



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 24, 2012, at 7:00 p.m.

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

The meeting was called to order at 7:13 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
- Comptroller Alicia E. González
- Human Resources Director Loretta M. Boucher
- Planning and Zoning Director James H. Holland
- Golf and Recreation Director Omar L. Luna
- Golf Pro Michael W. Aldridge
- Building & Code Compliance Director H. "Tex" Ziadie
- Elderly Services Director Karen Rosson
- I. T. Director Jorge Fonseca
- Public Works Director Thomas Nash
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

**2. Invocation:** Mayor Garcia offered the invocation.

**Salute to the Flag:** The audience participated.

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

None.

### **4. Open Forum:**

#### **Complaint**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue distributed a photograph that she presented at the last meeting. She complained that no one had called her about the problem and in speaking with the homeowner, Ms. Watson, before the meeting she feels that she might need help.

City Attorney Seiden stated that the Code permits vehicles to be covered and Ms. Gannon explained that there are two cars in the yard with covers, but the problem is the one in the front yard that is full of trash.

Mayor Garcia asked Ms. Gannon if she needed an explanation of what the Code does and does not allow in reference to the issue, or if she needed someone to call her.

City Attorney Seiden reiterated that cars are allowed to be covered, as depicted in the photographs Ms. Gannon presented at the last meeting.

Ms. Gannon clarified that the problem is the car in the front yard that is full of trash.

Mayor Garcia noted that someone from the City visited Ms. Watson's home and they are trying to help with the problem.

#### **Property Taxes**

Ms. Gannon said that senior citizens had not received an increase in their Social Security benefits for the last two years, while their homeowners insurance had increased. She urged Council not to increase taxes.

#### **Miami Springs Historical Society**

Tom Snook of 1031 Falcon Avenue, President of the Historical Society thanked Council for their support. This is the organization's 25<sup>th</sup> Anniversary and it has been a rocky road, but they are going into the light with some good projects. The Society would appreciate Council's continued support.

## **“Haunted” Mansion**

Jo Ellen Phillips of 372 De Leon Drive informed Council that the Curtiss Mansion will be “haunted” from October 25<sup>th</sup> through October 31<sup>st</sup> with tours of the Mansion from 8:00 p.m. to midnight. Pre-paid tickets for the tours will go on sale on Wednesday, September 26<sup>th</sup> for \$15.00 and they will be sold at the door for \$20.00. Mystery cocktail party tickets are \$50.00 for the events on October 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup>. Tickets are available on the internet.

## **Pelican Playhouse**

Nancy Jones of 255 Springs Avenue reported on what The Pelican Playhouse had done this past fiscal year and their plans for the next fiscal year. She noted that they set up a Facebook page and are now on Twitter. The next production is “The Trials of Robin Hood” that will be held the first two weekends in November with a cast of thirty-five people. A murder mystery dinner theatre fundraiser will be held on February 23, 2013 that is called “Murder Most Fowl” and they will be partnering with the Miami Springs Senior High Math Club.

Ms. Jones thanked Golf and Recreation Director Omar Luna, Programs Supervisor Patti Bradley, the Recreation Staff and the Public Works Department for their support. She also thanked Council for their support of the Community Theatre.

## **Property Taxes**

Bill Spader of 1161 Red Bird Avenue thanked Council for doing a great job. He urged Council to reduce property taxes because there are many people in the City who are having a difficult time.

### **5. Approval of Council Minutes: *(Approved with one motion)***

#### **5A) 08-28-2012 – Workshop Meeting**

Minutes of the August 28, 2012 Workshop Meeting were approved as written.

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

#### **5B) 09-10-2012 – Regular Meeting**

Minutes of the September 10, 2012 Regular Meeting were approved as written.

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

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

**6A) 09-12-2012 – Golf and Country Club Advisory Board – Cancellation Notice**

Cancellation Notice of the September 12, 2012 Golf and Country Club Advisory Board was received for information without comment.

**6B) 09-13-2012 – Board of Parks and Parkways – Minutes**

Minutes of the September 13, 2012 Board of Parks and Parkways meeting was received for information.

Councilwoman Ator said that Board of Parks and Parkways nominated the Yard of the Month for October, November and December and Council should consider the recommendations at the October 8, 2012 Regular Meeting.

Mayor Garcia questioned if Council should be approving the “Yard of the Month” so far in advance.

Councilwoman Ator explained that this was discussed by the Board and the yards that they select are deserving of the award because they have been maintained longer than the past couple of months.

The City Clerk advised Council that one of the addresses that the Board selected was incorrect and they would have to vote again on the correct address.

**6C) 09-17-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice**

Cancellation Notice of the September 17, 2012 Revitalization and Redevelopment Ad-Hoc Committee was received for information without comment.

**7. Public Hearings:**

**7A) Resolution No. 2012-3561 – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final Levying of Ad Valorem Taxes for General Operations for the City of Miami Springs for the Fiscal Year 2012-2013; Providing for an Effective Date**

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

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

Councilman Best said that Council had been working through the budget process for at least eight weeks and there is no question that these are extraordinary times after experiencing three years of rolled-back rates that caused a severe reduction in ad valorem tax revenue. Council has been trying to figure out ways to solve the problem and has been successful in doing so.

Councilman Best explained that he was not happy with the original numbers going into this budget and he fully understands that once the tentative millage rate is set that it cannot go any higher, but it can be reduced. The millage rate started at 7.648; it currently stands at 7.2446 and he feels that Council can do better.

