



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 10, 2013, at 7:00 p.m.

### 1. Call to Order/Roll Call

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

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Police Captain Jonathan Kahn
- Building & Code Compliance Director H. "Tex" Ziadie
- Elderly Services Director Karen Rosson
- Public Works Director Thomas Nash
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Councilman Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Yard of the Month Award – Jorge Montero & Marta Varona – 162 De Leon Drive

Mayor Garcia presented the Yard of the Month Award to Jorge Montero & Marta Varona of 162 De Leon Drive.

#### 4. Open Forum:

##### Sidewalks

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue said that her daughter Debbie Ferrero had an incident when she went to visit a friend at her house on Linwood and Flagler Drive. She came home late because there was no sidewalk for her to maneuver her wheelchair on in front of Douglas Orr Plumbing and Woody's West End Tavern.

Ms. Gannon distributed photographs of the area showing the sidewalk that cuts off at the beginning of Douglas Orr Plumbing where they park vehicles and store supplies. The sidewalk at Woody's stops because there is an outdoor patio area in back of the bar. The businesses have grown and this is one of the largest commercial districts in the City. She feels that the City should be responsible because they have allowed this to happen.

Ms. Gannon also submitted a full-page ad for Woody's showing the improvements that were made to the property with a large covered patio area in the back. Two businesses control a large area in a residential area and the City allowed them to expand. She added that the Food Spot location has a sidewalk that goes around the entire property.

Ms. Gannon asked Council to see what can be done about the situation that her daughter Debbie encountered since she likes for her daughter to get out on her own and Debbie also likes to be out on her own to visit her friends.

Debbie Ferrero stated that she likes to visit her friend's house and be able to return to her home. She asked Council to help with the installation of a sidewalk on the street that leads back to her home.

##### Fences

Helen Gannon distributed photographs of wood fences across the street from her home that are dirty and mildewed. She suggested that when a home is sold that the new owner should be responsible for installing a new fence to replace the ones that are in bad condition since they could lower the value of her property.

##### River Cities Festival

Tom Curtis of the River Cities Gazette expressed his interest in organizing next year's River Cities Festival, or what has been recently called the Springs River Festival. He said that it is a three-day community event that he had been involved with for many years. He plans to bring back the involvement of the Indians and the Miami River and take over the event as a long-term project. He contacted the Springs River Festival Committee and some people have offered their support, including Nestor Suarez who organizes the Mega-Reunion.

Mr. Curtis is planning an organizational meeting in August 2013 that will be advertised in the newspaper and everyone is invited to give their input and work hard to make the event successful. He presented his idea to establish the second weekend in April as the date every year for planning purposes.

Mr. Curtis stated that he will not be asking the City Council for any funds for the Festival.

## **Miami Springs Directory**

Mr. Curtiss referred to the Miami Springs Directory that is published by Curtis Publishing. He requested that Council consider funding the directory in the upcoming budget and to schedule an agenda item for the next meeting.

Councilman Bain asked if the second weekend in April could be set for the 2014 River Cities Festival on April 11, 12 and 13<sup>th</sup> in order to make it official and City Attorney Seiden said that Council does not normally respond to requests during Open Forum.

Mayor Garcia requested agenda items for the June 24<sup>th</sup> Regular Meeting to consider both requests. He thanked the Springs River Festival Committee for their hard work over the years and he hopes that they will stay involved.

### **5. Approval of Council Minutes:**

#### **5A) 05-28-2013 – Regular Meeting**

Minutes of the May 28, 2013 Regular Meeting were approved as written.

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

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

#### **6A) 05-21-2013 – Education Advisory Board – Minutes**

Minutes of the May 21, 2013 Education Advisory Board meeting were received for information without comment.

#### **6B) 06-03-2013 – Zoning and Planning Board – Minutes**

Minutes of the June 3, 2013 Zoning and Planning Board meeting were received for information without comment.

#### **6C) 06-04-2013 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the June 4, 2013 Code Enforcement Board meeting was received for information without comment.

#### **6D) 06-05-2013 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the June 5, 2013 Architectural Review Board meeting was received for information without comment.

**6E) 06-03-2013 – Board of Adjustment – Approval of Actions Taken at their Meeting of June 3, 2013, Subject to the 10-day Appeal Period**

Actions taken by the Board of Adjustment at their meeting of June 3, 2013 were approved subject to the 10-day appeal period.

