



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Tuesday, November 12, 2013, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

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

Also Present:

City Manager Ronald K. Gorland
Assistant City Manager/Finance Director William Alonso
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Planning and Zoning Director James H. Holland
Golf and Country Club Director Paul O'Dell
Police Captain Jonathan Kahn
Acting City Clerk Suzanne S. Hitaffer

2. Invocation: Mayor Garcia

Salute to the Flag: Children from the audience lead the Pledge of Allegiance and Salute to the Flag

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

3. Awards & Presentations:

3A) Presentation of Certificate of Sincere Appreciation Plaque to Lieutenant Steve Carlisle in Recognition of 29 Years of Dedicated Service to the City of Miami Springs

Mayor Garcia stated that this is a very special occasion and Lieutenant Carlisle is a staple of this community. He asked Chief of Police Baan and fellow officers that were present to join him for the presentation.

Mayor Garcia presented a plaque of sincere appreciation to Lieutenant Carlisle in recognition of 29 years of dedicated service to the City of Miami Springs.

Chief of Police Baan commented that he has known Lieutenant Carlisle for many years. In the thirty years that Lieutenant Carlisle has worked for the City, he has worked hard every single day protecting his City. He wished him the best in his future endeavors and for being a great friend. The other officers who are present tonight also work just as hard as Lieutenant Carlisle and he thanked them for their work.

Lieutenant Carlisle thanked Chief of Police Baan for being a sincere friend and a good boss. He thanked Captain Jon Kahn for being his partner. He has enjoyed working for the City and thanked everyone who is present tonight and supported him.

City Manager Gorland presented Lieutenant Carlisle with a commemorative clock from the Administration and employees in celebration of 29 years of service.

(Agenda Item 3B was discussed after Agenda Item 3D)

3B) Officer of the Month Award - October 2013 – Detective Ramon A. Tamargo

Lieutenant Carlisle read the nomination letter. He commented that Detective Tamargo is a tenacious investigator. He is extremely thorough and takes great pride in his job. He congratulated him on the conclusion of this robbery investigation that led to the arrest of the subject.

Detective Tamargo acknowledged Lieutenant Carlisle who has been his supervisor for the last three years. Lieutenant Carlisle has been a pleasure to work for and has taught him to be thorough in his work. He thanked him for everything he has done and wishes him a happy retirement.

Chief of Police Baan commented that Detective Tamargo has a few Officer of the Month awards. He has been a detective for three years and is doing a fabulous job. He noted that the victim on the case was a retired Miami Springs police officer.

(Agenda Item 3C was discussed after Agenda Item 3A)

3C) Yard of the Month – Oliver Pacheco and Mirella Martinez - 631 Oriole Avenue

Mayor Garcia presented the Yard of the Month Award for November 2013 to Oliver Pacheco and Mirella Martinez.

3D) Proclamation – “Jonathan Dweck Day”

Mayor Garcia read the proclamation recognizing Miami-Dade County Police Officer Jonathan Dweck who risked his life by assisting a young woman who died in a tragic car accident.

Mayor Garcia said that Vice Mayor Bain brought this information to his attention, which he appreciated. He thanked Officer Dweck for his services. He specifically invited the family to the stage because it takes a village to raise a child and to keep the City as beautiful as it is.

Officer Dweck stated that he was raised in Miami Springs and has had the privilege to know most of the City Council since he was a child playing at the Recreation Center. Miami Springs is different from all other cities in Miami. Many citizens do not see what police officers do on a daily basis and they risk their lives every day. This incident happened to be something that was caught on camera and it could not have been done without teamwork. He introduced his friends and family who were present.

(Agenda Item 3B was discussed at this time)

4. Open Forum:

40-Year Recertification: 449 Swallow Drive

Beatrix Obermann of 449 Swallow Drive commented that she is here for the same reason as the last meeting. Nothing has happened with her situation. She went to City Manager Gorland and did not want him to handle her situation any longer for personal reasons. She went to the Community Policing Office and spoke with a gentleman who has her file. She wants to know what Council is going to do about the situation.

