



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 10, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:00 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor George V. Lob
- Councilwoman Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Comptroller Alicia E. González
- Golf and Recreation Director Omar L. Luna
- City Clerk Magalí Valls
- Clerical Assistant Elora R. Sakal

2. Invocation: Councilwoman Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Yard of the Month Award – September 2012 – Kevin and Laura Berounsky – 555 Hunting Lodge Drive

Mayor Garcia presented the Yard of the Month Award for September to Kevin Berounsky of 555 Hunting Lodge Drive.

4. Open Forum:

Councilwoman Bain

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue congratulated Councilwoman Bain for being elected to Council.

Public Works Changes

Ms. Gannon thanked Mayor Garcia for taking the leadership and establishing Public Works and putting people at ease in the City.

Code Enforcement

Ms. Gannon stated that she is concerned about the lack of Code Enforcement. She distributed photos depicting covered cars parked all over the City in front of their houses. Some people are taking initiative to make their homes beautiful and yet there are other homes that detract from those who care about the maintenance of their homes.

Ms. Gannon also feels that something should be done about certain colors of homes and the City should create guidelines like Coral Gables has. She hopes that these photos and information will be passed on to whoever is in charge of these issues.

Springs Connection

Ms. Gannon said that she is not in favor of the Springs Connection being published and she objects to what it says and how it is written. She feels that it is a waste of money and there are many things in the City that need funding. The Gazette does a much better job of informing the City of what is going on and the City does not need to publish this newsletter.

Police Department

Ms. Gannon commented that she supports the Police Department. The City has the best Police and their job is the most dangerous. Miami Springs is a unique City and it is because of the Police Department. She understands that it is difficult but feels that Council can reach an agreement with the Police Department and she would like to see negotiations on whatever needs to be done to satisfy the Police Department.

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

5A) 08-21-2012 – Workshop Meeting

Minutes of the August 21, 2012 Workshop Meeting were approved as written.

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

5B) 08-27-2012 – Regular Meeting

Minutes of the August 27, 2012 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 09-03-2012 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the September 3, 2012 Zoning and Planning Board meeting was received for information without comment.

6B) 09-04-2012 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the September 4, 2012 Code Enforcement Board meeting was received for information without comment.

6C) 09-05-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the September 5, 2012 Architectural Review Board meeting was received for information without comment.

6D) 09-11-2012 – Recreation Commission – Cancellation Notice

Cancellation Notice of the September 11, 2012 Recreation Commission meeting was received for information without comment.

6E) 09-05-2012 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of September 5, 2012 were approved subject to the 10-day appeal period.

Councilwoman Ator moved the item. Councilwoman Bain seconded the motion .

Mayor Garcia asked City Manager Gorland if this item could be brought back to Council to discuss the issue in reference to equipment on the side yard of homes. He feels that there is some important information that Council needs to discuss and consider as well as the recommendation of the Planning and Zoning Director. City Manager Gorland replied in agreement.

The motion was unanimously carried on roll call vote.

7. Public Hearings:

7A) Resolution No. 2012-3556 – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2012-2013 Budget; Confirming Date, Time and Place of Final Public Hearing

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

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

Councilwoman Ator moved to adopt the resolution. Vice Mayor Lob seconded the motion which was carried 3-2 on roll call vote with Councilman Best and Mayor Garcia casting the dissenting votes.

7B) Second 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 (First Reading: 08-27-2012 – Advertised: 08-29-2012)

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

Attorney Seiden explained that Subsection F adds a phrase that directs that the items to be discussed within the jurisdiction duties of the board are going to be dictated by City Council action. Section H and I are the sections that were referred to in Section 150-064 - 36th Street District Boundary regulations and are stricken so that the Architectural Review Board will not have a voice in the process for mandatory reviews of projects on 36th Street.

Attorney Seiden clarified that this will not prevent the board from being consulted on a case by case basis from Council, staff or another board.

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

Vice Mayor Lob moved to adopt the ordinance. Councilman Best seconded the motion.