**Councilman Bain moved the item. Councilman Lob in seconded the motion.**

City Attorney Seiden stated that the Azure Apartments was the only item on the agenda and part of the project includes the historic building. As part of the discussion regarding the variance, the applicant agreed to install pavers on the Azure Way section of the property. Subsequent to the Board of Adjustment meeting, he asked Planning and Zoning Director Jim Holland to contact the contractor to see if they would be willing to follow the same paver design around the entire building. Tentatively, the contractor agreed to the request and the landscaping plan is still pending.

City Attorney Seiden noted the fact that the historic building will have 18 single-family units with no parking and the pavers would be helpful in keeping the ground around the property in repair. The Zoning and Planning Board meeting was postponed pending receipt by the City of the drainage and parking plans.

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

**7. Public Hearings:**

**7A) Second Reading – Ordinance No. 1055-2013 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 70-02, Red Light Camera Enforcement, by Adopting and Implementing the Amendments and Newly Enacted Provisions of State Law Contained in CS/CS/HB7125; Providing for the Adoption and Implementation of Future Amendments and Statutory Provisions; Authorizing the Creation of a Local Hearing Officer Process Consistent with State Law; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 5-28-2013 – Advertised: 5-31-2013)**

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

Attorney Seiden stated that this is the second reading and public hearing. He explained that the Governor has not yet signed the bill into law and Council is left with two alternatives; the first is to postpone the second reading of the ordinance since the state law does not exist or Council can vote to approve the ordinance and if the Governor fails to sign the bill into law, the ordinance can be repealed.

Councilman Lob recommended postponing the second reading and the City Attorney agreed that there is plenty of time to put the ordinance into effect since the Resolution was already in effect.

City Attorney Seiden said that the notice of public hearing would have to be re-advertised for the June 24, 2013 meeting.

**Council postponed the second reading of the ordinance until the June 24<sup>th</sup> meeting.**

8. Consent Agenda: (Approved with one motion except 8C which was pulled)

8A) Approval of the City Attorney's Invoice for May 2013 in the Amount of \$13,284.00

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

There was no discussion regarding this item.

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

8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$15,216.00, to Lou's Police Distributors, Inc., for Police Uniforms, Pursuant to Section 31.11 (E) (6) (g) of the City Code

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

There was no discussion regarding this item.

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

8C) Recommendation that Council Award a Bid to Vac-Con Inc., Utilizing HGAC Contract # SC01-12 in the Amount of \$271,195.00 for a Vac-Con Truck, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award. He asked Public Works Director Tom Nash to provide background information on how the truck is used and what the issue is with the current truck.

Public Works Director Tom Nash said that he is requesting the replacement of the existing Vac-Con truck that is used for the stormwater in the City; it was originally purchased in 1998 for \$167,000. The truck has been used extensively, the main vacuum unit has failed and the cost to repair it is approximately \$20,000.00. In addition, the truck needs a new hose reel for an additional \$9,000.00. It does not seem prudent to invest \$29,000 into a vehicle that is fifteen years old and there is no guarantee in regard to future repairs that might be necessary.

Mr. Nash stated that there are approximately 700 storm drains in the City and the truck is utilized at least three days per week, every week and they must follow the MPDES guidelines for discharge. The truck is also used for other services, including pressure washing, vacuuming, installation of speed signs and various projects. The truck is also used to fill water containers during festival events.

Mr. Nash checked to see if there are companies that rent this type of truck and one company responded that the daily rate is \$1,000 for use of the truck and the driver; the City would provide one helper. The weekly rate would be \$4,500.00, and it would be \$18,000 for a one month period, including the driver.

Mayor Garcia asked if the current truck parts would be utilized for the new vehicle in the future and Mr. Nash replied that they are two different vehicles. He looked into the possibility of auctioning the existing truck or trading it in, but the truck is worthless without the main vacuum.

City Manager Gorland advised Council that the balance in the Stormwater Fund is \$800,000 and additional revenue is received every year totaling approximately \$250,000.

Councilman Bain said that it is helpful to understand the need for spending the funds and the public should be informed about what the vehicle is utilized for. He appreciates the research and the explanation.

To answer Councilman Petralanda's question, Mr. Nash responded that he is still looking at the options for what can be done with the current truck, which is of no value to the dealer. He will look into the possibility of selling the truck at auction. The truck has been out of service for approximately 35 days.