Mayor Garcia asked that Ms. Obermann to give her contact information to the City Clerk and he will call her tomorrow.

5. Approval of Council Minutes: (5A and 5B approved with one motion)

5A) 10-23-2013 – Special Meeting

Minutes of the October 23, 2013 Special Meeting were approved as written.

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

5B) 10-28-2013 – Regular Meeting

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

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

6. Reports from Boards & Commissions:

6A) 10-28-2013 – Board of Appeals – Minutes

Minutes of the October 28, 2013 Board of Appeals meeting were received for information without comment.

6B) 11-04-2013 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the November 4, 2013 Zoning and Planning Board meeting was received for information without comment.

6C) 11-04-2013 – Board of Adjustment – Cancellation Notice

Cancellation Notice of the November 4, 2013 Board of Adjustment meeting was received for information without comment.

6D) 11-05-2013 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the November 5, 2013 Code Enforcement Board meeting was received for information without comment.

6E) 11-06-2013 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the November 6, 2013 Architectural Review Board meeting was received for information without comment.

6F) 11-13-2013 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the November 13, 2013 Golf and Country Club Advisory Board meeting was received for information without comment.

6G) 11-20-2013 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the November 20, 2013 Board of Parks and Parkways meeting was received for information without comment.

6H) 11-27-2013 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the November 27, 2013 Historic Preservation Board meeting was received for information without comment.

City Attorney Seiden clarified that due to the new quarterly meetings, the cancellation notices had been sent out so that the public was aware that there were no meetings.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1058-2013 – An Ordinance of the City Council of the City of Miami Springs Authorizing the Submission of a Corrected Legal Description of the City’s Proposed Annexation Area to Miami-Dade County; Repealing all Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Jan K. Seiden read the ordinance by title. This is an ordinance that the City was asked to provide to Miami-Dade County to correct the small piece of land that was left off of the pre-existing legal description for annexation with the County.

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

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

7B) Second Reading - Ordinance No. 1059-2013 - An Ordinance of the City Council of the City Of Miami Springs Amending the Title To Article XV; Repealing and Deleting Code Sections 150-154 through 150-163 of the Airport, Marine, and Highway Business District (AMHBD); Reserving Code Section 150-154 Through 150-163 for Future Designation and Use By The City; Establishing and Enacting Code of Ordinance Section 150-166, Airport Golf District; Providing Purpose, Designating Permitted Uses and Prohibited Uses; Establishing Setbacks, Density, And Bonus Regulations; Creating Height Limitations; Providing For Off-Street Parking and Loading; Specifying Signage; Designating Development Review; Establishing Exemptions; Providing Fees; Repealing All Ordinances or Parts of Ordinances In Conflict; Directions To Codifiers; Effective Date

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

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

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

8. Consent Agenda:

8A) Approval of the City Attorney’s Invoice for October 2013 in the Amount of \$13,507.25

City Manager Ronald K. Gorland read the titles of the consent agenda items.

There was no discussion regarding this item.

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

8B) Recommendation that Council Approve an Expenditure to 123SecurityProducts.com, the Lowest Responsible Quote, in the Amount of \$2,520.45, for a Samsung Digital Voice Recorder, Five High Resolution Cameras and Accessories, Pursuant to Section 31.11(C)(2) of the City Code, Utilizing Law Enforcement Trust Funds

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

To answer Councilman Petralanda's question, Chief of Police Baan commented that the expenditure does include the installation.

8C) Recommendation that Council Approve a Bid to Hub City Ford, Utilizing Florida Sheriffs Association Bid Award Announcement # 13-21-0904 in the Amount of \$23,390.00, for a 2014 Ford Interceptor police Rated Sedan Patrol Vehicle, Pursuant to Section 31.11(E)(5) of the City Code

There was no discussion regarding this item.

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

8D) Recommendation that Council Approve a Bid to Auto Nation Chrysler Dodge Jeep Ram Pembroke Pines, Utilizing Florida Sheriffs Association Bid Award Announcement #13-21-0904 in the Amount of \$47,526.00, for Two (2) 2014 Dodge Charger Patrol Vehicles, Pursuant to Section 31.11(E)(5) of the City Code

There was no discussion regarding this item.