Councilwoman Ator said that she still felt that this was a bad idea.

The motion was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

8. Consent Agenda: (approved with one motion)

8A) Approval of the City Attorney's Invoice for August 2012 in the Amount of \$12,204.75

Mayor Garcia read the titles of the consent agenda items.

There was no discussion regarding this item.

Vice Mayor Lob moved the consent agenda. Councilwoman Ator seconded the motion, which was unanimously carried on roll call vote.

8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$19,200.00 to C. R. DeLongchamp for a Contract Renewal Option for an Additional Twelve-Month Period, Pursuant to Section 31.11 (E) (6) (g) of the City Code for the Leasing of the Community Policing Office, Utilizing Law Enforcement Trust Funds

There was no discussion regarding this item.

Vice Mayor Lob moved the consent agenda. Councilwoman Ator seconded the motion, which was unanimously carried on roll call vote.

8C) Approval of Budget Transfers Within Departments According to Charter Section 9.04 (1)

There was no discussion regarding this item.

Vice Mayor Lob moved the consent agenda. Councilwoman Ator seconded the motion, which was unanimously carried on roll call vote.

9. Old Business:

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

Councilwoman Bain (Group II) **re-appointed** John Bankston to the Code Enforcement Board for a full 3-year term ending on September 30, 2014.

Councilwoman Bain (Group II) **re-appointed** Rhonda Calvert to the Code Enforcement Board for a full 3-year term ending on September 30, 2014.

Councilwoman Bain (Group II) **re-appointed** Yvonne Shonberger to the Historic Preservation Board for a full 3-year term ending on February 28, 2014.

Councilwoman Bain (Group II) **re-appointed** Dr. Stephanie Kondy to the Recreation Commission for a full 3-year term expiring April 30, 2014.

Vice Mayor Lob (Group III) **re-appointed** Michael Windrem to the Historic Preservation Board for an unexpired term ending on February 28, 2015.

9B) CMI Funding Requests and Related Issues (Tabled: 08-27-2012)

Former Mayor Richard L. Wheeler of 33 Pinecrest Drive informed Council that he signed up to be available to answer questions that Council may have during discussion of this item.

City Attorney Jan K. Seiden referred to his memorandum of September 4th as follows:

"As directed by the City Council, the City Manager, Assistant City Manager and I met with Jo Ellen Phillips, Richard Wheeler and Roy Rodriguez last week to discuss the above captioned topics.

At the outset, the City Manager set forth the following City positions and points of discussion for the meeting, to wit:

- *The City wants CMI to be very successful and understands their requirement for working capital.*
- *The City is not in the financial position at this time to "invest" funds (major budget issues requiring millage increase).*

- *The City is in tough negotiations with the PBA that require the utmost sensitivity with its limited resources.*
- *The proposed parking lot and fence must be completed as rapidly as possible (approximate cost \$365,000) The City has already advanced approximately \$500,000 to or on behalf of CMI and the Mansion Project.*
- *The City has been requested by CMI to advance an additional \$105,000 for its initial capital requirements.*

In addition, the parties acknowledged and agreed that the final decisions regarding the reimbursement of the City's funds previously expended and the funding being requested for the parking lot, fence, and working capital would be largely impacted by the actual proceeds the City would receive from the historic tax credit transaction and the authorization from Erik Wishneff as to the proper format for any supplemental agreement by the City and CMI on the additional funding requests.

Following a very thorough and productive discussion of all the issues and considerations from the City and CMI perspectives, the following basic understandings were agreed upon for submission to the City Council for its consideration, to wit:

- *The City shall receive full reimbursement for all funds previously loaned or advanced to CMI or expended for the construction/restoration of the Curtiss Mansion Project from the historic tax credit proceeds.*

(Approximately \$500,000 comprised of construction funds, a loan to CMI to secure an early grant, current advancements to CMI for utilities, etc., and anticipated additional construction overrun costs).