Councilman Best stated that there are a few ideas and one is related to the new hotels that will produce significant revenue for the City moving forward through the next two years. Based on the figures presented, it appears that the revenue would more than adequately reduce taxes and put funds into the reserve, whereby the residents would realize an ad valorem tax rate of 7.000 or lower. In addition, there were explanations from the Chief of Police and others that the red light cameras could generate additional revenue.

Councilman Best said that it is time to make tough decisions and move forward to meet a lower millage rate with confidence that the City will be fiscally sound. He knows the City Manager is conservative and wants to keep the City in the "black" and he has full confidence that he will continue to do so. Proposed increases in the Building and Zoning fees indicate that minor increases could reduce the millage rate by a significant amount.

Councilman Best explained that the two additional police officers that were previously funded by a grant are going to cost the City \$160,000 to \$170,000 and this could be cut, although the Chief recommended that it would not be in the City's best interest. He is fine with the Chief's recommendation because he has supported Council every year and backed off on expenditures that Council felt could be reduced. The Police Department took a hit last year on vehicle replacement and now there is discussion about cutting one vehicle next year.

Councilman Best added that any surplus funds that are not spent this year could be rolled back into the General Fund, representing a significant amount of money. He urges Council to think "outside the box" in terms of moving forward. The numbers for the new hotels being the Eurohotel, the Best Western and the Hyatt Place represents a realization, after construction, of \$323,617.21 total revenue to the City in years 2014 and 2015.

Councilman Best stated that the numbers for the hotels are only an estimate and even if the revenue is only \$200,000 it is still significant. Additional monies can be saved based on a proposal from the Administration to delay the purchase of one police motorcycle in the amount of \$15,000. In addition, there is \$22,259 for sidewalk expenses that can be spread out over one or two years. There is an additional \$39,000 and everything should be considered before making a logical decision.

Councilman Best commented that Mr. Spader expressed his concern about raising taxes and he has received many telephone calls from residents about their taxes, including one lady who asked that Council consider approving another exemption for seniors. This is an option that can be considered in the future, but cannot be done for this budget process. He projected that the trend for the ad valorem tax revenue could reverse in one year based on the Property Appraiser's numbers.

Councilwoman Ator asked Chief of Police Baan to comment on the proposal to not replace one motorcycle for \$15,000.

Chief of Police Peter G. Baan responded that he met with the City Manager in the afternoon about the vehicles. For the past several years, the fleet has not been replaced with as many vehicles based on the standard replacement plan of four cars every year, including three marked and one unmarked car. This should be done based on the amount of mileage and because the engines run 24 hours a day. The City receives a good deal for the trade-in of the motorcycles when they are a few years old and normally four are replaced every two years.

Chief Baan explained that this year there was not as much mileage on two of the motorcycles because two motorcycle officers were hurt. The bikes are already three years old and they should have been replaced last year. The vehicles are getting older and once the replacement plan gets behind it is hard to catch up.

Councilwoman Ator stated that there are five motorcycles, not including one that is much older. She asked what the age of the motorcycle fleet is and Chief Baan explained that four motorcycles are three years old, while the other two are five years old.

Chief Baan explained that the mileage of a motorcycle is more important than the make or model. Two of the motorcycles would be okay to ride for another year or two, but if the proper number of vehicles is not replaced every year it affects the total mileage of the fleet.

Chief Baan assured Council that it would not be a safety issue if Council decides not to replace one motorcycle and he would not put an officer on a bike that is not safe, but the fleet is getting older.

City Manager Gorland added that the red light camera revenue is based on a conservative amount and the program could generate another \$50,000 to \$100,000, but the Administration decided not to increase the estimated revenue in the budget. There could be a budget adjustment in the third or fourth quarter of Fiscal Year 2012-2013 to account for the purchase of the additional motorcycle.

Councilwoman Ator expressed her concern about counting on the estimated revenue for the future hotels since it will not affect the revenue for 2012-2013. She said that the revenue amount is only speculative based on the value of the hotels.

Councilwoman Ator added that she would really like to lower the millage rate to what it was last year, but doing this would put Council in a position where there is no additional money, the same as the last four months of this fiscal year. The budget would not provide for any flexible spending and she understands that if there are additional funds that the Police motorcycle and the sidewalk repairs would be reconsidered. For the past few years, the budgets have been running on the reserves and this practice needs to end.

Councilwoman Ator reiterated that she does not want to raise the millage rate above what it was last year, but the reality is that the City should run responsibly and everyone should consider what it means to take away a police motorcycle and not repair the sidewalks.

Vice Mayor Lob said that it was brought to his attention that the amount of money that the City will be bringing in with a 7.2446 millage rate will equate to the revenue that was received in 2005. He wants people to think about the income they received in 2005, and if they could live on that amount of money today. This is what the City is being asked to do and if Council adopts a lower millage rate there will be fewer funds for the City operations, while the cost of living has gone up. He noted that it was lucky for the City that there was no increase in the health insurance cost this year.

Vice Mayor Lob explained that he has spent a lot of time thinking about the budget and it is a very hard decision to make based on the economy. There has been a trend going back eight or ten years and the City was in a position where there were no reserve funds and although this might not happen tomorrow, reserve funds were spent and they have not been replenished. If this continues to happen the City will be in the same position it was years ago and no one wants to see that again.

Vice Mayor Lob said that he learned about the hotels earlier, but the full amount of revenue will not come to the City until 2014. He would be happy if the revenue from the hotels were available now because Council would be able to lower the millage rate, but since this is not the case, Council has to work with the existing revenue.