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

8E) Recommendation that Council Award a Bid to Harrell's LLC, Utilizing Miami-Dade County Bid #9020-1/19, in the Amount of \$26,416.98, on an "As Needed Basis", for Customized Chemicals and Liquid Fertilizers for Fiscal Year 2013-2014, Pursuant to Section §31.11 (E)(5) of the City Code

There was no discussion regarding this item.

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

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

9. Old Business:

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

There were no appointments to Advisory Boards.

9B) Okeechobee Ramp and Canal Usage Discussion (tabled from 9/09/13)

City Manager Gorland read the memo in its entirety.

Chief of Police Peter G. Baan commented that previous issues with the canal usage were with the advent of the personal water craft such as jet skis. At that time, the Police Department did not have a police boat and since there is currently a police boat, it can be used for enforcement if needed. There should be a limit on the speed, the horsepower, or the type of boat.

Mayor Garcia asked what type boats are currently allowed in the lakes and Chief of Police Baan said that no internal combustion motors are permitted.

Vice Mayor Bain commented that some lakes do not even allow electric boats.

Councilman Lob noted that he fishes at a lake in Tampa that is very large and it only allows for a 9 horsepower motor.

Chief of Police Baan stated that he would suggest a limit of 9.9 horsepower.

Vice Mayor Bain asked if Councilman Lob could get the rules and regulations from the lake he mentioned to use as a template and Councilman Lob replied affirmatively.

Vice Mayor Bain asked if the Police Department would manage the hours of use and Chief Baan commented that it would not be an issue to put a padlock on the gate to close access to the canal and remove it when it is open.

Vice Mayor Bain suggested having the hours from sunrise to sunset and Chief Baan replied that he would prefer to set definite hours.

Vice Mayor Bain said that there should also be some type of registration through the Community Policing Office such as a sticker for those who want to use the canal so there is some control as to the amount of people using the canal.

Chief of Police Baan mentioned that the ramp is in terrible shape and it is dangerous. He recommends that it be repaired before it is opened to the public.

Mayor Garcia asked Chief Baan to get an estimate on what it would cost to repair the ramp.

Vice Mayor Bain believes that it is important that the young men and women who want to use the canal go through some type of safety course or training.

Chief Baan noted that the Coast Guard has a safe boater's course online that is available.

Vice Mayor Bain would like to have a course that people can take at the Community Policing Office. The most important concept is to allow the young children to fish.

Councilman Petralanda is glad to see this item back on the agenda. He was a little disappointed when it was tabled at the last meeting and believes that this is a great idea. He asked if the use of the canal would be a liability for the City.

City Attorney Seiden replied that the City would be creating a liability situation. The City currently has no control of the waterway and as long as the City does not exercise control, there will be no liability. Once the City makes the canals accessible, then regulations and rules need to be created.

City Attorney Seiden said that if the City tells people that they must attend courses and they allow access through the ramp during set hours, under certain conditions, then the City will be responsible.

Mayor Garcia asked what would happen if the City did nothing but repair the ramp and leave it open.

Chief Baan asked if the City repairs the ramp, and assigns a 9.9 horsepower regulation to limit the City's exposure, if they would still be liable and City Attorney Seiden responded affirmatively.

Vice Mayor Bain clarified that the County restricted the access because the ramp belongs to the County.

City Attorney Seiden said that the City would have to find out who the ramp belongs to before making repairs.

City Manager Gorland stated that the County gave permission for the City to repair the ramp and he was under the impression that the ramp is the City's responsibility.

To answer City Manager Gorland's question, Chief Baan said that the Police Department has a key to the locked gate because they have a police boat that is used in the canal. Many years ago the ramp was gravel and it was once paved by the City and has been in that condition ever since.

City Attorney Seiden asked who closed the ramp and Vice Mayor Bain said that research would have to be done to find out who closed the ramp; he was told that the City put the lock on the gate.

Chief Baan replied that he recalls Miami Springs asking to have the canal closed.

