



City of Miami Springs, Florida
City Council Meeting

Regular Meeting Minutes
Monday, October 12, 2015 7:00 p.m.

Council Chambers at City Hall
201 Westward Drive, Miami Springs, Florida

1. **Call to Order/Roll Call:** The meeting was called to order by the Mayor at 7:10 p.m.

Present were the following:

Mayor Xavier M. Garcia
Vice Mayor Bob Best
Councilman Billy Bain
Councilwoman Roslyn Buckner
Councilman Jaime A. Petralanda

City Manager Ronald K. Gorland
Assistant City Manager/Finance Director William Alonso
City Attorney Jan K. Seiden
Chief of Police Armando A. Guzman
I.T. Director Jorge Fonseca
Professional Services Supervisor Tammy Romero
Public Works Director Tom Nash
City Planner Chris Heid
Building Official/Code Compliance Director Ulises Fernandez
Golf and Country Club Director Paul O'Dell
City Clerk Erika Gonzalez-Santamaria

2. **Invocation:** Offered Mayor Garcia

Salute to the Flag: Students from All Angels Academy lead the audience in the Pledge of Allegiance and Salute to the Flag

3. **Awards & Presentations:**

A) Presentation of Certificate of Sincere Appreciation Plaque to Barbara Robinson in Recognition of 30 ½ Years of Dedicated Service to the City of Miami Springs

After welcoming remarks, Mayor Garcia presented Ms. Robinson with a plaque recognizing her years of service and Mr. Gorland then presented a gift on behalf of the administration.

B) Presentation by Doug Taylor, P.E. of Craven Thompson, on Floodplain Map Project for Resident Relief

Mr. Doug Taylor provided a PowerPoint to Council and the public on the process of reducing the flood insurance rates in the City. Mr. Taylor answered all of the Council's questions.

C) Update on Aquatics Facility Construction

Professional Services Supervisor Tammy Romero provided an update on the aquatic facility construction. Ms. Romero answered any questions that the Council asked.

4. Open Forum:

The following members of the public addressed the City Council: Tony Lima, 841 Wren Avenue.

5. Approval of Council Minutes:

A) September 28, 2015 – Regular Meeting

Councilman Best moved to approve the minutes. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

6. Reports from Boards & Commissions: None at this time.

7. Public Hearings: None at this time.

8. Consent Agenda: (Funded and/or Budgeted)

A) Approval of City Attorney's Invoice for September 2015 in the Amount of \$13,419.00

Councilman Best moved to approve Item 8A. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

The following are Building Department related items:

B) Recommendation by the Building Department that Council waive the competitive bid process and approve an expenditure to Evelio Mantilla, DBA Florida General & Roofing in an amount not to exceed \$60,000, on an "as needed basis" for Plan Reviews and Roofing/Building Inspections as funds were approved in FY15/16 Budget, pursuant to Section §31.11 (E)(6)(g) of the City code

C) Recommendation by the Building Department that Council waive the competitive bid process and approve an expenditure to M. Jurado and Associates, in an amount not to exceed \$12,000, on an "as needed basis" for Mechanical Plan Reviews and Inspections as funds were approved in FY15/16 Budget, pursuant to Section §31.11 (E)(6)(g) of the City code

Vice Mayor Bain moved to approve 8B and 8C. Councilwoman Buckner seconded the motion, which carried 3-2 on roll call vote. The vote was as follows: Councilman

Best, Councilman Petralanda and Mayor Garcia voting Yes; Vice Mayor Bain and Councilwoman Buckner voting No.

After some discussion regarding the reading of each consent agenda item by title, Vice Mayor Bain moved to have the City Manager read all consent agenda items at every meeting. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

Mayor Garcia called for a five minute recess at 9:00 p.m. Mayor Garcia reconvened the meeting at 9:10 p.m.

Councilman Petralanda pulled items 8X and 8Y. Vice Mayor Bain pulled items 8H, 8L, 8Q, 8U, 8DD. The City Manager read all items by title on the Consent Agenda.