Councilwoman Bain stated that she was one who was willing to set the millage rate at 7.2446, but she changed her mind. She received a lot of telephone calls and has been rethinking many issues. In regard to Curtiss Mansion, Inc. (CMI), she accepted Council's decision about the historic tax credit funds, but she feels that it is an injustice and she cannot support raising the millage rate to 7.2 and tell the residents that there is no money, when Council identified funds to give to CMI to start their capital.

Councilwoman Bain knows that the budget is going to be tight and she does not want the City to be in the same position that it was in last year. The tax rate was lowered and funds were spent whether they were spent wisely or not, which put Council in the position that it is in today. She explained that much of the spending happened before she took over the seat when Councilman Espino resigned and even though she wants to put funds away she does not feel it is the right time to do this.

Councilman Best said that he appreciated the clarification regarding the hotel revenue. He added that the City is not broke; there is \$4.5MM in reserve; some funds are spoken for and some are not. The amount that is not spoken for seems to be the concern. He explained that municipal governments operate differently from the private sector. The budget funds the operation of all departments and although there might not be enough funds for extra projects this does not justify raising taxes.

Mayor Garcia stated that he appreciated all the comments that were made. He explained that it was mentioned in the River Cities Gazette that the vote on the millage rate passed 3-2, while nothing was done to reduce the amount. He did not have the opportunity to rebut the statement by explaining that Council held workshop meetings, they worked diligently and there was plenty of discussion about how to reduce the millage rate.

Mayor Garcia commented that last year the salaries of the Department and Assistant Department heads were reduced 3% as a one-time measure to reduce the budget. The Department heads are getting their full salaries in this budget and Council is not considering taking away from the employees. If it were really necessary to reduce the salaries he would take that into consideration, but he feels that there are other measures to take instead. He noted that the amount is approximately \$39,000, which is the same amount that is being considered by cutting one motorcycle and the sidewalk repairs.

Mayor Garcia clarified that Council is not considering eliminating the sidewalk repairs and instead the sidewalk will be replaced with asphalt, versus concrete. The majority of the repairs are not the City's responsibility; it is the responsibility of Miami-Dade County Public Schools and Council wants the residents to be safe. He said that the asphalt will only cost \$5,000 as opposed to \$24,000 and he and the Administration are working hard to make the School Board responsible for the expense.

The Mayor said that Council must be prepared to "tighten their belts" because the residents have to do this and the City should do it as well, even if it involves a cut in salaries or eliminating a vehicle.

Mayor Garcia mentioned that the hotel revenue does not affect the budget this year, but Council should be planning in advance for the future. He mentioned that annexation should not be a topic of discussion, because it is not a realization until the County Commission decides to approve it. Two of the hotels are already being constructed and the revenue is planned for 2014. He noted that this has never happened since he was elected to office and it is a fact that the commercial tax base is improving, which is something that every Council member campaigned for and accomplished.

Mayor Garcia appreciated Councilman Best's statement about the City not being broke. Miami Springs is not like other municipalities who are being audited to see how their funds were mismanaged. The City has a great City Manager and Finance Department who have planned accordingly and most of the reserve funds were spent for emergency items for which there was no control over like roof repairs.

Mayor Garcia commented that he likes the proposal to balance the budget that was e-mailed to Council, although it does not reduce the millage rate to where Council would like it to be, but the original millage rate was set at 7.6480 and was brought down to 7.2446 and now Council is working to reduce it to 6.9950. He would like a 5-0 vote on the reduced rate.

The Mayor said that when considering expenses next year, Council should think twice when people ask for money and they should consider what the core municipal services are.

**Councilman Best moved to set the millage rate for Fiscal Year 2012-2013 at 6.9950. Councilwoman Bain seconded the motion.**

Mayor Garcia clarified that the millage rate is based on the recommendations made by the City Manager.

Vice Mayor Lob said that he would approve, but from this point forward he will vote "no" on spending any monies from the discretionary fund. Council has been spending funds that are not being replaced.

Councilwoman Bain agreed with the Vice Mayor.

Mayor Garcia added that Council should analyze the funds that are allocated to various groups who were told that times are rough and unless it is a core municipal service Council will not continue funding it. He will go along with the will of Council, but every year they need to consider reducing the amount of funds that are given to groups that provide wonderful services, but it is not the City's responsibility to support them. He suggested notifying the organizations in advance that next year there will be a reduction.

City Attorney Seiden said that before Council votes, the resolution should be amended based on the millage rate of 6.9950.

Assistant City Manager/Finance Director William Alonso clarified that 7.2446 would change to 6.9950 and the percentage would change from 6.73% to 3.78%

Attorney Seiden commented that the resolution had been read in its entirety. The changes are in Section 1 of the resolution stating that the Fiscal Year 2012-2013 operating budget millage rate for the City of Miami Springs Florida is 6.9950 representing a 3.78% increase from the roll back rate of 6.7875 mills.

Councilwoman Ator said that the millage rate last year was 6.740 mills. She asked what would be the percentage of increase over that amount and Mr. Alonso clarified that it would be 3.78%.

Mr. Alonso clarified that the percentage in the resolution should be 3.06%, not 3.78% which is the percentage of increase over the current rate of 6.740.

City Attorney Seiden confirmed that Section 1 of the resolution would be adjusted to 6.9950, representing a 3.06% increase from the roll back rate.

To answer Mayor Garcia's question, Mr. Alonso said that with the 7.6480 millage rate that was originally set by Council, the percentage of increase over the current millage rate would be 13.47%. He clarified that with the 7.2440 millage rate the percentage of increase over the current millage rate would be 7.5%.

City Attorney Seiden said that in light of the change in the millage rate and the percentage of increase he would recommend opening an additional public hearing.