Discussion ensued regarding who owns the lakes and the precautions for use of a lake by someone who does not live on it.

City Attorney Seiden stated that if the canal is opened it will be like opening "Pandora's Box" and Vice Mayor Bain said that is why he is tabling the item.

Councilman Lob was of the opinion that the possibility of opening the canal should still be considered and Councilman Petralanda agreed.

Councilman Windrem stated that the problem began due to the jet skis since there are manatees in the canals.

City Attorney Seiden commented that if the canals are going to be opened, they will need to be patrolled.

Chief Baan noted that the canal is not closed; the ramp is closed and Vice Mayor Bain said that people are still putting boats into the canals.

City Attorney Seiden stated that if the Police Department or the Human Resources/Risk Management Department feels that they are permitting a dangerous condition to exist, Council has now assumed the duty to prevent it or not.

To answer City Attorney Seiden's question, Vice Mayor Bain responded that he does not think that the canal is dangerous.

Discussion ensued on whether the canal is covered by the City's insurance and the Administration offered to look into the matter.

Mayor Garcia asked for the Administration to get the answers to all the questions and bring the information back to Council.

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

9C) City Clerk Considerations

Mayor Garcia commented that at the last meeting Council decided to pick five applicants to interview. He explained that Human Resources Director Loretta Boucher called the top ten to determine if they were still available and nine out of the ten said that they were available.

City Attorney Seiden suggested that Council could start at the top of the list and see how many Council members have each of the applicants on their top five lists.

By consensus, Council agreed to interview six applicants instead of five. The following applicants were chosen to be interviewed:

- Erika Gonzalez-Santamaria (with three votes)
- Jacqueline Vieira (with three votes)
- Billy Urquia (with four votes)
- Suzanne Hitaffer (with five votes)
- Yamileth Pereyra (with three votes)
- Sandra Novoa (with four votes)

Councilman Petralanda recommended Tanya Fuentes whose name was under the "not qualified" list.

City Attorney Seiden asked if anyone else other than Councilman Petralanda wanted to recommend Tanya Fuentes and there were no other votes.

Mayor Garcia asked if the interview process had to be done through a public meeting and City Attorney Seiden replied affirmatively; it should be done in the same way as the interviews were conducted for the City Manager's position.

City Attorney Seiden suggested that a Special meeting would most likely have to take place for the interviewing process.

By consensus, Council agreed to hold a special meeting to interview the applicants on Wednesday, January 8, 2014 at 6:00 p.m.

Mayor Garcia stated that an applicant would do much better speaking one-on-one than sitting in front of a quasi-judicial Board.

Vice Mayor Bain said that part of the job is how a person represents themselves.

Mayor Garcia asked if it would be an ethics issue or against the law to call an applicant to speak with them and City Attorney Seiden replied that by doing that he would be excluding the public process.

City Attorney Seiden stated that the public process would not be the same because Council would have already received their answers from speaking to the applicant over the phone and they would be taking away the spontaneity of the process. Council would not be doing justice to the process. He is uncertain if there is anything illegal or unethical about calling an applicant, but in his opinion it would be inappropriate. If Council wants to be transparent about the hiring process then it should be done the same way that the hiring process was done for the City Manager.

City Attorney Seiden suggested having the initial hiring process and then once it has been eliminated to two applicants then maybe phone calls can be made to the applicants, but he is not giving Council the go ahead yet; he will have to give it some thought.

Discussion ensued regarding the Jennings Law and making phone calls to the applicants.

City Attorney Seiden explained the lobbying requirements. He noted that the process should be made as transparent as possible. He believes that it is very important to see how a person would function in a public setting since they are going to be dealing with the public and Council. He would discourage Council from calling the applicants. When there are two applicants left, he still believes that the applicants should be brought back again for final questioning.

Mayor Garcia asked that City Attorney Seiden inquire to find out if it is illegal to call the applicants and City Attorney Seiden said that he would contact the Commission on Ethics to get information and let Council know.

Mayor Garcia commented that he would like to have a conversation with Acting City Clerk Hitaffer about this process but from what City Attorney Seiden is telling him, he cannot speak with her.