Councilman Bain moved the item. Councilman Lob 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 of \$27,005.00 to Distreebutors, for Tree Planting, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

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

There was no discussion regarding this item.

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

**8E) Recommendation that Council Approve an Expenditure to Royal Rent-A-Car Systems of Florida, the Lowest Responsible Quote, in the Amount of \$19,296.00, for the Monthly Rental of Two Vehicles (for a Twelve-Month Period), Pursuant to Section 31.11 (C) (2) of the City Code**

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

There was no discussion regarding this item.

Vice Mayor Windrem moved the item. Councilman Lob 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

None.

9B) Recommendation that Council Waive the Competitive Bid Process and Approve a Lease Agreement with Club Car in the Amount of \$256,050.00 for Seventy-Five (75) 2014 Gasoline Powered Carts for a Five-Year Term

City Manager Ronald K. Gorland pulled this item.

9C) Ordinance No. 1054-2013 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-015, Parking of Commercial Vehicles in City Limits, to Update and Clarify Which Commercial Vehicles May or May not be Parked in the Residential, Multi-Family Residential, Business, and Commercial Zoning Districts of the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Draft discussed during the 5-13-13 and 5-28-13 meetings)

Item was deferred to the next meeting.

9D) Code Compliance Revision Recommendations Regarding Commercial Vehicles in Commercial Districts (Carried forward from the 5-13-13 meeting and discussed: 5-28-2013)

Item was deferred.

City Attorney Jan K. Seiden commented that he prepared a commercial vehicle worksheet in order to make it easier to address the issues and differentiate between different types of vehicles.

*Agenda Item 9E was discussed after Agenda Item 10F.*

9E) List of Codes to be Reviewed (Discussed: 5-28-2013)

City Attorney Jan K. Seiden stated that Council received pictures from Building and Code Compliance Director Ziadie showing the three commercial establishments that use hurricane protection for security and this is something for Council to consider since the current Code does not permit this.

Mr. Ziadie stated that there were originally five locations that utilized hurricane shutters for security. In 2008, two of the companies raised the issue and Council directed the Administration to put a hold on enforcement of Code Section 93-13 (C) in regard to commercial properties; it is still enforced for residential properties.

City Attorney Seiden said Council could direct the Administration to begin enforcement of the Code as it was proposed or they could decide to continue not to enforce it. The ordinance is fine as it is written and one person requested to allow the use of the shutters at night for extra protection because of their location, but he understands they are no longer in business.

Mr. Ziadie added that the property in question is located on the corner of South Royal Poinciana Boulevard and South Drive and it is for sale.

City Attorney Seiden said that the argument is really about what is seen in some Downtown areas where the businesses are secured with shutters and the question is whether or not this should be allowed in Miami Springs.

City Manager Gorland commented that using shutters for security indicates a high crime area and it does not do the City justice.

Mayor Garcia noted that some properties on 36<sup>th</sup> Street opened businesses because they had shutters that could be used to secure valuable property. He would like to keep the current code regulations and perhaps those businesses could be grandfathered-in.

City Attorney Seiden said that the ordinance existed before the conduct existed so there cannot be a grandfather provision and it cannot be varied since it does not relate to Chapter 150. He said that driving down 36<sup>th</sup> Street the shutters might not be as offensive as it would be in a Neighborhood Business District, or it could be worse on 36<sup>th</sup> Street because it gives the impression of a high crime area.

Councilman Lob commented that if Council were to decide to enforce the Code, the businesses could be allowed a certain time to fix the problem.

City Attorney Seiden said that it was previously mentioned by Council to hold a workshop meeting at some point to review all the recommended code sections.

Councilman Lob asked why the noise ordinance was included in the list and the City Attorney said that he would leave it alone.

Mr. Ziadie clarified that review of the noise ordinance was suggested by a former Council member.

Mayor Garcia felt that it is not right to enforce the noise ordinance at 3:00 p.m. when someone has a child's birthday party and the music can be heard by the neighbors. The ordinance states that any music that can be heard must be shut down and there is no time limit.

City Attorney Seiden cautioned Council that the noise issue is a difficult area of legislation and Mr. Ziadie added that the time limit in the noise ordinance only relates to sound making devices on commercial properties.

To answer the Mayor's question, Mr. Ziadie clarified that there are no specific regulations related to lawn or landscaping equipment; construction is not permitted before 7:00 a.m.