- *The City will assume the immediate responsibility for the construction of the required parking lot and fence adjacent to the Mansion (CMI's estimated cost of \$365,000).*
- *The City and CMI will enter into a joint and shared parking agreement for the use of the new parking lot area. The agreement will provide for repayment of the City's fence and parking lot construction costs. The agreement will provide for annual payments over a twenty-five (25) year period beginning at the end of the fifth year of the agreement. No interest will be charged in connection with this repayment.*

Inevitably, there remain certain issues and questions that can only be addressed by the City Council. The answers to the following questions by the City Council will serve to complete the proposed repayment agreement between the City and CMI for the use of the parking lot. They are, to wit:

- It is unlikely at this time, in light of the fact that the City has incurred almost \$100,000 in the transactional costs of its own, that the historic tax credit proceeds to be received by the City will exceed the reimbursement amounts due to the City (approximately \$500,000). In fact, it is more likely that when the transaction costs are included in the final calculations of the historic tax credit transaction, there will be a shortfall of funds due to the City.
Question: Should any such shortfall amount be added to the amounts due to the City for the parking lot and fence and included in the proposed agreement for reimbursement by CMI?
(City position – All shortfall amounts should be included).
(CMI's position – Shortfall amounts not to be included).
- CMI has requested that the City provide it with \$105,000 to cover its initial working capital requirements for the operation of the Curtiss Mansion.
Question: If provided as requested, should this additional \$105,000 be added to the other amounts owed to the City and included in the proposed agreement for reimbursement by CMI?
(City position – Included in agreement for reimbursement).
(CMI's position – Not included in agreement)
- The requested \$105,000 by CMI to cover its initial start-up and working capital requirements for the Curtiss Mansion are further divisible into two (2) separate amounts of \$55,000 (for purchases of personal property items) and \$50,000 (for day-to-day operational costs and expenses).
Question: If provided as requested, should there be any restrictions or limitations placed upon the disbursement of the foregoing amounts from the City to CMI? If so, what restrictions or limitations? If not, should the money simply be disbursed in a lump sum to CMI?
(City position – City to make payments upon presentation of individual requests or Purchase Orders).
(CMI's position – Disbursed in lump sum).

In addition to the foregoing, there may be questions raised as to the construction of the parking lot and fence regarding compliance with the City's purchasing/procurement procedures. We are all in agreement that all such matters must be evaluated by City Staff and brought to the City Council (if determined to be required).

As you will note, the foregoing provides no required "investment" or "forgiveness" of City funds or assets and provides, subject to the answers of certain questions by the City Council, for the appropriate reimbursement of the City's loans and advancements made on behalf of the Curtiss Mansion Restoration Project."

Mayor Garcia asked when Council would know what the shortfall amount is and City Attorney Seiden responded that the shortfall or excess will be measured by how much money the City receives. Council should receive the amount fairly soon.

Attorney Seiden explained that in his conversation with Erik Wishneff he was informed that the accountants that were hired to do the cost certification audit had completed the work and were preparing the report. A number of items that were presented for consideration were considered favorably. CMI found some old checks from early on in the process which were submitted to the accountants and he believes those will also be considered favorably and if so, everything that is considered favorably makes the City's amount to eventually increase.

Attorney Seiden suggested that Council should assume that there will be some shortfall.

Councilwoman Bain has been considering the pros and cons of giving the money to CMI. What the City has been dealing with in regards to the budget and needs of the City has been very difficult. She understands that CMI wants to reimburse the City and that there would be no money if it were not for the Curtiss Mansion. She can support the funding for the parking lot if Council were to approve it under the condition that the City handles the procedures. She is not in favor of giving CMI additional funding other than for the parking lot at this time.

Councilwoman Bain commented that CMI should continue to raise money themselves during the construction of the parking lot and return to Council later to see where the City is at that time.