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

10. New Business:

10A) First Reading – Ordinance No. 1060-2013 – An Ordinance of the City Council of the City Of Miami Springs Repealing And Deleting Article XIV, Mixed Use District, And Code of Ordinance Sections 150-145 through 150-153 in their Entirety; Reserving Article XIV and Code Sections 150-145 through 150-153 for Future Use; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to the Codifiers; Providing an Effective Date

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

City Attorney Seiden explained that before the Airport Marine Highway Business District came into effect, there was the Mixed Use District which was the same area as the Airport Marine Highway Business District. There is a provision in this ordinance that is in every ordinance that Council passes. These sections have been repealed for some time and have been repealed by not only this language, but by the enactment of the Airport District. In removing the Airport Marine Highway Business District, he believes that there is no reason for those sections to be in the books and it has been superseded twice.

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

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

10B) Resolution No. 2013-3605 - A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Golf Charges and Fees For the Operation of the Miami Springs Golf and Country Club; Reserving the Right and Authority to Amend or Supplement the Schedule of Charges; Effective Date

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

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

(Agenda Item 10C was discussed after Agenda Item 10E)

10C) Resolution No. 2013-3606 – A Resolution of the City Council of the City of Miami Springs Authorizing the City Manager to Apply For a FY 2014 Edward Byrne Memorial Justice Assistance Grant From the Federal Drug Control And System Improvement Program, through the Office Of Grants Coordination, Justice Assistance Grant Administration for Miami-Dade County; Authorizing the City Manager to Execute Grant Contracts and Agreements, Execute Contracts and Agreements to Accomplish Grant Funding Purposes, Expend Funding for Established and Authorized Purposes, Receive and Expend Additional Funding that Might Become Available, Execute Amendatory Application Documentation, and to Exercise All Contractual Rights, Authorizations and Privileges Available to the City; Effective Date

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

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

10D) Recommendation that Council Approve the Execution of an Agreement for Shoring Up the Pool and Deck Facility in the Amount of \$47,000.00 (materials \$20,000.00 and installation \$27,000.00) and Provide One (1) Site Visit in the Amount of \$1,850.00 Six (6) Months from Date of Installation in Accordance with the Payment Schedule in the Contract

City Manager Gorland read the recommendation memo in its entirety.

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

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

10E) Consideration of Request by Springs on the Green LLC, Principals Mr./Ms. Manuel Perez-Vichot, to Purchase a Very Small Parcel of City Property Adjacent to 627 Eldron Drive in the Amount of One Hundred Five Thousand Dollars (\$105,000)

City Attorney Seiden asked Council to refer to City Manager Gorland's memo before there are any questions. Council needs to determine if they are satisfied with the purchase price which is proposed to be \$105,000 for approximately 10,299 square feet of land. If Council is not satisfied with that price, then the City has the option of securing an independent second appraisal.

City Attorney Seiden said that if Council agrees upon a price, then the City is going to ask the purchaser to provide a purchase contract for the City which would be in the City's net contract which means that the City does not pay for anything. Upon receiving the contract, Council can then give conditional approval, without authorizing its execution and the City would then ask that the purchaser provide the County with some dates for an election for the referendum that needs to be conducted. The Charter requires that there be a referendum when there is a sale of any property in regard to the golf course.

City Attorney Seiden commented that in the County's last e-mail correspondence, they told the City not to pass an official resolution setting an election without getting their approval of a date first. When the group decides, based upon what Council decides tonight, or what may happen in the near future, then the County can select an election date 60+ days in advance. Once the dates have been secured by the County, he can prepare a resolution calling for the special election.

To answer Vice Mayor Bain's question, City Attorney Seiden said that the steps that are outlined in the memo are the proper way to go through the process.

Vice Mayor Bain said that it looks okay but because it is City property, there should be another appraisal.

Mayor Garcia clarified that the City does not have an appraiser; the appraiser works independently and would be hired.

City Manager Gorland stated that he will have an appraisal done by an independent appraiser and it would be brought back to Council as soon as possible.

