



## ***City of Miami Springs, Florida***

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

### **1. Call to Order/Roll Call**

The meeting was called to order at 7:02 p.m.

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Planning and Zoning Director James H. Holland
- Building & Code Compliance Director H. "Tex" Ziadie
- Public Works Director Thomas Nash
- Acting City Clerk Suzanne S. Hitaffer
- Administrative Assistant II Elora R. Sakal

**2. Invocation:** Mayor Garcia offered the invocation.

**Salute to the Flag:** The audience participated.

**3. Awards & Presentations:**

**3A) Yard of the Month Award – August 2013 - Michael and Cristene Paez – 243 Miami Springs Avenue**

Mayor Garcia presented the Yard of the month award for August to Michael and Cristene Paez.

**3B) Presentation of Resolution No. 2013-026 by Susan A. Owens, MPA, MMC, Florida Association of City Clerks Southeast District Director and Palm Beach Town Clerk to Retired City Clerk Magalí Valls**

Florida Association of City Clerks (FACC) Southeast District Director Susan A. Owens thanked Council and the Administration for the opportunity to recognize the retirement of City Clerk Magalí Valls for her service to the citizens of the City of Miami Springs and to recognize her nearly two decades of service to the Municipal Clerk profession.

Ms. Owens read FACC Resolution No. 2012-026 which stated that Magalí began her career with the City of Miami Springs in January of 1991 and became City Clerk in January of 1994. Ms. Valls joined the Florida Association of City Clerks and the International Institute of City Clerks in May of 1992. She was also a co-founder, second President and member of the Miami-Dade County Municipal Clerks Association. She wished Ms. Valls the best in all of her endeavors.

Ms. Valls thanked Ms. Owens for driving to Miami Springs to present the Resolution to her. She acknowledged FACC for being a wonderful organization that helps its members to further their education. She said that it was an honor to be a part of the association.

**4. Open Forum:**

**Miami Springs Historical Society**

Beverly Roetz, President of Miami Springs Historical Society commented that visited the Glenn Curtiss Museum in Hammondsport, New York last month. She thanked Council, the Miami Springs Historical Society members and the community for their wonderful support throughout the years. She noted that the Miami Springs Historical Museum was formerly in the Miami Springs Pharmacy and it is now located on Westward Drive.

Ms. Roetz said that she and some of the members who are present tonight are trying to reduce the burden on the City's budget. The Historical Society established a valuable location for the museum that will feature organizational growth and she looks forward to working with the City.

Jim Watson, representing the Historical Society, gave a PowerPoint presentation explaining the goal of the Miami Springs Historical Society, which is to preserve and share the history of Miami Springs. He reiterated that the Historical Society is trying to establish a viable location for the museum that will facilitate the organizational growth. He sees the new location being an educational outreach center.

Historical Society member Maria Petralanda commented that she will be contacting the schools to ask the students to come to the new location on field trips.

Mr. Watson explained that the benefits of the new location include more parking, additional fundraising, creating new community partnerships, more programmable space and an educational outreach. The change also brings additional needs which are reconfiguring of space, air conditioning, a new curatorial approach, and digital archiving. Some of the transitional expenses for the first year include air conditioning, a security system and basic construction; much of the materials and labor will be supplied by contributions.

Mr. Watson said that they are considering the location at 501 East Drive for the new museum and in return to cut the budget in half during the transition year in order to help the City. They hope to return educational programming, program development, systematic service evaluation and branding of the museum as a Miami Springs Historical Society Education Center.

Ms. Roetz stated that they will be hosting a fundraiser at Johnny's Soda Fountain and the tickets will be on sale for \$10. The Historical Society will be having a Kick-off at Yvonne Shonberger's home at 85 Deer Run on September 7<sup>th</sup> and their meetings will now be held at the Curtiss Mansion.

### **Miami Springs Historical Society**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue commended the Historical Society. She is one of the organizers and the first President of the organization.

### **Anonymous Letter**

Ms. Gannon distributed copies to Council of an anonymous letter sent to her and she said that she would not speak on the matter.

### **Fourth of July Parade**

Ms. Gannon expressed her disappointment with the water guns that were used to wet people during this year's Fourth of July Parade. She said that trucks were holding barrels of water that the kids would use to reload their water guns and she does not understand where this direction came from. Council was elected as the City's Officials and they should take care of the issue. She requested an explanation about why this happened and asked for changes to be made.

### **5. Approval of Council Minutes: (Approved with one motion)**

#### **5A) 06-24-2013 – Regular Meeting**

Minutes of the June 24, 2013 Regular Meeting were approved as written.

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

#### **5B) 07-08-2013 – Special Meeting**

Minutes of the July 8, 2013 Special Meeting were approved as written.

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

#### **5C) 07-25-2013 – Special Meeting**

Minutes of the July 25, 2013 Special Meeting were approved as written.

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

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

**6A) 05-02-2013 – General Employees Retirement System – Minutes**

Minutes of the May 2, 2013 General Employees Retirement System meeting were received for information without comment.

**6B) 05-02-2013 – Police and Firefighters’ Retirement System – Minutes**

Minutes of the May 2, 2013 Police and Firefighters’ Retirement System meeting were received for information without comment.

**6C) 06-20-2013 – Historic Preservation Board – Minutes**

Minutes of the June 20, 2013 Historic Preservation Board meeting were received for information without comment.