Mayor Garcia opened the public hearing for anyone wishing to speak.

Nery Owens of 332 Payne Drive thanked Council for their efforts to improve the tax rate. She commented that many senior citizens are on fixed incomes and are living on the same income they received in 2005, as previously mentioned by Vice Mayor Lob. There was only a minimum Social Security increase this year and they are paying more for Medicare. She suggested that the City should cut expenses and fund fewer promotional events or activities.

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

Councilwoman Ator agreed with Vice Mayor Lob's comment about the use of discretionary funds. She understands that the hotel revenue is speculative and actually the current taxes for the Eurohotel are \$43,000 and the increase is only \$200,000. The average tax assessment of homesteaded property declined and she will also question the use of reserves to fund the budget.

The Mayor commented that some projects are important and Council should never say "never", but it is going to be more difficult based on the budget.

City Attorney Seiden called for a new motion based on the amended resolution with the new numbers.

**Councilman Best withdrew his motion on the floor and moved to approve the amended resolution based on the millage rate of 6.9950, representing a 3.06% increase over the roll back rate. Councilwoman Bain seconded the motion, which was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.**

Councilman Best thanked Council for the frank discussions on all the issues. He also thanked the Administration and Department Heads.

**7B) Resolution No. 2012-3562 – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final General Fund, Special Revenue Funds, Debt Service Fund, and Enterprise Fund Budgets for the Fiscal Year 2012-2013; Authorizing the City Manager to Proceed with Implementation of Service Programs and Projects; Prohibiting Unauthorized Liabilities and Expenditures of Funds; Providing for an Effective Date**

City Attorney Jan K. Seiden read the resolution in its entirety. He noted that there were new budget numbers based on the amended millage rate.

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

**Councilman Best moved to adopt the resolution, based on the amended budget totaling \$18,448,561 for Fiscal Year 2012-2013. Councilwoman Bain seconded the motion which was carried 5-0 on roll call vote.**

**7C) Resolution No. 2012-3563 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting the Current City Employee “Pay Plan” for Fiscal Year 2012-2013; Reserving the Right and Authority to Amend or Supplement the Plan; Effective Date**

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

City Attorney Seiden commented that the ordinance was amended in 2010, requiring every year during budget time that the City Council review and adopt the Pay Plan so that it cannot be artificially increased during the year without Council action.

City Attorney Seiden clarified that a public hearing is not required for this resolution.

**Vice Mayor Lob moved to adopt Resolution No. 2012-3563. Councilwoman Bain seconded the motion which was carried 5-0 on roll call vote.**

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

**8A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$3,400.00, 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 title of the consent agenda items.

There was no discussion regarding this item.

**Councilwoman Ator moved to approve. Councilman Best seconded the motion which carried 5-0 on roll call vote.**

**8B) Recommendation that Council Approve an Expenditure to SP Group, the Lowest Responsible Quote, in an Amount not to Exceed \$11,500.00, for Landscaping Site Master Planning, for the CMI Parking Lot, Pursuant to Section 31.11 (C) (2) of the City Code**

There was no discussion regarding this item.

**Councilwoman Ator moved to approve. Councilman Best seconded the motion which carried 5-0 on roll call vote.**

**8C) Recommendation that Council Award a Bid to Metro Express, Utilizing City of Doral RFP # 2009-010, in the Amount of \$25,325.00, for Storm Drain Installation, Pursuant to Section 31.11 (E) (5) of the City Code**

City Manager Ronald K. Gorland stated that this is the project by the Springview Elementary School bus stop.

**Councilwoman Ator moved to approve. Councilman Best seconded the motion which carried 5-0 on roll call vote.**

**8D) Recommendation that Council Award a Bid to Metro Express, Utilizing City of Doral RFP # 2009-010, in the Amount of \$27,310.00, for Storm Drain Installation, Pursuant to Section 31.11 (E) (5) of the City Code**

City Manager Gorland clarified that this bid award is for the storm drain installation to correct the flooding in the area at Bentley and Ludlam Drive.

**Councilwoman Ator moved to approve. Councilman Best seconded the motion which carried 5-0 on roll call vote.**

**9. Old Business:**

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

Councilman Best (Group I) **re-appointed** Marlene Jimenez to the Code Enforcement Board for a full 3-year term ending on September 30, 2015.

**9B) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Gene Duffy's seat)**

Councilwoman Bain nominated Thomas Cannon who submitted his resumé.

Councilwoman Ator said that traditionally Council had nominated Gene Duffy and Pete Baan for many years. She would like the opportunity to check with Gene Duffy to determine if he is still interested and to review the qualifications of Mr. Cannon. The appointments were tabled at the last meeting and no one mentioned that Council should take the opportunity to nominate people and she is uncomfortable voting on the item.

Councilman Best concurred with the opinion of Councilwoman Ator. He did not have the benefit of reviewing Mr. Cannon's resume or selecting anyone additionally for the position and the appointment should be tabled until the next meeting.

Mayor Garcia said that it would not be a problem to table the appointment for the next agenda and the current members will continue to serve during the interim. Council has the opportunity every two years to appoint the current members or appoint someone new.

Vice Mayor Lob stated that Mr. Cannon is very well qualified and he agreed to table the appointment.

Council **agreed** to table the item until the next meeting.

**9C) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Pete Baan's seat)**

Council **agreed** to table the item until the next meeting.

City Attorney Seiden suggested that the City Clerk could notify Council sixty days in advance of the appointments to the Police & Firefighters' Retirement System in the future.