The following are City-wide related Items:

D) Recommendation by staff that Council approve an expenditure to Daily Business Review, as a sole source provider, on an "as needed basis" in the amount of \$3,750.00, for providing greater coverage and more informative notification of advertising and legal notices to the residents of public ordinances and state and federal grant awards of the City as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

E) Recommendation by staff that Council approve an extension of the contract with Kelly Janitorial for an additional one year period, in the amount of \$83,496.00, for janitorial cleaning services citywide as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year one of three with no increase in contract

F) Recommendation by staff that Council approve an expenditure to River Cities Gazette, as a sole source provider, on an "as needed basis" in the amount of \$18,950.00, for greater local access and more informative notification of advertising and legal notices to the residents of public ordinances and state and federal grant awards of the City as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

G) Recommendation by staff that Council approve an extension of the contract with Southern Waste Systems for an additional one year period, in the amount of \$22,320.00, for citywide garbage and recycling container pickup services as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for final option year with no increase in contract

H) Recommendation by staff that Council approve an extension of the contract with Toshiba for an additional one year period, in the amount of \$25,000.00, for copier lease services citywide and a printer program services that includes maintenance service and cartridges for certain desktop printers citywide as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year three of four with no increase in contract

The following is City Clerk Related items:

I) Recommendation by the City Clerk that Council approve an expenditure to Miami Herald, as a sole source provider, on an "as needed basis" in the amount of \$10,000.00, for larger circulations of legal advertising and legal notices as funds were approved in the FY15-16 budget, pursuant to Section § 31.11 (E)(6)(c) of the City Code

The following are Police related items:

J) Recommendation by the Police Department that Council waive the competitive bid process in the best interests of the City because we have established an 18-year relationship and approve an expenditure to Miami Lakes Veterinary Clinic, "on an as needed basis" in an amount not to exceed \$7,070.00, for veterinary services for the two police canines as funds were approved in the FY 15/16 Budget, pursuant to Section §31.11 (E)(6)(g) of the City Code

K) Recommendation by Police that Council approve an expenditure to Sungard Public Sector, as a sole source provider, "on an as needed basis" in an amount not to exceed \$3,400.00, for additional VPN router to connect to Sungard to Police Department network as there is only one source (proof attached) for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

L) Recommendation by the Police Department that Council approve an extension of the contract with USA Software, Inc., for an additional one-year period, in the amount of \$17,718.45, for annual software support and maintenance contract renewal as funds were approved in the FY 15/16 Budget, pursuant to Section §31.11 (E)(6)(c) of the City Code and pursuant to the City's existing contract for option to renew yearly with an increase of \$295.00 from last Fiscal Year

The following are City Manager related items:

M) Recommendation by City Manager that Council approve an extension of the contract with Becker & Poliakoff, P.A. (Formerly The Fuentes & Rodriguez Consulting Group), for an additional one year period, in an amount of \$45,000.00 paid in three equal payments, for consulting and lobbying services, as funds were approved in the FY15/16 Budget, and pursuant to Section 31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract **(PULLED BY ADMINISTRATION)**

The following are Golf Department related items:

N) Recommendation by Golf that Council approve an expenditure to Acushnet, as a sole source provider, on an "as needed basis" in the amount of \$35,000, for Titleist and Foot Joy merchandise to be re-sold in the pro shop as there is only one source for the required supplies and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

O) Recommendation by Golf that Council approve an expenditure to Aeration Technology, as a sole source provider, on an "as needed basis" in the amount of \$20,000, for aeration services during the summer months as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

P) Recommendation by Golf that Council authorize the issuance of a purchase order or the execution of a contract to Florida Superior Sand, utilizing Miami Dade County under Bid # 9408-1/14-1 (attached), on an "as needed basis" in the amount of \$50,000, for medium grade sand for topdressing at the Miami Springs Country Club as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

Q) Recommendation by Golf that Council approve an extension of the contract with Greens Grade Inc. for an additional one year period, in the amount of \$340,000, for ground maintenance services at the Miami Springs Country Club as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year two of four with no increase to contract

R) Recommendation by Golf that Council authorize the issuance of a purchase order or the execution of a contract to Harrell's Fertilizer, utilizing Miami Dade County under contract # 9020-1/19, on an "as needed basis" in the amount of \$50,000, for custom liquid fertilizers as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

S) Recommendation by Golf that Council approve an expenditure to Hector Turf, as a sole source provider, on an "as needed basis" in the amount of \$25,000, for parts needed to repair Toro equipment as there is only one source for the required supplies and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

T) Recommendation by Golf that Council authorize the issuance of a purchase order or the execution of a contract to Hector Turf, utilizing a cooperative purchase with National IPA under contract # 120535 (attached), in an amount of \$30,363.50, for 3500-D Toro Groundsmaster rough mower as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

U) Recommendation by Golf that Council approve an extension of the contract with Hertz Corporation for an additional one year period, in the amount of \$16,400, for heavy equipment rental as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year two of two with no increase to contract

V) Recommendation by Golf that Council authorize the issuance of a purchase order for the execution of a contract to Howard Fertilizer and Chemical, utilizing Town of Davie under Bid # B-14-25, on an "as needed basis" in the amount of \$110,000, for chemicals and custom blended fertilizers used to maintain the Miami Springs Country Club as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the

