

Vice Mayor Windrem asked when Mr. O'Dell wanted to begin the Driving Range and he responded that he would like to begin tomorrow if Council approves the recommendation.

Mr. O'Dell added that he would begin the process of punching the golf course for the seeding and spraying the Driving Range tee to kill the existing grass.

Vice Mayor Windrem commented that the recommendation had already been researched and it must be determined how quickly it can be implemented if Council decides to approve it.

City Manager Gorland explained that there is a procedural need to move quickly and the City Attorney has outlined the process to allow this to happen. The question is whether or not Council is willing to let the Administration move quickly under those parameters.

City Attorney Seiden said that if Council were to approve they would be approving the concept of the proposal. Council's vote would be to authorize the use of the funding mechanism that has been proposed, which is from reserves. Council would also be giving the Administration and the Golf Director the authority to do the job based on what they believe is in the best interests of the City under the circumstances. If the Administration feels that there is something that must come back to Council, then they will do that or at least send Council notification.

When purchasing under emergency circumstances, or under a condition where something must be done right away, the City Manager has the authority to authorize the expense so long as he reports to Council why it was necessary, according to Attorney Seiden. In this case, the Administration is giving advance notice that they are going to use every apparatus they have within the Code to fund the improvements as quickly as possible. If they determine that something must come back to Council, they will do it as soon as possible and they will notify Council of those items that they feel can be accomplished and why they were done at the next meeting.

Mr. O'Dell explained that the seeding is the least expensive way to go and it will be done in the fairways, but first the worms must be eradicated.

Mayor Garcia said that he likes the process of Council approving the expenditures. He believes in Staff and the Golf Director and he does not mind giving up that authority one time if Council approves.

Councilman Bain commented that when the budget was approved, it included a certain amount of funding for sand and perhaps there are some funds remaining that would reduce the amount of this proposal. He explained that it is hard to understand without seeing the numbers and the proposal might cost less than what is being presented.

Assistant City Manager/Finance Director Alonso replied that he met with Mr. O'Dell last week and he asked him to go through his budget to identify funding and this proposal is additional to what is already in the budget.

To answer Councilman Bain's question, the City Manager explained that there might be funds remaining for sand, but that sand is going to be used and this proposal for sand is additional.

Councilman Bain reiterated that he would like to see the numbers on paper in order to have a better understanding.

Mayor Garcia understands the City Attorney's explanation and Council will be notified at the next Council meeting as to how the Administration proceeds. He asked Mr. O'Dell if he was comfortable with the company that offered the lowest quote.

Mr. O'Dell responded that the company offered the lowest quote and in his opinion they are the best bidder.

City Manager Gorland asked Council to consider the funding source for the improvements totaling \$164,226.00, because the only source is from the reserves. He said that there is \$500,000 in hurricane reserves, plus \$3MM, of which \$250,000 is for pool improvements. He feels that the funds would have to come from the funds set aside for the pool.

Vice Mayor Windrem understands that something must be done with the pool, but there is a window for the golf course, from an agricultural standpoint, that must be considered. The funds for the pool will probably not be spent in the next two weeks.

City Manager Gorland said that the Administration is going to bring forward the plans for the pool at the next meeting and their recommendation could be not to invest any more funds in the existing pool.

Mayor Garcia stated that he is waiting for the pool recommendation because everything that he has heard so far indicates that \$250,000 is not going to solve the problem with the pool.

Councilman Petralanda referred to the financial statements and noted that the Golf Course is being subsidized in the amount of \$350,000 this year and last year the amount was \$286,000. He asked to consider what the amount will be next year if nothing is done to make improvements. The problem is where the funds are going to come from.

Councilman Petralanda said that he toured the golf course with Mr. O'Dell and saw that it was in ridiculous condition and Council should look at how that happened another time in order to make sure it does not happen again. He has been talking to people in the last week who told him that the golf course is nice and green and as he went around the course he noticed that the grass is green, but there are many places with no grass. His concern is how much the golf course will have to be subsidized next year if nothing is done.

Councilman Petralanda was told that turning over the soil would help and he asked if this is being done.

Mr. O'Dell replied that they began turning over the soil during his first week with the City and it will be continued throughout the summer. The only way to stimulate growth is by opening up the holes to let oxygen and air get down in the soil, which they had not been doing. He advised Golf Superintendent Pell to continue doing this until he tells her to stop. The barren areas will not improve until they are seeded, sanded and the worms are eradicated. Sod will be placed in the golf course areas that are on slopes to prevent the seeds from falling to the bottom.

City Manager Gorland asked Council to make a decision on funding and if the funds should come from the hurricane reserve of \$500,000 or the pool reserve of \$250,000. He would recommend the pool reserve.

Mayor Garcia did not feel that the hurricane fund should be touched in light of the upcoming hurricane season. He would recommend taking the funds from the pool reserve and Council agreed.

Councilman Lob said that \$250,000 would not solve the issue with the pool.

Mayor Garcia asked if one motion would cover all the items or just one particular item.

City Attorney Seiden stated that Council agrees to the concept and the funding source and now the question is relative to the purchasing procedures. He said that by approving all items at the same time they would be giving a certain amount of authority to the Administration to purchase what in their opinion is in the best interests of the City. Quotes were received on the largest expense and the City might be able to piggy-back with the Coral Gables' bid. The remaining items are smaller expenses and many of the companies are the same companies that the City has dealt with for many years, but they are still new purchases.

City Attorney Seiden advised Council that they could either accept that the Administration will act in the best interests of the City and they will report back on their purchases (option A) or Council can require the items to come back on an individual basis before taking action (option B).

Vice Mayor Windrem moved to approve option A. Councilman Bain seconded the motion.

City Attorney Seiden clarified that the motion is to approve the concept, the funding source and that the purchases will be made under the auspices of the Administration. Council is giving the Administration the authority to execute the purchases as they feel is appropriate and in the best interests of the City, on an emergency condition or by soliciting quotes. By voting on option A, Council is giving the Administration the authority to waive the competitive bidding process for all of the items.

Councilman Bain requested information on the sand and fertilizer purchases showing the expenses to date and how the additional funds will be spent in the amount of \$23,000 for the fertilizer and \$11,000 for the sand.

Councilman Petralanda noted that the Golf Director definitely needs a new computer and perhaps funding could be transferred from another department's budget and City Manager Gorland responded that the budget was very tight.

Mayor Garcia added that Councilman Petralanda would understand after he goes through the budget process that there are no funds in other departments.

Councilman Petralanda asked if some of the tree trimming could be done by volunteer students to help reduce the costs and Mr. O'Dell replied that there would be liability issues.

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

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

Annexation

City Attorney Seiden thanked Mayor Garcia for all the work he has been doing for annexation and he appreciates that he keeps everyone informed.

12B) City Manager

Events

City Manager Gorland reminded everyone to check the City website for activities as there are many events happening. He urged everybody to sign up for the different tweets, including Recreation, Golf, City Hall and possibly the Police Department in the near future.

12C) City Council

Golf Director Paul O'Dell

Vice Mayor Windrem thanked City Manager Gorland for finding Golf Director Paul O'Dell. He feels that he is going to be a great asset to the City; he is a good steward by helping the City correct the deficiencies on the Golf Course, which is the City's most valuable asset. He was very impressed with his tour of the Golf Course with Mr. O'Dell and he is glad that he is onboard with the City.

Australian Pines

Councilman Bain said that the Ludlam Bike Path was brought to his attention and he would like Public Works Director Tom Nash to look at the Australian Pines that are uprooting again.

Meeting Discussion

Councilman Bain enjoyed the meeting; he likes the candor and discussion which is the only way to move forward and make the City better. He thanked the Mayor and other Council members.

College Graduation

Councilman Lob is very proud of his daughter who just graduated from college.

Wedding Announcement

Councilman Petralanda is proud to announce that his daughter is getting married on May 24th in a church ceremony.

Thank You

Councilman Petralanda thanked the City Manager for all his help. He also thanked the City Attorney for his assistance on a Friday afternoon.

Annexation

Mayor Garcia thanked the Administration for providing information that is very helpful when following up with the County Staff. He spent the day at County Hall and did not like the bureaucracy. He is very happy in Miami Springs with the way that local government works.

Mayor Garcia added that the City is blessed to have the support of County Commission Chairwoman Rebeca Sosa who is a true public servant that loves Miami Springs. She is well respected at County Hall and she personally escorted him throughout the building. She and her Staff are phenomenal people. He added that Mayor Giménez took the time to meet with him; he is in favor of annexation and is doing a good job.

Scott Jones

Mayor Garcia referred to a memorandum from Scott Jones who is thanking Council for allowing him the opportunity to have served as one of the professionals at the Golf Course.

Appreciation

Mayor Garcia commented that it is almost the end of the school year. There was a Nurse's Appreciation Week, Teacher's Appreciation Week and everyone should hug their mothers in recognition of Mother's Day.

Recommendation

Mayor Garcia recommended that Council should take advantage of the support from the City Staff. They are available all day, every day and can answer questions about agenda items before the meeting, which makes the meeting process a lot smoother.

Stop Sign

Mayor Garcia reported that notification was received from Miami-Dade County that the stop sign on Albatross and Plover Avenue is officially approved. They even offered to construct a traffic calming Circle.

Stop Signs/Traffic Calming Recommendation

Mayor Garcia made a recommendation to Commission Chairwoman Sosa that the County Traffic Department should perform an evaluation of certain areas of the City in order to determine the need for additional stop signs and traffic calming measures. She agreed that it is a good idea and offered to look into the recommendation. She suggested that the City should perform its own evaluation to determine what areas are in need of traffic calming measures, similar to what was done at the entrance to the City from Hialeah on Curtiss Parkway and she requested a list of what is needed for safety measures.

Signs

Mayor Garcia was happy to see the email about cleaning up the signs and he thanked the City Manager for following up on his requests. He urged him to keep up the good work.

13. Adjournment

There being no further business to be discussed the meeting was adjourned at 10:09 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 Board of Parks and Parkways held a regular meeting on Thursday, May 9, 2013 at 7:00 p.m. in the City Hall Council Chambers.

1. Call to Order/ Roll Call

The meeting was called to order at 7:06 p.m.

The following were present:

Chairman Eric Richey
Vice Chairman Jean Ansbaugh
Lynne V. Brooks
Tammy K. Johnston
Irene Priess

Also Present: Board Secretary Elora R. Sakal

2. Approval of Minutes

Minutes of the April 11, 2013 meeting were approved as written.

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

3. Old Business: None.

4. New Business:

a. Yard of the Month: June Selection

Board Secretary Sakal explained that the May Yard of the Month was denied by the homeowners because they have had issues with plants being stolen from their front yard.

Board Secretary Sakal noted that the prior June Yard of the Month has been moved to May and now the Board will nominate a new June Yard of the Month. The City Clerk suggested getting permission from the homeowner before it is nominated by the Board. In speaking with Mr. Ziadie, it was agreed that the Board member could speak with the homeowner to advise them of the nomination and to receive their permission before it is nominated by the Board.

Board member Priess and Board member Brooks were not opposed to knocking on the homeowner's door.

Chair Richey asked what would happen if a Board member knocked on the door and nobody was home.

Discussion ensued regarding what could be done to get approval from the homeowner before it is nominated by the Board.

The Board suggested creating a letter to leave on the door in case they were unable to speak with the homeowner. Board Secretary Sakal said that she will speak with Mr. Ziadie to see if this suggestion is decent and if the letter should be a city letter or a personal letter from the Board member.

Board Secretary Sakal noted that this suggestion will not be implemented until September.

Chair Richey asked for all those in favor of 162 Deleon Drive being the June Yard of the Month and the motion was carried 4-0. Board member Priess abstained.

b. Yard of the Month: July Selection

Chair Richey asked for all those in favor of 300 Morningside Drive being the July Yard of the Month and the motion died for lack of a second.

Chair Richey commented that the Board will meet in June to nominate another home for the month of July.

c. Yard of the Month: August Selection

Chair Richey asked for all those in favor of 243 Miami Springs Avenue being the August Yard of the Month and by consensus the Board members agreed.

5. Other Business:

Vice Chair Ansbaugh commented that a resident contacted her stating that the church signs on Westward Drive do not look nice.

Chair Richey stated that the issue is not the business of the Board of Parks and Parkways and she should advise the resident to contact City Manager Gorland.

Chair Richey would like to place the Landscaping on Curtiss Parkway on the next agenda in June.

Discussion ensued regarding the Butterfly Garden recommendation that went to Council and the outcome.

Chair Richey commented that the Arbor Day event went very well.

Vice Chair Ansbaugh stated that she spoke with City Manager Gorland regarding the coral rock walls and he said that it was a good idea and to speak with Public Works Director Nash.

Discussion ensued in regard to fixing the coral rock walls. Board member Johnston and Board member Brooks agreed to assist in fixing the coral rock walls in Miami Springs.

Chair Richey informed the Board about his visit to the Education Advisory Board meeting.

6. Adjournment:

There was no further business to be discussed and the meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Elora R. Sakal
Secretary to 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".



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The Miami Springs Historic Preservation Board met at 7:00 p.m. on Thursday, May 16, 2013 in the City Hall Council Chambers.

The meeting was called to order at 7:09 p.m.

1. Call to Order/Roll Call

The following were present:

Chair Sydney Garton
Vice Chair Jo Ellen Phillips
Charles M. Hill
Maria Petralanda
Yvonne Shonberger

Also Present:

Deputy City Clerk Suzanne Hitaffer

2. Welcome New Members

Chair Garton welcomed Maria Petralanda and Jo Ellen Phillips to the Board.

3. Approval of Minutes: April 18, 2013 Regular Meeting

Minutes of the April 18, 2013 meeting were approved as written.

Board member Hill moved to approve the minutes. Board member Shonberger seconded the motion, which carried unanimously on voice vote.

4. Old Business: None.

5. New Business:

- a. Report on Contact with Historic Preservation Board Chief Kathleen Kauffman and Board's Request to Designate Miami Springs Elementary School

Chair Garton said that she was unable to get in contact with Kathleen Kauffman.

Board member Hill reported that he called and left a message on Ms. Kauffman's voicemail. He wanted to receive some information and guidance from her because the Board wanted to honor the Miami Springs Elementary School as a historic site and to recognize that the school has been there since 1937. He said that he was able to visit her office but she was in a meeting so he left his business card with her secretary.

Vice Chair Phillips stated that she sits on the County's Historic Preservation Board and she sees Ms. Kauffman at least once a month so she would be happy to speak with her and relay the message.

Chair Garton commented she thinks that it would be a good idea to ask residents through some type of news release if they had any pictures or history that they feel is relevant to the school and to advise them of the Board's idea of designating the school.

Board member Shonberger said that Astronaut Ken Mattingly attended the school and that fact is important history in itself. The building itself is in very good historic shape and there is a lot of things that can be said about it. There is a category for special designations and it could make it easier for the school to accept the idea of being designated.

Vice Chair Phillips offered to report back on this issue at the next meeting.

b. Reports from Board Members

Chair Garton reminded the Board to review the golf course designation so that they can see where the Board is trying to go with the special designation of the school.

Board member Shonberger stated that the Historical Society is preparing for the Fourth of July. Board member Petralanda is in charge of the event this year.

Vice Chair Phillips gave an update on the Curtiss Mansion with regards to a Certificate of Occupancy, outside parking and lighting.

Board member Shonberger would like to put a Mansion report on the next agenda for discussion.

c. Information/Reports from Board Liaison from City Council

This item was not discussed.

d. Preparation of the Agenda for the Next Board Meeting

Chair Garton made a motion to proceed with the designation of Miami Springs Elementary School. The motion died for lack of a second.

Discussion ensued regarding the condition of the Hunting Lodge House. Board member Shonberger would like to place it on the next agenda.

The Board would like to request the attendance of Vice Mayor Windrem at the next meeting.

The Board would like to place the report with Board member Phillips and Ms. Kauffman on the next agenda.

6. Adjourn

There was no further business to discuss and the meeting adjourned at 7:27 p.m.