**6D) 06-25-2013 – Ecology Board – Cancellation Notice**

Cancellation Notice of the June 25, 2013 Ecology Board meeting was received for information without comment.

**6E) 06-27-2013 – Code Review Board – Cancellation Notice**

Cancellation Notice of the June 27, 2013 Code Review Board meeting was received for information without comment.

**6F) 08-05-2013 – Board of Adjustment – Cancellation Notice**

Cancellation Notice of the August 5, 2013 Board of Adjustment meeting was received for information without comment.

**6G) 08-05-2013 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the August 5, 2013 Zoning and Planning Board meeting was received for information without comment.

**6H) 08-07-2013 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the August 7, 2013 Architectural Review Board meeting was received for information without comment.

**6I) 08-08-2013 – Board of Parks and Parkways – Cancellation Notice**

Cancellation Notice of the August 8, 2013 Board of Parks and Parkways meeting was received for information without comment.

**6J) 08-06-2013 – Code Enforcement Board - Minutes**

Minutes of the August 6, 2013 Code Enforcement Board meeting were received for information without comment.

**7. Public Hearings:**

**7A) Second Reading – Ordinance No. 1041-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Amending the City Comprehensive Plan Based on Updated Data and Analysis; Amending the Text of the Future Land Use Element of the 1998 Comprehensive Plan as Amended; Revising and Updating the Existing Goals, Objectives, and Policies in Accordance with the Mandates Set Forth in Chapter 163 Florida Statutes; Authorizing Transmittal of These Amendments to the South Florida Regional Planning Council, State Land Planning Agency, and Other Applicable Agencies for Review and Comment as Required by Florida Statutes; Providing a Conflicts Clause and Severability Clause, and providing an Effective Date (First Reading: 10-22-2012 – Advertised for second reading: 07-25-2013)**

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

City Attorney Seiden stated that this is the second reading of the ordinance and a public hearing. This ordinance was developed after Council, sitting as the Local Planning Agency, passed it on first reading.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Planning and Zoning Director Jim Holland stated that the necessity of the Comprehensive Plan amendment came about to clarify some language that is in the present Comprehensive Plan with respect to the floor area ratio (FAR) and the Airport Golf District. The verbiage was that the maximum FAR would be 1.0 as a right. It could be inferred from that language that a bonus program, similar to one that has been implemented in the N.W. 36<sup>th</sup> Street District, could be effected. The maximum bonus is 1.0 or a total maximum of 2.0 FAR. This should be considered as the enabling legislation to permit the passage of a new ordinance for the Airport Golf District which has been drafted. It has a bonus mechanism similar to the N.W. 36<sup>th</sup> Street District. He feels that it is essential to have this amendment in order to provide some incentives to redevelop the area. Ben Smith with LaRue Planning and Management is present if there are any questions.

Mayor Garcia asked if anyone else wished to speak on the item. There were no additional speakers, and the public hearing was closed.

City Attorney Seiden stated that this ordinance is a little different from the normal ordinances. He read Section 4 of the ordinance as follows:

*"That the effective date of this plan amendment ordinance, if the amendment ordinance is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment ordinance shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment ordinance may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency."*

City Attorney Seiden commented that this allows the public an opportunity to challenge the process that was followed to get to this point. In the time that it is going to take for the effective date of this legislation, the Administration will be concerned with bringing back to Council the district boundary regulations that are developed for the Airport Golf area. By the time that this is finalized, the City will be in a position to then proceed with whatever developments they might want for that area, in accordance with those district boundary regulations.

Councilman Bain asked if the proposed amendment will be applicable to the Airport Golf District and City Attorney Seiden responded in the affirmative.

Councilman Lob moved to adopt Ordinance No. 1041-2012. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

**8. Consent Agenda: (8A, 8B, 8C, 8F, 8G, 8H, 8I and 8J approved with one motion)**

Councilman Bain pulled Agenda Item 8E 1-4 from the consent agenda for discussion.

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

**8A) Approval of the City Attorney's Invoice for July 2013 in the Amount of \$13,230.00**

There was no discussion regarding this item.

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

**8B) Recommendation that Council Approve a Change Order to Branching Out, Inc. in the Amount of \$7,756.00, for One New ConVault 1000 Gallon Split Compartment Fuel Tank, Pursuant to Section 31.11 (F) (11) (c) of the City Code**

There was no discussion regarding this item.

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

- 8C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$4,912.00 "On An As Needed Basis" to Titleist for Purchasing Driving Range Supplies and Items for Resale in the ProShop, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

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

- 8D) Recommendation that Council Approve a Change Order to Gabriel Roeder Smith & Co., in the Amount of \$7,042.00, for Services Rendered for Pension Actuary Study and Reports Requested by Council, Pursuant to Section 31.11 (F) (11) (c) of the City Code

There was no discussion regarding this item.

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

- 8E) Recommendation to Approve Purchasing of Equipment in Order to Implement the Red Light Camera Violation Hearings Required by Florida HB 7125:

8E 1) Recommendation that Council Approve an Expenditure to Lawmen's & Shooters Supply, the Lowest Responsible Quote, in the Amount of \$3,725.09, for a Walk-Through Metal Detector with Accessories and a Hand-Held Metal Detector with Accessories, Pursuant to Section 31.11 (C)

8E 2) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$2,519.19, to Dell Marketing, L.P., for Three (3) 17" Notebook Computers, Pursuant to Section 31.11 (E) (6) (g) of the City Code

8E 3) Recommendation that Council Approve a Bid to Dell Marketing, L.P. Utilizing Florida State Bid Contract # WNO5ACA in the Amount of \$435.09, for a Vizio 42" LED TV (Display Monitor) with Cables, Pursuant to Section 31.11 (E) (5) of the City Code

8E 4) Recommendation that Council Approve an Expenditure in the Estimated Amount of \$200.00 to Miscellaneous Vendors for Connectivity Equipment (cables, brackets, etc.)