Councilwoman Ator said that she has also been doing a lot of thinking and she completely understands and appreciates Councilwoman Bain's point of view. She too expects that the money given to CMI should be repaid. The parking and the fence are things that need to get done in order for CMI to get going. Referring to question two, she understands that CMI needs the money for the start-up and to move forward. Referring to question three she said that she does not want the City to be in the business of running CMI. Her position on this question is that she would like the money to be dispersed to CMI in a lump sum.

Councilman Best thanked the CMI representatives for being present. He referred to the resolution that was adopted earlier with a millage rate of 7.2446. The investment position of the City relative to this issue is based on requiring a millage increase and going through the budget Council did not predict that those monies were going to be utilized in this fashion. Referring to question one, he would like to know if CMI had any idea of a revenue stream in terms of how the City is going to be reimbursed.

Councilman Best commented that his position regarding the shortfalls is that he would be willing to waive it. Referring to the second question, he believes that it is only proper that the City be reimbursed.

Councilman Best said that it should be added to a debit sheet and kept track of over the years of the agreement and how it is formulated with CMI to both parties' satisfaction. Referring to question three, he believes that it is only appropriate that purchase orders be released and that the City knows step by step what is going on with the project.

Councilman Best does not believe that the release of a lump sum of money, in this particular case with no track record, is prudent on the part of the City. He is willing to go along with one of the requests.

Vice Mayor Lob said that as far as the first question, the property is ultimately the City's and it is something that has to be done at this time in order to get the tax credit. In regards to the second question, he believes that the money should be paid back. Referring to question three, if Council is looking at being reimbursed the \$105,000 then he feels that CMI should be able to do with the money as they see fit and not be burdened by having to come before Council for any purchase order that they may need.

Councilwoman Ator referred to Vice Mayor Lob and Councilman Best's position on covering the shortfall and asked if they thought that the City should cover the shortfall with repayment or with no repayment and both Council members replied that the City should cover the shortfall with no repayment.

Mayor Garcia commented that he truly believes that the Curtiss Mansion is going to be an economic engine for the City as a whole. He believes that Council should agree to include the \$105,000 as being reimbursed to the City. He does not believe that the present Council will be able to forgive that amount with the economic situation of the community.

Mayor Garcia stated that in reference to the first question, he agrees that the City should absorb the shortfall amount. For question two, he believes that the money should be included into dollars that get reimbursed to the City. Referring to question three, he is in favor of giving CMI a lump sum of the money because he trusts CMI.

City Attorney Seiden explained that in regard to question one there are three Council members who are in favor of waiving the shortfall and two who want it added. Everyone is in favor of question two referring to the reimbursement of funds to the City except for Councilwoman Bain who does not believe the money should be given to CMI. For question three, three Council members agreed to the lump sum, one Council member agreed to a partial purchase order distribution and one Council member said no.

Mr. Alonso explained that whatever the shortfall is, it will be coming out of the reserves.

City Attorney Seiden commented that CMI would like to get started on the fence and the parking lot, unless Council directs that it be stopped until the money is reimbursed; the money that would go to the fence and another item that would come back to Council for the hiring of a site planner for the actual development of the parking lot will also be coming out of the reserve funds.

Councilwoman Ator stated that there should be an agreement in place before the fence and parking lot are finished.

Vice Mayor Lob said that the City will soon know the dollar amount but asked when the City is going to receive the funds and Mr. Alonso replied that he received an email that the accountants were preparing the report which is the last step, so it should be coming soon.

Councilman Best asked if it is true that when the historic tax credit monies come in, the money will go directly into the general fund and City Manager Gorland replied that the money follows a route for entities that were created for this transaction.

Councilman Best said that the point he is trying to make is that Council is really not going to be using reserves.

City Attorney Seiden clarified that it depends upon when Council authorizes it. It is very important for everyone to understand that the memo sets forth a procedure that gets the City paid back its monies and once those monies are paid, the City will then have money to deal with other issues. The disbursement of these monies is another item that Council should deal with before they move on to the next item.

Councilwoman Ator commented that there should be an agreement before things get too far down the road. It had been criticized that the past agreement was not in writing.