Respectfully Submitted,

Suzanne Hitaffer
Clerk of the Board

Approved as written at meeting of:

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



City of Miami Springs, Florida

CANCELLATION NOTICE

The Revitalization and Redevelopment Ad-Hoc Committee Meeting of Monday, May 20, 2013 has been canceled in advance since there are no agenda items for consideration.

Elora R. Sakal
Board Secretary

cc: Mayor and Council
City Manager
Assistant City Manager/Finance Director
City Attorney
City Clerk
Revitalization and Redevelopment Board Members
Post



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, March 28, 2013 has been canceled in advance.

Magalí Valls, CMC
City Clerk

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



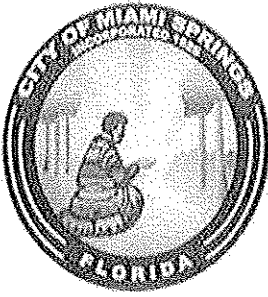
Ecology Board

Cancellation Notice

The Ecology Board Meeting of Tuesday, May 28, 2013 has been canceled due to the fact that there are no agenda items for consideration at this time.

Elora R. Sakal
Board Secretary

cc: Mayor and Council
City Manager
Assistant City Manager/Finance Director
City Attorney
Ecology Board Members
Public Works Director
Post



CITY OF MIAMI SPRINGS
Golf and Country Club
650 Curtiss Parkway
Miami Springs, FL 33166-5259
Phone: (305) 805-5180
Fax: (305) 805-5192

Agenda Item No.

City Council Meeting of:

05-28-2013

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald Gorland, City Manager

FROM: Paul O'Dell, Golf Director *PO*

DATE: May 21, 2013

RECOMMENDATION:

Recommendation that Council waive the competitive bid process and approve an expenditure of \$258,750 over the next five years, to Yamaha Motor Corporation for leasing of golf carts, pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the contract renewal option provided by the City's existing contract/contract vendor for an additional 5 year period.

DISCUSSION:

As part of improving the golf course facility to become a more pleasurable experience for the golfers and more marketable we have negotiated with Yamaha Motor Corporation a lease agreement favorable to the City. The contract for our leased golf carts is due to expire in February 2014 however due to the condition of our existing carts we have negotiated a lease agreement beneficial to the City. The following are some of the benefits:

- Gas carts vs. battery operated (Gas carts have a longer life cycle)
- Cost reduced by \$7.00 per cart (Annual savings of \$6,300.00)
- Several existing carts are damaged and/or totaled – Yamaha has agreed to accept these returned carts at no charge to the City resulting in additional savings

COST: \$ 258,750 over five years

FUNDING: Department/ Description: Golf Course Maintenance/ Golf Course Pro Shop/Lease
Account Number: 001-5707-572-44-00

PROFESSIONAL SERVICES APPROVAL:

PO *WA*



1000 GA Highway 34 East • Newnan, Georgia • 30265-1320

Telephone: 866-747-4027 • Fax: 770-254-4158

Miami Springs Golf Course

May 9, 2013

Yamaha Golf Company is pleased to offer Miami Springs Golf Course the following quote for new 2014 Yamaha Fleet golf cars. The new fleet package is offered with either 48 or 60 months with choice of either the Drive electric or the new EFI fuel injected gas car.

Fleet Package

75 Yamaha Fleet Golf Cars in Glacier White: equipped with all standard equipment plus the following accessories:

- | | |
|-----------------------------|---------------------|
| Climaguard Tops | Rear Bag Covers |
| Information Holders | Fleet Number (1-75) |
| Wheel Covers | Rear Bag Covers |
| Sand Bucket Kit (2) per car | Club Logo |

Pricing: Please select one of the three (3) Leasing options:

- 1) 75 – New 2014 Yamaha Electric cars on a 48 month lease at \$64.55 per car per month. (same rate the club is currently paying) _____ Initial
- 2) 75 – New 2014 Yamaha EFI – Fuel Injected gasoline fleet cars on a 48 month lease at \$64.55 per car per month. _____ Initial
- 3) 75- New 2014 Yamaha EFI- Fuel Injected gasoline fleet cars on a 60 month lease at \$57.50 per car per month. _____ Initial

Upon agreement of new lease, Yamaha will terminate the existing agreement with the City of Miami Springs and enter into a new lease agreement at the above lease option chosen. Delivery of the new fleet will be approximately November 1, 2013. This agreement will allow Yamaha to proceed forward and order the necessary lease documentation for your review and to provide the club with a more former proposal for review.

Warranty: Fleet cars have a limited 4 year Warranty.

Approved: _____

Accepted: _____

Tommy Dee
District Manager – East Florida
Yamaha Golf-Car Company
561.598.9518 – Cell

Miami Spring Golf Course

Date: _____

Title: _____



CITY OF MIAMI SPRINGS
Police Department
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: (305) 887-1444
Fax: (305) 884-2384

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald K. Gorland, City Manager

FROM: Captain Jon Kahn (for Chief Peter G. Baan)

DATE: May 21, 2013

RECOMMENDATION: Recommendation that Council approve an expenditure to TLO Online Investigative Systems, the lowest responsible quote, in the amount of \$3,960.00 for a three-year online investigative subscription, pursuant to Section §31.11(C)(2) of the City Code.

DISCUSSION: Purchase an online investigative subscription for a three-year period to enable the Detective Bureau access to extended research information and investigative tools. See attached documentation; 1) Memo from Chief P. Baan, 2) Memo from Lt. S. Carlisle, 3) Quote from TLO Investigative Services, 4) Quote from CLEAR Investigator with Web Analytics, (quote from Lexis Nexis was verbal).

COST: \$3,960.00

FUNDING: **Department/ Description:** LETF/Police Professional Services
Account Number & Amount: 650-2010-521.31-00

FEDERAL STATUTE: Civil Asset Forfeiture Reform Act, PL 106-185

PROFESSIONAL SERVICES APPROVAL: _____



Miami Springs
Police Department

Memorandum

To: Ronald K. Gorland, City Manager
From: Peter G. Baan, Chief of Police *Peter G. Baan*
Subject: Online Investigative System, LETF Purchase
Date: 05/20/2013

On 04/24/2013, I received a memo from Lt. Steven Carlisle requesting that the Police Department purchase additional access to online investigative information. Currently, the Police Department is furnished one "Dfacts" license free of charge by the Florida Department of Law Enforcement. This license is strictly limited to one terminal and one user (Det. Bente). This restriction severely limits access to the other investigators.

Lt. Carlisle has researched the available services and recommends a subscription to "TLO Online Investigative Systems" at an annual cost of \$1,320.00. This system would allow access to all of our investigators.

I recommend the purchase of a three year subscription to "TLO Online Investigative Systems" for a total of \$3,960.00, and I request that this item be placed on the next regular Council Meeting Agenda for approval. This expenditure is eligible for funding from the Law Enforcement Trust Fund.

Attachments

**Miami Springs Police Department
201 Westward Drive
Miami Springs, FL 33166**

Memorandum

To: Peter G. Baan, Chief of Police
From: Lieutenant Steve Carlisle *S. Carlisle*
Subject: Online Investigative Systems
Date: April 18, 2013

For many years, Police Department Investigators have utilized various online investigative tools to provide leads and other information that allowed them to locate criminals and thoroughly investigate criminal cases. Many of these programs were either offered free of charge for law enforcement agencies or paid for by grants. For economic reasons, grant funding is no longer available and those companies offering free services provide information that is extremely limited.

Some of the information obtained through online investigative companies include advanced persons searches including hard to find individuals, their relatives, associates and the interrelationships between them. Phone searches including cell phones and reverse phone lookup. Vehicle searches by full and partial tag numbers as well as VIN's., utility searches, license searches and Emails. These are only a few of the capabilities available over the internet that assist in criminal investigations. Listed below are the quotes from three vendors that provide online investigative tools;

LexisNexis	\$5138.40 / yr.
CLEAR Investigator	\$1570.80 / yr
TLO Online Investigative Systems	\$1320.00 / yr

The breakdown for each vendor is as follows;

The Miami Springs Police Department currently has one "Dfacts" license that is provided free of charge by FDLE. That single license is limited to one computer and user, (Det. Bente), thus making access to the system difficult. Additional licenses may be purchased through LexisNexis for \$85.64 per license / per month, with no limit on usage. This per month charge requires a three year contract. Total amount for service \$85.64 per month X 5 users X 12 months = \$5138.40

On 04/10/2013 a demonstration was provided to investigators by CLEAR Investigator with Web Analytics. The information provided during this demonstration is very similar to other web based investigative tools previously utilized or currently in use. The cost for CLEAR is \$130.90 per month for a single license and increases 5% per year. This license may be shared among all investigators but is limited to one user at a time. Total yearly cost \$1570.80

A price quote was also obtained from TLO Online Investigative Systems. Between the dates of 9/1/2011 and 9/30/2012, investigators utilized TLO free of charge. The information obtained from TLO was always very accurate and comprehensive. As of 10/01/2012 TLO began charging its users for service other than basic searches which provided extremely limited information. The cost for TLO is \$110.00 per month. This cost is limited to 500 transactions per month with an unlimited number of users. Any overage charges are billed at \$.22 per overage. It should be noted that during the time frame mentioned above, 1561 transactions occurred which averages 131 transactions per month.

I recommend that we subscribe to TLO Online Investigative Systems (formerly Autotrac) to fulfill this need. This program is more comprehensive than other programs that were researched and investigators have utilized it in the past and are familiar with its format and structure. The total cost for a one year subscription is \$1,320.00.

This expenditure is eligible for funding from the Law Enforcement Trust Fund and I respectfully request that it be considered for approval.



CITY OF MIAMI SPRINGS
OFFICE OF THE CITY CLERK
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: 305.805.5006
Fax: 305.805.5028

TO: Honorable Mayor Garcia and Members of the City Council
FROM: Magalí Valls, City Clerk
DATE: May 21, 2013
SUBJECT: PENDING BOARD APPOINTMENTS

The following appointments are pending:

<u>APPOINTMENT COUNCILMEMBER</u>	<u>CURRENT MEMBER</u>	<u>NEW TERM EXPIRES</u>	<u>ORIGINAL APPOINTMENT DATE</u>	<u>LAST APPOINTMENT DATE</u>
<u>Board of Adjustment/Zoning and Planning Board</u>				
Mayor Xavier Garcia	Francisco Fernández	04-30-2015	10-14-1991	11-28-2011
Councilman Bain – Group 2	Ernie Aloma	04-30-2016	04-13-2009	01-11-2011
Councilman Lob – Group 3	Bill Tallman	04-30-2016	01-11-2010	05-14-2012
<u>Architectural Review Board</u>				
Councilman Bain – Group 2	Joe Valencia	10-31-2014	02-27-2012	02-27-2012
<u>Civil Service Board</u>				
Vice Mayor Windrem – Group 1	Rob Youngs	06-30-2015	01-11-2010	01-11-2010
Councilman Bain – Group 2	Carrie Figueredo	06-30-2015	08-24-2009	08-24-2009
<u>Code Review Board</u>				
Mayor Xavier Garcia	Connie Kostyra*	04-30-2015	VACANT	VACANT
Councilman Lob – Group 3	Dan Dorrego	04-30-2016	08-11-2003	05-24-2010
Councilman Petralanda–Group 4	Jana Armstrong	04-30-2016	06-11-2001	05-10-2010
<u>Disability Advisory Board</u>				
Mayor Xavier Garcia	Charlene Anderson*	12-31-2013	VACANT	VACANT
Councilman Bain – Group 2	Peter Newman*	12-31-2013	VACANT	VACANT
<u>Ecology Board</u>				
Vice Mayor Windrem – Group 1	Martin Crossland*	04-30-2015	VACANT	VACANT
Councilman Lob – Group 3	Dr. Mara Zapata*	04-30-2016	VACANT	VACANT
Councilman Petralanda–Group 4	Laura Pilgrim	04-30-2016	03-25-2013	03-25-2013

<u>APPOINTMENT COUNCILMEMBER</u>	<u>CURRENT MEMBER</u>	<u>NEW TERM EXPIRES</u>	<u>ORIGINAL APPOINTMENT DATE</u>	<u>LAST APPOINTMENT DATE</u>
<u>Education Advisory Board</u>				
Mayor Xavier Garcia	Caridad Hidalgo	05-31-2015	01-28-2013	01-28-2013
Vice Mayor Windrem – Group 1	Michael G. Hunter	05-31-2015	05-14-2012	05-14-2012
Councilman Bain – Group 2	Dr. Mara Zapata	05-31-2015	06-13-2011	06-13-2011
Councilman Lob – Group 3	Dr. John Salomon	05-31-2015	12-14-2009	06-13-2011
<u>Historic Preservation Board</u>				
Mayor Xavier Garcia	Sydney Garton**	01-31-2016	11-08-1993	02-08-2010
<u>Recreation Commission</u>				
Mayor Xavier Garcia	E. Jorge Santin	04-30-2016	04-14-2008	12-13-2010
Councilman Petralanda-Group 4	Beth Tilman	04-30-2016	05-26-2009	05-10-2010
<u>Revitalization & Redevelopment Ad-Hoc Committee</u>				
Vice Mayor Windrem – Group 1	Arturo Rábade*	N/A	VACANT	VACANT
Councilman Petralanda-Group 4	Todd Stiff*	N/A	VACANT	VACANT

* Connie Kostyra resigned on April 28, 2011.
 Charlene Anderson resigned on June 6, 2011.
 Peter Newman resigned on August 1, 2009.
 Dr. Mara Zapata resigned from the Ecology Board to become a member of the Education Advisory Board.
 Martin Crossland resigned on January 9, 2013.
 Todd Stiff resigned from the Revitalization & Redevelopment Ad-Hoc Committee to become the alternate member of the Board of Adjustment/Zoning & Planning Board
 Arturo Rábade was removed by Councilman Best on January 28, 2013.

** Historic Preservation Board – Council confirmation required per §153.11 of the City Code of Ordinances: “..... No board member who shall have served three consecutive terms of office shall be eligible to serve an additional term of office for 2 years thereafter, unless the appointment for any additional term shall be confirmed by a majority of the council.....”

cc: City Manager
 Assistant City Manager/Finance Director
 City Attorney
 Affected Board Members

ORDINANCE NO. 1054-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-015, PARKING OF COMMERCIAL VEHICLES IN CITY LIMITS, TO UPDATE AND CLARIFY WHICH COMMERCIAL VEHICLES MAY OR MAY NOT BE PARKED IN THE RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, BUSINESS, AND COMMERCIAL ZONING DISTRICTS OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the City ordinance related to the parking of commercial vehicles in the City has not been reviewed or updated in many years; and,

WHEREAS, the City has become aware of the recent trends related to the operation of vans, trucks, and sport utility vehicles instead of standard automobiles for family purposes; and,

WHEREAS, it has also become apparent that many of the vehicles being used for family transportation are also being used in family businesses; and,

WHEREAS, the use and nature of the vehicles currently being purchased and operated for family and business purposes are sufficiently different from single use family automobiles to justify a review of the City's parking provisions; and,

WHEREAS, there appears to be sufficient current justification to permit the parking of certain vehicles previously categorized as "commercial vehicles" in the various zoning districts of the City; and,

WHEREAS, despite the current justification for the amendment of the City's commercial vehicle parking regulations, it is equally apparent that the same trends today from single purpose automobiles to larger multi-purpose vehicles requires the enactment of restrictions, limitations, and controls on the parking of the current day "commercial vehicles" within the various zoning districts of the City; and,

WHEREAS, the City Council has received presentations from City Staff and conducted extensive debate at public meetings regarding the updating and revising of the City's current commercial vehicle parking ordinance; and,

WHEREAS, the City Council has determined that the updated, clarified, and revised provisions presented regarding the parking of commercial vehicles in the City is in the best interests of the City and its citizens:

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

Section 1: That Code of Ordinance Section 150-015 – Parking of commercial vehicles in City limits, is hereby amended as follows:

Sec. 150-015. - Parking of commercial vehicles in City limits.

