



City of Miami Springs, Florida

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

1. Call to Order/Roll Call

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

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Zoning and Planning Director James H. Holland
- Golf Superintendent Sandy Pell
- Building & Zoning Office Director Harold "Tex" Ziadie
- Public Works Director Thomas Nash
- Professional Services Supervisor Tammy L. Romero
- City Clerk Magali Valls
- Clerical Assistant Elora R. Sakal

2. Invocation: Councilwoman Ator offered the invocation.

The audience participated.

3. Awards & Presentations:

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

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

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

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

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

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

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

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

4. Open Forum:

Neighborhood Relations Committee

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

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

Farmers Market

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

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

Petty Crimes in the City

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

Shutters

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

5. Approval of Council Minutes:

5A) 08-06-2012 – Workshop Meeting

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

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

5B) 08-13-2012 – Regular Meeting

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

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

6. Reports from Boards & Commissions:

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

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

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

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

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

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

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

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

7. Public Hearings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no discussion regarding this item.

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

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

City Manager Ronald K. Gorland read the recommendation.

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

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

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

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

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

There was no discussion regarding this item.

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

9. Old Business:

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

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

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

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

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

9B) Discussion Regarding City Manager's Evaluation Process

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

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

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

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

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

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

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

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

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

10. New Business:

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

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

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

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

City Manager Gorland clarified that the dates were already validated.

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

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

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

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

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

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

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

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

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

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

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

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

Councilman Best and Councilwoman Ator agreed with Mayor Garcia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City Manager Ronald K. Gorland read the recommendation.

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

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

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

City Manager Gorland read the recommendation as follows:

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

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

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

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

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

City Attorney Seiden read the title of the resolution.

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

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

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

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

City Attorney Seiden read the title of the resolution.

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

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

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

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

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

(Council went back to Agenda Item 10E)

11. Other Business:

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

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

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

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

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Tropical Storm Isaac

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

Budget Workshop

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

C.A.T.S.

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

Labor Day Holiday

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

National Yoga Month

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

Small Claims Court Clinic

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

Historical Society Fall Kickoff

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

12C) City Council

Tropical Storm Isaac

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

Pelican Playhouse

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

Back to School

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

Little League Registration

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

Back to School

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

CMI Agreement

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

League of Cities Conference

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

Gold Coast Breakfast

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

Happy Birthday

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

Tropical Storm Isaac

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

Council Meeting

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

Pelican Playhouse

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

Condolences

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

CMI

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

Florida League of Cities

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

Annexation Meeting

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

Tax Bill

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

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

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

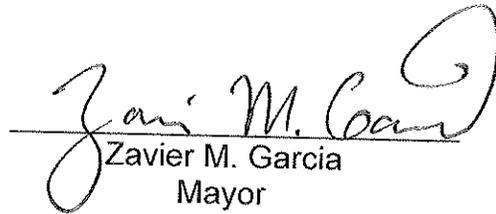
Mayor Garcia spoke with someone who has ties to the Tax Assessor's office and they stated that they are doing more investigations on property value comparables within the vicinity and sales were also being taken into consideration. He would like to put together a flyer informing residents of how much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

Condolences

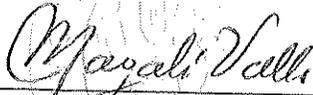
Mayor Garcia stated that the family who had the recent loss is in his prayers. He asked for everyone to take into consideration what they deal with on the City Council and look at what is really important.

13. Adjourn.

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


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



Approved as written during meeting of: 9-10-2012.

Transcription assistance provided by Elora R. Sakal.