City Attorney Seiden stated that a couple of cities recently considered regulations for lawn equipment; one denied going forward and the other city is still considering the legislation. He suggested leaving the noise ordinance on the list and each Councilmember should note whatever issues they would like to bring up for discussion.

Councilman Bain commented that he would like to regulate anonymous calls so that they do not count as complaints. He referred to a previous incident when an anonymous person complained about an installation at his home that was legally permitted. He would like for Council to discuss the issue of anonymous complaints.

City Attorney Seiden agreed that Councilman Bain's request could be placed on the list since it is a matter of policy, although it might be different in regard to dangerous conditions.

Mayor Garcia was in agreement to schedule a meeting to discuss the list of items and he suggested a separate meeting for the more controversial issues like commercial vehicles.

City Attorney Seiden felt that enough direction had been received in regard to commercial vehicles. The sign code discussion is going to be difficult.

Mayor Garcia said that he is relying on Staff to educate Council in regard to signs so that they are prepared in advance of the meeting.

City Attorney Seiden emphasized that Staff is looking for direction from Council as to which areas need to be addressed and how it should be approached before discussing the details.

Mayor Garcia commented that there needs to be some type of structure and Council will take a couple of recommendations from Staff in regard to commercial signage. He would like some type of consistency and normalcy in the sign code, rather than not being able to enforce it at all.

Councilman Lob felt that it would help for Staff to provide examples of sign codes from other cities similar to Miami Springs.

Council **scheduled** a Workshop Meeting for Wednesday, August 7, 2013 at 7:00 p.m.

## **10. New Business:**

### **10A) Consideration of Request from the Optimist Club for a \$2,000 Donation for Their Fishing Tournament on the Circle on June 8, 2013**

City Manager Ronald K. Gorland stated that the Optimist Club is requesting a \$2,000 donation for their fishing tournament that was held on the Circle on June 8, 2013.

Mayor Garcia noted there was some confusion as to whether or not the \$2,000 request was included in the budget.

The City Manager clarified that the fishing tournament was discussed in general during the budget process, but it was not specifically listed as a budget line item, although \$8,000 remains in the budget for Circle events.

Councilman Bain asked how much the Optimist Club had received from the budget this year and City Manager Gorland replied that they had already received \$2,000 for the barbeque cook-off.

Mayor Garcia added that other organizations could request funds if they would step up and hold events on the Circle.

Vice Mayor Windrem moved the item. Councilman Petralanda seconded the motion.

Councilman Petralanda asked if granting \$2,000 for the fishing tournament would leave a balance of \$6,000 for Circle events and the Mayor replied that he was correct.

Councilman Petralanda asked if the various organizations receive funds from the Village of Virginia Gardens and the Town of Medley.

Mayor Garcia responded that the organizations receive funding from other cities, as well as from County Commission Chairwoman Rebeca Sosa.

City Attorney Seiden noted for the record that Councilman Lob will not be voting on this issue because he is a member of the Optimist Club Board of Directors.

The motion was carried 4-0 on roll call vote, with Councilman Lob abstaining.

#### 10B) City Clerk Succession Plan

City Manager Ronald K. Gorland read the following recommendation for the City Clerk succession plan:

*"In view of the City Clerk's recent formal notification to retire effective July 5, 2013, and stated availability to continue to provide part-time support as needed, I recommend that she be allowed to continue her current role as City Clerk but in a part-time position. This will be the least disruptive transitional structure available in that it will allow the Council time to re-evaluate the requirements of the City Clerk position, conduct a search and select the replacement in an orderly manner.*

*I've discussed this with the City Clerk and validated her willingness to continue being the City's Clerk for an indefinite period, working no more than a maximum of 59 hours per pay period. Additionally an hourly wage recommendation of \$50 was discussed (currently approx. \$48 plus benefits) and determined to be agreeable to both the City and the City Clerk.*

*Normally the Deputy City Clerk would be the lead candidate for City Clerk replacement but in our case the Deputy City Clerk is already in the DROP and has just a little over 2 years remaining as employee. While still a strong candidate for City Clerk, it would be unnecessarily disruptive to make another City Clerk change in such a short period. Additionally, both the City Clerk and Deputy City Clerk have worked extremely well together for the past 19 years and have both assured me that that will continue to be the case if this transitional succession plan is approved by Council.*

*This recommendation does not infringe on Council's prerogatives regarding the timing and/or City Clerk selection process. In fact, it facilitates a much more orderly process.*

*The annualized cost reduction by this arrangement, assuming an average of 25 hours per week, is approximately \$41,000 annually."*

City Attorney Jan K. Seiden explained that the recommendation must be approved by Council since the City Clerk is their employee.