Councilman Petralanda asked if the amount requested for the equipment includes the installation and Police Chief Baan responded that the metal detector is a portable unit that is plugged into the wall.

Chief of Police Baan explained that these are all items that are required by the new legislation that places a municipal court system in the red light camera appeal process. There are funds in the Law Enforcement Trust Fund that can be used for these items so the funding will not have to come from the General Fund.

To answer Vice Mayor Windrem's question, Chief of Police Baan said that the only item that would be semi-permanent is the flat screen monitor that would replace the old television set that is currently in the Council Chambers.

Vice Mayor Windrem asked where the metal detector would be installed and Chief of Police Baan replied that it will be installed downstairs at the front door and a Police Officer will be posted there as well. Everyone who comes in will walk through the detector. There will also be a hand held metal wand for further searching if needed.

To answer Mayor Garcia's question, Chief of Police Baan stated that the red light hearings will be held from 5:00 p.m. to 9:00 p.m. on Thursday evenings.

Councilman Bain commented that he thought these items were going to be funded through the revenue from the red light camera violations and City Manager Gorland replied that the cost is covered by the Law Enforcement Trust Fund (LETF) and the General Fund receives all of the revenues.

Mayor Garcia said that he was under the similar impression as Councilman Bain. He asked if the expenses would be covered by the administrative fees and City Manager Gorland replied in agreement.

City Attorney Seiden stated that the Hearing Officers that were hired will be acting on a rotating basis. The funds to pay the officers will come from the administrative fees that Council approved.

**Councilman Lob moved to approve agenda items 8E 1, 8E 2, 8E 3, and 8E 4. Councilman Petralanda seconded the motion.**

Councilman Bain explained that when this topic was previously discussed, it was explained that the program was going to be funded out of the red light camera funds and not out of the Law Enforcement Trust Fund. He asked Council if they were under the same impression and Council agreed.

Councilman Bain asked why the funding source had changed and Chief of Police Baan responded that City Attorney Seiden gave the presentation on the fees that would be charged, and they wanted to be sure that the fees offset the operating expense of the meetings. The operating expenses include the personnel and the cost that would be incurred with the meetings. It was his recommendation to purchase the equipment out of the Law Enforcement Trust Fund because this is the purpose of the trust fund. He does not believe there would be an issue if Council decided to reimburse the trust fund after a few months if there is enough revenue from the administrative fees.

Mayor Garcia said that reimbursing the Law Enforcement Trust Fund is not a requirement, but Council could choose to do so.

Councilman Bain stated that now he understands the funding based on the explanation.



City Attorney Seiden stated that Council committed to spending the funds in order to operate the system based on the new legislation. At that time, it was never discussed or contemplated that Law Enforcement Trust Funds would be utilized, but Chief of Police Baan determined that it is an eligible expense.

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

**8F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$6,000.00, "On an As Needed Basis" to Hector Turf for Purchasing Parts and Tools and Items for the Golf Course Improvements, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

There was no discussion regarding this item.

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

**8G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$10,000.00, "On an As Needed Basis" to Howards Fertilizer & Chemicals Inc. for Purchasing Chemicals and Fertilizer Supplies and Items for the Golf Course Improvements, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

There was no discussion regarding this item.

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

**8H) Recommendation that Council Waive the Competitive Bid Process and Approve the City's Existing Contract Vendor for Health Insurance (Aetna), Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional One (1) Year Period**

There was no discussion regarding this item.

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

**8I) Recommendation that Council Approve an Expenditure of \$18,500.00, to Atkins for FDOT Connection-Drainage System Improvements, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code**

There was no discussion regarding this item.

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

- 8J) **Recommendation that Council Waive the Competitive Bid Process and Approve City's Existing Contract Vendors for Dental Insurance (Cigna), Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional One (1) Year Period**

There was no discussion regarding this item.

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

*(Agenda Item 10I was considered before 9A)*

9. **Old Business:**

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

Councilman Petralanda appointed Alex Anthony to the Recreation Commission Board for a full 3-year term ending on April 30, 2016.

Councilman Petralanda appointed Steve Owens to the Ecology Board for a full 3-year term ending on April 30, 2016.

Councilman Petralanda mentioned that the Historic Preservation Board meeting dates were changed due to the red light camera meetings and he is unsure if Board member Jo Ellen Phillips will be able to attend on the new meeting date.

The Deputy City Clerk will contact Ms. Phillips to see if she will be able to attend the meetings on the new date and advise Councilman Petralanda of her response.

10. **New Business:**

10A) **Resolution No. 2013-3591 – A Resolution of the City of Miami Springs Appointing Suzanne S. Hitaffer as “Acting” City Clerk of the City; Establishing the Salary and Benefits of the City Clerk; Effective Date**

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

Nery Owens of 456 De Leon Drive stated that normally she is a cost saving person. In the case of the City Clerk who is the face of the City, she represents Council and provides staff to Council; she is the Supervisor of Elections; she is responsible for records management and she is responsible for the advisory board minutes and the City Council minutes.

