



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, August 13, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present: Mayor Zavier M. Garcia
Councilwoman Jennifer Ator
Councilwoman Grace Bain

Absent: Vice Mayor George V. Lob
Councilman Bob Best

Also Present: City Manager Ronald K. Gorland
Asst. City Mgr./Finance Director William Alonso
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Comptroller Alicia E. González
Public Works Director Thomas Nash
City Clerk Magalí Valls
Clerical Assistant Elora R. Sakal

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations: (3B considered before 3A)

3A) Proclamation – Happy Birthday Miami Springs

Mayor Garcia expressed Happy Birthday wishes to the City of Miami Springs on the occasion of its 86th anniversary.

3B) Proclamation – Eagle Scout Day

Mayor Garcia proclaimed August 13, 2012 to be “Eagle Scout Day” in Miami Springs and congratulated Dimitri Alexander Anchipolovsky, Victor Nikolas Anchipolovsky, Daniel William Fried, Braden McNichols Harrington and Spencer Walker Steele.

3C) Yard of the Month Award – July 2012 – Warren and Lois Peterson – 937 Hunting Lodge Drive

Mayor Garcia presented the Yard of the Month Award for July to Warren and Lois Peterson of 937 Hunting Lodge Drive.

3D) Yard of the Month Award – August 2012 – Deloris Chong Hershoff – 479 Esplanade Drive

Mayor Garcia presented the Yard of the Month Award for August 2012 to Deloris Chong Hershoff of 479 Esplanade Drive.

3E) Certificate of Sincere Appreciation to Carlos Blanco on the Occasion of his Retirement from the City’s Public Work Department

This item was tabled for the August 27, 2012 Regular Meeting.

4. Open Forum:

Police Pension

Cheryl Mulet of 201 Westward Drive stated that she is speaking as a resident and City employee, not a representative of the Police Department. She stated that the City’s Police Department is not offering any type of competitive benefits and the take home salary is a pittance. She questioned if the City will be forced to hire a lower caliber officer just to have someone on the road. Officers will make Miami Springs a stop in their career without caring the way long-term officers do.

Ms. Mulet explained that at the impasse hearing some Council members were leaning toward accepting the Magistrate’s compromise suggestion of a 15% officer contribution until an attorney yelled “If you touch it, it will go to 5%”. She said that the attorney drove away and it will have no effect on him if the City crumbles.

Ms. Mulet said that twenty-one officers are residents of the City and several others have family who live here and they would not want to see the City struggle. Their bargaining unit proposed a decrease in contributions over a three-year period in an attempt to work with the City. She urged Council to show them and the residents that public safety is a priority and to continue negotiations.

Police Pension

Walter Perez of 810 Morningside Drive stated that he is a concerned citizen and resident of 24 years. He was proud of the City until what he heard about the Police employees and the problem they are having with the pension payments. He feels this is an embarrassment and claims that it would only take \$40.00 or \$50.00 per resident to pay for the Police officers who put their lives on the line. He alleged that nobody cares about the employees and their jobs. There is money to pay for the golf course deficit, while the police officers cannot get a raise and they work to keep the residents safe. He looks to Council for leadership and urged them to help the police officers who are the heroes.

Police Pension

Jimmy Deal of 201 Westward Drive said that he was present as a resident to speak about the Police pension ordinance that is broken and needs to be fixed. It has been 60 days since the Impasse Hearing and Council has not asked the Pension Board or the Administration to solve the problem. On October 1st the pension contribution rate is going up 5.7% to a state high of 22.6% and they need help now. The police officers put their lives on the line for every single person in the community.

Police Pension

Claire Gurney of 201 Westward Drive said that the pension contribution affects their lifestyle since the contribution is now \$13,000 and is expected to increase to \$18,000. Officers are struggling, they cannot pay their bills and they are asking for help.

Police Pension/Referendum Questions

Charles Schubert of 201 Westward Drive said that he is appalled at the way the employees are treated.

Charles Schubert also referred to the Springs Connection and asked how a government agency can tell the residents how to vote on the length of the Council terms. He urged everyone to vote "no" on the Charter amendments and to consider what the City's most valuable asset is.

Police Pension

Jim Durden of 201 Westward Drive said that he chose Miami Springs to raise his family because it is one of the safest communities due to the Police Department. He is proud to live here and is afraid that if the pension contribution is not fixed that the City will lose competent police officers.

Police Pension

Jason Hall of 201 Westward Drive said that on October 1st he will be contributing 22.6% to his pension fund which equals to \$1,033 per month. This is the highest contribution in the State, which is a problem and it is difficult for some police officers to pay their bills.

Police Pension

Oscar Garcia of 201 Westward Drive referred to the quick response and level of service that the Police Department provides. He said that the service could end unless the pension problem is fixed and it must happen now. He referred to the commitments that were made to the Curtiss Mansion, the Golf Course, Community Center and the Public Works employees and asked Council to make a commitment to the Police Department.

5. Approval of Council Minutes: *(Simultaneously approved)*

5A) 06-25-2012 – Special Meeting

Minutes of the June 25, 2012 Special Meeting were approved as written.