Mayor Garcia commented that the succession plan is better than having to find someone new right now since that could be a hard transition.

The City Manager thanked City Clerk Magalí Valls for her willingness to work through the transition.

Vice Mayor Windrem moved to approve the recommendation. Councilman Petralanda seconded the motion.

Councilman Bain pointed out that the City Clerk wants to retire and he would like to see her have her retirement and he does not want her to be obligated to the City and Council should be thankful for the time that she is going to be here.

Mayor Garcia added that it is helpful knowing that Magalí will be available during the transition phase.

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

### 10C) City Clerk Recruitment Process

City Manager Ronald K. Gorland read the following into the record:

*"The following is an overview of how the Human Resources Department will proceed to recruit for the City Clerk position upon approval of the Mayor and members of the City Council:*

- 1. Prepare an advertisement that outlines the minimum requirements and salary.*
- 2. Advertise the position in appropriate media sources.*
- 3. HR conducts initial screening to determine candidates that meet minimum qualifications.*
- 4. HR recommends to Council top ten (10?) candidates to be interviewed and all qualified resumes are provided to Council.*
- 5. Council conducts interview workshop and rates the top ten (10?) candidates.*
- 6. Council selects three (3) candidates in priority order to fill the position during a regular or special meeting.*
- 7. The City Manager and City Attorney present the job offer and negotiate with the first selected candidate. In the event an agreement can't be accomplished, they will negotiate with the second selected candidate, and then the third candidate if necessary.*

*In addition, attached is the City Clerk job description for your review and approval".*

Vice Mayor Windrem moved to approve the City Clerk recruitment process plan. Councilman Bain seconded the motion.

City Attorney Seiden commented that it is a good idea to look for a replacement from within the local Miami-Dade County Municipal Clerk's organization because there are many Deputy City Clerks, even though the City has a good one, but she is in the DROP retirement plan also. There might be some young person with the necessary skills who does not want to wait for their Clerk to retire and the City might be able to attract some good candidates in this area.

To answer Councilman Bain's question, City Manager Gorland clarified that the pay range for the City Clerk begins at approximately \$71,000 and extends to \$95,000. The range is already established.

Vice Mayor Windrem asked if his motion should specify the number of candidates and the City Attorney clarified that the number would be ten based on his motion, unless he were to change it.

Mayor Garcia explained that Human Resources Director is recommending ten candidates, but if there are only seven that are qualified it would be okay.

City Manager Gorland stated that every resume would be made available to Council.

Councilman Petralanda asked how long the process would take and when it would start. He agrees with Councilman Bain that the City Clerk should not be obligated and it is time for her to rest and do whatever she needs to do to enjoy life.

City Manager Gorland said that it would be up to Council to make the decision as to when the process will begin.

Councilman Bain commented that the process would begin after this meeting.

Mayor Garcia is glad that Councilman Petralanda raised the question since Council must clarify when the process will begin. It seems there is a consensus to begin the process.

Councilman Lob added that the process should begin as soon as possible.

City Attorney Seiden explained that the process would take time because all cities are going through their summer recesses and their budget processes. It is likely that it would come back to Council sometime in late August or September.

City Manager Gorland stated that a savings would be realized as long as the City Clerk is in the part-time position.

Councilman Lob agreed with Councilman Bain that he would not want City Clerk Valls to be obligated to the City.

Mayor Garcia said that when the Human Resources Department begins advertising it should be a similar process as to what was done in hiring a new City Manager and the City Attorney said that it would be identical.

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

**10D) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$21,600.00 to Kelly Janitorial Systems for City-Wide Janitorial Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

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

The City Manager explained that the current janitorial company, Diamond Contract Services, cancelled their janitorial contract effective June 30, 2013. They were awarded the contract under RFP # 01-11/12 that was approved by Council on January 9, 2012. There are six months remaining in the contract and one additional renewal option year.

The Administration met with Kelly Janitorial Systems, the next lowest bidder, and they have agreed to continue the current contract for the remaining six-month term under their proposed rate of \$7,200.00 monthly.