Ms. Owens feels that the Administration and Council need to reconsider what has been negotiated which seems to be unfair in her opinion. During the past, a survey of City Clerks was conducted and it bumped up the former City Clerk's salary which was well deserved. The City needs a quality person and the salary should commensurate with the level of responsibility and the scope of work.

Ms. Owens said that historically, the City has always paid men higher salaries than women. She asked Council to reconsider and renegotiate the salary to a much higher level since the Deputy City Clerk has the experience and maybe Council can remove the word "Acting" and make a direct appointment.

City Attorney Seiden stated that based on the discussion at the last Workshop meeting, he drafted the resolution providing for an "Acting" position and Council was of the mind at that point to make this a provisional appointment. The appointment allows for the increase in salary and Council has selected the low end of the pay range for the position, which increases to approximately \$25,000 more at the top of the range. This appointment is for three months and if Council chooses to go in this direction instead of a permanent selection, then Council will reconsider this again after reviewing the resumes that were submitted for the position.

It was pointed out by Deputy City Clerk Hitaffer that the provisional appointment is for six months, not three months as previously stated by the City Attorney.

City Attorney Seiden commented that it has been identified in the personnel action form that should this be approved, it will be subject to the provision in the Code. In the interim, if Council chooses not to go with the permanent appointment, Council will select a City Clerk. If it happens not to be Ms. Hitaffer, she has the right to go back to her status as the Deputy City Clerk and her benefits and Civil Service rights will not be affected.

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

Mayor Garcia stated that at the last meeting he requested a list of the advertising sources for the City Clerk position and since he did not receive the information, he is requesting it again.

**10B) Resolution No. 2013-3588 – A Resolution of the City Council of the City of Miami Springs Providing for the Third Amendment To FY2012-2013 Budget; by Appropriating Funds from Designated and Undesignated Reserves, Authorizing an Interfund Transfer, Acknowledging the Receipt of Grant Funds by the City, and Utilizing Revenues Received from the Auction of City Surplus Property to Sufficiently Fund Authorized and Approved General Fund and Enterprise Fund Purchases in the Amount of \$483,971; Providing Intent; Specifying Compliance with Budgetary Processes and Procedures; Effective Date**

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

**Vice Mayor Windrem moved to adopt Resolution No. 2013-3588. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.**

**10C) Resolution No. 2013-3589 – A Resolution of the City Council of the City of Miami Springs Requesting that Miami-Dade County Approve and Authorize the Co-Designation of a Portion of N. W. 59<sup>TH</sup> Avenue from Where it Enters Miami Springs to Hunting Lodge Drive as "Father Carney Way"; Requesting Authorization for the Placement of Proper Recognition Signage; Effective Date**

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

City Attorney Seiden asked Council to verify that the address and information in the resolution is correct.

Mayor Garcia passed the gavel to Vice Mayor Windrem and moved to adopt Resolution No. 2013-3589. Councilman Bain seconded the motion which was carried 5-0 on roll call vote.

**10D) Resolution No. 2013-3590 – A Resolution of the City Council of the City of Miami Springs Requesting that Miami-Dade County Approve and Authorize the Co-Designation of a Portion of Curtiss Parkway Fronting the Grace Lutheran Church as “Pastor Schmidt Way”; Requesting Authorization for the Placement of Proper Recognition Signage; Effective Date**

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

City Attorney Seiden asked Council to verify that the address and information is correct for co-naming the street.

Vice Mayor Windrem moved to adopt Resolution No. 2013-3590. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

**10E) First Reading - Ordinance No. 1056-2013 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 113-04, Business Taxes-Schedule of Fees, By Providing a Five (5%) Percent Increase in the Cost of All City Business Taxes; Repealing all Ordinances or Parts of Ordinance in Conflict; Effective Date**

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

Building and Code Compliance Director Harold “Tex” Ziadie stated that by State law, the department is allowed to increase the local business tax fees by 5% every two years. The increase has been done twice already in 2009 and in 2011. His recommendation is that the increase be done again this year since almost all of the communities in Miami-Dade County are implementing this increase as well.

Mr. Ziadie distributed information to Council showing a fee comparison sheet from 2007 and an updated fee chart with updates only for the City of Miami Springs. The City’s current average fee is \$96.71 which is still \$46.00 below the 2007 license fee compared to other cities.

City Attorney Seiden clarified that State law controls the fees that are charged so that they would not get out of control.

Mr. Ziadie commented that the net impact on the department’s revenues is approximately \$3,500 more.

To answer Councilman Petralanda’s question, Mr. Ziadie explained that the fees for other cities on the handout are from 2007.

Mayor Garcia asked if this increase was considered in the budget that was proposed to Council and Mr. Ziadie responded that it is not included in the budget, but it would be an addition to the revenue.

Mayor Garcia clarified that this increase would assist the City in the amount of \$3,500 by spreading the 5% amongst the businesses and Mr. Ziadie replied in agreement.

Mayor Garcia asked if the City makes extra funds for the department or if the operation is based on the revenue and Mr. Ziadie responded that some years the department brings in more revenue and some years it brings in less revenue. The Building Department is not allowed to make a profit; these fees are part of Code Compliance.

To answer Mayor Garcia's question, City Manager Gorland stated that the revenue goes to Code Enforcement in order to reduce the amount of the loss in that particular section by \$3,500. It is a benefit to the budget to pass this Ordinance.