Vice Mayor Lob clarified that the past agreement that Councilwoman Ator is referring to is for the loan of \$475,000.

City Attorney Seiden explained that the \$475,000 was not a loan and whoever criticized Councilwoman Ator was in error. The Council agreed on the record before a Council meeting as to how to do it and there were no terms about it and it was to be 100% repaid. There is no need for a separate agreement and it was done in order to secure an additional amount of funding that was not available to be funded. Theoretically, that money was only put in a suspense account to be used if necessary and it turned out to be necessary so it was used.

Regarding Question Number One Councilman Best moved to waive any shortfall amounts that may be incurred by the City beyond the amount of reimbursement it receives from the Historic Tax Credit transaction proceeds. Vice Mayor Lob seconded the motion.

City Attorney Seiden clarified that there are three amounts; \$475,000, \$502,000 and approximately \$597,000. As part of this motion, Council should agree to ask for reimbursement of one of those figures.

Councilwoman Ator said that three Council members think that the City should cover the shortfall for the amount between what is received from the tax credits and the \$599,000.

City Attorney Seiden explained that there are three possible numbers that Council can come up with. The \$475,000 is the reimbursement for the construction funding; the \$502,000 includes the construction funding, a loan, and a recent advance for utilities that have already been advanced by CMI and approximately \$10,000 for change order. The \$599,000 is inclusive of all items; the three items with the transaction cost. He suggested amending the motion or restating it.

City Attorney Seiden asked Council if there was a consensus before the motion is made as to which number Council would be most happy with and Council replied that the figures are unknown.

City Attorney Seiden commented that all three figures are absolutely certain.

Councilman Best stated that the only thing that is not certain is the amount of the historic tax monies. His thought would be to waive the difference of the historic tax credit coming in and the \$599,000.

Mayor Garcia agreed that he was under the same assumption as Councilman Best.

City Attorney Seiden said that he understood what Councilman Best is saying.

Mayor Garcia stated that his previous question was if the maximum amount would \$599,000 before the City receives the funds from the tax credit and City Attorney Seiden replied that he believes that it is accurate.

The motion was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Regarding Question Number Two Vice Mayor Lob moved to authorize the disbursement of \$105,000 to CMI for the initial working capital to be repaid as part of the shared parking arrangement. Councilman Best seconded the motion

To answer Councilwoman Ator's question, Attorney Seiden replied that no timing has been discussed yet. All that is happening at the moment is to get a yes or no on these questions. He clarified that this approval is only to authorize the advancing of the money and that it will be included in the repayment of the eventual agreement to be drafted.

The motion was carried 4-1 with Councilwoman Bain casting the dissenting vote.

Regarding Question Number Three Vice Mayor Lob made a motion to pay the \$105,000 in one lump sum. Councilwoman Ator seconded the motion which was carried 3-2 with Councilman Best and Councilwoman Bain casting the dissenting votes.

City Attorney Jan K. Seiden said that Council needs to be aware that the \$105,000 will more than likely have to come out of reserves if it is going to be advanced within the next few weeks.

Councilwoman Ator would like to know if the check is going to be written right away or if there is going to be a written agreement that will be drafted and approved by Council and then signed by CMI. Attorney Seiden replied that he has no issue as long as CMI agrees on the record.

Mr. Wheeler stated that if the City chooses to issue the lump sum payment for the working capital to CMI, he agrees that it will go into the long term rental agreement for the parking lot along with the expense for the fence and the parking lot.

Mr. Wheeler said that he appreciated the votes of approval from Council and he understands that it is not easy. He explained that in June an agreement was signed with the City which made CMI responsible for all expenses in regards to the Mansion. While the City has covered the utilities for the three month time period, CMI has also secured insurance and paid the premiums and any other bills that they have had with current revenue and flexibility of the people who support the Mansion.

Mr. Wheeler commented that there was an annual meeting on July 21st, a proposed budget was established for income and expenses. An agreement was approved with a marketing and event coordinating company to market the Mansion and book rentals. An agreement was signed with Experience Aviation for the rental of the garage area as well as their payment for classes. The Curtiss Mansion officially began functioning as a business in July and there have already been events booked for the following two years.