City Manager Gorland explained that only three months remain for the Fiscal Year budget for the period July 1<sup>st</sup> through September 30<sup>th</sup> and Council is being asked to approve an expenditure to Kelly Janitorial System in the amount of \$21,600.00 for the remainder of this fiscal year. The difference between the two contracts for the 3-month period is \$334.38 and funds are available in the various City department budgets.

**Councilman Lob moved the item. Vice Mayor Windrem seconded the motion.**

Mayor Garcia asked about the paper towel dispensers and Public Works Director Tom Nash explained that each janitorial company brings in their own products and the equipment is changed accordingly.

Mr. Nash said that Kelly Janitorial is being asked to continue with the current staff provided by Diamond and they have agreed to do this. He does not know about the supplies because the City of Miami Springs is the only contract that Diamond has left in South Florida and those details would be worked out between the two companies.

City Attorney Seiden asked for clarification about the request for \$21,600.00.

Assistant City Manager/Finance Director William Alonso responded that Kelly Janitorial would be paid \$21,600 for the remaining three months of the fiscal year. The funds are included in the budget already, but the expense is budgeted to Diamond, not Kelly.

City Attorney Seiden asked if Council is being asked to approve additional funds and Assistant City Manager/Finance Director Alonso said that Council is only being asked to approve the payment to the new vendor for an additional cost of \$334.38.

City Attorney Seiden asked if Kelly Janitorial would agree to the one year renewal option or if the services would go out to bid.

City Manager Gorland responded that it is premature to discuss the renewal option and the item would come back to Council.

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

#### **10E) Appointment of Official Voting Delegate to the 87<sup>th</sup> Florida League of Cities Annual Convention and Confirmation of Attendance by Council Members**

City Clerk Magali Valls referred to information she placed on the dais about the Florida League of Cities Conference in case the Mayor or the Councilmembers were interested in attending.

Mayor Garcia explained that he was not able to attend the conference in previous years, but that he will be able to go this year. He said that every Council member would be able to attend and it would benefit the two new Councilmen to attend as well.

The City Clerk clarified that funds are included in the budget for the Mayor and each Council member to attend.

Mayor Garcia asked Council to check their calendars for August 15-17<sup>th</sup> and to let the City Clerk know before the registration deadline of July 31<sup>st</sup>. He explained that Council must decide on who will be the voting delegate.

Vice Mayor Windrem said that there is a good chance that he would be able to attend and Councilman Petralanda agreed that he would attend.

Councilman Petralanda said that he had been corresponding with a representative at the Florida League of Cities and they are requesting a representative from each City to serve on one or more Committees. He asked if the conference is different because he is concerned about his work schedule.

Mayor Garcia explained that the conference is separate from the request to serve on other committees. Council must select a voting delegate member to represent the City at the conference and Councilman Best served the past seven years.

Mayor Garcia passed the gavel and moved to nominate Councilman Petralanda to be the voting delegate. Councilman Bain seconded the motion, which was carried 5-0 on roll call vote.

Mayor Garcia reiterated that attending the conference is an educational process and he would like the new Council members to understand what happens at the state level and what the Florida League of Cities does for the municipalities. He added that Council was not able to attend Dade Days this year and next year a trip would be planned to go to Tallahassee before Dade Days so there is an understanding of the lobbying process for requesting funds from the State.

Councilman Bain added that the lobbying process is like brokering money and it depends on who has the best sales pitch.

Mayor Garcia urged Council to let the City Clerk know if they are attending and Mayor Bain said that he may take a trip since the dates fall on a weekend.

*Agenda Item 10 F was discussed after Agenda Item 9D.*

**10F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$151,224.00, to Greater Miami Caterers, Inc., for Catering Services for the City of Miami Springs Senior Center's Nutrition Programs for the Elderly, Pursuant to Section §31.11 (E)(6)(g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional 12 Month Period, From August 1, 2013 Through July 31, 2014, at the Requested Unit Costs Provided**

City Attorney Jan K. Seiden referred to the documentation provided by Elderly Services Director Karen Rosson.

Attorney Seiden noted for the record that Council approval of the renewal is appropriate and by the vote they would be authorizing the execution of a renewal contract, which is one of the requirements.

To answer the Mayor's question, City Attorney Seiden clarified that this is the first year of a two-year renewal option.