(Agenda Item 10F was discussed after Agenda Item 8E)

10F) Miami Springs Historical Society Facility Agreement

City Manager Gorland read the recommendation memo in its entirety.

To answer Vice Mayor Bain's question, City Manager Gorland said that there really is no cost to the City. The City is only maintaining the structure and the Historical Society will be responsible for the normal operating costs for the building.

Councilman Petralanda moved the item. Councilman Lob seconded the motion.

City Attorney Seiden clarified that the only blank in the agreement is under the term of agreement. He spoke with City Manager Gorland today and it is his position that he would like to have it executed as soon as possible so the Historical Society can begin their work.

City Attorney Seiden asked if the Historical Society had insurance and Lily Martinez replied that they have asked for quotes but there is not a signed agreement and as soon as there is a signed agreement they will be ready to move forward.

City Attorney Seiden noted that the City cannot give the Historical Society the building until they have the required insurance.

Ms. Martinez asked if they needed to have an agreement in order to secure insurance and City Attorney Seiden stated that the Historical Society should have a copy of the agreement.

City Attorney Seiden asked if a copy of the agreement had been sent to the insurance agent and Ms. Martinez said that they have not done that because they were waiting for an approval but it can be done quickly.

City Attorney Seiden suggested that Council should approve the agreement, subject to the insurance and the date that the Society secures the insurance, would be the date that would begin the five-year term of the agreement.

By consensus, Council agreed to the suggestion stated by City Attorney Seiden.

Councilman Petralanda would like to implement a ten-year term instead of a five-year term.

Ms. Martinez noted that the Society had previously asked for a ten-year term. They will incur a lot of expenses in the move to the new location. She said that this is a big accomplishment; they are happy to spend the money, but it would be more comforting to know that they would have use of the building for a longer term.

City Manager Gorland clarified that the building belongs to the City but the area belongs to the County.

Mayor Garcia said that his only concern for extending the contract is that if Miami-Dade County takes over their property then the City will lose the building as well.

City Attorney Seiden agreed and apologized because he was told that the building belonged to the City. If it is subject to a lease with Miami-Dade County then the agreement has to be different. The only change would be that the City and the Society would have to understand that it is subject to Miami-Dade County approval, which can be added.

Ms. Martinez asked if they can have the Museum in another location so they will not have that worry and Mayor Garcia responded that the likelihood of the County taking back the property is not likely because of the parks that the City maintains.

Ms. Martinez asked if the Society could have a caveat in the agreement so that the City would help the Society find another location if things were to go the other way. The money the Society is using belongs to the residents and the Society is grateful for their donations. The merchandise that will be in the building is valuable and the Society cannot afford for it not to be safe.

Vice Mayor Bain stated that this should have been discussed between the Administration and this should not have been done this way. He believes that this should be tabled and the contract needs to be made correctly.

Ms. Martinez commented that the current facility agreement states that it can be renewed for another five years.

City Attorney Seiden clarified that the agreement states that it may be extended at the end of the term upon terms and conditions that are mutually acceptable; it does not say that the renewal term is five years. What might happen in the future and what Council might want to do in the future is not really part of a facility agreement.

Councilman Petralanda expressed his concern for tabling the item. He suggested a ten-year term.

To answer Mayor Garcia's question, City Manager Gorland stated that there was no discussion on an extension to the agreement, but there was discussion on the initial term of the agreement which was five years.

City Attorney Seiden commented that he can provide a provision to the agreement that everyone acknowledges that the agreement is subject to whomever the property belongs to.

Councilman Windrem asked for City Attorney Seiden's opinion on the ten-year term versus the five-year term and City Attorney Seiden replied that it would be Council's decision.

Councilman Petralanda said that five years from now, the Council may not be as receptive to the Society as the current Council is now. He believes that Council owes it to the Society to protect them for ten years.

Mayor Garcia stated that the time is not really an issue for him. The building was not being utilized and he would not mind changing the term. He wants the Society to understand that it is County property.

Ms. Martinez commented that the Society would like to work with the School Board and their efforts will be extremely positive.