(A)

~~It shall be unlawful for any person to park any commercial vehicle or truck of one-ton load capacity or over, and any motor vehicle commonly known as a bus, which term shall include vehicles, excluding station wagons, used for the transportation of school children, or any trailer with or without refrigeration motors, in or upon any public or private property, including off-street parking facilities, in any zoned residential district of the City as designated on the official zoning map referred to in § 150-003, for a period of time in excess of two hours between 7:00 a.m. and 6:00 p.m., and at any time between 6:00 p.m. and 7:00 a.m., or upon any public or private property including off-street parking facilities in any other zoning district of the City for a period of time in excess of two hours at any time, unless specific permission to do so has been secured in writing from the City Manager or his duly authorized designee. The authority to grant specific permission to deviate from the provisions of this section shall be limited as follows:~~

~~(1)~~

~~If permission for additional parking hours only is being requested, no more than an additional seven hours for each seven day period may be granted.~~

~~(2)~~

~~If permission for additional days of parking is being requested, no more than seven days for each six month period may be granted.~~

~~(3)~~

~~Any requests in excess of the foregoing for additional parking hours or for additional days of parking may only be authorized by the securing of a variance from the City. A record of such written permission shall be maintained in the City's official records and copies provided to the police department and code enforcement officer.~~

~~(B)~~

~~The term *commercial vehicle* as herein used shall mean a motor vehicle of the above described capacity not designated exclusively for the transportation of persons.~~

(A) Parking of commercial vehicles in the single family residential zoning districts of the City.

(1) The following vehicles shall be permitted to park in the single family residential zoning districts of the City as provided herein.

(a) Approved Parking

All cars, trucks, vans, or sport utility vehicles that do not have any signage or other commercialized features or additional

equipment attached which do not exceed 19,000 pounds of gross vehicle weight may park in any approved parking location in any single family residential zoning district of the City.

(b) Restricted and limited approved parking.
All cars, trucks, vans, or sport utility vehicles that contain only signage, or a combination of signage and a minimal amount of commercialized features, to be determined in the discretion of the City Code Enforcement Department, which do not exceed 19,000 pounds of gross vehicle weight, may park in any approved parking location in any single family residential zoning district of the City.

(c) Rear Yard Residential Parking
All cars, trucks, vans, or sport utility vehicles that contain signage, or a combination of signage and a substantial amount of commercialized features or additional equipment attached, which do not exceed 19,000 pounds of gross vehicle weight, may only park in the rear yard of any single family residential property so long as the vehicle is no closer than five (5) feet from any property line.

(d) Side yard parking variance
All cars, trucks, vans, or sport utility vehicles that contain signage, or a combination of signage and a substantial amount of commercialized features or additional equipment attached, which do not exceed 19,000 pounds of gross vehicle weight, which cannot be parked in the rear yard of a single family residential property for any reason, which is confirmed by the City, may apply for parking in the side yard of any residential property in the same manner, and in conformity with the same standards and requirements, that are applicable to the consideration of the granting of variances of alternate parking for recreational vehicles in the City.

(e) Daytime and visitation parking
All commercial vehicles that are providing repair or other services to any single family residential property in the City may park in any approved parking location in the residential zoning districts of the City from 8 o'clock a.m. to 5 o'clock p.m. daily. In addition, any residents of the City who regularly operate commercial vehicles as part of their employment may park their commercial vehicles at their single family residences during the aforesaid daily hours. However, such parking shall not be for the purposes of repairing, cleaning, or the stocking of the commercial vehicle.

(2) The following vehicles shall be prohibited from parking in the single family residential zoning districts of the City:

(a) Notwithstanding anything to the contrary contained herein, the following vehicles are prohibited from parking in the single family residential zoning districts of the City, except for qualified daytime and visitation parking as previously provided in this ordinance, to wit:

- i. Box trucks
- ii. Equipment carriers
- iii. Trailers
- iv. Lunch/food trucks
- v. Materials/supplies carriers
- vi. Commercial transport vans
- vii. Buses
- viii. Tractor trailers
- ix. Glass/mirror trucks
- x. Other vehicles clearly designed for commercial use or carriage.
- xi. Other vehicles that present health, safety, or welfare hazards to the City.

(B) Parking of commercial vehicles in the multi-family residential zoning districts of the City.

(1) The following vehicles shall be permitted to park in appropriately striped parking lots in the multi-family residential zoning districts of the City as provided herein.

- (a) Vehicles provided in Section (A) (1) (a) of this Ordinance.
- (b) Vehicles provided in Section (A) (1) (b) of this Ordinance.
- (c) Vehicles provided in Section (A) (1) (e) of this Ordinance.

(2) The following vehicles shall be prohibited from parking in the multi-family zoning districts of the City.

- (a) The vehicles provided in Section (A) (2) (a) of this Ordinance.
- (b) Notwithstanding anything contained in Section (B) (1) above, vehicles that require more than one parking space in an appropriately striped parking lot, despite being otherwise approved for parking in the multi-family zoning districts of the City, are hereby prohibited from parking in such districts.

(C) Parking of commercial vehicles in the business and commercial zoning districts of the City.

AUTHORIZED PARKING TO BE PROVIDED

PROHIBITED PARKING TO BE PROVIDED

(D) ~~(G)~~

(E) ~~(D)~~

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

Section 3: That this Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 28th day of May, 2013.

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 Windrem	" _____ "
Councilman Bain	" _____ "
Councilman Lob	" _____ "
Councilman Petralanda	" _____ "
Mayor Garcia	" _____ "

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

Discussed: 05-13-2013
First reading:
Second reading:

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



CITY OF MIAMI SPRINGS

Building and Code Compliance Department

201 Westward Drive

Miami Springs, FL 33166-5259

Phone: (305) 805-5030

Fax: (305) 805-5036

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald K. Gorland, City Manager

FROM: Tex Ziadie, Building & Code Compliance Director

DATE: May 8, 2013

SUBJECT: Commercial Vehicle Code-Commercial Properties

As a continuation of the process of changing the Code of Ordinances, section 150-015, regarding Commercial Vehicles, we are recommending the Code for all Commercial zones of the City be changed as well. We have also included a recommendation for Public Property and Church property, which will complete the Code for all Zoning Districts. Following are the details of the recommendation.

The Commercial vehicle definition shall be the same as what is being presented in Ordinance 1054-2013. For the purposes of the Commercial zones, Commercial vehicles shall be categorized as either large or small commercial vehicles. Vehicles which do not exceed a GVW of 19,000 pounds (or whatever weight number is finally arrived at in said Ordinance for approved parking in the residential zoning districts) shall be deemed small commercial vehicles. Vehicles with a GVW over 19,000 pounds shall be deemed large Commercial Vehicles. Said vehicles shall be allowed in the various zones as shown below.

Airport Golf District- Large and small Commercial vehicles shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an Occupational License for vehicle rentals or sales. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Northwest 36th Street District- Large and small Commercial vehicles shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an Occupational License for vehicle rentals or sales. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Abraham Tract District- Large and small Commercial vehicles shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an Occupational License for vehicle rentals or sales. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Central Business District- Small Commercial vehicles shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an Occupational License for vehicle rentals or sales. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Neighborhood Business District- Small Commercial vehicles shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an Occupational License for vehicle rentals or sales. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Public Properties- No parking of Commercial vehicles shall be allowed on any Public Properties, with the exception of vehicles which are providing repair, delivery or other service to adjacent properties between the hours of 8 o'clock a.m. and 5 o'clock p.m. unless otherwise approved by the City Manager or his designee. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Church Properties- No parking of Commercial vehicles shall be allowed on any Church Properties, with the exception of vehicles which are providing repair, delivery or other service to the church, with the exception of vehicles used by the church for transportation (buses, vans, etc.) which fall under the definition of small Commercial vehicles and also provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the church has specially designated and approved parking spaces for them. No parking shall be allowed for any Commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.



CITY OF MIAMI SPRINGS

Building and Code Compliance Department

Planning Department

201 Westward Drive

Miami Springs, FL 33166-5259

Phone: (305) 805-5030

Fax: (305) 805-5036

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald K. Gorland, City Manager

FROM: Tex Ziadie, Building & Code Compliance Director

DATE: May 15, 2013

SUBJECT: Code of Ordinances

At the January 28, 2013 Council meeting, the Council requested that I prepare a complete list of the Codes still needing revision or implementation in order of priority. The list presented that night is below. The Codes listed as possible new Codes have been requested either by a member of Council from the past or have been listed due to a high number of complaints or issues surrounding that Code (or lack thereof). Council directed bringing these forward on a periodic basis. There was also discussion about workshops to review these, but Council ended up deciding against that. Please let me know which of these Codes (if any) you would like presented for review.

Commercial Vehicles
Signs (Entire Code)
Feeding of Animals or birds on Public Property (possible new Code)
Acceptable Swale Materials (possible new Code)
Noise
Dumpster Enclosures
Trash Pickup Regulations (possible new Code)
Wall Mural Regulations (possible new Code under signs)



CITY OF MIAMI SPRINGS
City Manager
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: (305) 805-5010
Fax: (305) 805-5040

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Ronald Gorland, City Manager
William Alonso, Asst. City Manager/ Finance Director
Edwin "Skip" Reed, Building Official
Omar Luna, Recreation Director
Tammy Romero, Professional Services Supervisor

DATE: May 23, 2013

RE: **RECOMMENDATION TO MOVE FORWARD WITH A REPLACEMENT AQUATIC FACILITY**

Since our last update on April 8, 2013, Skip Reed, Building Official and Tammy Romero, Professional Services Supervisor have met with 4 contractors to assess the pool and surface underneath the pool deck. Additionally the pool building was reviewed.

The attached presentation by Skip indicates major rust to some of the primary support beam areas. The slides also show several support columns below the building structure cracked due to severe steel erosion and corroding, resulting in the expanding and breaking away of large pieces of concrete.

After weighing all options, our recommendation is to move forward with a replacement aquatic facility as quickly as possible.

To keep the facility open for use during the estimated maximum 2 years needed to design/build the replacement facility, we also recommend shoring up the buildings structure to secure the structural integrity of the concrete pilings.

If Mayor and Council concur, we will immediately begin the design/build RFP process and develop funding alternatives.

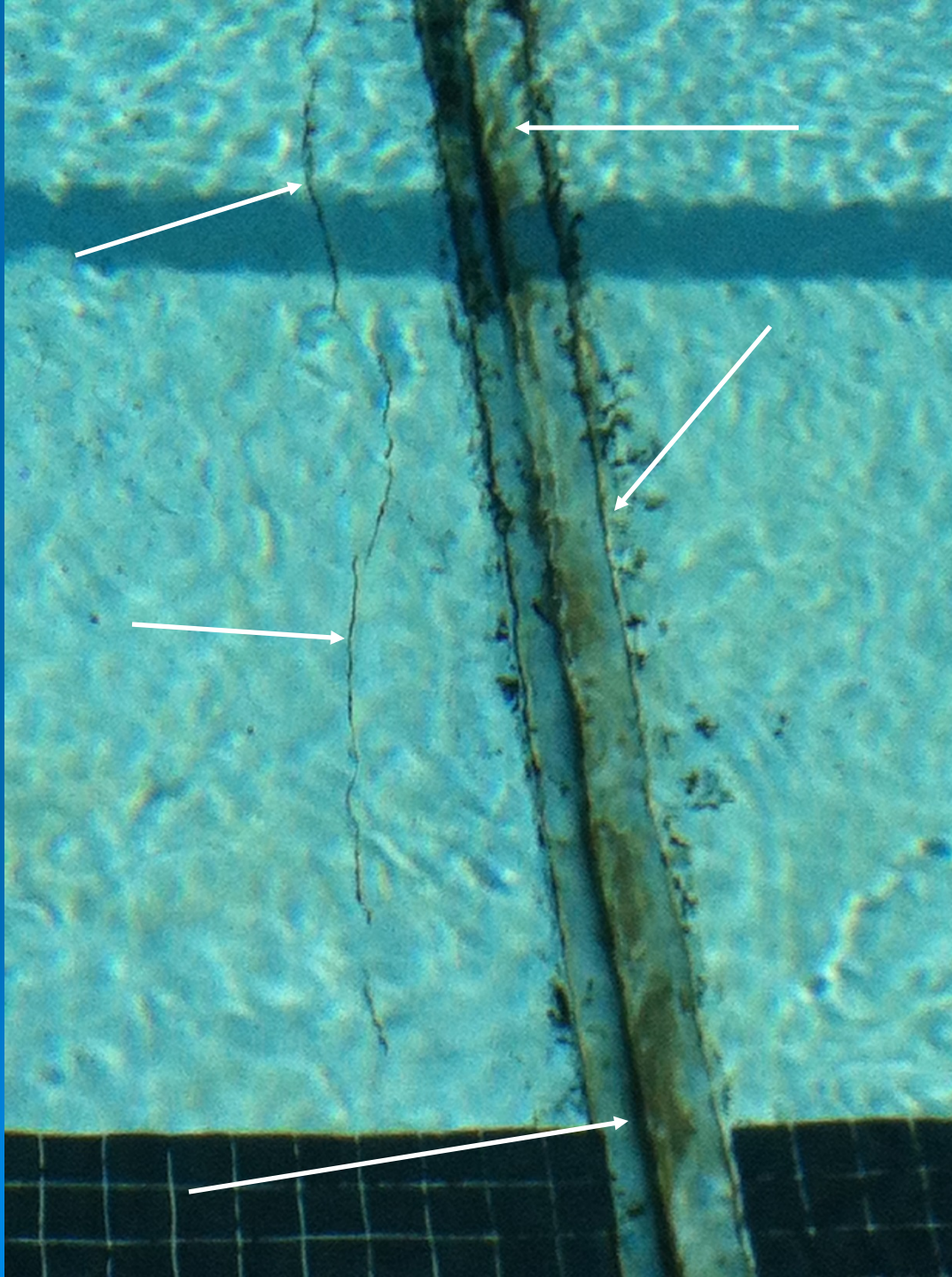
ANALYSIS AND RECOMMENDATIONS FOR AQUATIC CENTER POOL

Presented by Skip Reed
Miami Springs Building Official
Photographs by Tammy Romero
Graphic Design by Carol Foster