**Councilman Lob moved the item. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.**

**10G) Resolution No. 2013-3583 – A Resolution of the City Council of the City of Miami Springs Vacating that Certain Alley Located Between 640 Curtiss Parkway and 157 Deer Run; Providing for the Equal Division of the Alley Area; Directions to the City Clerk; Effective Date**

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

City Attorney Seiden stated that at the last meeting, the Planning and Zoning Director presented an application from two property owners that wanted their alley divided between them and they subsequently provided surveys that are attached as exhibits. The City Clerk will provide certified copies of the resolution to the homeowners.

City Attorney Seiden spoke with Daniel Fernandez who was involved in one of the requests and suggested that the homeowners should contact a title company since the City is willing to prepare a deed for them as long as the title company provides an Opinion of Title. The City will provide the homeowners with the resolution that they can record themselves in the public records.

**Councilman Lob moved to adopt Resolution No. 2013-3583. Vice Mayor Windrem seconded the motion which was carried 5-0 on roll call vote.**

**10H) Recommendation that Council Award an RFP to Toshiba America Business Solutions, Inc., Utilizing the State of Florida Contract # 600-000-11-1, in the Amount of \$12,876.24. for Copier Leases Citywide, Pursuant to Section 31.11 (E) (5) of the City Code**

City Manager Ronald K. Gorland read the title of the award. He stated that the 60-month term for city-wide copier leasing is due to expire in July 2013. All of the larger copier companies are awarding leased equipment contracts by means of the State of Florida Contract # 600-000-11-1. Toshiba provided the City with quotes for leasing new copy machines with options for either 36 or 48-month leases.

City Manager Gorland explained that the current, citywide annual lease agreement is for \$15,669.00 and the Administration is recommending the 48-month lease for an annual total of \$12,876.24, which is an overall annual savings of \$2,792.76. He noted that funding is derived from the respective City Department budgets.

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

## 12. Reports & Recommendations:

### 12A) City Attorney

#### Annexation Litigation Update

City Attorney Jan K. Seiden reported that he received a response from the County to the annexation litigation filed against the City and the County. The County responded first and he spoke to the attorney representing the City who will be filing a similar response. The City Clerk will provide Council with copies of the response.

Attorney Seiden explained that the Motion to Dismiss is based on the argument that the process is premature; the lawsuit lacks subject matter jurisdiction because the fact is that the County has not acted yet and it would be premature and unconstitutional to preempt the action of the legislative discretion and actions of the County Commission. Some of the issues that were raised could be raised after annexation is approved by the County Commission and the County will consider it at the committee level on July 11<sup>th</sup> and it may go to the Commission meeting in September, after the August break.

City Attorney Seiden referred to a dissertation of the actual process of how an annexation item gets to fruition through the County process on pages 4-6 of the motion. He encouraged Council to read the Motion to Dismiss that is well done and very educational. The next step is for the attorneys to set a court hearing and the Judge will hear arguments from the Plaintiff and the Defendants. In the short-run, the case will be dismissed until the County has an opportunity to act pursuant to their procedures.

### 12B) City Manager

#### Summer Camp

City Manager Ronald K. Gorland reported that 171 kids are registered for Summer Camp which started today; 147 kids were actually in attendance with 30 Camp Counselors. There were no problems and it was a good kick-off thanks to Recreation Director Omar Luna and Programs Supervisor Patricia Bradley who always do a wonderful job.

#### Golf Camp

City Manager Gorland announced that four kids are attending the Golf Camp this week and eight kids are registered for the next session.

#### Golf Course

City Manager Gorland reported that the turf on the Golf Course is being replanted and there is a lot of action right now.

#### Optimist Fishing Tournament

City Manager Gorland congratulated the Optimist Club for their successful fishing tournament; a great time was had by all at the Circle.

## 12C) City Council

### Vacation

Councilman Petralanda reported that he is officially on vacation from his regular job and there are many projects he is planning to work on for the City. He urged people to call him since he is available anytime.

### Optimist Fishing Tournament

Councilman Petralanda attended the gathering at the Circle for the Optimist Club fishing tournament and hopefully he will participate next year.

### Chamber of Commerce

Councilman Petralanda attended the Chamber of Commerce Installation with Mayor Garcia and it seems that the organization is on the right track to promote the City. He was very impressed with what is going on.