City Code

W) Recommendation by Golf that Council approve an expenditure to Ultimate Advertising, as a sole source provider, on an "as needed basis" in the amount of \$15,000, for advertising the Miami Springs Country Club in a sports yearbook as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

X) Recommendation by Golf that Council approve an expenditure on an "as needed basis" in the amount of \$62,000, to U.S. Lubricants, the lowest responsible quote after obtaining three written quotes, for fuel for the maintenance and golf cart fleet as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (C)(2) of the City Code

Y) Recommendation by Golf that Council approve an extension of the contract with Yamaha for an additional one year period, in the amount of \$58,095, for the lease of the golf cart fleet as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing agreement currently in the 3rd year of a 5 year (sixty month) lease approved by Council in October 2013 with no increase to the contract

The following are Public Works Department related items:

Z) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Miami Tiresoles, utilizing Miami Dade County under contract # 15/17-07-220 (attached) "on an as needed basis," in an amount not to exceed \$30,000.00 for tires as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

AA) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Nextran Corporation, utilizing Miami Dade County under contract # 5380-6/14-6 (attached) "on an as needed basis," in an amount not to exceed \$25,000.00 for parts & repairs on trucks as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

BB) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Palmetto Ford Truck, utilizing Miami Dade County under contract # 5380-6/14-6 (attached) "on an as needed basis," in an amount not to exceed \$15,000.00 for parts & repairs on trucks as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

CC) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Petersen Industries, utilizing a cooperative purchase with the Florida Sheriffs Association under contract # 15-13-0904 (attached), in an amount not to exceed \$311,096.00, for 2 Trash Cranes as these units are replacing equipment that have exceeded their functionality and have been very costly to maintain as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

DD) Recommendation by Public Works that Council approve an extension of the contract with Raydel Landscaping for an additional one year period, in the amount of \$105,000.00, for tree trimming and removals as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract ITB #04-11/12

EE) Recommendation by Public Works that Council approve an extension of the contract with SFM Services for an additional one year period, in the amount of \$18,720.00, for street sweeping services as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract which is the final option year with no increase to the contract

FF) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Sunbelt Hydraulics, utilizing Miami Dade County under contract # 5380-6/14-6 (attached) "on an as needed basis," in an amount not to exceed \$15,000.00 for parts & repairs on trucks as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

The City Manager read pulled items 8H, 8L, 8Q, 8U, and 8DD by title. There was some discussion as to having renewal or extension of contracts on Consent Agenda.

Councilwoman Buckner made a motion to approve pulled items 8H, 8L, 8Q, 8U, and 8DD. Vice Mayor Bain seconded the motion, which failed 2-3 on roll call vote. The vote was as follows: Councilman Best and Mayor Garcia voting Yes; Vice Mayor Bain, Councilwoman Buckner, and Councilman Petralanda voting No.

Mayor Garcia passed the gavel to Vice Mayor Bain. Mayor Garcia made a motion to have all contract renewals or extensions to be placed on the agenda but not under Consent Agenda. Councilwoman Buckner seconded the motion, which carried 4-1 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes; Councilman Best voting No.

Vice Mayor Bain moved to reconsider pulled items 8H, 8L, 8Q, 8U, and 8DD. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

Vice Mayor Bain moved to approve pulled items 8H, 8L, 8Q, 8U, and 8DD. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

City Manager Gorland read pulled Consent Agenda items 8X and 8Y. Councilman Petralanda expressed his concern for the use of gasoline for the golf carts being used at the golf course.

Councilwoman Buckner moved to approve pulled items 8X and 8Y. Councilman Best seconded the motion, which carried 4-1 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, and Mayor Garcia voting Yes; Councilman Petralanda voting No.

9. Old Business:

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

There were no appointments made at this time.

B) Recommendation by Recreation that Council approve an increase to the City's current open purchase order with Superior Park Systems, Inc, in an amount not to exceed \$5,557.50, for additional expenditures incurred for Stafford Park Pavilion to meet ADA Compliance Path, Engineered Drawings and Permitting, which exceeds the original amount of \$43,758.45 in the FY14/15 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code

There is no impact to budget as we have set aside \$50,000.00 from the aquatic loan proceeds for this pavilion so the funds are available.

Tony Lima, 841 Wren Avenue, addressed the Council on this item.