Mr. Wheeler explained that CMI provided Mr. Alonso with checks and invoices from investments in the Mansion that CMI had handled directly. He asked Mr. Alonso what the total was and Mr. Alonso replied that the total was over \$400,000.

Mr. Wheeler stated that the track record for being able to accept and disperse grant funds and satisfy the audits of those grant givers is well established. CMI had substantial dollars that went for the engineering of the structural and clean out of the Mansion.

Mr. Wheeler asked Mr. Alonso how much of the \$475,000 had actually been dispersed on that advance and Mr. Alonso replied that Carivon Construction had not been paid completely and there are some incidentals that Roy Rodriguez might have. There is approximately \$350,000 that has not been dispersed yet.

Councilman Best moved to disburse the funds without a contract. Vice Mayor Lob seconded the motion.

Councilwoman Ator stated that this agreement should be in writing.

To answer Vice Mayor Lob's question, City Attorney Seiden said that there is no knowledge of what the cost of the construction is and how long it will take.

Vice Mayor Lob asked how long it is going to be before Council knows the actual cost of the parking lot so the agreement can be signed and City Attorney Seiden responded that there is going to be an item on the agenda for the next meeting to hire a site planner and he will then design the parking lot which will hopefully be in keeping with what their estimates are.

City Attorney Seiden explained that the reason to disperse the money is because of the need as opposed to the uncertainty of the other numbers.

Vice Mayor Lob commented that he asked about the timing because if Council knew an approximation of the timeline then they may be able to give CMI the funding they need.

City Attorney Seiden suggested preparing a promissory note for CMI to sign subject to being incorporated into a future agreement and Council agreed.

Councilman Best amended his motion with the addition of a promissory note. Vice Mayor Lob seconded the motion which was carried 5-0 on roll call vote.

(Agenda Item 10H was discussed before Agenda Item 10A)

10. New Business:

10A) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Gene Duffy's seat)

Item was deferred.

10B) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Pete Baan's seat)

Item was deferred.

10C) Resolution No.2012-3555 - A Resolution of the City Council of the City of Miami Springs, Florida; Expressing the City's Intent to Declare that the Freedom from Domestic Violence is a Fundamental Human Right; Effective Date

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

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

10D) Resolution No. 2012-3557 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of City Recreation Facilities and Related Services; Effective Date

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

Attorney Seiden stated that attached with the next three resolutions, Council will see that Exhibit A is the final version if approved and Exhibit B is the red-lined version.

Councilwoman Ator moved to adopt the resolution. Councilman Best seconded the motion, which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

10E) Resolution No. 2012-3558 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for Special Waste Collections as Authorized by Code of Ordinance Section 93.09; Effective Date

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

Attorney Seiden stated that this item also has the Exhibit A and B attachments.

Councilman Best moved to adopt the resolution. Councilwoman Bain seconded the motion, which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

10F) Resolution No. 2012-3559 – A Resolution of the City Council of the City of Miami Springs Amending the Current “Schedule of Charges” for Building, Plumbing, Electrical, Mechanical and Other Related Permit Charges or Fees; Effective Date

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

Attorney Seiden stated that this item also has the Exhibit A and B attachments.

Councilman Best moved to adopt the resolution. Vice Mayor Lob seconded the motion, which was carried 3-2 on roll call vote with Councilwoman Ator and Mayor Garcia casting the dissenting votes.

10G) Resolution No. 2012-3560 – A Resolution of the City Council of the City of Miami Springs, Florida; Supporting the Central Everglades Planning Project for the Restoration of the Central Everglades; Effective Date

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

Councilwoman Ator moved to adopt the resolution. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

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

10H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$63,700.00, to Island Fence of Dade for 29 Concrete Pilasters, (2) 8' Double Gates and (1) 3' Double Gate for the Curtiss Mansion, Pursuant to Section §31.11 (E) (6) (g) of the City Code

City Manager Ronald K. Gorland read the recommendation.