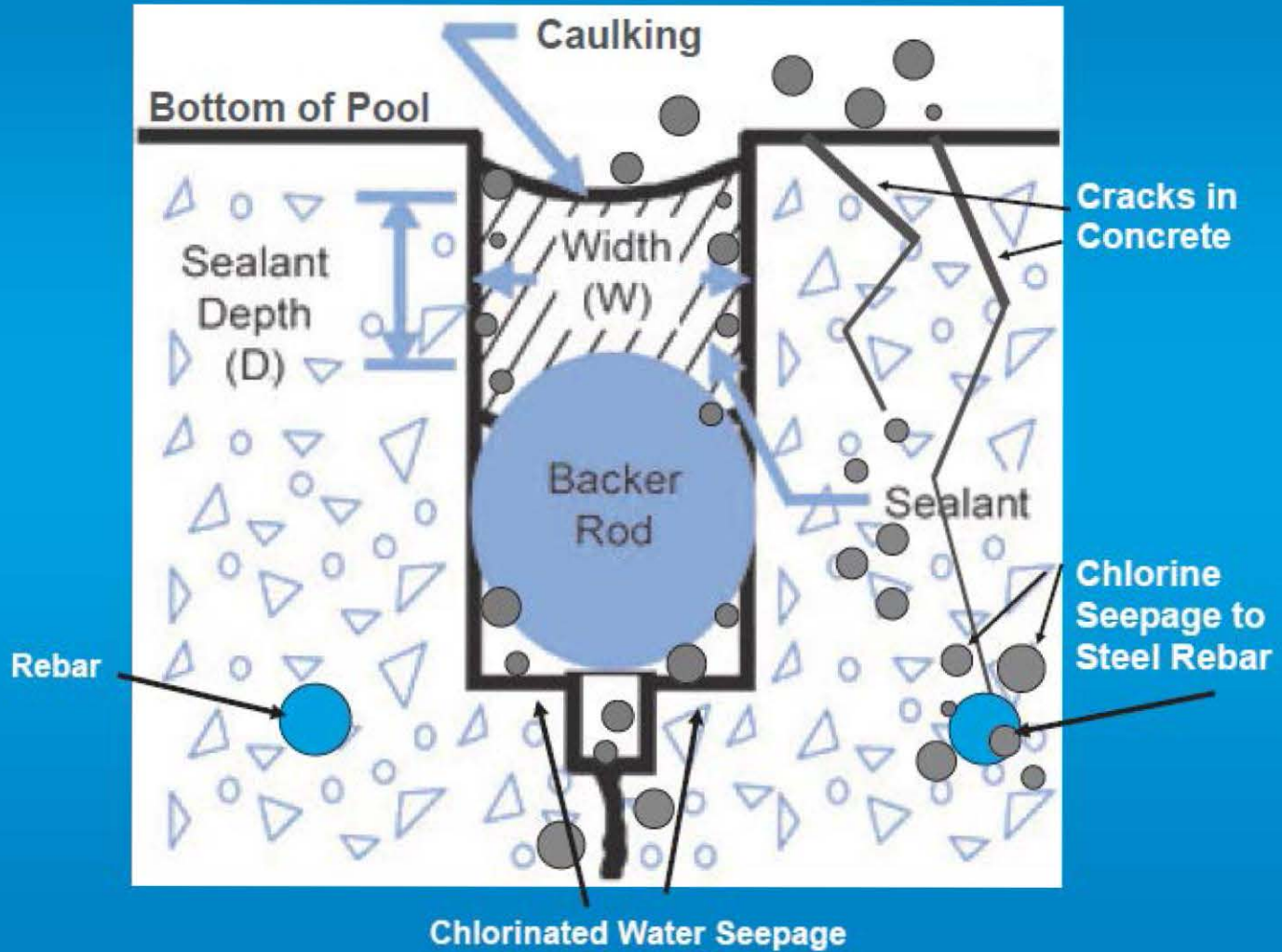
Settlement cracks in building housing office, restrooms and locker rooms that extend from foundation to second floor deck

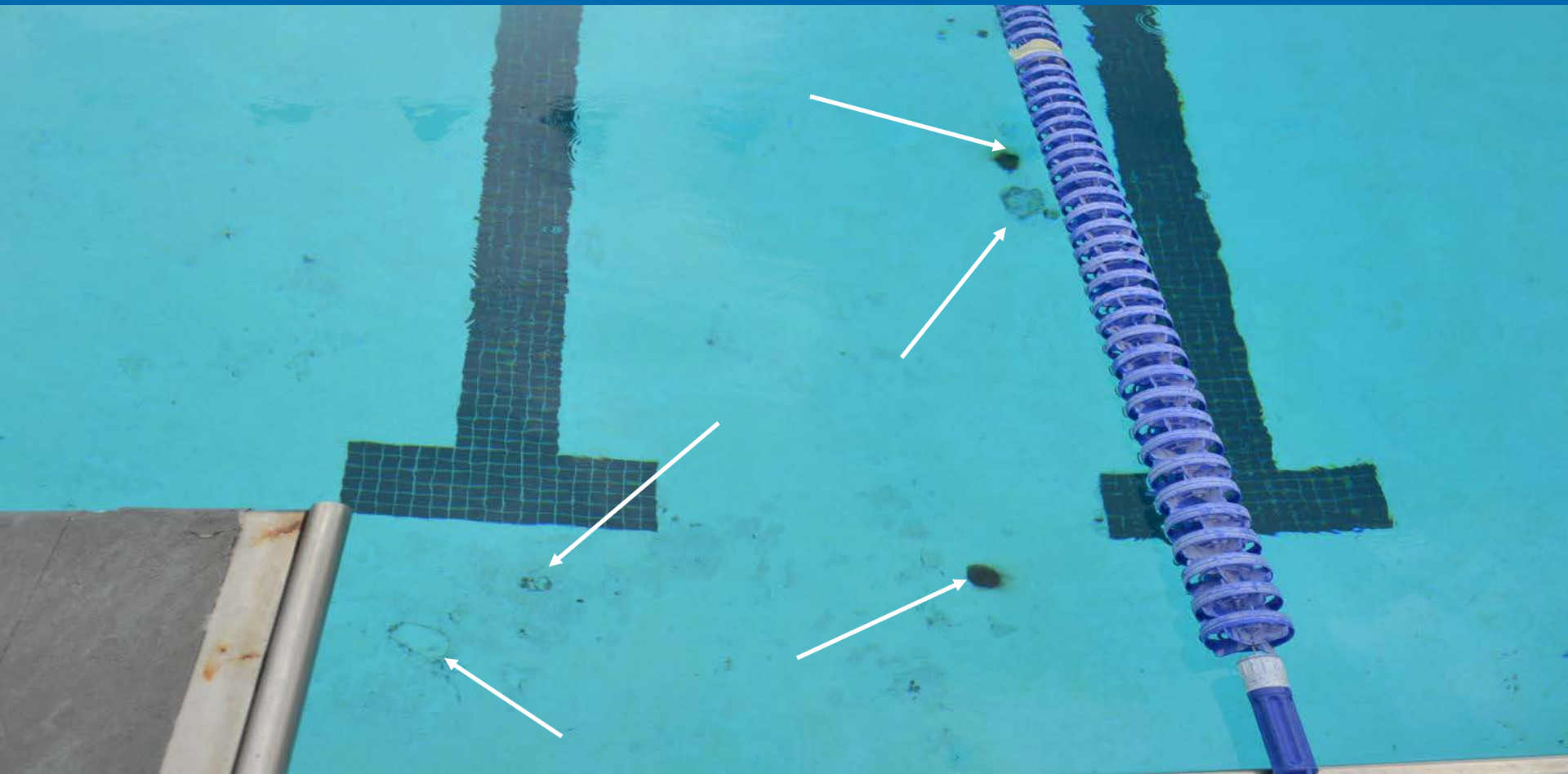


Continually eroding expansion joint gaps, misalignment and adjacent cracking (from corroded steel due to chlorine seepage from under side of expansion joint)

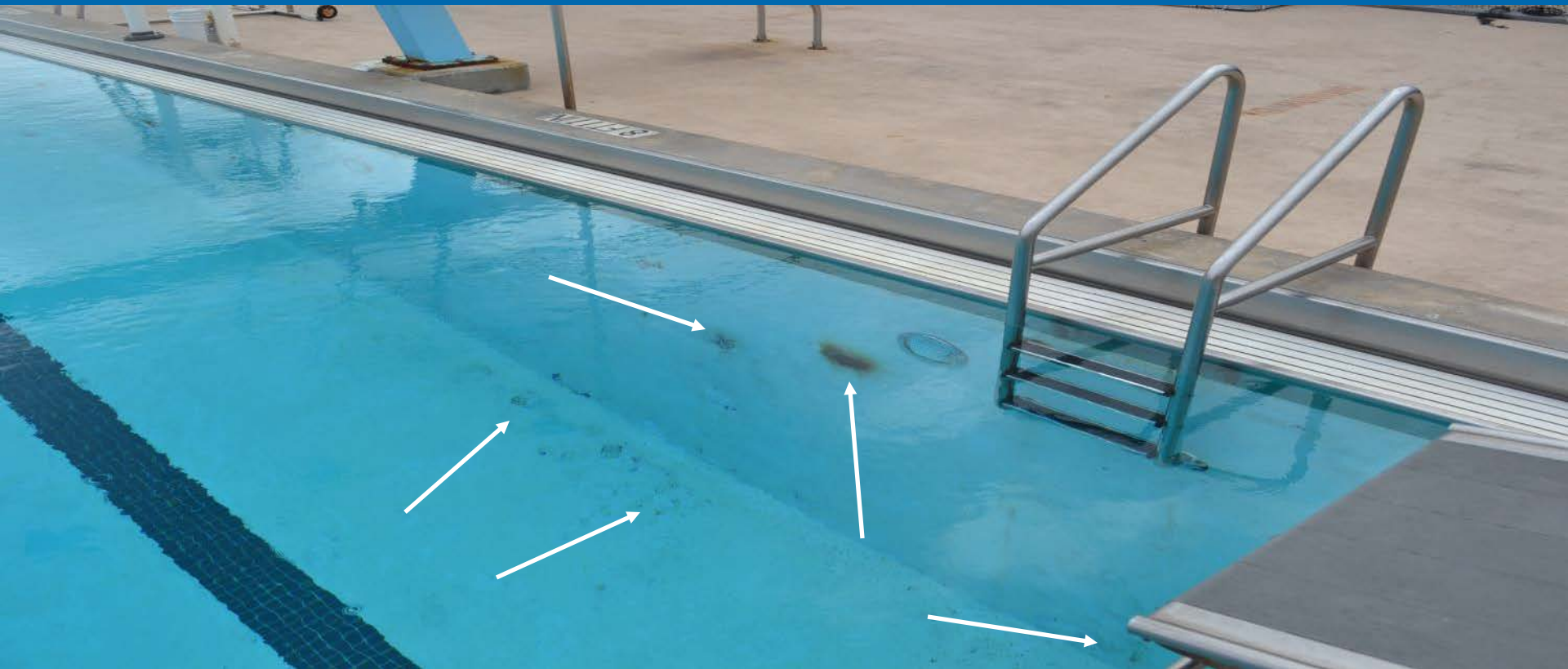


Graphic Depiction of Cross Section of Leaking Expansion Joint

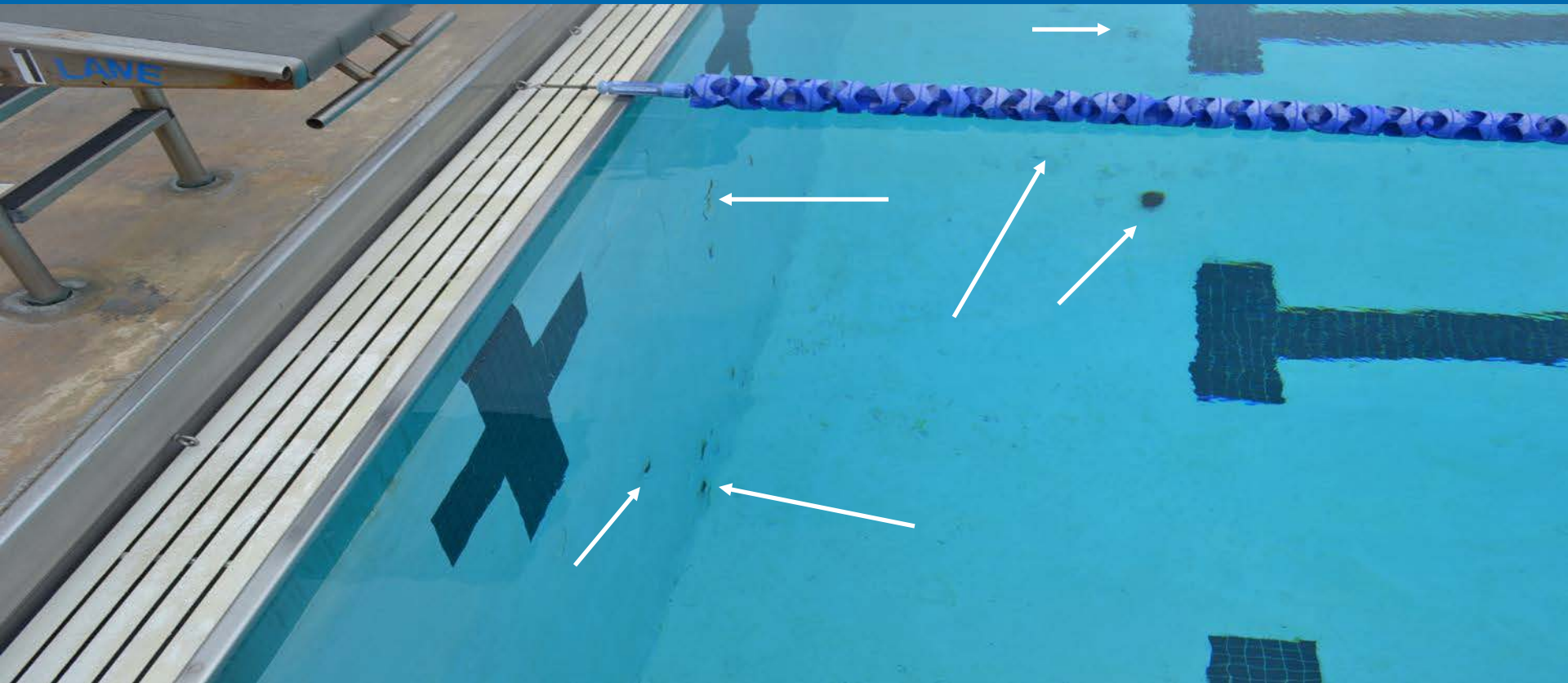




Corroding rebar caused by seepage coming to the surface as rust spots; age pits in the marcite of the pool surface which also cause seepage into pool structure



Corroding rebar caused by seepage coming to the surface as rust spots; age pits in the mortar of the pool surface which also cause seepage into pool structure



Corroding rebar caused by seepage coming to the surface as rust spots; age pits in the marcite of the pool surface which also cause seepage into pool structure

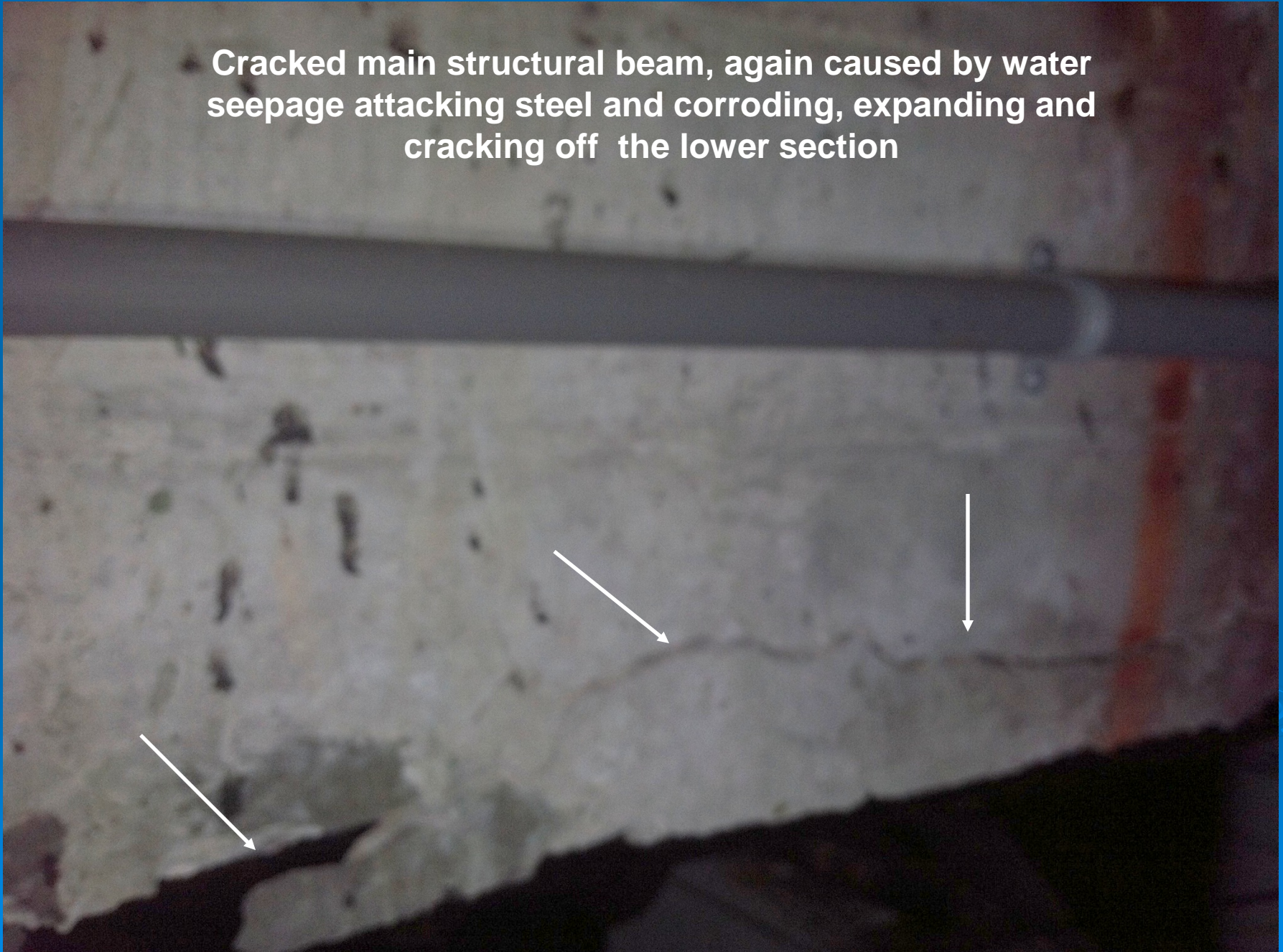


SE corner of structure, below slide area. Arrows indicate areas of specific problems in dark area with 3' clearance immediately to the north, under the pool, in next few slides.