Mayor Garcia asked if Council would be able to reduce the Code Compliance budget by \$3,500 at the next workshop meeting if the ordinance is adopted and City Manager Gorland replied in agreement.

**Councilman Lob moved the item. Councilman Petralanda seconded the motion, which carried 3-2 on roll call vote with Mayor Garcia and Councilman Bain casting the dissenting votes.**

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In regard to agenda item 10A) City Attorney Seiden read the following Code provision to clarify the provisional appointment term for the Acting City Clerk:

*"In the event of a vacancy in a position of a Department Head, the City Administrator may request that a classified employee except such a position in an acting capacity. The acceptance will not entitle the employee to automatic permanent Administrative appointment to that position. Any employee classified service excepting an acting position will not forfeit any of the rights or benefits even though the acting position is exempting from the classified service. Appointments in an acting capacity shall not continue to exceed six months".*

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**10F) Recommendation that the City Renews its Management Contract with Little Smart Arts, LLC., to Utilize the Multi-Purpose Room on the Third Floor of the Community Center on Tuesday Afternoons from 4:00 p.m. to 6:30 p.m. for the Operation of the Little Smart Arts Program**

This item was pulled from the agenda at the request of the City Manager.

**10G) Personnel Reclassification, Miami Springs Police Department**

City Manager Ronald K. Gorland read the memo that was provided in the agenda packet. The Police Department currently employs two individuals in the Police Administration Specialist II positions. However, the job description does not accurately describe the duties of an individual assigned to one of the positions because additional duties have been added to this position, based mainly on automation and the addition of various computerized systems that have been added to the Police Department operation.

City Manager Gorland said that based upon the extensive list of additional duties that have been added to the position; Chief of Police Baan recommends that the position be reinstated in the City Pay Plan at Pay Grade 28.

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

Mayor Garcia asked if Council approves this now, will the position be reclassified as of today and if so is the increase provided for in the budget.

Chief of Police Peter G. Baan replied that there are enough funds in the budget if Council approves the request. The total dollar amount for the rest of the fiscal year is approximately \$300.

City Attorney Seiden explained that the issue is that the pay range for the position is not in the Pay Plan, which has to be modified and approved by Council.

Mayor Garcia said that Council could give approval and the pay plan can be brought back along with the other positions that need to be reclassified at the next Council meeting. He asked if the person in the position is already at the top of their pay range and Chief of Police Baan replied in agreement.

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

**10H) Purchase of two Garbage Trucks and Financing Approval:**

**10H1) Recommendation that Council Award a Bid to General GMC Truck Sales Utilizing City of Deerfield Beach Bid #ITB#2012-12/21 in the Amount of \$470,692.00, for Two Sanitation Trucks Pursuant to Section 31.11 (E) (5) of the City Code**

City Manager Ronald K. Gorland read the titles of recommendations.

To answer Mayor Garcia's question, City Manager Gorland said that funds for the trucks are not included in the budget.

Assistant City Manager/Finance Director Alonso commented that sanitation is an enterprise fund and the payments will not begin until October 1<sup>st</sup> which is the next fiscal year. He clarified that the proposed budget for this Department did not include these dollars and there is no impact on the General Fund.

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

Councilman Lob asked about the condition of the current trucks and Public Works Director Tom Nash responded that there are currently two 2006 garbage trucks and one 2010 garbage truck. The two 2006 trucks were purchased on June 6, 2006, in the amount of \$147,056. On one unit they currently have spent \$102,544 in repairs to date and the second truck was the same purchase price and \$87,020 was spent in repairs.

Public Works Director Nash stated that six years is the average life expectancy of the trucks. The trucks have to be special made because of the alleyways. Parts are not always available and the repairs are expensive.

Mr. Nash explained that he tried to rebuild two units and went through seven vendors before he could get one that could provide the service. Eventually the trucks will not be able to be modified.

City Attorney Seiden clarified that the trucks would be purchased through a Lease Agreement. The payments are not extraordinary and are spread over the five-year term at 1.54%. The reality is that if there are not enough funds, the garbage rate will increase to accommodate the payment.

To answer Mayor Garcia's question, Mr. Alonso said that Council had already passed an increase for FY 2013-2014 for the garbage service, which was due to the increase of the dumping fees. These costs are already built into the budget for the Sanitation Department. The City just finished paying off the lease for the older trucks.

Mayor Garcia asked why the vehicle costs are spread out and the reason why there is \$100,000 in repairs and Public Works Director Nash replied that his predecessors have tried to purchase new vehicles and they have been cut from the budget.

To answer Councilman Bain's question, Public Works Director Nash stated that the old trucks would be sold at auction.

To answer Councilman Petralanda's question, Mr. Nash said that if the garbage was picked up curbside, it would cost approximately the same as the current cost.

Discussion ensued regarding how difficult the garbage trucks are to drive and maneuver in some alley ways.

Mayor Garcia asked if there was a tipping fee every time garbage is dumped regardless of the amount of garbage and Public Works Director Nash replied in agreement.

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

**10H2) Recommendation that Council Approve the Execution of a Lease Agreement with SunTrust Bank for the Financing of Two (2) Garbage Trucks for the Sanitation Operation**

City Attorney Seiden explained that the Lease Agreement has not been reviewed and he recommends that Council pass the motion conditionally, subject to the approval of the Lease Agreement by the City Manager, Assistant City Manager/Finance Director, Public Works Director and himself; secondly, no trucks are to be ordered until the approval is complete.