Mayor Garcia **agreed** with the City Attorney's suggestion to inform the City Council 60-days in advance of the appointments to the Police & Firefighters' Retirement System. He added that Council members should take the opportunity to sit in on one of the Retirement Board meetings.

**10. New Business:**

**10A) Recommendation that Council Approve an Expenditure to London Painting, the Lowest Responsible Quote, in the Amount of \$13,450.00, for Exterior Painting of City Hall, Pursuant to Section 31.11 (F) (11) (c) of the City Code**

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

The City Manager explained that a purchase order was issued to London Painting in the amount of \$9,950.00 for one color and upon review it was decided to use a four color palette. The quote was resubmitted and the difference is an additional \$3,500.00, increasing the total cost to \$13,450.00. Funds are available in the Repairs and Maintenance account for City Hall.

City Manager Gorland added that the next lowest quote was still above the quote for the four color palette.

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

**10B) Recommendation that Council Approve the Country Club as the Venue to Hold the April 2, 2013 Miami Springs General Election**

City Manager Ronald K. Gorland read the following memorandum from the City Clerk:

*"Recommendation that Council Approve the Country Club as the Venue to Hold the April 2, 2013 Miami Springs General Election.*

*The last municipal elections were held at the Country Club since concerns were voiced by some of the candidates that they would not have adequate room to campaign properly at the Community Center due to the 100 feet solicitation limit imposed by Florida Statutes Section 102.031 (attached).*

*The 2009 and 2011 municipal elections were held at the Country Club without any issues. As a result, I would recommend holding the next General Election of Tuesday, April 2, 2013 at the Country Club.*

*Council's approval is requested to proceed making the proper arrangements to secure the facility."*

**Councilwoman Ator moved the recommendation to have the Country Club as the venue for the April 2, 2013 Miami Springs General Election. Vice Mayor Lob seconded the motion, which was unanimously carried on roll call vote.**

#### **10C) Approval of Agreement for Theatrical Services – Pelican Playhouse Inc.**

City Manager Ronald K. Gorland stated that the Pelican Playhouse is a very popular theatrical program that provides the community with an opportunity for children and adults to enjoy first class productions in the Miami Springs Community Center.

The City Manager explained that the proposed agreement is for one-year from October 1, 2012 to September 30, 2013. The City agrees to pay Pelican Playhouse, Inc. \$15,000 for its services being rendered to the City pursuant to the agreement as follows: October 1, 2012 - \$5,000.00; February 1, 2013 - \$5,000 and June 1, 2013 - \$5,000.

The City further agrees to disburse to the Pelican Playhouse, Inc. the balance of the \$3,000 budgeted in Fiscal Year 2012-2013 by the City for "equipment repairs" that remain unused as of September 30, 2013.

Pelican Playhouse, Inc. and their staff do an excellent job of providing professional program/productions. They also have a great working relationship with the Recreation Department and the Community. It is recommended that Council approve the attached agreement.

City Manager Gorland added that Pelican Playhouse, Inc. agreed to reduce the amount of the contract by \$2,000.

**Vice Mayor Lob moved to approve the renewal of the Pelican Playhouse agreement. Councilwoman Bain seconded the motion, which carried 5-0 on roll call vote.**

#### **10D) Approval of Agreement for Professional Services with The Fuentes & Rodriguez Consulting Group – Renewal of One Option Provided in the Existing Contract**

City Manager Ronald K. Gorland stated that this item is a request to approve an agreement for professional services with The Fuentes & Rodriguez Consulting Group for the renewal of option one for a one-year extension, as provided in the existing contract. He said that the firm had been instrumental in bringing funds to the City from the State and most recently they had been working on the annexation opportunity that the City will be facing in the next few months.

To answer Mayor Garcia's question, City Attorney Seiden explained that the current contract expires on September 30, 2012, and it provides for three successive one-year terms under the same terms and conditions so long as there are no additional requirements for substantially varied services from the ones that were interpreted in the original agreement. This is the first year to exercise the renewal at no additional cost.

Councilman Best asked if the amount of the contract is \$45,000 for the one-year renewal and the City Manager responded affirmatively.

Councilman Best understands that the City will be facing the annexation issue in the upcoming months. He asked what The Fuentes Group had contributed to the City of Miami Springs in the last two years.

The City Manager responded that he did not have a list of their accomplishments available at this time.

Councilman Best said that he appreciates the City Manager's recommendation to renew the contract in light of the deliberations going into annexation, which makes sense. His concern is about what the firm has delivered in the past year.

Vice Mayor Lob explained that The Fuentes Group had not delivered any extra funds to the City, but they have kept the City from losing any funds that it had already received this past year.

Mayor Garcia commented that during the last legislative session in Tallahassee there was a very important issue in regard to eliminating business license fees for municipalities. The law was very close to passing and it would have made a detrimental impact on the City. The Fuentes Group was able to lobby the legislature and was instrumental in the decision not to pass the bill. Another example is when the firm became involved at the County level when an annexation ordinance was being considered and The Fuentes Group spoke against the ordinance that would have impacted the City's annexation efforts if it had passed.

The Mayor said that he wished that representatives from The Fuentes Group were present to discuss their accomplishments and they would be able to provide a list of everything that they are responsible for doing.

Councilman Best explained that based on the comments of the Mayor and Vice Mayor and the recommendation of the City Manager he would not have a problem renewing the agreement.

Councilwoman Ator added that she was disappointed last year when The Fuentes Group was not present when Council approved the contract. She expressed her disappointment to Jose Fuentes and she expected him to be here this year. She feels that the firm does a very good job based on her experience and she understands the City Manager's reasons for recommending renewal of the contact.