Expansion joint from the under side of structural beam next to pool. Poor seal of the joint allows chlorinated pool water to continuously attack structural steel of beam. This has now caused cracking of ALL concrete covering steel that has expanded due to corrosion.



Cracked main structural beam, again caused by water seepage attacking steel and corroding, expanding and cracking off the lower section





I- beams have lost their entire support of the upper deck due to structural steel corroding, expanding and breaking away the entire beam bottom. Note the drainage from the deck drains has totally corroded the waste pipe, allowing all rain water to flow on the ground, flooding area beneath the pool deck. This is black iron that was used in the 50's, as opposed to the PVC used today.



Major support beam corroding and losing support for I- beams and pool slab which rest on it



Failed beam below slide structure



Another failed beam



Expansion joint between 2 slabs perpendicular to the pool, west edge of slab being overstressed by I-beam



2 beams on either side have settled on top of the support-bearing beam due to the bottom steel breaking away the support edges



Further settlement of joist due to bottom beam failure



Typical underside view of deck failure. Reason at this time undetermined without further investigation as to what caused this severe cracking parallel to the beams.

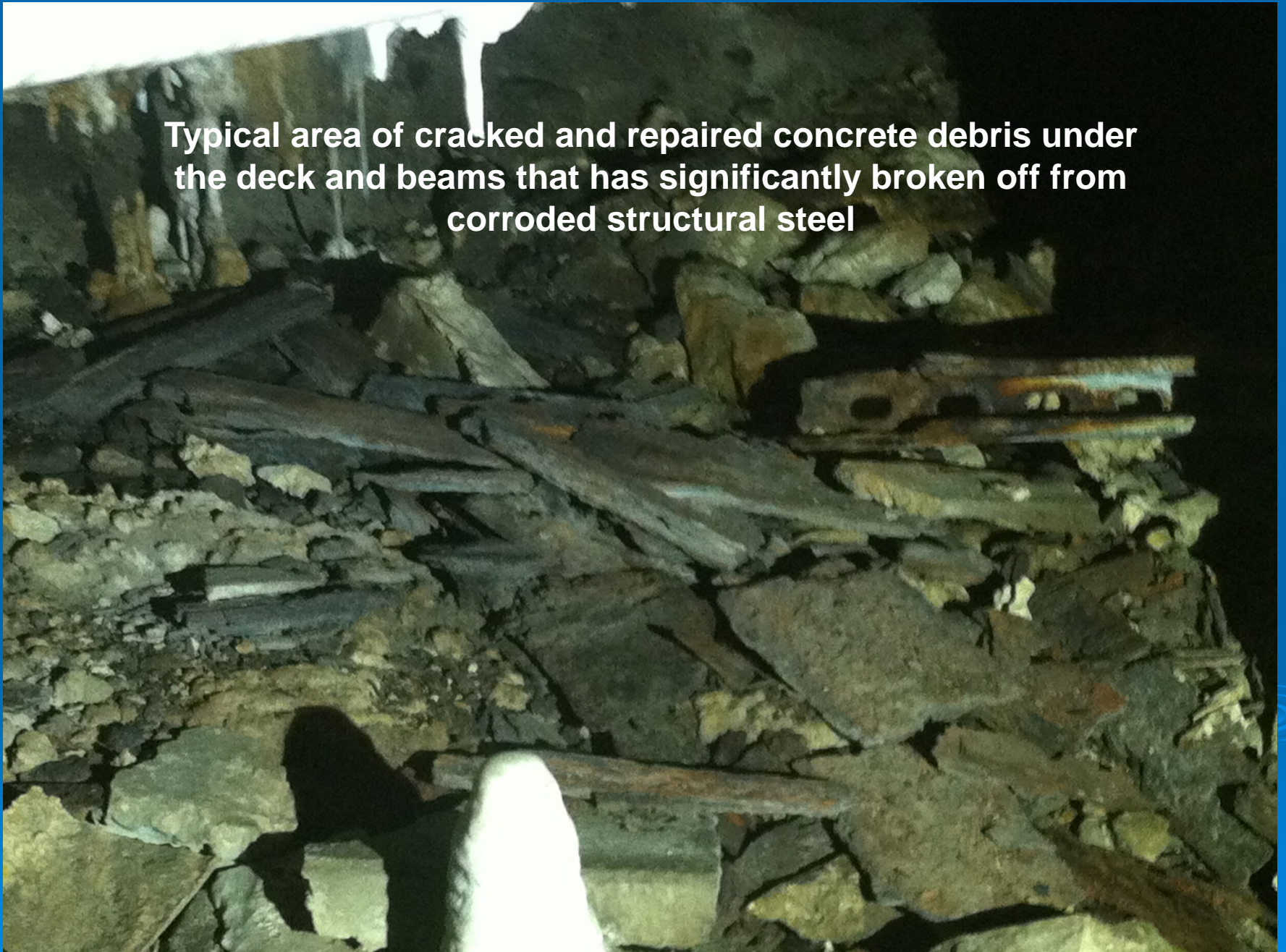


Enclosed area between pool wall on the left and support columns for the office building on the right, lacking ventilation



“Stalactites” and “stalagmites” formed by excessive chlorine deposits due to years of seepage and leaks in an area lacking evaporation.

Typical area of cracked and repaired concrete debris under the deck and beams that has significantly broken off from corroded structural steel





Supporting columns of pool building: structural steel corroding, expanding and cracking concrete. Piece on the ground is a fallen section of this corner. Other columns are showing the same process, as there are visible structural cracks in the majority of them under the pool building. Please note we cannot view the other 20+ feet of these columns below the ground which are also victims to this process, due to chlorine that has seeped into the ground over a large number of years.



**Supporting column
beneath office structure
with vertical
reinforcement steel
corroding, expanding
and breaking off the
concrete, thereby losing
load capacity**





This support column under another section of the pool building has totally failed. More than 50% of this column has no support. Note broken concrete on all sides and cracks. Center core of column is the only intact portion.

View of supporting columns of pool building on the side closest to the pool demonstrating ongoing spalling





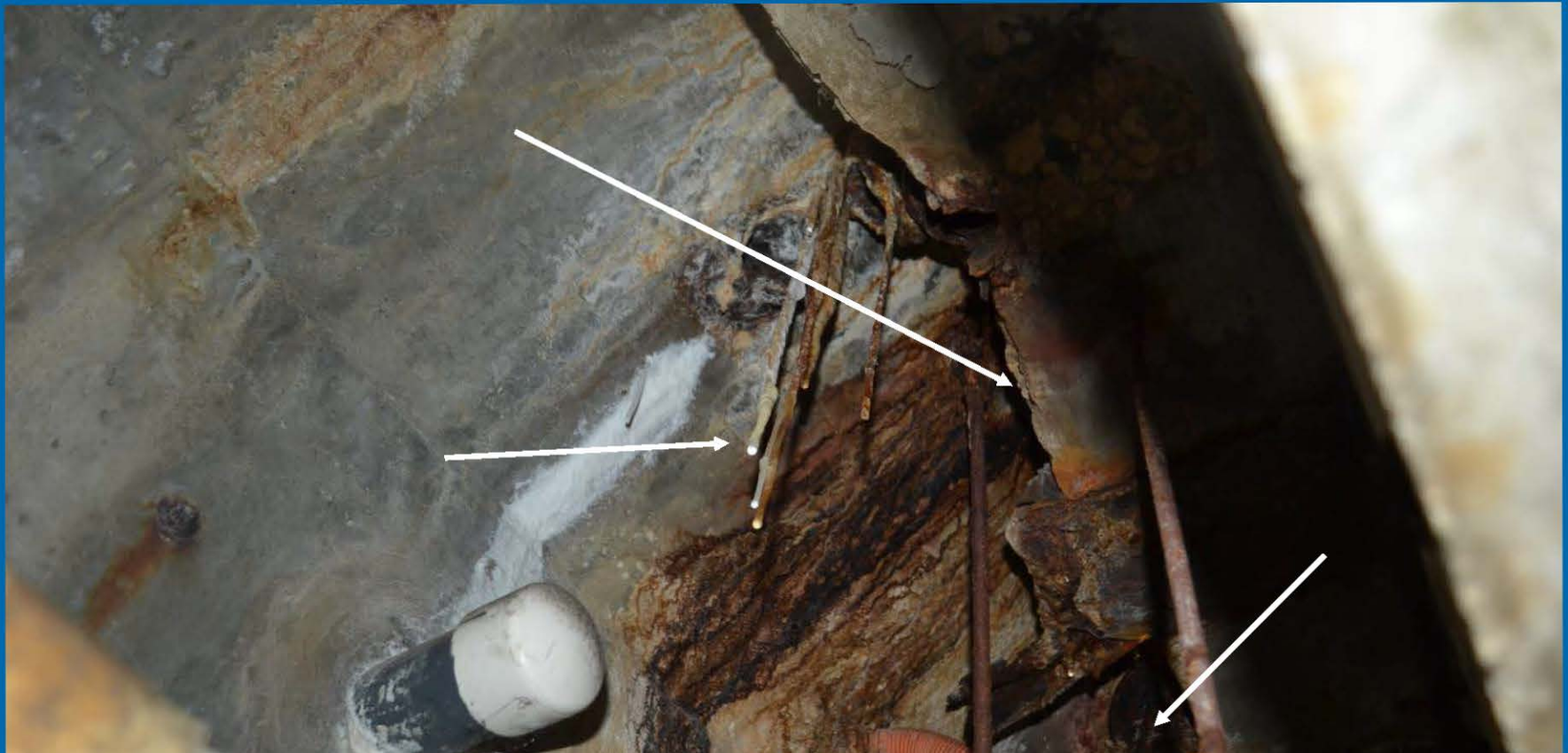
Damage due to chlorine seepage



Pool wall expansion joint showing movement as designed



Pool deck enclosure wall, looking north on west side – one of few places with minimal deterioration due to good ventilation and no chlorine from expansion joints



Pool to deck expansion joint with ongoing leakage over a long period of time, corroding steel in the structure and all other fittings on the underside as well with chlorinated water



All steel supports and mechanical elements between pool and deck beam deteriorating due to chlorinated water leakage



Deterioration of I- beam section and steel from previous repairs



Poorly constructed original column



Misaligned piling from original construction with top section poured at offset angle



Structural and mechanical steel deterioration due to chlorinated water leak at expansion joint



Another area of expansion joint failure due to leakage of chlorinated water



Entrance area to underside in proximity to falling joists. This area indicated by arrow has 6 concrete “I” joists which have fallen better than 1/2” at present away from the concrete slab due to the collapse of the bottom section due to corroded steel. This is the first indication in this section of failure of structural joists falling away from the slab.

Assessment:

The existing structure is very questionable on how much work it will take to do an adequate repair and work within the parameters of a budget. As restoration work evolves through construction, it is inevitable that other areas of problems will be discovered and adjustments will have to be made in the cost to the contractor. This has been stated by many contractors. 20-40% is the average overage they suspect will be needed as we chip and remove concrete around steel, as other areas are going to come apart as well. Nor will any contractors warrantee this type of work due to hidden aspects beneath the surface.

Please understand that additionally, the electrical and plumbing aspects of the job have not been priced and are also in dire need of repair.

Simply put, the amount of money invested will give you a longer term of use for the structure. As it sits now, patching the pool and minimizing the repairs to only the critical areas to get a 1-2 year safe use. For a repair with a 5-year duration, it will be very hard to determine which areas are more important due to the fact that the unsafe areas are the most expensive to be repaired. It will not be my decision, but that of an engineer that we will need to hire, should he accept that partial method of repair (assuming that the chlorine seepage through the expansion joints and cracks can be eliminated).

In 20 years, a full blown restoration would have to be done – deck, columns and pool, and it is important to note that the assessment of the building from the deck up has not yet been determined.

-Skip Reed



**CITY OF MIAMI SPRINGS
OFFICE OF THE CITY CLERK**

201 Westward Drive
Miami Springs, FL 33166-5259
Phone: 305.805.5006
Fax: 305.805.5028

TO: Honorable Mayor Garcia and Members of the City Council

CC: Ronald K. Gorland, City Manager
William Alonso, Assistant City Manager/Finance Director
James H. Holland, Planning and Zoning Director
Loretta M. Boucher, Human Resources Director

FROM: Magalí Valls, CMC, City Clerk

DATE: May 15, 2013

SUBJECT: Approval of a New Full Time Position in the City Clerk's Office

As you know, the City Clerk and the Deputy City Clerk are both in the DROP Plan and are expected to retire in the near future.

For succession planning purposes and to complete the Deputy City Clerk development of the department's part-time employee, Elora R. Sakal, (who has been working as a Clerical Assistant since June 1, 2011 in various aspects of the work, including attendance at Council and advisory board meetings and the transcription of minutes, amongst other daily duties), it is therefore proper that she be upgraded and promoted to a full time position as an Administrative Assistant II in the City Clerk's Office.

This proposal is also due to the additional restrictions imposed by the Affordable Health Care Act in which the City no longer has the flexibility to have Ms. Sakal work over the 59 hours imposed by the City's recently passed ordinance. This hourly work limitation would greatly restrict her education and development in the position.

She has earned her A.A. Degree in Business Administration and continues studying to obtain her Bachelor's Degree in Supervision and Management. In previous conversations, she has shown an avid interest in becoming a City Clerk while continuing her studies.

Please keep in mind that her salary is divided equally between the Planning and Zoning Department and the City Clerk's Office.

In light of the foregoing, it is my recommendation that her position be reclassified to a full time position, as an Administrative Assistant II, pay grade 22 with a salary of \$32,608.00. At the present time she is earning \$15.00 per hour. (2012 earnings were \$22,144.00 and 2013 earnings up to date are \$15,990.00). The effective date of full time employment with benefits would be August 5, 2013.

The current year personnel budget will be impacted in the amount of less than \$2,000.00, including benefits. However, I will have savings in other expenditures in the Clerk's account to offset that amount.

I feel that I must recommend this change as this will allow the Department to work more efficiently and to continue doing excellent work, not only at the present time, but in the future.

Thank you.

RESOLUTION NO. 2013-3581

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS APPROVING AND ADOPTING A REVISED CITY EMPLOYEE "PAY PLAN" FOR FISCAL YEAR 2012-2013; RESERVING THE RIGHT AND AUTHORITY TO AMEND OR SUPPLEMENT THE PLAN; EFFECTIVE DATE.

WHEREAS, Ordinance 993-2010 was passed on August 23, 2010, authorizing and directing the annual internal review and approval of the City Employee "Pay Plan", and,

WHEREAS, Ordinance 993-2010, as currently codified in the Code of Ordinance Section 34-19(B), further directed the annual approval of the City "Pay Plan" by Resolution in conjunction with the City Council's adoption of the City's annual budget; and,

WHEREAS, the City Council of the City of Miami Springs is desirous of approving the revised City Employee "Pay Plan" for Fiscal Year 2012-2013 in accordance with the recommendations of the City Manager:

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

Section 1: That the revised City Employee "Pay Plan", attached hereto as Exhibit "A", is hereby approved and adopted for the Fiscal Year of 2012-2013.