Councilwoman Ator moved to approve. Councilwoman Bain seconded the motion, which carried 3-0 on roll call vote.

5B) 06-25-2012 – Regular Meeting

Minutes of the June 25, 2012 Regular Meeting were approved as written.

Councilwoman Ator moved to approve. Councilwoman Bain seconded the motion, which carried 3-0 on roll call vote.

5C) 07-26-2012 – Special Meeting

Minutes of the July 26, 2012 Special Meeting were approved as written.

Councilwoman Ator moved to approve. Councilwoman Bain seconded the motion, which carried 3-0 on roll call vote.

Mayor Garcia explained that because two Council members are not present there might be some items that are tabled until the next meeting.

City Attorney Seiden stated that as a general rule, because there is a five-member Council, on items that require affirmative votes, it may be unfair to the community to have only three people considering the votes. In order to be fair, it is the Council's discretion how they want to proceed. He suggested reviewing the list of agenda items and if there is anyone that feels that it is inappropriate to go forward with an item this evening, then it should be postponed.

Council agreed to table Agenda Items 7A, 7B, 10B, 10C, 10D, 10F, 10G, 10H, 10I and 11A.

6. Reports from Boards & Commissions:

6A) 05-03-2012 – General Employees Retirement System – Minutes

Minutes of the May 3, 2012 General Employees Retirement System meeting were received for information without comment.

6B) 05-03-2012 – Police and Firefighters Retirement System – Minutes

Minutes of the May 3, 2012 Police and Firefighters Retirement System meeting were received for information without comment.

6C) 06-21-2012 – Historic Preservation Board – Minutes

Minutes of the June 21, 2012 Historic Preservation Board meeting were received for information without comment.

6D) 06-26-2012 – Ecology Board – Minutes

Minutes of the June 26, 2012 Ecology Board meeting were received for information without comment.

6E) 08-01-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the August 1, 2012 Architectural Review Board meeting was received for information without comment.

6F) 08-06-2012 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the August 6, 2012 Zoning and Planning Board meeting was received for information without comment.

6G) 08-07-2012 – Code Enforcement Board – Minutes

Minutes of the August 7, 2012 Code Enforcement Board meeting were received for information without comment.

6H) 08-08-2012 – Golf and Country Club – Cancellation Notice

Cancellation Notice of the August 8, 2012 Golf and Country Club Advisory Board meeting were received for information without comment.

6I) 08-09-2012 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the August 9, 2012 Board of Parks and Parkways meeting was received for information without comment.

6J) 08-21-2012 – Education Advisory Board – Cancellation Notice

Cancellation Notice of the August 21, 2012 Education Advisory Board meeting was received for information without comment.

6K) 08-06-2012 – Board of Adjustment – Notice of Lack of a Quorum

Notice of Lack of Quorum for the August 6, 2012 Board of Adjustment meeting was received for information without comment.

7. Public Hearings:

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

This item was **tabled**.

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

This item was **tabled**.

8. Consent Agenda: (Simultaneously approved)

8A) Approval of the City Attorney's Invoice for July 2012 in the Amount of \$11,421.00

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

There was no discussion regarding this item.

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

8B) Recommendation that Council Approve an Expenditure to Miami Stagecraft, Inc., the Lowest Responsible Quote, In the Amount of \$16,909.50, for Spotlights for the Rebeca Sosa Theatre, Pursuant to Section 31.11 (C) (2) of the City Code

There was no discussion regarding this item.

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

8C) Recommendation that Council Approve a Change Order of \$4,700.00 to Wrangler Construction for Additional Work for the Bike Path Repair at 900 North Royal Poinciana Boulevard, Pursuant to Section 31.11 (F) (11) (c) of the City Code

There was no discussion regarding this item.

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

9. Old Business:

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

None.

Mayor Garcia announced that he would make an appointment to the Architectural Review Board at the next meeting.

10. New Business:

10A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount Not to Exceed \$11,250.00, for Financial Statement Audit and Tax Return Preparation of the New Entities Established as Part of the CMI Historic Tax Credit Transaction, Pursuant to Section 31.11 (E) (6) (g) of the City Code

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

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

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

This item was **tabled**.

10C) Consideration of Lease Extension Agreement with STC Five LLC, a Delaware Limited Liability Company, Assignee of Sprint Spectrum, L.P.

This item was **tabled**.

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

This item was **tabled**.

10E) Resolution No. 2012-3552 – A Resolution of the City Council of the City of Miami Springs Providing for the Fourth Amendment to FY 2011-2012 Budget; by Authorizing An Intrafund Departmental Transfer and Appropriating Undesignated Reserves into General Fund Revenues to Cover Authorized and Approved General Fund Expenditures; Providing Intent; Specifying Compliance with Budgetary Processes and Procedures; Effective Date

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

Councilwoman Ator moved to adopt the resolution. Councilwoman Bain seconded the motion, which was carried 3-0 on roll call vote.

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

This item was **tabled**.

10G) Consideration of Request from the Miami Springs Woman's Club to Waive the Cost of the Permits Needed to Make Renovations at their Facility

This item was **tabled**.