City Attorney Seiden suggested that Council could add the changes to the agreement if they have a copy in front of them.

Councilman Lob asked if the five year or ten year term is going to be included in this agreement and City Attorney Seiden replied that it is up to Council to decide on the term.

Councilman Petralanda amended his motion to state ten years rather than five years. Councilman Windrem seconded the motion.

City Attorney Seiden clarified that the vote is for the lease, as amended, with the provision and with the amendment of a ten-year agreement instead of a five-year agreement.

The motion was carried 3-2 on roll call vote with Vice Mayor Bain and Councilman Lob being the dissenting votes.

Historical Society President Beverly Roetz commented that the Society appreciates everything that the City has done for them. The Society is anxious to present the museum to everyone. She has plans to meet with School Board member Susie Castillo and the museum will be affecting every student in Miami-Dade Dade County in a positive way.

11. Other Business:

11A) Consideration of Cancelling/Rescheduling the Regular Council meetings of Monday, November 25th and Monday, December 23rd.

City Manager Gorland stated that both of these meetings occur during holiday weeks.

By consensus, Council agreed to cancel the Regular Council meetings of Monday, November 25th and Monday, December 23rd.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Community Shred Day

City Manager Gorland reminded everyone of the Community Shred Day from 4:00 p.m. to 8:00 p.m. on Wednesday, November 13th at the Community Center in the pool parking lot that will incorporate the residential and commercial sectors.

Happy Thanksgiving

City Manager Gorland wished everyone a happy Thanksgiving holiday.

12C) City Council

Veterans Day Ceremony

Councilman Petralanda thanked the Recreation Staff for planning the Veterans Day memorial ceremony. He also attended a very moving ceremony in the City of Hialeah.

Happy Thanksgiving

Vice Mayor Bain wished everyone a Happy Thanksgiving.

Okeechobee Boat Ramp

Vice Mayor Bain said that he was upset about the boat ramp, but he would like the Chief of Police to research the subject and bring back the item on a future agenda.

City Clerk Position

Vice Mayor Bain hopes that Mayor Garcia talks to all six applicants before the meeting on January 8th.

Golden Veterans Day Parade

Mayor Garcia thanked the City Manager and Council for their support of the County's Golden Veterans Day parade in Downtown Miami. He attended along with Councilman Windrem and his daughter who participated in the parade. He thanked Commissioner Jose "Pepe" Diaz and Commission Chairwoman Rebeca Sosa.

Veterans Day Ceremony

Mayor Garcia gave kudos to the staff for putting together the memorial ceremony. He thanked City Manager Gorland for his service.

Arthritis Walk

Mayor Garcia reported that this weekend is the Arthritis Walk. He encouraged everyone to visit his Facebook page for more information. He thanked everyone who attended his fundraiser a few weeks ago; he was able to raise a little over \$4,000.

Youth Basketball League

Mayor Garcia reported that the Youth Basketball season has begun and he encouraged everyone to get a schedule and watch the games.

Happy Anniversary

Mayor Garcia wished his wife a happy 13th anniversary.

Happy Anniversary

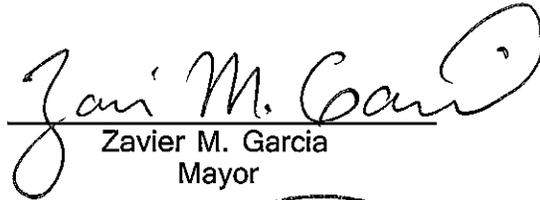
Mayor Garcia wished Assistant City Manager/Finance Director Alonso and his wife a happy anniversary.

Golden Veterans Day Parade

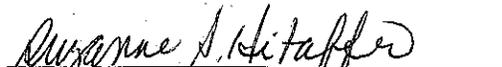
Councilman Petralanda noted that he spoke with Commissioner Diaz and the parade will be held on a Saturday next year.

13. Adjournment

There being no further business to be discussed the meeting was adjourned at 9:21 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Suzanne S. Hitaffer, OMC
Acting City Clerk



Approved as written during meeting of: 12-09-2013

Transcription assistance provided by Elora R. Sakal.

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