City Manager Gorland advised Council that the Administration did not notify the representative from The Fuentes Group to attend the meeting.

Mayor Garcia clarified that the option to not renew the contract may have been on the list of cost saving measures for Council to consider, but it was not the City Manager's recommendation to not renew the contract.

City Attorney Seiden stated that in regard to the annexation issue, nothing is promised, but there have been a number of conversations with Mr. Fuentes at his office and otherwise. He is managing to hold the line successfully on the agreement that was reached with the four municipalities and if that alliance were to break he feels that annexation would be dealt a serious blow. For this reason and because The Fuentes Group does a good job for the City, the expense is worth the service.

Mayor Garcia recalled that The Fuentes Group assisted with an issue and saved the City almost \$250,000.

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

*The Mayor called for a five-minute recess at 7:57 p.m.*

#### **10E) Recommendation from the Education Advisory Board**

City Attorney Jan K. Seiden read the recommendation of the Board based on their actions taken at their meeting of September 18, 2012, asking Council to support the public awareness of Miami-Dade County Public Schools' bond issue.

City Attorney Seiden said that it is one thing to request Council to support awareness of the bond issue and if they are asking Council to support the bond issue itself it is another thing. There is no problem with supporting awareness, but it would be a personal opinion to support the bond issue for educational advances.

Councilman Best believes that the Education Advisory Board is only asking for support of the awareness, not the bond itself.

City Attorney Seiden commented that the bond is complicated since it deals with many different issues. The Board members asked how it would impact the schools in Miami Springs and they were told that the bond issue would affect all schools. He explained that a motion would be appropriate if Council chooses to support the awareness of the bond issue.

Councilwoman Ator stated that she is not opposed to supporting awareness. She thinks that the School Board has distributed a lot of information that could be added to the City's website. She is aware that the School Board and their Staff have been promoting the bond issue and there are some people who have serious objections, including the seniors. She feels that the School Board's message is important and it is worth giving assistance in providing the information to the public.

**Councilman Best moved to approve the recommendation of the Education Advisory Board to support the public awareness statement relative to the bond issue. Vice Mayor Lob seconded the motion, which was carried 5-0 on roll call vote.**

**10F) Discussion Regarding Placement of Equipment on Side Yards – Code Section 150-034 (Requested by Mayor Garcia)**

Mayor Garcia said that this item was raised because there had been more than one property owner that addressed this Code requirement. He requested additional information and has reviewed the documentation that was provided by the Planning and Zoning Director. He mentioned that other cities allow equipment in the side yard as long as it is not placed within the side yard setback.

Planning and Zoning Director Holland clarified that the City Code requires the equipment to be placed in the rear yard.

The Mayor used his property as an example, explaining that if equipment were placed in his yard it would be next to the window of his next door neighbor. He suggested that the equipment does not necessarily have to be placed in the rear yard as long as it is placed so that it does not bother the neighbors. He would like the Code to state that it is not allowed within the side yard setback.

Mayor Garcia mentioned a Board of Appeals case that Council will be considering that involves a property that was designed with indentations for placement of the equipment so that it is not within the side yard setback. He has varied opinions as to why people should not be forced to place the equipment in the rear yard. He noted that along the Doral Golf Course there is no equipment in the rear yards.

Mayor Garcia commented that the ordinance was amended in 2006 and 2007. He showed an example on the white board in the Council Chambers depicting a 75' x 110' lot with a side yard setback of 7.5', noting that equipment cannot be placed in the side yard. He reiterated his recommendation to allow the equipment in the side yard as long as it is not placed within the required side yard setback. He added that with the new technology that many air conditioners are quieter than in the past.

City Attorney Jan K. Seiden explained that a recommendation came to the prior Council from the Board of Adjustment based on many cases that came before them. He clarified that the only time the equipment cannot be placed in the side yard is when it is for new construction on a vacant lot; the requirement does not apply to replacement of existing equipment. The main issue is the noise potential and the idea was that placement of the equipment in the rear yard would make less of an impact and they cannot be placed within the 25-foot rear yard setback.

City Attorney Seiden noted a prior appeal case for a new house that had a recessed area for the equipment and the City approved it by mistake. The property owner was required to appear before the Board of Adjustment to request an "after the fact" variance. He said that Council should review the history to see that there were good reasons not to put equipment in the side yard; the noise makes less of an impact on the neighbors when the equipment is placed in the rear yard. The ordinance only deals with new properties and there are exceptions for side yards that abut an open street.

City Attorney Seiden said that the upcoming agenda for the Board of Adjustment has two more cases, and it is a matter of policy. Council can change the policy on any item in the Code if they choose to do so. The prior Council respected the opinions and the requirements that were established by the Board of Adjustment.

Mayor Garcia would like to see what the past Board of Adjustment recommendations were and the City Attorney explained that the idea was for placement of the equipment in the rear yard, not in the side yard.

Councilwoman Ator commented that the ordinance was adopted on August 8, 2006, and it was supported by the Mayor when he sat on Council.

City Attorney Seiden said that most normal sized lots in the City, or in any City, do not have much space in the side yard, while there is plenty of space in the back. He commented that the equipment can be screened with landscaping. The arguments of the Board of Adjustment were strictly based upon noise and the fact that it was a potential hindrance to side yards that abut bedroom windows, even with the quiet equipment units.

Councilwoman Bain used her home as an example and explained that the equipment is in the side yard and the timer is set on the equipment so that it does not bother neighbors when they are home.

City Attorney Seiden said that in a situation when the placement of the equipment in the rear yard causes a noise problem to the neighbor is the time when a variance should be granted.