Vice Mayor Bain moved to approve the recommendation. Councilman Best seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

10. New Business:

A) Ordinance – First Reading – An Ordinance Of The City Council Of The City Of Miami Springs Amending Code Of Ordinance Section 150-009, Construction Materials; By Providing An Exception For Aluminum “Florida Or Sun Rooms” That Comply With Certain Construction Conditions; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date

City Attorney Seiden read the Ordinance by title.

Vice Mayor Bain moved to approve the Ordinance. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

B) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Providing For The First Amendment To The FY 2015-16 General Fund And Special Revenue And Capital Projects Fund Budgets; By Re-Appropriating Reserved Fund Balances To Fund Open Encumbrances Through September 30, 2015; Effective Date

City Attorney Seiden read the Resolution by title.

Councilman Best moved to approve the Resolution. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

C) Discussion of Perry Property Development and Request for abandonment of segment of La Villa Drive from 36th Street to the existing City barricade; request from Vacation of alley located at the rear of the commercial and residential properties fronting on Minola and La Villa Drive from 36th Street to the City barricade

This item was heard earlier in the council meeting. City Planner Chris Heid gave a brief oral presentation on his recommendations and explained that this item went before the Zoning and Planning Board which they approved. The applicant's attorney, Santiago Echemendia, addressed the City Council on the overview of the proposed project. Salvatore Natoli, the property owner addressed the City Council as well. City Attorney Seiden explained the process for vacating the street and alley.

After much discussion, Vice Mayor Bain moved to direct the City Attorney to draft a resolution for the vacation of the alley and another for the abandonment of a portion of La Villa Drive. Councilman Best seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilman Bain, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

D) Recommendation that Council authorize the acceptance of the attached agreement with the Fraternal Order of Police (FOP) extending the 1% reduction in Police pension contributions for an additional six months beginning April 1, 2016 and ending in September 30, 2016, as funds were budgeted in the FY 15/16 budget

City Manager Gorland introduced the item to Council.

Councilwoman Buckner moved to approve the recommendation. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

E) Recommendation by Public Works that Council approve an expenditure to Trane U.S. Inc, as a sole source provider, in an amount not to exceed \$52,950.00, for City Hall A/C repair on the existing City Hall roof air conditioner unit; the main coils are going to be replaced, as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

Vice Mayor Bain moved to approve the recommendation. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

F) Discussion on proposal from Councilmember Petralanda to grant the grandchildren of Mayor/Councilmembers the same Recreation program fees that their children are currently receiving effective April 2017

Councilwoman Best moved to approve the recommendation. Councilwoman Buckner seconded the motion, which carried 3-2 on roll call vote. The vote was as follows: Councilman Best, Councilwoman Buckner, Councilman Petralanda voting Yes. Vice Mayor Bain and Mayor Garcia voting No.

10. Other Business:

A) Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter

Councilman Best moved to give the City Manager a vote of confidence. Councilman Petralanda seconded the motion, which carried 3-2 on roll call vote. The vote was as follows: Councilman Best, Councilman Petralanda and Mayor Garcia voting Yes. Vice Mayor Bain and Councilwoman Buckner voting No.

11. Reports & Recommendations:

A) City Attorney

The City Attorney explained to the City Council that there is an issue concerning the Code Enforcement Board regarding liens. He further explained that the Board had made certain assumptions about him reducing fines on a property (240 North Melrose) which in no way is true or valid. He expressed to Council that he will create a memo to clarify exactly what transpired with the above mentioned property.

B) City Manager

City Manager Gorland reminded the public and Council that the pumpkins are arriving tomorrow for the pumpkin patch. He also stated that the next few months were going to be busy due to the holidays and various sporting events around town. He also asked to keep William Alonso and his family in their prayers.

C) City Council

Vice Mayor Best wished the Cubs baseball team good luck.

Councilwoman Buckner had no report at this time.

Councilman Petralanda thanked Elaine Martin for setting up and putting on the yard sale on Curtiss Parkway over the weekend.

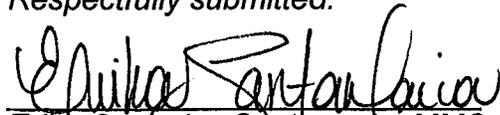
Councilman Bain had no report at this time.

Mayor Garcia requested that the golf cart information on how to obtain a State permit be placed on the website. He reminded the Council and public that the Relay for Life kick-off event is October 20th at the Lions Club.

13. Adjourn

There being no further business to be discussed the meeting was adjourned at 10:15 p.m.

Respectfully submitted:


Erika Gonzalez-Santamaria, MMC
City Clerk



Adopted by the City Council on
This 12th day of October, 2015.


Xavier M. Garcia, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.