Councilwoman Ator requested that this be included in the promissory note and asked if it could be done and City Attorney Seiden replied in agreement.

Councilwoman Ator moved the item. Vice Mayor Lob seconded the motion.

City Manager Gorland read the discussion of the memo as follows:

“The goals of CMI and the City are complete the Curtiss Mansion renovation project as soon as possible; however some miscellaneous projects must still be complete. Time is of the essence and an RFP process would be very time consuming.

Therefore, in an effort to complete these projects, we opted to bypass the RFP process (which would require 30-45 days) and instead obtained written quotes (these quotes were solicited by CMI) for each of the tasks remaining, one being, to install decorative fences with double gates and another to install concrete pilasters at the Mansion.

Six vendors were notified and each was provided with design plans A-1 showing the details of the project of which only three quotes were obtained. All the written quotes were initially evaluated by Roy Rodriguez, Jo Ellen Phillips and Manuel Perez-Vichot of CMI. Tammy Romero, Professional Services Supervisor also reviewed the quotes for consistency.

Island fence was determined to be the lowest most responsive responsible quote (as a combined quote) for both the fence/gates and concrete pilasters. The installation will be managed by Roy Rodriguez of TGSV, who has managed the entire project, thus far.”

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

Mr. Wheeler clarified that as far as the funding, this item already has building permits and shop drawings for the design and he would like to notify Island Fence of Dade in the morning to begin the process.

Vice Mayor Lob asked if the promissory note will be ready tomorrow and City Attorney Seiden replied in agreement.

(Mayor Garcia called for a 10-minute recess at 8:26 p.m.)

10I) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of up to \$40,000 to James W. Linn, Law Firm Lewis, Longman and Walker P.A., for Both General Employee and Police Retirement Plans Consulting, Pursuant to Section 31.11(E) (4) (d) of the City Code

City Manager Ronald K. Gorland read the recommendation as follows:

“We are proposing waiver of the bid process since the issuance of an RFP/RFQ would delay the process by 30 to 60 days and the pension issues are of utmost importance and require timely solutions. In addition, the special qualifications and reputation of Mr. Linn provides us with a great level of comfort that there is no other person that is as highly qualified as he in the area of pension plans and pension reforms.

Mr. Linn estimates that the City’s advisory needs should not exceed the \$40,000 requested (engagement letter and fees are in Attachment “A”). This expenditure will more than pay for itself in future years since the projected pension savings could total millions over the next 20 years. Due to the extreme complexity in the myriad State and Federal statutes associated with current day retirement plan development and management, it is very much in the City’s best interest to immediately engage an acknowledged industry expert to advise us in possible changes to our current retirement plans and in the development of potential new retirement plan(s) for both our General Employees and for our Police Retirement Pension Plans. The current interpretation of long-standing statutes, much less the new laws associated with retirement plans, requires a very high level of expertise and reputation (Attachment “B”) to advise the City.

Mr. Linn is considered to be such an expert. Even when polling other City Managers during the initial search phase for acknowledged retirement plan experts, Mr. Linn's name kept surfacing as the first plan advisor mentioned.

In addition to all the references provided, Jim Crossland, our labor attorney, has had extensive dealings with Mr. Linn and highly recommends him. In our conversations with Mr. Linn to date, both William Alonso and I have been very impressed. Additionally, because Mr. Linn speaks at so many conferences around the State, his reputation is further advanced by those that have heard of him."

Mayor Garcia commented that Mr. Linn's name came up in passing with former Mayor David Dermer of the City of Miami Beach and he mentioned that there is no other way to go and if the City wants things done right then Mr. Linn is the person to go to. He said that he respects Mr. Dermer and his opinion and appreciated it.

Councilwoman Ator stated that when she spoke with City Manager Gorland she asked if Jim was an attorney because she felt that it was important that the City have someone who is an attorney because there is so much interpretation of the law. Mr. Linn's resume is excellent and this process should be moved forward.