10H) Consideration that Council Approve an Application from the Florida Recreation Development Assistance Program (FRDAP) for a Fiscal Year 2013-2014 Matching Grant for \$97,500, (25% City - \$32,300) Towards Replacement Lighting for Prince Field

This item was **tabled**.

10I) Council Workshop Directions Regarding CMI Funding

This item was **tabled**.

10J) Request for Approval of Renewal for an Additional One-year Term of the City's Health, Vision, Dental and Life Insurance Policies

City Manager Ronald K. Gorland stated that this is a recommendation from the Administration that Council waive the competitive bid process and approve exercising a one year contract renewal option provided by the City's existing contract vendors for health insurance (Aetna), vision (Humana), life insurance (Mutual of Omaha), and dental benefits (Cigna).

Councilwoman Ator moved to approve Staff's recommendation and waive the competitive bid process. Councilwoman Bain seconded the motion, which was carried 3-0 on roll call vote.

11. Other Business:

11A) Presentation of Fiscal Year 2012 Third Quarter Budget Report

This item was **tabled**.

12. Reports & Recommendations:

12A) City Attorney

Swearing-in Ceremony

City Attorney Seiden stated that Councilwoman Bain will have to be sworn in again according to the City Charter since her election will be official as of August 14th. He requested to schedule the swearing-in for the beginning of the next Regular Council meeting on August 27th and Council agreed.

12B) City Manager

Election Day

City Manager Gorland reminded everyone to vote on Tuesday, August 14th. There are some referendum issues that need to be addressed for the City of Miami Springs.

Back to School

City Manager Gorland announced that school will begin on Monday, August 20th and urged everyone to drive carefully.

12C) City Council

Election Day

Councilwoman Ator reminded everyone to vote on Tuesday, August 14th.

Vaccination Drive

Councilwoman Ator announced that Commissioner Sosa will hold a back-to-school vaccination drive again this year. She took her kids one year and the visit was worthwhile.

Chamber of Commerce

Councilwoman Ator presented the City's Membership Certificate for the Chamber of Commerce. She announced that the Chamber will meet on Thursday, August 16th. Jim Borgmann is the President and they are moving right along.

Farmers Market

Councilwoman Ator reported that All Angels would be holding a Farmers Market in September and someone will be making a formal announcement.

Movie Nights

Councilwoman Ator commented that All Angels is very interested in moving forward with Movie Nights this year.

Election Day

Grace Bain reminded everyone to vote on Tuesday, August 14th.

Pelican Playhouse

Councilwoman Bain announced that the Pelican Playhouse is holding their summer recital production of "The Complete History of the Old Testament in Twenty Minutes" on Saturday, August 25th and Sunday, August 26th.

Open Forum

Councilwoman Bain said that she was disturbed about the comments made by the Police Department employees during open forum. She feels it is Council's responsibility to put more pressure on the right people. They are asking for help and Council should let them know that they care.

Councilwoman Bain added that the police employees are in limbo, the situation has been going on for years and it is time to reach a solution. Other cities have found solutions, it is time to address the problem and there must be an agreement.

Mayor Garcia commented that the City Manager's Office is always open to Council for them to discuss issues. He knows that the solution is not as easy as the Police Department makes it seem and there cannot be a debate during Open Forum. The system is broken, it needs to be fixed and they are going through the process. The City is in negotiations with the union and at the end of the day there must be a compromise.

City Attorney Seiden stated that the pension system functions outside of the Florida state system. The Manager is looking for alternatives with the pension system. They are entitled to a fair wage and the other side of the sword is that if the grandfather rights are lost, the ramifications could cost the citizens millions of dollars. Since the impasse hearings, they talked to attorney Crosland and the pension attorney and it is a difficult problem to solve.

Mayor Garcia added that some cities held a referendum to decide on their pension system.

City Attorney Seiden explained that there was a Miami Beach dispute about whether it had to go to a vote of the people, and there was a lawsuit and the final decision was that it did not require a referendum; the residents did not have to vote.

Mayor Garcia said that the City's pension system was put in place in 1989, and since that time, it has been a benefit until the formula changed.

City Manager Gorland said that they are friends and neighbors and they want to get along. There will be an executive session with Council to go over the options, and they are developing alternatives. They retire at 100% of their salary at 28-1/2 years and they would like to retain that, but there will have to be a compromise.

Mayor Garcia wants to keep all employees, maintain municipal services and not raise taxes.

Basketball Camp

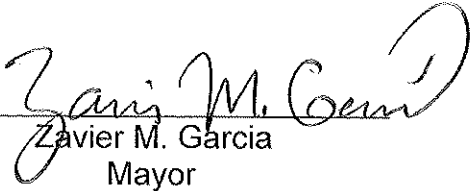
Mayor Garcia announced that kids can sign up for Basketball Camp at the Community Center.

Bible Camp

Mayor Garcia reported that his kids are attending Grace Lutheran Church Bible Camp this week and they are still accepting registrations.


13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 8:16 p.m.



Zavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk



Approved as written during meeting of: 08-27-2012.

Transcription assistance provided by Suzanne S. Hitaffer and Elora R. Sakal.