Mayor Garcia asked how long it would be before the agreement is approved.

Mr. Alonso responded that he would need an invoice from the company for the two trucks to send to the bank so they can work on the lease agreement, which would take a few days.

**Councilman Bain moved the item with the conditions stated by City Attorney Seiden. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.**

**10) Request from Curtiss Mansion, Inc. for Funding in the Minimum Amount of \$25,000 in the Coming Fiscal Year and a Contribution from the Current Fiscal Year Budget in the Amount of \$10,000**

To answer Councilman Petralanda's question, Richard Wheeler, President of Curtiss Mansion Inc. (CMI) stated that they are requesting similar amounts from both entities.

City Manager Gorland clarified that the request is \$10,000 for the current budget and \$25,000 in the next fiscal year.

Councilman Bain asked what the funds are allocated for and Mr. Wheeler responded that there are some maintenance issues with the building itself that may be covered under warranty, but it is something that cannot be lapsed in the meantime. There are some timbers that need to be replaced so that the Mansion can continue to function as an appropriate venue.

Mr. Wheeler commented that CMI is trying to expand their marketing by going beyond the quinces, weddings and birthday parties to include meetings and business gatherings. With these elements of repair, marketing and the tweaking of the programs, they will get closer to the goal of being a self-sustaining entity and develop all of the funding 100% through their own operations.

Mr. Wheeler stated that in the annual report that was submitted previously, it shows that CMI has had some success in hosting weddings, birthday parties and quinces. The Mansion is coming into fruition but it is not quite there yet.

To answer Councilman Bain's question, Mr. Wheeler said that \$78,000 in revenue was received from venue rental, brick sales, donations, and fundraisers.

Mr. Wheeler clarified for Councilman Bain that the report shows the general items that encompass 100% all of the Curtiss Mansion expenses.

Councilman Bain asked what the Management consists of and Mr. Wheeler replied that there is one full-time person who is an employee of CMI that manages the entire operation.

Councilman Petralanda requested a breakdown of CMI's source of revenue.

Mr. Wheeler commented that the majority of the funds that were earned in the last year came from venue rental. He noted that they closed their books at the end of June of 2012, and by agreement with the City, an audit is taking place that will be turned over to the City.

To answer Councilman Bain's question, Mr. Wheeler said that by September 30<sup>th</sup>, CMI is required to provide the audit to the City.

Councilman Petralanda reiterated that he would like to see where the revenues are coming in regard to venue rentals.

Mr. Wheeler stated that in general, at least 75% of the funds came from venue rental but he does not want to commit until he has the books in front of him.



Mr. Wheeler clarified for Councilman Petralanda that he is asking for a loan and looking for City participation in the funding for the operation. CMI has a bank account that is open and operating as a business, however, the assets of CMI are literally the funds that are in the bank.

Councilman Lob commented that Council would like to see the financials before the budget process is complete. He asked if Council could receive an unaudited version of the financial statement.

Mr. Wheeler replied that if Council would like more detail than what was provided in the report he can certainly provide that information.

To answer Mayor Garcia's question, Mr. Wheeler stated that \$10,000 is being requested for the repairs, marketing, and lectures. He is not targeting it directly to one item, but to all three in general.

Mr. Wheeler said that CMI would like to do the repair immediately because the space that was lost was a particular area of the Mansion that is popular with the wedding parties.

Mayor Garcia asked what would happen if Council approves and allocates \$10,000 in the budget and Mr. Wheeler realizes that he is not able to get reimbursed for those expenses.

Mr. Wheeler replied that what he tried to anticipate within this report and request was to address some immediate items that need to be addressed and then they would plan for self-sufficiency next year.

Mayor Garcia stated that if Council gives the \$10,000 and of that only \$5,000 is used and it turns out that the work is under warranty, he would expect the other \$5,000 to go towards the \$25,000 that is being requested for next year and Mr. Wheeler agreed that it would not be a problem.

Councilman Bain requested a breakdown of the \$10,000 that is being requested so that Council would be more comfortable in approving the request.

Mr. Wheeler apologized if his report was deficient. Since he did not have the audited financial statement, he utilized the information that was available. He will provide Council with more revenue detail and identify the specifics of what the \$10,000 will be used for.

City Attorney Seiden explained that there are three warranty issues on the table. There is a \$3,000 issue involving certain parts that need to be replaced in the air conditioning because it is not functioning as efficiently as it should. Project Manager, Roy Rodriguez is doing a fabulous job because he is making a great effort for the City and CMI. Mr. Rodriguez sent a letter dealing with the three issues and the architect on the project has given a response. There is a dispute on the air conditioning as to when the warranty actually started. The architect said that it should be covered, but it has not been agreed on yet.

City Attorney Seiden stated that the second issue deals with color of the stucco. It has been discussed and the architect has come to the decision that it is a warranty item. He understands that the contractor is now looking into the issue. The third issue which is the most problematic of them all is that the wooden pillars are starting to deteriorate at a much faster rate than anticipated.

City Attorney Seiden commented that documentation was received from Mr. Rodriguez regarding the selection of an expert. Samples will be taken to send to Sherwin Williams because if they were treated in a certain way such as a water-based coating as opposed to an oil-based coating, then that could be the cause of the issue. It is being investigated before an expert is involved due to the expense.

City Attorney Seiden stated that for at least two of the issues, the architect supports the City. If the City cannot get resolution on those items with the contractor the only other alternative is to put the bonding company on notice that the contractor has failed in his warranty and ask the bonding company to pay for and make the repairs. He believes that there is a possibility of having the issues resolved.