Mayor Garcia said that resolving the issue regarding the police pension is Council's top priority.

Councilman Best moved to waive the competitive bid process and approve the services of Lewis, Longman and Walker, specifically James Linn, up to \$40,000 for purposes of the negotiation through the PBA police retirement fund. Vice Mayor Lob seconded the motion.

City Manager Gorland clarified that the approval is also for the General Employees Retirement Fund.

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

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

September 11th

City Manager Gorland wanted to keep those who lost their lives or lost loved ones during September 11th in everyone's prayers.

12C) City Council

Miami-Dade League of Cities

Councilwoman Ator reported that she attended the Miami-Dade League of Cities. She spoke with Richard Block regarding the Country Club and the reason why the League had not been back to Miami Springs. Their explanation was because the prices at the Country Club were higher than the other venues. She asked the administration to inquire about this with the League of Cities.

Women's Club

Councilwoman Ator announced that the Women's Club plans on hosting a Murder Mystery Dinner at the Lion's Club on October 22nd.

Farmer's Market

Councilwoman Ator said that the All Angels Farmers Market will start on September 22nd and it will run every Saturday through March 2013.

Johnny's Restaurant

Councilwoman Ator reported that Johnny's Restaurant has a promotion in which for the month of September they are matching the price of the bill to the local non-profit that is written on the bill.

Boys Scouts

Councilwoman Bain said that the Boy Scouts are having a sign up on September 13th for any boys that are interested in joining.

Pelican Playhouse

Councilwoman Ator reported that there will be a performance on September 15th and September 16th.

Lions Club Oktoberfest

Councilwoman Bain stated that the Lions Club is having an Oktoberfest on September 29th from 3:00 p.m. to 9:00 p.m.

Murder Mystery Dinner

Councilwoman Bain said that the Optimist will be hosting their Murder Mystery Dinner on September 22nd.

Thank You

Councilwoman Bain gave a big thank you to the Administration and the Department Heads for their hard work during the budget process.

Pelican Playhouse

Councilman Best thanked Councilwoman Bain for bringing up the Pelican Playhouse production for this coming weekend. It is a one weekend event and is September 15th at 7:30 p.m. and September 16th at 2:00 p.m. on the second floor of the Community Center in the Rebeca Sosa Theatre.

Thank You

Vice Mayor Lob also thanked the Administration for the work on the budget.

Thank You

Mayor Garcia gave kudos to the Administration for their hard work on the budget but will hold back a little because there is still one more meeting and he is hoping that there will still be a way to lower the tax rate for the residents.

Open Forum

Mayor Garcia reported that Ms. Gannon thanked him for being the leader but he wanted to let the public know that the entire Council feels the same way, but he was just the first one to speak up. He gave credit to the Council members for making the difficult decisions. This is the only time that Council can speak to each other regarding City issues and he would like to share the credit with his fellow Council members.

Murder Mystery Dinner

Mayor Garcia reported that the Optimist Club will be hosting the Murder Mystery Dinner and there are still a few tickets left and anyone interested should contact him or the Optimist Club.

Eurosuites Hotel

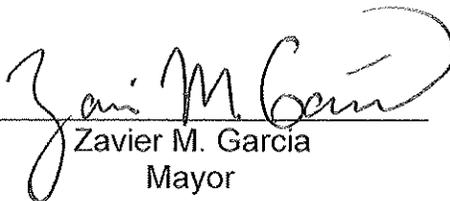
Mayor Garcia said that he toured the Eurosuites Hotel. There has been incredible progress made and he is happy to see that they did what the City requested of them and it is a gorgeous building. It is going to be the nicest hotel in the Miami Springs Airport area.

September 11th

Mayor Garcia paid tribute to all of the men and women who gave and risked their lives on September 11th and to the people who continue to fight and protect the Country and its freedom.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 8:57 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

Approved as written during meeting of: 9-24-2012.

Transcription assistance provided by Elora R. Sakal.