Planning and Zoning Director James Holland stated that the definition section of the Code does not permit any air conditioning or heating equipment in the minimum rear yard and there is an upcoming Board of Adjustment case for a home with a minimum setback of 25-feet. In this case they cannot place the equipment in the rear and they cannot place it in the side without a variance.

City Attorney Seiden commented that a variance will be granted for the placement of the equipment in one place or the other. The provision is logical because no equipment is wanted within the 25' rear setback; the placement should be close to the house. He will be amending the definition provisions for the side and rear yards. He said that it makes a lot of sense to keep the ordinance the way it is now.

Mayor Garcia reiterated that he would like to review the information and everything that was taken into consideration when the ordinance was amended. He commented that variances are granted based on a hardship, even though it makes sense to place the equipment on the side of the home in some cases.

Councilwoman Ator suggested that Council could review the previous minutes of the Board of Adjustment to see what their recommendations were in regard to the placement of the equipment in the side yard.

City Attorney Seiden explained that the "Whereas" clauses in the ordinance explain what the Board of Adjustment's recommendations were at the time.

Vice Mayor Lob said that he would like to know the basis for the Board of Adjustment's recommendation and the City Attorney explained that it was due to the noise factor.

Council **requested** minutes from the past Board of Adjustment meetings when the Code section was amended going back to 2006-2007.

**10G) Approval of Memorandum of Understanding (MOU), Subject to Prior PBA Ratification, Regarding the City's Offer to Pay Down the Police Pension Plan Contribution Rate to Sixteen (16%) Percent from the Anticipated 22.6% Effective October 1, 2012 for the Fiscal Year 2012-2013, in Exchange for Modification of the Police DROP Plan**

City Manager Ronald K. Gorland read the title of the recommendation as outlined in his memorandum dated September 21, 2012.

The City Manager explained that the Memorandum of Understanding (MOU) states the City's offer to its Police Benevolent Association (PBA) membership to use excess 185 funds to pay down their pension plan required contribution percentage to 16% in FY 2012-2013 from the anticipated 22.6% effective October 1, 2012, in exchange for their agreement to alter the current DROP plan. This is only for the Fiscal Year 2012-2013 and does not decrease the City's requirement to contribute 22.6%, nor alter in any way the pension plan contribution formula.

The City Manager said that he placed this item on the agenda because he was told by the PBA that there would be a response today, which was not received. He is sure a response is forthcoming since time is of the essence. He explained that discussion on the item cannot proceed further and it may be necessary to schedule a Special Council Meeting within the next few days.

Councilwoman Ator commented that the 185 Funds are for the provision of additional benefits for the Police Officers. She wanted to make it clear that this was one of the benefits of hiring Mr. Linn who has experience with other cities and these are changes that were recently made based on his recommendations and confidence that this can be done.

City Manager Gorland said that when the proposal was presented to the PBA they requested a formal opinion from Mr. Linn and he said that he would be able to provide it.

Councilwoman Ator asked if the formal opinion was prepared and Mr. Gorland replied that a decision was made not to pay for the opinion until there is a time when it is needed. The opinion is based on the experience of other entities.

The City Manager clarified that he would ask for a Special Meeting for Council to approve whatever agreement is reached.

## **11. Other Business:**

### **11A) Consideration of Rescheduling/Canceling the November 12, 2012 City Council Regular Meeting Due to the Veterans Day Holiday**

Mayor Garcia asked about the dates for the November meetings and if there is going to be one on Monday, November 26<sup>th</sup>.

City Manager Ronald K. Gorland stated that the second meeting in November is usually held and the only meeting that is cancelled every year is the second meeting in December due to the Christmas holiday.

Mayor Garcia asked Council if they wanted to cancel or reschedule the November 12<sup>th</sup> meeting.

Councilwoman Ator suggested holding one meeting on Monday, November 19<sup>th</sup> without interrupting Thanksgiving week or Veterans Day.

**By consensus, Council re-scheduled the November 12, 2012 City Council Regular Meeting to Monday, November 19, 2012 due to the Veterans Day Holiday.**

**By consensus, Council cancelled the November 26, 2012 City Council Regular meeting.**

**11B) Scheduling of Board of Appeals Meeting for October 8, 2012.**

City Manager Ronald K. Gorland stated that Planning and Zoning Director James Holland is requesting that Council schedule a Board of Appeals meeting to consider an appeal to the decision of the Board of Adjustment. The applicant requested a variance from Code Section 150-034 (A) to permit the placement of pool equipment in the side yard.

**Council agreed to schedule a Board of Appeals meeting for Monday, October 8, 2012 during the Regular Council meeting.**

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Budget**

City Manager Gorland thanked Council for their support during the budget process. He said that it is going to be a tough year and when requesting funds, the Administration will keep Council informed of the impact on the reserves.

**Yoga in a Chair**

City Manager Gorland reported that the Miami Springs Senior Center is now registering for "Yoga-in-a-Chair." This is a free class designed for people with age-related conditions and will be held on Tuesdays and Thursdays from 9:30 to 11:30 a.m. at the Miami Springs Community Center, 1401 Westward Dr. For more information, call the Senior Center at (305) 805-5160 or visit the Senior Center, located at 343 Payne Drive.

**Art Classes**

City Manager Gorland said that Art classes for kids ages 3 to 12 are currently being offered at the Miami Springs Community Center. Classes are held every Tuesday afternoon beginning at 4:30 p.m. Kids can learn about artists, drawing, painting, sculpture and more. There will be a total of eight lessons and the cost for the class is \$140, materials included. For more information, visit [www.littlesmartarts.com](http://www.littlesmartarts.com) or call (305) 494-5670.