Mr. Wheeler commented that the City is dealing with a \$4MM historical mansion which is why all of these things become very important. The integrity of the historical structure has to be maintained. He is thankful for having Roy Rodriguez as a Board member and volunteer who provides many services.

Vice Mayor Windrem asked if this is going to be an ongoing repair and City Attorney Seiden replied that the structural parts will certainly be an ongoing repair, but it has not reached that point. It is still being determined if the wrong coating was placed on the wood.

Vice Mayor Windrem said that finding \$10,000 is very difficult and Council needs to know how severe the issues are, how quickly they need to be taken care of, what is being paid for and what Council can pursue as far as recouping some of the losses.

Mayor Garcia stated that putting \$35,000 in a new budget is a lot easier. He asked how detrimental is it for the \$35,000 to be put in the new budget which is taking place in the next 30 days.

Mr. Wheeler responded that CMI is obviously not flush with cash and they would certainly like to see dollars in the budget. As the report indicated, they are also approaching the County for some assistance because he feels that the mansion is not just an element of the City of Miami Springs, but of Miami-Dade County as well.

To answer Mayor Garcia's question, Mr. Wheeler stated that at least 75% of the \$78,400 is revenue generated from venue rental.

Mayor Garcia commented that it is important to see that there are revenues being generated; it is an improvement from last year and he does not see progress at a standstill.

He does not feel comfortable telling Mr. Wheeler that Council is going to find the \$10,000 in the budget this year, but it is up for consideration, if Council will support his request in the upcoming budget.

Mr. Wheeler replied that given Council's position and the conversations and time that they have allowed him to discuss what the Mansion's needs are and what they are trying to do, he would like to defer the \$10,000 and rollover to the next fiscal year and work it out during the budget process.

*Mayor Garcia called for a five minute recess.*

*(Agenda Item 10K was considered before 10J)*

**10J) Request from Curtis Publishing for the 2013-2014 Phone Directory from the City Council's Promotions Account**

Mr. Curtis clarified that the years under consideration are 2014-2015 and not 2013-2014. The directory has been published every other year for approximately 50 years. He has previously requested to spread the amount over two years. The City has two pages and another two pages in the center of the directory that have not changed in approximately 10 years. The City is more than welcome to change the look of the advertisements and update them as they wish.

Mayor Garcia asked if the Community Policing Office receives the directory's to include in the resident welcome packets and Mr. Curtis replied in agreement. They are available at City Hall and the Police Department as well.

Mr. Curtis commented that the directory will be completely digitized. When someone goes to the River Cities Gazette website, they will be able to access the directory online. An icon can also be placed on the Miami Springs website so that residents can access the directory from there as well.

Mr. Curtis noticed that Mr. Alonso included \$6,000 in next year's budget. He asked for \$5,000 each year, and to spread out the cost over two years.

Mayor Garcia is glad to hear that the directory will be digitized because that was something he was going to propose.

Councilman Petralanda asked if the digitizing was included in the price and Mr. Curtis replied in agreement.

Mayor Garcia commented that he is in the print industry and he would not be able to produce a directory for \$5,000.

Councilman Bain clarified that Mr. Curtis is asking for a total of \$10,000 spread out over a two year period and Mr. Curtis agreed.

To answer Councilman Bain's question, Mr. Curtis said that he would begin working on the directory at the end of this year. The \$5,000 is not for this year's budget.

City Manager Gorland explained that no approval is required. The Administration recommends that payments be made every other year instead of paying the total amount in advance.

Mr. Alonso reminded Council that the Promotions budget was changed to have a flat amount of \$25,000.

Councilman Bain stated that one of the items under Promotions is the directory and in his mind the \$5,000 is already included.

City Manager Gorland said that the vote would take place when Council is ready to pass the budget.

City Attorney Seiden clarified that Mr. Curtis is asking Council to commit to funding in the off year, in which the City has never done before.

Vice Mayor Windrem moved to approve funding of \$5,000 each year for the directory. Councilman Petralanda seconded the motion.

Mayor Garcia clarified that \$5,000 is budgeted for the FY13-14 budget as well as the FY14-15 budget and Mr. Curtis replied in agreement.

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

**10K) Request from Pelican Playhouse Artistic Director Ralph Wakefield to perform "PG" Rated "Greater Tuna" in the "G" Rated Rebeca Sosa Theatre**

City Manager Gorland commented that Mr. Wakefield would like to perform a "PG" rated show at the Rebeca Sosa Theatre which is "G" rated.

Ralph Wakefield of 255 Springs Avenue stated that the Pelican Playhouse instituted the "G" rating for the Rebeca Sosa Theatre. The opportunity to have this show appeared over the summer. There is no profanity, nudity, sexual situations, or drug uses, but there will be satire and adult content such as racism and censorship.

Mr. Wakefield said that the rationale of this show is to expand the audience. Currently, as a "G" rated theatre there is a lot of fairy tale, comedy, and family-oriented shows. The Greater Tuna will be a show for the men. He plans to invite the Optimist Club, Rotary Club and the Lions Club to the show. The two actors in the show will play 20 individual characters with 15-20 seconds for costume change.

To answer Mayor Garcia's question, Mr. Wakefield said that satire is when something close to normal is taken and made a little outlandish.