Section 2: That the City Council hereby reserves the right and authority to amend or supplement the City Employee "*Pay Plan*" at any and all times as may be determined to be in the best interests of the City by City Council resolution.

Section 3: That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 28th day of May, 2013.

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

Vice Mayor Windrem	“ _____ ”
Councilman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Councilman Petralanda	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

POSITION CLASSIFICATION AND PAY PLAN
FISCAL YEAR 2012-13
CIVIL SERVICE/NON CIVIL SERVICE EMPLOYEES

POSITION	PAY GRADE	FY2012-13 PAY RANGE		
		MINIMU M	MAXIMUM	
MAINTENANCE WORKER I	8	22,541	33,421	
PRO SHOP CLERK	8	22,541	33,421	
CLERICAL ASSISTANT	9	23,149	34,326	
EQUIPMENT OPERATOR	10	23,726	35,181	
MAINTENANCE WORKER CREW LEADER	10	23,726	35,181	
MAINTENANCE WORKER II	10	23,726	35,181	
REFUSE COLLECTOR	10	23,726	35,181	
TREE TRIMMER	10	23,726	35,181	
RECREATION LEADER	10	23,726	35,181	NEW
REFUSE TRUCK DRIVER	13	25,549	37,886	
HEAVY EQUIPMENT OPERATOR	14	26,191	38,839	
ADMINISTRATIVE ASSISTANT I	15	26,845	39,810	
BUILDING SPECIALIST I	15	26,845	39,810	
MATERIALS MANAGEMENT CLERK	15	26,845	39,810	
POLICE ADMINISTRATIVE SPECIALIST I	15	26,845	39,810	
RECREATION SPECIALIST	15	26,845	39,810	
ACCOUNTING CLERK I	16	27,512	40,806	
ACCOUNTING CLERK II	18	28,904	42,872	
AUTOMATED EQUIPMENT OPERATOR	19	29,633	43,946	
BUILDING MAINTENANCE SPECIALIST	19	29,633	43,946	
POLICE DISPATCHER I	19	29,633	43,946	
POLICE DISPATCHER II	21	31,128	46,169	
ACCOUNTING CLERK III	22	31,909	47,318	
ADMINISTRATIVE ASSISTANT II	22	31,909	47,318	
BUILDING SPECIALIST II	22	31,909	47,318	
RECREATION SPECIALIST II	22	31,909	47,318	NEW
ADMINISTRATIVE ASSISTANT III	24	33,527	49,715	
PARKS MAINTENANCE FOREMAN	24	33,527	49,715	
OPERATIONS SUPERVISOR	24	33,527	49,715	
POLICE ADMINISTRATIVE SPECIALIST II	24	33,527	49,715	
CODE COMPLIANCE OFFICER	25	34,361	50,960	
POLICE COMMUNICATIONS SUPERVISOR	26	35,218	52,234	
AQUATICS DIVISION SUPERVISOR	28	37,007	54,875	
SPORTS DIVISION SUPERVISOR	28	37,007	54,875	
PROGRAMS DIVISION SUPERVISOR	28	37,007	54,875	
BUILDING AND CODE COMPLIANCE SUPERVISOR	29	37,604	55,300	

* DEPUTY CITY CLERK	29	37,604	55,300
EXECUTIVE SECRETARY	29	37,604	55,300
PROCUREMENT SUPERVISOR	29	37,604	55,300
HUMAN RESOURCES SPECIALIST	29	37,604	55,300
* ASSISTANT INFORMATION TECHNOLOGY MANAGER	37	46,212	68,534
* GOLF COURSE MAINTENANCE SUPERINTENDENT	37	46,212	68,534
* GRANTS WRITER/PUBLIC INFORMATION SPECIALIST	37	46,212	68,534
PROFESSIONAL SERVICES SUPERVISOR	37	46,212	68,534
OPERATIONS SUPERINTENDENT	37	46,212	68,534
* ELDERLY SERVICES DIRECTOR	40	49,767	73,805
* ASSISTANT PUBLIC WORKS DIRECTOR	40	49,767	73,805
* INFORMATION TECHNOLOGY/ACCOUNTING SYSTEMS ANALYST	40	49,767	73,805
* CITY PLANNER	44	54,930	81,466
* POLICE LIEUTENANT	44P	61,440	89,324
* HUMAN RESOURCES DIRECTOR/RISK MANAGER	45	56,305	83,501
* COMPTROLLER	46	63,316	92,063
* INFORMATION TECHNOLOGY DIRECTOR	46	63,316	92,063
* POLICE CAPTAIN	46P	64,546	93,851
* GOLF & COUNTRY CLUB DIRECTOR	49	71,850	95,799
* BUILDING AND CODE COMPLIANCE DIRECTOR	49	71,850	95,799
* RECREATION DIRECTOR	49	71,850	95,799
* PUBLIC WORKS DIRECTOR	49	71,850	95,799
* CITY CLERK	49C	71,850	99,014
* BUILDING OFFICIAL	50	74,817	112,227
* FINANCE DIRECTOR	50	74,817	112,227
* CHIEF OF POLICE	50P	76,270	114,406
* ASSISTANT CITY MANAGER-FINANCIAL SERVICES	50M	84,125	125,489
* NON CIVIL SERVICE			



**CITY OF MIAMI SPRINGS
OFFICE OF THE CITY CLERK**

201 Westward Drive
Miami Springs, FL 33166-5259
Phone: 305.805.5006
Fax: 305.805.5028

TO: Ronald K. Gorland, City Manager

VIA: Magalí Valls, City Clerk

FROM: Elora R. Sakal, Board Secretary

DATE: May 21, 2013

SUBJECT: Board of Parks and Parkways Recommendation

Based on their actions taken at their meeting of May 9, 2013, the Board of Parks and Parkways members would like to bring the following recommendation to the attention of the City Council:

“Chair Richey asked for all those in favor of 162 Deleon Drive being the June Yard of the Month and the motion was carried 4-0. Board member Priess abstained.”

“Chair Richey asked for all those in favor of 243 Miami Springs Avenue being the August Yard of the Month and by consensus the Board members agreed.”

ORDINANCE NO. 1055-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 70-02, RED LIGHT CAMERA ENFORCEMENT, BY ADOPTING AND IMPLEMENTING THE AMENDMENTS AND NEWLY ENACTED PROVISIONS OF STATE LAW CONTAINED IN CS/CS/HB7125; PROVIDING FOR THE ADOPTION AND IMPLEMENTATION OF FUTURE AMENDMENTS AND STATUTORY PROVISIONS; AUTHORIZING THE CREATION OF A LOCAL HEARING OFFICER PROCESS CONSISTENT WITH STATE LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session which amended sections of Florida Statute Sections 316.003, 316.0083, 316.650, 318.121, 318.15, 318.18, and 320.03 related to the processes, procedures, and provisions of the statutory enactments connected with the use of red light cameras as traffic infraction detectors; and,

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125 to be effective on July 1, 2013; and,

WHEREAS, consistent with the provisions of Code of Ordinance Section 70-02 (C), the City is desirous of adopting and implementing the amendments and newly enacted provisions of State Law contained in CS/CS/HB7125; and,

WHEREAS, in accordance with the new requirements of statutory law, the City wishes to implement a "Local Hearing Officer" process to permit the contesting of "Notices of Violations" issued pursuant to the red light camera process as an alternative to proceeding to a traffic court adjudication of issued violations ; and,

WHEREAS, the City Council has determined that the adoption and implementation of the amended and newly enacted provisions of State Law related to its Red Light Camera Enforcement Program are both proper and appropriate and in the best interests of the City and its citizens:

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

Section 1: That Code of Ordinance Section 70-02, Red Light Camera Enforcement, is hereby amended as follows:

Sec. 70-02.- Red light camera enforcement.

- (A) *Recitals*.....
- (B) *Use of traffic infraction detectors*.....
- (C) *Implementation of general law*.....
- (D) *Adoption and Implementation of Amended and Newly Enacted Statutory Provisions.* The City Manager is further authorized to implement, consistent with provisions of Subsection (C) above, the amendments and newly enacted statutory provisions contained in CS/CS/HB7125 (2013). This section shall also authorize the implementation of any future amendments or newly enacted statutory provisions which impact or relate to the operation of the City's Red Light Camera Enforcement Program.
- (E) *Local Hearing Officer Process.* The City Manager is hereby authorized and directed to establish a Local Hearing Officer process for the City consistent with the requirements of State Law.

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

Section 3: That this Ordinance shall take effect immediately upon adoption.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this _____ day of _____, 2013.

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 Windrem	“ _____ ”
Councilman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Councilman Petralanda	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 05-28-2013
Second reading:

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

RESOLUTION NO. 2013-3582

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AUTHORIZING THE HIRING OF LOCAL HEARING OFFICERS; DESIGNATING THE CITY CLERK'S OFFICE TO PROVIDE CLERICAL AND OTHER ASSISTANCE; DIRECTING THE FINANCE DEPARTMENT TO PROVIDE SUPPORT SERVICES; ESTABLISHING AN ADMINISTRATIVE FEE FOR EACH HEARING; EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session which included newly adopted provisions and procedures for the handling of Notices of Violations generated from the use of red light cameras as traffic infraction detectors to enforce Florida Statute Chapter 316; and,

WHEREAS, the newly adopted provisions and procedures established a "Local Hearing Officer" process whereby recipients of a Notice of Violation may request a hearing before a local hearing officer instead of challenging the traffic infraction in Court; and,

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125 to take effect on July 1, 2013; and,

WHEREAS, the intent of the subject legislation is to provide citizens with an alternative local method of contesting Notices of Violations instead of the more formalized Traffic Court process; and,

WHEREAS, although the new process creates certain initial logistical issues for the City, it is felt that the long term benefits to the citizen/infraction violators outweighs the short term issues to be experienced and resolved by the City; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to comply with the newly enacted statutory provisions in order to continue operating the City's Red Light Camera Enforcement Program:

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

Section 1: Recitals. That the City Council of the City of Miami Springs hereby adopts the recitals set forth above and incorporates them herein.

Resolution No. 2013-3582

Section 2: Local Hearing Officers. That the City Council of the City of Miami Springs hereby authorizes the City Administration to hire Local Hearing Officers in order to comply with newly created statutory hearing processes and procedures set forth in CS/CS/HB7125 (2013). It is the duty and responsibility of the City Administration to hire Local Hearing Officers who are capable of performing the mandated processes and procedures set forth in statutory law. In addition, to wit:

- (A) The City may enter into Interlocal Agreements with other government entities in order to maintain a pool of eligible Local Hearing Officers.
- (B) The number of Local Hearing Officers available to the City at any time shall be within the discretion of the City Administration.

Section 3: Clerical Assistance for Hearing Process. That the City Council of the City of Miami Springs hereby designates and authorizes the staff of the City Clerk's Office to assist in all clerical matters and other related duties that may be required to conduct the Red Light Camera Notice of Violation Hearings authorized by statutory law.

Section 4: Finance Department Assistance for Hearing Process. That the City Council of the City of Miami Springs hereby authorizes and directs the staff of the City Finance Department to assist in all financial matters and other related duties that may be required in the administration of the Local Hearing Officer process by the City.

Section 5: Administrative Fee Established. That the City Council of the City of Miami Springs hereby establishes an administrative fee of \$250.00 to be charged for conducting each Local Hearing Officer proceeding authorized by statutory law. However, no administrative fee shall be assessed in any case in which the alleged violation is dismissed. The amount of the administrative fee established herein may be increased or decreased by subsequent City Council resolution.

Section 6: That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 28th day of May, 2013.

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

Vice Mayor Windrem	“ _____ ”
Councilman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Councilman Petralanda	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

Resolution No. 2013-3582



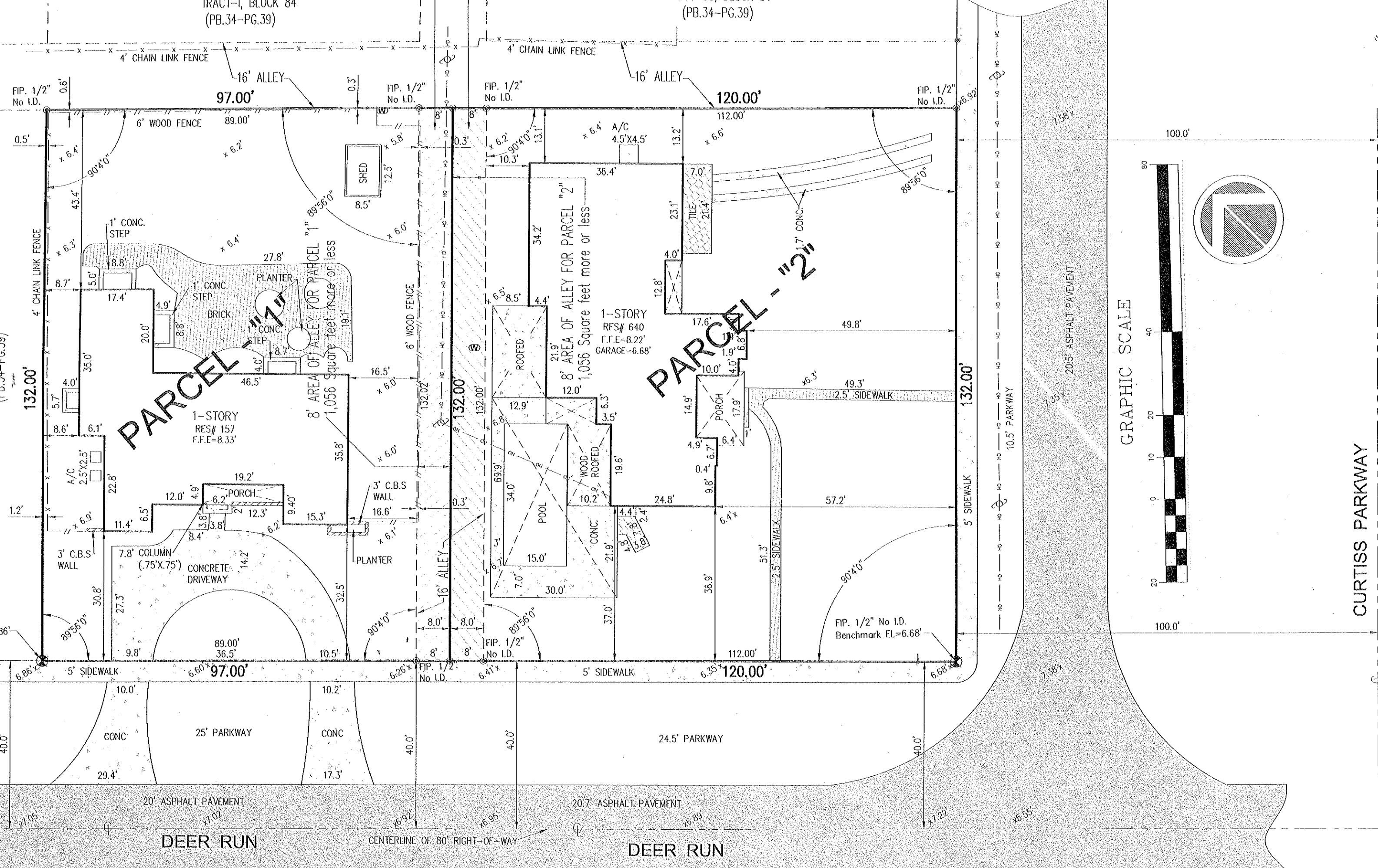
CITY OF MIAMI SPRINGS
Planning & Zoning Department
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: (305) 805-5034
Fax: (305) 805-5036

TO: Honorable Mayor Garcia and Members of the City Council
VIA: Ronald Gorland, City Manager
FROM: James H. Holland, AICP, Planning & Zoning Director
DATE: May 22, 2013

SUBJECT: **Consideration of the Vacation and Abandonment of an Alley Right-of-Way between 157 Deer Run and 640 Curtiss Parkway**

The subject alley, which has a platted width of 16 feet, is unimproved and appears to have never been improved. The length of the alley is 132 feet, and the total land area involved is 2,112 square feet. Except for a private overhead electrical service to 640 Curtiss Parkway, no utilities are located within the alley. The property owners have secured and presented letters of “no objection” from Florida Power & Light Company, AT&T, Florida City Gas, and Comcast. Additionally, both the Public Works and Police Departments have no objection to the alley vacation.