## **Oktoberfest Party**

City Manager Gorland announced that the Miami Springs Lions Club will hold its annual Oktoberfest Party on Saturday, September 29<sup>th</sup> at 301 Swallow Drive. The cost of the meal will be \$10 per person, and desserts and German beer will be extra. For more information, contact Laynee Riedinger at (305) 888-6346.

## **Art Exhibit**

City Manager Gorland reported that Springview Elementary School art students in grades 2-5 and their Art Instructor will hold an art exhibit during the month of October. Everyone is invited to attend the Art Show reception to be held on Monday, October 1<sup>st</sup> from 6:30 to 8:30 p.m.

## **Brain Power Walk**

City Manager Gorland announced that on Saturday, October 6, 2012, from 7:00 a.m. to 1:00 p.m. a "Brain Power Walk" will be hosted by the Pilot Club of Miami on Curtiss Parkway. The community is invited to attend the event and "Walk the Parkway" to raise awareness of brain related disorders, disabilities and the prevention of traumatic brain injuries. Children will be fitted for free bike helmets and enjoy "Brainminder Buddies" puppet shows.

## **Farmers Market**

City Manager Gorland reported that the new Miami Springs Farmers Market was a success in spite of the rain. It will be at the All Angels Episcopal Church, 1801 Ludlum Drive, every Saturday from 8:00 a.m. to 3:00 p.m. until March 30, 2013.

## **12C) City Council**

### **Farmers Market**

Councilwoman Ator mentioned that the All Angels Farmers Market was a success in large part to Councilwoman Bain who attended and made many purchases. The event will be held every Saturday and she thanked Sara Vargas for organizing the event. She added that Ms. Vargas could use a committee to help with the work.

## **Historical Society Party**

Councilwoman Ator attended the Miami Springs Historical Society Kick-off Party with her husband Bill Tallman, which was a very nice event. President Tom Snook expressed his gratitude to the City Council for their support and people also thanked her husband for his work with the Optimist Club. She appreciates the support of her husband and what he does in the community.

## **Basketball Court**

Councilwoman Ator noted that the All Angels' basketball court was funded with the support of the City Council and the funds were repaid to the City. The basketball court is regularly used by people who are not associated with All Angels and it has worked out to be a positive thing for the community.

## **Optimist Club Installation**

Councilwoman Ator inquired about the Optimist Club Installation of officers and was told that it was not scheduled for the upcoming weekend as she had planned on her calendar. She said that it is a good time to recognize the volunteers who work as officers, including Councilman Best and Vice Mayor Lob. She knows that they work very hard and she appreciates what they do.

## **Vote of Confidence**

Councilwoman Ator reminded Council that the Vote of Confidence for the City Manager is scheduled for the October 8<sup>th</sup> Regular Council Meeting. She encouraged Council to be prepared for the process since a decision was made not to have an evaluation form in order to objectively judge the City Manager's performance. She said that this is an important requirement of the City Charter that is done once a year.

## **Good Night**

Vice Mayor Lob wished everyone a good night.

## **Thank You**

Councilman Best thanked Council for passing the budget and for doing the right thing for the people. He appreciates the input from everyone in terms of coming to a decision.

## **Anthony Mascaro**

Councilman Best said that the passing of Anthony Mascaro was a very unfortunate circumstance. He was with some of the family members when they received the telephone call about the occurrence and he sends out condolences on behalf of the City, his family and those who have known the family for many years. The funeral will be held at Blessed Trinity on Friday, September 28<sup>th</sup> at 11:00 a.m. The viewing will be held at Grace Lutheran Church on Thursday evening, September 27<sup>th</sup>.

## **Pelican Playhouse**

Councilman Best announced that the Pelican Playhouse just finished its latest recital production. The production was a lot of fun and he is looking forward to "Robin Hood". He added that he appreciated the report from Ralph and Nancy Wakefield of their achievements for the last year and what they intend to do for the next twelve months since it is important for Council to be informed.

## **Thank You**

City Manager Gorland thanked Assistant City Manager/Finance Director William Alonso on a personal and professional basis for his work during the budget process; he worked beyond the call of duty and he ran the process masterfully.

## **Anthony Mascaro**

Mayor Garcia extended his sympathy and prayers to the Mascaro family.

## **Murder Mystery Dinner**

Mayor Garcia had a great time at the Optimist Club Murder Mystery Dinner that was a success and the murder mystery was a lot of fun.

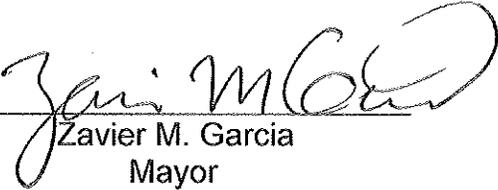
## **Budget**

Mayor Garcia said that even though the budget is tight a foundation exists and the City has a solid team. The Administration and the team that the City Manager put together with Mr. Alonso as the Assistant City Manager/Finance Director have done a great job to move the City out of the deficit that it faced ten or twelve years ago. He appreciates their hard work and the foundation they have laid in maintaining fiscal responsibility.

Mayor Garcia commented that Council debates items that might be minute, but at the end of the day they all have the same goal to maintain or improve the quality of services to the residents and keep the taxes low. He thanked Council and Staff again for a job well done.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:03 p.m.

  
\_\_\_\_\_  
Zavier M. Garcia  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Magali Valls, CMC  
City Clerk



Approved as written during meeting of: 10-08-2012.

Transcription assistance provided by Suzanne S. Hitaffer.

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