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

To answer Councilman Petralanda's question, Mr. Wakefield said that anytime a there is a show that is not "G" rated, either himself or the company asking to host the show will have to come before Council to get permission.

Mayor Garcia asked if the PG rating will be on the flyer and Mr. Wakefield replied in agreement.

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

**11. Other Business:**

**11A) Fiscal Year 2012-2013 Third Quarter Budget Status Report (Unaudited)**

This item was deferred.

**11B) Budget Workshop Follow-up**

Councilman Bain believes that this topic should wait until the next budget workshop.

Mayor Garcia feels that the budget process has been going very well. The Administration has been providing Council with the needed information and dedicating the time to meet with each Council member. He is very proud that Council has taken the opportunity to meet with staff and he encouraged staff to continue to do so.

## **12. Reports & Recommendations:**

### **12A) City Attorney**

#### **Red Light Camera Hearings**

City Attorney Seiden mentioned that two hearing officers were hired for the Red Light Camera program. Jon Gurney is very well qualified and is an attorney who did red light camera prosecutions in the State of Georgia. He is now an attorney in Florida and is a Florida Supreme Court certified arbitrator. David Alschuler is a Miami Beach attorney and handles criminal defense work.

City Attorney Seiden stated that the Hearing Officers are independent contractors; they will receive no benefits and will work a minimum of three hours per shift which amounts to \$450. They will work on a rotating basis each week. It is going to be a very simplified process.

To answer Councilman Bain's question, who the City will not be handling any finances. American Traffic Solutions (ATS) will be handling all of the finances.

City Attorney Seiden noted that if a person has a hearing appointment and arrives early and sees another hearing and is not happy with the way the results are going, he or she can say that they no longer choose to go forward with the process and will be charged a \$50 Administrative fee instead of \$250. The first hearing is scheduled for Thursday, September 19<sup>th</sup>.

To answer Councilman Petralanda's question, City Attorney Seiden said that ATS schedules the hearings weeks in advance and if there are no appointments, then the hearing will not take place.

### **12B) City Manager**

#### **Back to School**

City Manager Gorland reported that school will be starting and encouraged everyone to drive safely.

#### **Events**

City Manager Gorland noted that registration has begun for the Pelican Playhouse, Miami Springs V.G. Optimist, annual basketball camp and many others.

## **Westward Drive Grant**

City Manager Gorland thanked Administration and Council for their participation. It is a big deal for this City and it is expected to be completed in approximately five years.

## **Shredding Day**

City Manager Gorland reported that the shredding will take place on August 15<sup>th</sup> in the Pool parking lot from 4:00 p.m. to 7:00 p.m.

## **12C) City Council**

### **House Fire**

Vice Mayor Windrem reported a house fire on the 600 block of Plover Avenue. The three residents and their dog were okay. It was contained to the garage but was accelerated by a couple hundred rounds of ammunition. Miami Springs Engine 35 was assisted by engines from Liberty City and Doral. It was a very lucky turn of events that the City was not "browned out" that day due to the County's attempt to cut back on the Fire Department overtime.

### **Announcement**

Vice Mayor Windrem announced that he and his wife are expecting a baby.

### **Back to School**

Councilman Petralanda echoed the City Manager and encouraged everyone to drive safely. He looks forward to going to back to school to teach.

### **First Tee Program**

Councilman Petralanda thanked Paul O'Dell and Charlie DeLuca for taking him to visit the Melreese Country Club.

### **First Tee Program**

Councilman Bain commended Councilman Petralanda for starting the first tee program.

### **Rotary Dinner**

Councilman Bain reported that he attended the Rotary Dinner and invited everyone to attend one of the dinners that are held every Sunday night until September 26<sup>th</sup> for a \$10.00 fee.

### **Curtiss Mansion**

Councilman Bain requested information showing the funds that were contributed to the Curtiss Mansion project from the City since there is a perception that the City has not contributed any funds to the Curtiss Mansion project.

### **Council Projects**

Mayor Garcia commended Council for being involved and taking on projects throughout the City.

### **Miami Springs Historical Society**

Mayor Garcia expressed his surprise that the Historical Society come forward and is willing to move locations, which is a step in the right direction. He thanked them for the work they are doing.

### **Library Meeting**

Mayor Garcia reported that he and City Manager Gorland met with Miami-Dade County Public Library officials about proposed changes to the Library System. There have been some discussions about libraries being closed or eliminated. He ensured to everyone that those discussions are all false. They are simply moving some offices.

Constant communication has been maintained with the City and the Library in Miami Springs is not on the list of Libraries that has been slated to be closed. He and City Manager Gorland expressed their concerns on how important the Library is to this community.

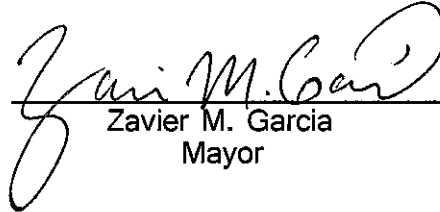
### **Happy Birthday**

Mayor Garcia wished his father a very happy birthday.

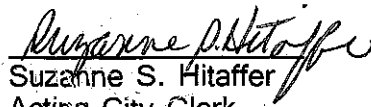
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13. **Adjournment**

There being no further business to be discussed the meeting was adjourned at 10:03 p.m.

  
Zavier M. Garcia  
Mayor

ATTEST:

  
Suzanne S. Hitafter  
Acting City Clerk

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

Transcription assistance provided by Elora R. Sakal.

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