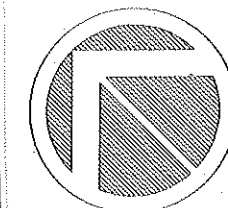
The Planning and Zoning Department recommends that the subject alley be vacated.



PARCEL #1

PARCEL #2

GRAPHIC SCALE



CURTISS PARKWAY

DEER RUN

DEER RUN

CENTERLINE OF 80' RIGHT-OF-WAY

CENTERLINE OF 200' RIGHT-OF-WAY

IN THE CIRCUIT COURT FOR THE 11th JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

SANDRA J, LLC, a Florida limited liability company, REALTY DEVELOPMENT INVESTMENT, LTD., a Florida limited partnership, RAUL V. MEDINA, JR., an individual, RECHTIEN HOLDINGS, LLC, a Florida limited liability company, PAN ATLANTIC CORPORATION, a Florida corporation, ROBERT YGLESIAS, an individual, G E R P PROPERTIES, LLC, a Florida limited liability company, ATLAS INVESTMENT CORP., a Florida corporation, COSTEX CORPORATION, a Florida corporation, and AIRPORT CENTRE, INC., a Florida corporation,

Plaintiffs,

vs.

CITY OF MIAMI SPRINGS, and
MIAMI-DADE COUNTY,

Defendants.

General Jurisdiction Division
CASE NO.:

13-17742CA 24

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiffs, Sandra J, LLC, a Florida limited liability company, Realty Development Investment, Ltd., a Florida limited partnership, Raul V. Medina, Jr., an individual, Rechten Holdings, LLC, a Florida limited liability company, Pan Atlantic Corporation, a Florida corporation, Robert Yglesias, an individual, G E R P Properties, LLC, a Florida limited liability company, Atlas Investment Corp., a Florida corporation, Costex Corporation, a Florida corporation, and Airport Centre, Inc., a Florida corporation, by and through undersigned counsel, hereby sue the Defendants, City of Miami Springs and Miami-Dade County, Florida, for Injunctive and Declaratory Relief, and as grounds state as follows:

JURISDICTION AND VENUE

1. This is an action for a declaratory judgment pursuant to Chapter 86, Florida Statutes, regarding a subject matter for which the value exceeds \$15,000.00, exclusive of interest, costs and attorneys' fees. This is also an action for injunctive relief regarding a subject matter for which the value exceeds \$15,000.00, exclusive of interest, costs and attorneys' fees.

2. Each Plaintiff is the owner of real property located in unincorporated Miami-Dade County, Florida, and more specifically, the real property that forms the subject matter of the proposed annexation by the City of Miami Springs, as more fully set forth below. Plaintiffs are each directly impacted by the unlawful actions described below.

3. Miami-Dade County is a County of the State of Florida that is located entirely within the geographic jurisdiction of this judicial circuit. Miami-Dade County is governed by Article VIII, Section 11, Florida Constitution (1885), the Miami-Dade County Home Rule Charter, and the Miami-Dade County Code of Ordinances, as amended from time to time.

4. The City of Miami Springs ("Miami Springs") is a Municipality located within Miami-Dade County, Florida that is organized and existing under the laws of the State of Florida. Miami Springs is located entirely within the geographic jurisdiction of this Court. Miami Springs is governed by the Miami Springs Charter and the Miami Springs Code of Ordinances, as amended from time to time.

PROCEDURAL AND POLITICAL HISTORY

5. In an effort to increase its tax base, Miami Springs has been attempting to annex certain non-residential areas of unincorporated Miami-Dade County since at least 2002.

6. These efforts languished until 2009 when Miami Springs and three of its neighboring municipalities (the Town of Medley, the City of Doral, and the Village of Virginia Gardens) reached an agreement as to which of the county's valuable territory would be annexed into which

municipality. The Plaintiffs do not possess a copy of the agreement despite a substantial and diligent search of public records seeking same.

7. As part of its plan to expand its tax base Miami Springs adopted Ordinance No. 977-2009¹ on May 11, 2009 authorizing the submission to Miami-Dade County of a plan to annex certain *contiguous* territory described below. (the “2009 Annexation Plan”) (A true and correct copy of the 2009 Annexation Plan is attached as Exhibit 1).

8. The Miami Springs charter only permits annexation of lands “contiguous” to its geographic boundaries.² If approved by Miami-Dade County, the 2009 Annexation Plan would incorporate into the city’s boundaries the targeted geographic area in which the Plaintiffs’ own real property, which would transfer municipal control (including municipal taxing and regulatory authority) from Miami-Dade County to Miami Springs. The 2009 Annexation Plan provided:

The City wishes to annex approximately 1,331 acres (2.08 square miles) *which are contiguous to the City's current western municipal boundary* [...] This area is located generally south of the NW 74th Street Connector, north of NW 36th Street, east of SR 826 and west of the City's current western boundary (NW 6th Avenue). This proposed annexation area comprises mostly industrial and commercial land... The Annexation Area is also described as portions of: ...Sections 11, 12, 13, 14, 23, 24 and 26, Township 53, Range 40. Annexation plan Executive Summary at p. 1. (Emphasis added.)

9. It is important to note that before the Miami Springs City Council authorized submission of the 2009 Annexation Plan, the voters of Miami Springs were required to approve the proposed annexation. An election was held on April 7, 2009 whereby the following question was put to the eligible electors of the Miami Springs:

¹ Section 20.3, Miami-Dade County Code, requires that a municipality seeking to annex lands adopt a “resolution.” Here, rather than adopt a resolution, Miami Springs adopted an “ordinance,” which procedure is itself a violation of the County Code.

² City of Miami Springs Charter at §2.02 as amended by a vote of the electors in 2009.

Shall the City of Miami Springs annex the property contained within the area from north of the center line of NW 36th Street on the south, to south of the center line of NW 74th Street on the north, except for certain small “out parcel” areas, to the westernmost pavement of Ludlam Drive on the east, to the pavement of the service road parallel to the Palmetto Expressway on the west? (A true and correct copy of the Miami Springs Master Ballot is attached as Exhibit 2.)

10. The electors of Miami Springs approved this ballot question.

11. Miami-Dade County has the exclusive jurisdiction to approve boundary changes within its geographic confines. Miami-Dade County’s jurisdiction over boundary changes derives from Article VII, Section 11 of the Florida Constitution (1885)(the “Home Rule Amendment”), which states as follows:

[The Board of County Commissioners] [m]ay change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

12. In order to effect the change of its boundaries, a city such as Miami Springs must comply with the provisions of Chapter 20 of the Miami-Dade Code of Ordinances. (A true and correct copy of Chapter 20 is attached as Exhibit 3.) The relevant provisions require the following:

Any proposed boundary change desired by the governing body of a municipality **shall be initiated by resolution** of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, Sec. 20-3, Miami-Dade County Code of Ordinances. (Emphasis added.)

No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners when the governing body requesting the change has omitted as part

of the boundary change application information on an existing enclave, as defined in Section 20-7(A)(1)(c), adjacent to the municipality's boundaries or **when the boundary change application creates a new enclave**. Sec. 20-3.1, Miami-Dade County Code of Ordinances. (Emphasis added.)

13. While the 2009 Annexation Plan was pending, certain property owners in the area to be annexed voiced concerns and objections to the Plan. One of those property owners was the Florida East Coast Railway Yard (hereinafter "FEC").³ FEC pressed its objection with County staff and the Miami-Dade County's Planning Advisory Board ("PAB").

14. In response to these objections, Miami Springs materially altered the 2009 Annexation Plan to remove the FEC's property from the area to be annexed. Without presenting the material change to the electors as required by Article II, section 2.02 of the Miami Springs Charter and without voter approval, Miami Springs adopted Ordinance No. 991-2010 on July 12, 2010. Ordinance 991-2010 materially altered the lands included in the 2009 Annexation Plan by removing the FEC Property:

Section 2: That the City Council of the City of Miami Springs hereby authorizes and approves the deletion of the Florida East Coast Railroad railyard property, adjacent to the western boundary of the City, from the City's application for annexation now pending before Miami-Dade County.

Plaintiffs shall hereafter refer to the 2009 Annexation Plan as purportedly amended by Ordinance 991-2010 as the "Amended 2009 Annexation Plan." (A true and correct copy of Ordinance No. 991-2010 is attached as Exhibit 4.)

15. Removing the FEC property reduced the lands to be annexed by approximately *twenty-five percent* (25%) of the lands originally described in the 2009 Annexation Plan.⁴ Miami

³ According to Miami-Dade County property records, the subject "Hialeah Rail Yard" is variously owned by "FEC," "FEC RR CO" and "FEC RY".

⁴ Again, the use of an ordinance as opposed to a resolution is yet another violation of Section 20.3 of the Miami-Dade County Code.

Springs continues to advance the Amended 2009 Annexation Plan despite that it had been materially altered without voter approval and without a proper enabling resolution, and despite that it would create an impermissible enclave, which will be discussed more fully below.

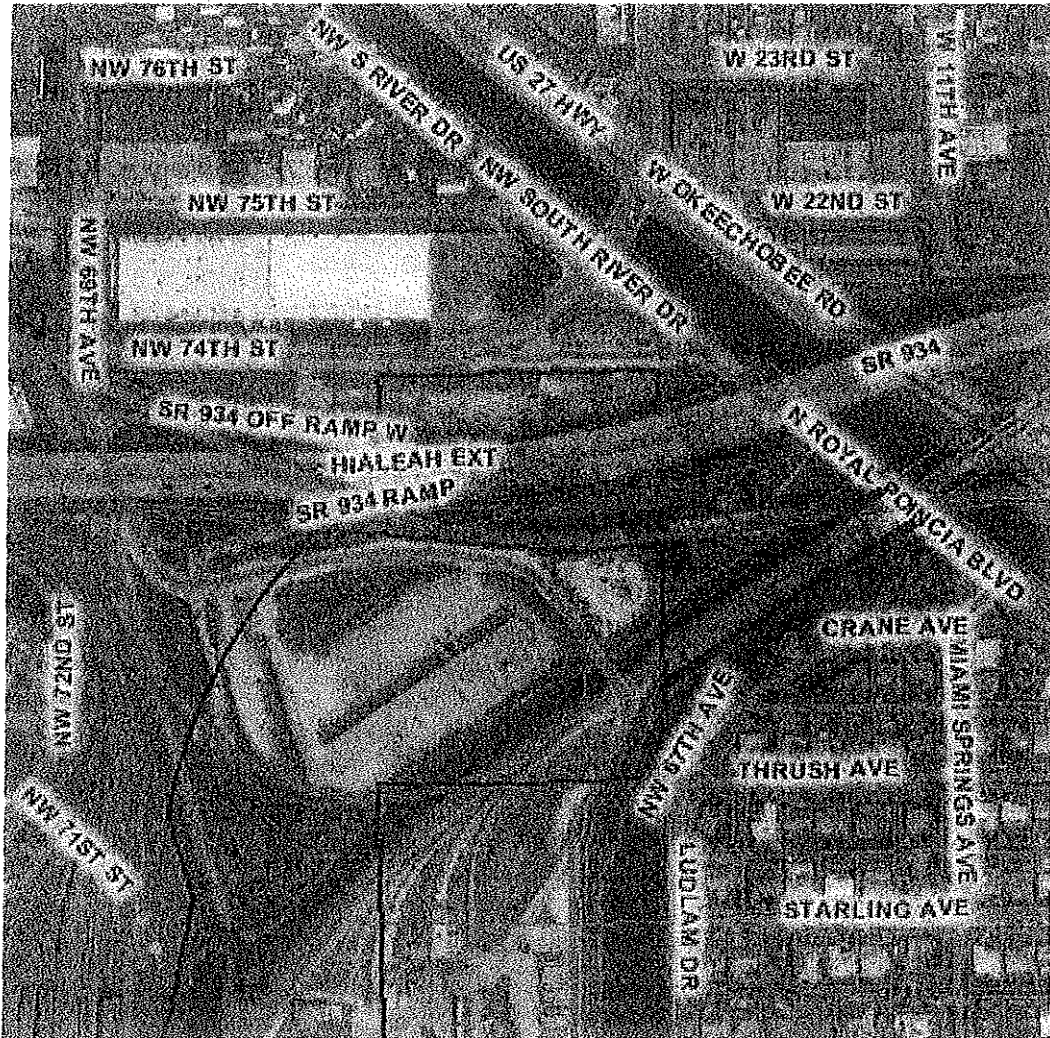
16. Consistent with Chapter 20, upon receipt of the Amended 2009 Annexation Plan, the PAB held a public hearing on September 8, 2010. According to an April 13, 2011 memorandum to the Miami-Dade County Board of County Commissioners from the county manager (a true and correct copy of the memorandum is attached as Exhibit 5), the PAB “recommended the [Board of County Commissioners] deny the [Amended 2009 Annexation Plan].” The memorandum notes that “As a result of the removal of the [FEC Property] ... **an enclave is created between the municipality and the annexation area.**”(Emphasis added.)

17. The area to be annexed is not contiguous to Miami Springs and thus the Amended 2009 Annexation Plan violates the Miami Springs Charter. The amended legal description accompanying Ordinance 99-2010 contains the following provision as to the property excluded from the amended annexation plan:

LESS AND EXCEPT THEREFROM:

All those lots, pieces or parcels of land as owned by the Florida East Coast Railway Company, L.L.C., a Florida Limited Liability Company, together with its parent and subsidiary corporate entities, lying within the boundaries of the foregoing Annexation Area referenced in City Ordinance Number 991-2010 as passed and adopted by the City Council of the City of Miami Springs, Florida on the 12th day of July 2010.

18. Below is an image taken from the Miami-Dade County Property Appraiser’s website showing that the FEC owns property (highlighted in red) which physically separates Miami Springs from the lands to be annexed thereby destroying any pretense of contiguity:



19. The PAB memorandum correctly points out that the Amended 2009 Annexation Plan would result in the creation of a new enclave which is prohibited by Miami-Dade County Code, which provides at §20-3.1:

No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved ... when the boundary change application creates a new enclave.

20. It is irrefutable that the Amended 2009 Annexation Plan results in the creation of a new enclave, which is in direct contravention of an express provision of the Miami-Dade County Code. This fact alone should render the Amended 2009 Annexation Plan unlawful and requires that the Court grant the Plaintiffs the relief requested. Indeed, had Miami-Dade County complied with

the express provisions of the Code, the result of the PAB memorandum should have resulted in the summary denial of the Amended 2009 Annexation Plan without further discussion.

21. Nevertheless, in direct contravention of its Code of Ordinances, Miami-Dade County scheduled the annexation plan for a public hearing on the April 13, 2011 before the BCC Infrastructure and Land Use Committee (ILUC).

22. After taking testimony from a number of irate property owners, including some or all of the Plaintiffs, the annexation plan was deferred.

23. More than two years later, on May 7, 2013, the Plaintiffs received by mail a notice of "Public Hearing on Proposed Annexation to the City of Miami Springs" scheduled for May 16, 2013 at 9:30 a.m. before the BCC's Land Use and Development Committee. (A true and correct copy of the notice is attached as Exhibit 6). After Plaintiffs received the mail notice, the committee agenda was released; however, the annexation item was not scheduled to be discussed.

24. Notwithstanding the defects and deficiencies of the Amended 2009 Annexation Plan noted herein, Miami Springs and Miami-Dade County remain intent upon disregarding their own Charter and Code of ordinances as well as established law, and unless prevented by this Court, appear to be well on their way to approving the illegal and unlawful Amended 2009 Annexation Plan.