### Optimist Fishing Tournament

Vice Mayor Windrem reported that he attended the Optimist Fishing Tournament that is a good event and raises funds for a good cause.

### Thank You

Vice Mayor Windrem thanked Mayor Garcia for passing the gavel earlier during the meeting and Councilman Petralanda for stepping forward to represent the City Council as the voting delegate at the Florida League of Cities Conference.

### Driver's License Renewal

Vice Mayor Windrem reminded everyone that the Driver's License Renewal will be at the Senior Center on Friday, June 14<sup>th</sup>.

### Optimist Fishing Tournament

Councilman Lob participated in the Optimist Club fishing tournament and had a great boat trip on the boat he chartered. He urged everyone to support the event next year.

### Thank You

Councilman Lob thanked the new attendees in the audience for staying the entire meeting.

\*\*\*\*\*  
Marta Varona of 162 De Leon Drive expressed her concern about the area in front of the lake by her home where people come to feed the animals. Some people leave trash behind and the residents have been cleaning up the area. She maintains her home and the City does a great job, except that this area is not desirable because of the pollution. She requested the placement of "No Parking" and "No Littering" signs.

Mayor Garcia asked if the area in question is City property and the City Manager responded that the developer might not have handed off the property to the homeowners, but it is not the City's lake. He is not sure if the area is the City swale area.

Vice Mayor Windrem was of the opinion that the property is the City swale area adjacent to the lake and City Manager Gorland added that if the property belongs to the homeowners they can put up the signage and if the property is the City swale then the City will do something about the problem. The City Manager will follow up with Ms. Varona.

Mayor Garcia informed Ms. Varona that she could come to the Council meetings and voice her concerns during the Open Forum at the beginning of the meetings. He asked her to provide her telephone number to the City Clerk.

\*\*\*\*\*

### Thank You

Councilman Bain thanked everyone for their concern about his wife Grace who is now doing fine.

### Optimist Fishing Tournament

Councilman Bain and his wife Grace were able to attend the fishing tournament. Hopefully it will become an event the same as Mr. Curtis is proposing for the River Cities Festival. He said that volunteers and more participation is needed to make the event a success.

### Annexation Committee Meeting

Mayor Garcia reported that the County Committee meeting on annexation would take place on Thursday, July 11<sup>th</sup> at 9:30 a.m. He urged Council members to attend.

### State Bill 113

Mayor Garcia attended the signing of Bill 113 at Hialeah Gardens Elementary School with Governor Scott, Representative Manny Diaz and Senator Anitere Flores who are the sponsors of the Bill that makes it a third degree felony to distribute illicit material on school grounds. He thanked School Board member Carlos Curbelo, who reached out to Senator Flores, for looking out for the children and the schools.

### George T. Baker Aviation School

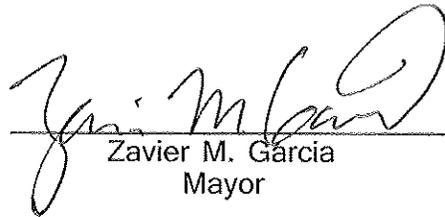
Mayor Garcia had the pleasure of taking a tour of the George T. Baker Aviation facility and was impressed with their aviation training. It is a Miami-Dade County Public school that is attended by many Miami Springs residents. The starting salaries in the trade begin at \$35.00 per hour and increase to \$50.00 based on the types of licenses. This is an example of how people who cannot afford college can learn a trade and earn just as much as someone with a college degree.

**Summer Activities**

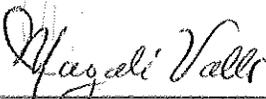
Mayor Garcia commented that people have asked about summer activities for older kids and options include the Archery Program and the Robotics Program at the Presbyterian Church that are open to families and people of all ages for minimal fees. The Golf Camp is another program in addition to the Summer Camp at the Recreation Center. He urged everyone to have a safe summer.

**13. Adjournment**

There being no further business to be discussed the meeting was adjourned at 8:41 p.m.

  
Zavier M. Garcia  
Mayor

**ATTEST:**

  
Magali Vallis, CMC  
City Clerk



Approved as written during meeting of: 6-24-2013.

Transcription assistance provided by Suzanne S. Hitaffer.



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, George V. Lob, hereby disclose that on June 18, 20 13:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*I am on the Miami Springs Optimist, entity coming before the council, board.*

June 18, 2013  
Date Filed

*George V. Lob*  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.