SUMMARY OF RELIEF SOUGHT

25. This is an action to declare the Amended 2009 Annexation Plan to be unlawful, and to enjoin Miami Springs and Miami-Dade County, from proceeding with the unlawful Amended 2009 Annexation Plan because:

(a) The Amended 2009 Annexation Plan violates Miami Springs' Charter §2.02, which provides:

The city, by ordinance, may annex contiguous lands in the manner provided by law. The City of Miami Springs shall not annex any lands outside of the existing boundaries of the City of Miami Springs, without first being approved and authorized by a majority of qualified

city electors voting in a [sic] election to consider any such action.
(Miami Springs Charter, Sec. 2.02 as amended by a vote of the electors in 2009.) (Emphasis added.)

Here, the Amended 2009 Annexation Plan contains lands that are not contiguous to Miami Springs, which constitutes a violation of the Miami Springs Charter. More specifically, by deleting the FEC-owned Property, Amended 2009 Annexation Plan seeks to annex lands that are physically remote from Miami Springs, and therefore is not permitted under the Charter. Also, the number of acres of the lands and the location of those lands as described in the Amended 2009 Annexation Plan materially differ from the description of the lands contained in the question put to Miami Springs' voters on April 7, 2009. Specifically, the voters approved an annexation of "approximately 1,331 acres (2.08 square miles) which are contiguous to the City's current western municipal boundary." The amended annexation plan proposes to incorporate approximately 990 acres separated from Miami Springs by a railyard and two canals – over 25% less land than that approved by the voters. (See MIAMI SPRINGS CITY ORDINANCE NO. 991-2010 ANNEXATION AREA-LEGAL DESCRIPTION attached as Exhibit 7).

- (b) The Amended 2009 Annexation Plan violates Miami-Dade County Code Section 20-3.1, which provides:

No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners when the governing body requesting the change has omitted as part of the boundary change application information on an existing enclave, as defined in Section 20-7(A)(1)(c), adjacent to the municipality's boundaries **or when the boundary change application creates a new enclave.**

and

- (c) The amended plan of annexation violates Miami-Dade County Code Section 20-3, which provides:

Any proposed boundary change desired by the governing body of a municipality **shall be initiated by resolution** of such governing body adopted after a public hearing held pursuant to written notice

mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes. Sec. 20-3, Miami-Dade County Code of Ordinances. (Emphasis added.)

Here, the Amended 2009 Annexation Plan - adopted impermissibly by an ordinance, rather than a resolution,⁵ excluded the FEC-owned Property, thereby creating an impermissible enclave. Accordingly, the amended plan on its face violates the Miami-Dade County Code and if heard, considered, and approved, would constitute an unlawful annexation.

26. Each and every condition precedent required to bring this action has been performed, waived and/or otherwise excused.

COUNT I -- DECLARATORY ACTION

27. Plaintiffs incorporate paragraphs 1 through 26 above as if fully set forth herein.

28. This is an action brought pursuant to Fla. Stat. §86.011, *et seq.*, to declare the proposed Amended 2009 Annexation Plan unlawful.

29. The proposed Amended 2009 Annexation Plan violates Miami Springs' Charter §2.02, because Miami Springs seeks to annex property which is not contiguous with its current boundaries. By deleting the FEC-owned Property, the proposed plan of annexation seeks to annex property which is remote and not contiguous to the boundaries of Miami Springs and therefore is not permitted under the Miami Springs Charter.

30. The Amended 2009 Annexation Plan violates Miami Springs' Charter §2.02 because there has not been the prerequisite approval of a majority of qualified city electors. The number of acres of the lands and the location of those lands as described in the Amended 2009 Annexation Plan materially differ from the description of the lands contained in the question put to Miami

⁵ (a) "Ordinance" means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) "Resolution" means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body. *See* Fla. Stat. §166.041.

Springs' voters on April 7, 2009. Specifically, the voters approved the annexation of "approximately 1,331 acres (2.08 square miles) which [were] contiguous to the City's current western municipal boundary." The Amended 2009 Annexation Plan proposes to incorporate approximately 990 acres separated from Miami Springs by a railyard and two canals – over 25% less land than that approved by the voters. (See MIAMI SPRINGS CITY ORDINANCE NO. 991-2010 ANNEXATION AREA-LEGAL DESCRIPTION attached as Exhibit 7.)

31. The proposed Amended 2009 Annexation Plan violates Miami-Dade County Code Section 20-3.1 because the annexation will create an impermissible enclave. Here, the proposed plan excludes the FEC-owned Property which, beyond doubt, results in an impermissible enclave.

32. The proposed Amended 2009 Annexation Plan violates §20-3 of the Miami-Dade Code because Miami Springs did not initiate the plan by resolution.⁶ Miami Springs initiated and amended the annexation plan by *ordinance*.

33. There is a present, actual and bona-fide controversy regarding the parties' respective rights and obligations as to whether the Miami Springs' Amended 2009 Annexation Plan is lawful and complies with the Miami Springs Charter and/or Miami-Dade County Code.

34. The instant action involves a present, ascertained or ascertainable set of facts or present controversy as to a state of facts, and some immunity, power, privilege or right of the parties remains dependent upon the facts or the law applicable to the facts.

35. Each party having an actual, present, adverse and antagonistic interest in the subject matter hereof is properly joined in this action.

⁶ (a) "Ordinance" means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) "Resolution" means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body. *See* Fla. Stat. §166.041.

36. The relief requested herein is not pursued out of curiosity, or for any theoretical reason.

37. Because of the conflicting claims of the parties, irreparable damage may be done unless the rights of the parties are determined in advance of the approval of the subject plan of annexation. Therefore, Plaintiffs request a speedy hearing of this action in accordance with Section 86.11, Florida Statutes, and that this Court advance the matter on its calendar.

WHEREFORE, Plaintiffs pray that this Court declare that the Miami Springs proposed plan of annexation is unlawful and/or fails to comply with the Miami Springs Charter and/or Miami-Dade County Code, and to award Plaintiffs their costs, and such further relief as this Court may deem just and proper.

COUNT II -- INJUNCTION

38. Plaintiffs incorporate paragraphs 1 through 26 above as if fully set forth herein.

39. Plaintiffs sue defendants to (i) enjoin Miami-Dade County from approving the Miami Springs' Amended 2009 Annexation Plan; (ii) enjoin Miami Springs from annexing the unincorporated property set forth in the Amended 2009 Annexation Plan; and (iii) mandate that Miami Springs withdraw the Amended 2009 Annexation Plan from further consideration by Miami-Dade County.

40. The Amended 2009 Annexation Plan violates Miami Springs' Charter §2.02, because Miami Springs seeks to annex property which is not contiguous with its current boundaries. By deleting the FEC-owned Property, the proposed plan of annexation seeks to annex property which is not contiguous to the boundaries of Miami Springs and therefore is not permitted under the Miami Springs Charter

41. The Amended 2009 Annexation Plan violates Miami Springs' Charter §2.02 because there has not been the prerequisite approval of a majority of qualified city electors. The number of

acres of the lands and the location of those lands as described in the Amended 2009 Annexation Plan materially differ from the description of the lands contained in the question put to Miami Springs' voters on April 7, 2009. Specifically, the voters approved the annexation of "approximately 1,331 acres (2.08 square miles) which [were] contiguous to the City's current western municipal boundary." The Amended 2009 Annexation Plan proposes to incorporate approximately 990 acres separated from Miami Springs by a railyard and two canals – over 25% less land than that approved by the voters. (See MIAMI SPRINGS CITY ORDINANCE NO. 991-2010 ANNEXATION AREA-LEGAL DESCRIPTION attached as Exhibit 7.)

42. The Amended 2009 Annexation Plan violates Miami-Dade County Code Section 20-3.1, because the annexation will create an impermissible enclave. Here, the proposed plan excludes the FEC-owned Property which, beyond doubt, results in an impermissible enclave.

43. The Amended 2009 Annexation Plan violates §20-3 of the Miami Dade Code because Miami Springs did not initiate the plan by resolution. Miami Springs initiated and amended the annexation plan by ordinance.

44. Plaintiffs have a clear legal right to an injunction. As set forth above, the Amended 2009 Annexation Plan is unlawful under both the Miami Springs' Charter and Miami-Dade County's Code.

45. Plaintiffs have an inadequate remedy at law. Indeed, the only remedy which Plaintiffs have to protect against a municipality and county from disregarding their own respective Charters and Codes is a ruling from the courts to put a stop to the impermissible conduct.

46. Plaintiffs will suffer irreparable harm if the injunction is not entered and the status quo is not maintained. Plaintiffs should not be governed by Miami Springs, nor should Plaintiffs be required to be taxed by Miami-Springs. Miami-Springs has no governing authority over Plaintiffs.

47. Plaintiffs are likely to succeed, particularly given that the Amended 2009 Annexation Plan is facially unlawful.

48. An injunction will serve the public purpose. Codes and ordinances have been enacted which promulgate the exact manner in which a Municipality may annex unincorporated property. The Amended 2009 Annexation Plan violates the public laws. Upholding these laws clearly serve a public interest.

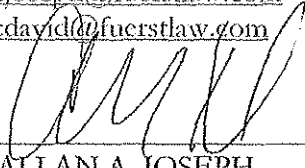
WHEREFORE, based on the foregoing, Plaintiffs pray that this Court enjoin Miami-Dade County from approving the Miami Springs' Amended 2009 Annexation Plan by Miami-Dade County, and further to enjoin Miami Springs from annexing the unincorporated property as set forth in the Amended 2009 Annexation Plan and to award Plaintiffs their costs, and such further relief as this Court may deem just and proper.

DATED: May 17, 2013.

Respectfully submitted,

FUERST ITTLEMAN DAVID & JOSEPH, PL
Attorneys for Plaintiffs
1001 Brickell Bay Drive, 32nd Floor
Miami, Florida 33131
Telephone: (305) 350-5690
Facsimile: (786) 364-7995
Email: ajoseph@fuerstlaw.com
Email: cdavid@fuerstlaw.com

By: _____


ALLAN A. JOSEPH
Florida Bar Number: 893137
CHRISTOPHER M. DAVID
Florida Bar Number: 985163



CITY OF MIAMI SPRINGS
Public Works
345 N Royal Poinciana Blvd
Miami Springs, FL 33166-5259
Phone: (305) 805-5170
Fax: (305) 805-5195

Agenda Item No.

City Council Meeting of:

05-28-2013

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald Gorland, City Manager 

FROM: Thomas Nash, Public Works Director

DATE: May 23, 2013

RECOMMENDATION:

Recommendation that Council waive the competitive bid process and approve an expenditure to Wrangler Construction, the lowest responsible quote, in the amount of \$37,120.00, for sidewalk repair, replacement, pursuant to Section §31.11(E)(6)(g) of the City Code.

DISCUSSION: Repair & replacement of sidewalk on Minola Dr to tie in with Minola street paving project from S Royal Poinciana Blvd to Oakwood Dr. This work would typically go out for bid because the project is over \$25K although due to time and the fact that we are tying this project into the existing project we are asking Council to waive the competitive bid process based on the three quotes attached.

COST: \$ 37,120.00

FUNDING: Department/ Description: CITT
Citizens Independent Transportation Trust
Account Number: Budgeted in Account # 135-0902-541-4600

DOCUMENTS 3 QUOTES

PROFESSIONAL SERVICES APPROVAL:

WRANGLER CONSTRUCTION, INC.

May 20, 2013

Mr. Lazaro Garaboa.

Via facsimile: Fax 305-805-5176

Re: Minola Drive.
Miami Springs, FL.
From 200 to 600 Blk.

Subject: **New 4" concrete sidewalks.**

Dear Mr. Garaboa:

Please consider this correspondence as our Proposal for the Labor Material and Equipment needed for the completion of the **new 4" concrete sidewalks** at the referenced projects. All construction will be in accordance with the information provided during the site visit.

This Proposal is based only on a site visit. No Drawings and/or Technical Specifications were provided.

ARTICLE 1 - BASE BID SCOPE OF WORK

- 1.1 Removal and disposal of approximately 1,600 LF of existing 4" concrete sidewalk (5 feet wide)
- 1.2 Installation of approximately 1,600 LF of new 5' wide x 4" thick concrete sidewalk (new sidewalks installation will include the corresponding base preparation.)
- 1.3 Installation of approximately 144 SF of new detectable warning surface (Eighteen (18) detectable tiles 2'x 4' each)
- 1.4 Maintenance of traffic.

ARTICLE 2 - INCLUSIONS

ITEMS PROVIDED BY WRANGLER CONSTRUCTION, INC.

- 2.1 Furnish all labor, equipment and supervision to perform the scope of work outlined above.

ARTICLE 3 - EXCLUSIONS

- 3.1 Required police officers if any (By the City of Miami Springs.)
- 3.2 Permits costs and/or processing fees (By the City of Miami Springs.)
- 3.3 Sodding.
- 3.4 Wrangler Construction is not responsible for any unmarked underground utilities.

12855 SW 136 Avenue, Suite 206
Miami, Florida 33186

Telephone: 305-278-4719
Telefax:: 305-278-4720

ARTICLE 4 BASE BID QUOTATION

OUR LUMP SUM PROPOSAL FOR THE WORK:

THIRTY SEVEN THOUSAND ONE HUNDRED TWENTY DOLLARS and NO CENTS (\$ 37,120.00).

Please note that this Proposal is based **ONLY** on a site visit. No Drawings and/or Technical Specifications were provided.

All work will be done in accordance with the latest requirement requirements of the Miami Springs Public Work Department, Florida Building Code and the Florida Department of Transportation and of other applicable regulatory agencies having jurisdiction.

Performance Bond not included in this price.

We appreciate the opportunity to quote on this project. If we can be of further service, or if you have any questions regarding this Proposal, please do not hesitate to contact us at your earliest convenience. We remain

Cordially yours,

WRANGLER CONSTRUCTION, INC.

Felix R. Clavelo
PM/Estimator

WRANGLER



• P R O P O S A L •

Page No. _____ of _____ Pages

**7875 S.W. 40 STREET SUITE # 229
MIAMI, FL 33155 PHONE # (305) 261-2426
Fax (305) 668-3317 LICENSED&INSURED**

PROPOSAL SUBMITTED TO City of Miami Springs		PHONE (305)805-5170 Ext 4223	DATE 5/22/13
STREET 7350 N.W. 7 Street Unit -102		JOB NAME	
CITY, STATE, ZIP MIAMI, FL 33126		JOB LOCATION	
FAX #	Attn. Iazaro	Sales Rep RICHARD GONZALEZ	JOB PHONE

We hereby propose to furnish materials and labor necessary for the completion of:

SIDEWALK REPAIR

- 1) REMOVE EXISTING SIDEWALK AND REPLACE with 4 inch , 3000 PSI. CONCRETE 1600 x 5 = 8000 SQFT At \$ 4.50 SQFT = \$36,000.00
18 ADA detectable Tiles At \$ 350.00 each = \$ 6,300.00**

Total \$ 42,300.00

NOTE: WORK TO BE DONE AS PER DETAIL.

NOTE: Prices is for one Location area

NOTE: PERMIT BY OWNER (NO PERMIT OR PERMIT FEES INCLUDED.)

Please see reverse side for Terms & Conditions

WE PROPOSE hereby to furnish material and labor -- complete in accordance with above specifications, for the sum of:

1/2 UPON ACCEPT BAL UPON COMPLETION

dollars (\$ _____)

Payment to be made as follows:

CUSTOMER AGREES TO BE RESPONSIBLE FOR ALL COSTS OF COLLECTION INCLUDING REASONABLE ATTORNEY'S FEES ,

COURT COSTS, AND ALL OTHER RELATED EXPENSES.

All material is guaranteed to be as specified. All work to be completed in a substantial workman-like manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within **30** days.

ACCEPTANCE OF PROPOSAL The above prices, specifications, conditions as well as terms and condition on the reverse side of this Proposal are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined: 1/3 upon acceptance, 1/3 when rock base is in place, balance upon completion. Interest will be charges on all delinquent accounts at the highest legal rate of interest allowable under the laws of the state of Florida.

DATE: _____

Signature: _____

Signature: _____

ACCEPTED: _____