



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, January 13, 2014, at 7:00 p.m.

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

The meeting was called to order at 7:06 p.m.

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Police Captain Jonathan Kahn
- Recreation Director Omar L. Luna
- Building & Code Compliance Director H. "Tex" Ziadie
- Public Works Director Thomas Nash
- Acting City Clerk Suzanne S. Hitaffer
- Assistant City Clerk Elora R. Sakal

### **2. Invocation: Offered by Councilman Windrem**

**Salute to the Flag:** Students from Miami Springs Elementary School led the audience in the Pledge of Allegiance and Salute to the Flag

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

(Agenda Items 3B and 3C were presented before 3A)

### **3. Awards & Presentations:**

#### **3A) Proclamation – "Tom Curtis 'The Battery Man' Day"**

Mayor Garcia presented a Proclamation to Tom Curtis "The Battery Man" for his lifetime achievements, kindness and generous contributions to the Miami Springs Woman's Club.

Mr. Curtis thanked everyone for coming to the meeting. He said that he is 98 years old and glad to be present to receive the award.

**3B) Yard of the Month for December 2013 – Richard and Bonnie Wheeler – 33 Pinecrest Drive**

Mayor Garcia presented the Yard of the Month Award for December 2013 to Richard and Bonnie Wheeler of 33 Pinecrest Drive.

**3C) Yard of the Month for January 2014 – David and Jessica Rodriguez – 464 La Villa Drive**

David and Jessica Rodriguez were not present to receive their award.

**4. Open Forum:**

**Tom Curtis**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue said that in 1949 she went to Mr. Curtis' business to purchase a battery for her car.

**Tree Trimming**

Ms. Gannon asked who is paying for the tree trimming in the alleys. She would like to know why the homeowners were not cited to cut their trees back.

**Woody's Tavern**

Ms. Gannon said that Woody's Tavern occasionally requests permission from the City to use the area in front of his business for parties, which is fine with her, but she would like to ask the City to close a thoroughfare so that her daughter can go to visit her friend.

**5. Approval of Council Minutes:**

**5A) 12-09-2013 – Regular Meeting**

Minutes of the December 9, 2013 Regular Meeting were approved as written.

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

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

**6A) 01-06-2014 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the January 6, 2014 Zoning and Planning Board meeting was received for information without comment.

**6B) 01-06-2014 – Board of Adjustment – Cancellation Notice**

Cancellation Notice of the January 6, 2014 Board of Adjustment meeting was received for information without comment.

**6C) 01-07-2014 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the January 7, 2014 Code Enforcement Board meeting was received for information without comment.

**7. Public Hearings: None**

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

**8A) Approval of the City Attorney's Invoice for December 2013 in the Amount of \$12,345.75, as Funds were Approved in the FY 13/14 Budget**

City Manager Ronald K. Gorland read the titles of the consent agenda items 8A through 8J. He clarified that the consent agenda items from now on will only be budgeted and/or funded items.

There was no discussion regarding this item.

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

**8B) Approval of the Curtis Publishing Company Invoice for the 2014-2015 Miami Springs Area Directory in the Amount of \$5,000.00, Utilizing Funds Budgeted in the FY 2013-2014 City Council – "City Event" Fund**

There was no discussion regarding this item.

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

**8C) Recommendation that Council Award a Bid to Wrangler Construction Inc., Utilizing Miami Dade County RPQ #20130171 in the Amount of \$110,185.00, Utilizing CITT Funds (\$5,000), and Funds Approved in the FY 2013-2014 Budget (\$105,185), for Sidewalk Improvements City Wide, Pursuant to Section 31.11 (E) (5) of the City Code**

There was no discussion regarding this item.

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

**8D) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$86,400.00, to Kelly Janitorial for Janitorial Services for All City Buildings, as Funds were Approved in the FY 2013-2014 Budget, 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 for an Additional One (1) Year Period**

There was no discussion regarding this item.

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

**8E) Recommendation that Council Approve a Change Order to H & R Paving, Utilizing Miami-Dade County RPQ # 20120159 in the Amount of \$17,100.00, for an Additional 180 Tons of Asphalt Needed for the Completion of the Hammond Dr. Project, Pursuant to Section 31.11 (F)(11)(b) of the City Code, to be Funded from Citizen Independent Transportation Trust (CITT) Funds**

There was no discussion regarding this item.

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

**8F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure to Kimmons Builders Inc., the Lowest Responsible Quote, in the Amount of \$45,480.00 for City Hall Plumbing Restorations as Funds were Approved in the FY 13/14 Budget, Pursuant to Section 31.11(E)(6)(g) of the City Code**

There was no discussion regarding this item.

Councilman Lob moved the item. Councilman Petralanda 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 to Triple J Plumbing, the Lowest Responsible Quote, in the Amount of \$30,550.00 for Replacement of Water Lines in City Hall as Funds were Approved in the FY 13/14 Budget, Pursuant to Section 31.11(E)(6)(g) of the City Code**

There was no discussion regarding this item.

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

**8H) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$35,000.00, on an "As Needed Basis" to Aeration Technology, Inc. for Aerating the Golf Course Greens, Tees and Fairways, as Funds were Approved in the FY 2013-2014 Budget, as a Sole Source Provider, Pursuant to Section 31.11 (E)(6)(c) of the City Code**

There was no discussion regarding this item.

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

8I) Recommendation that Council Award a Bid to Howard Fertilizer & Chemical Company Inc., Utilizing the Town of Davie Bid # B-12-34-3, In the Amount of \$15,000.00, on an "As Needed Basis" for Custom Blended Fertilizers for the Golf Course Fairways, Tees and Putting Green Surfaces, as Funds were Approved in the Fiscal Year 2013-2014 Budget, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

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

8J) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$6,000.00 on an "As Needed Basis" to Palmdale Oil Company for Golf Course Fuel Services, as Funds were Approved in the FY 2013-2014 Budget, Pursuant to Section 31.11 (E)(6)(g) of the City Code

There was no discussion regarding this item.

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

9. Old Business:

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

Vice Mayor Bain appointed Grace Bain to the Disability Advisory Board for a 3-year term ending December 31, 2016.

City Attorney Seiden stated that if the Mayor cannot find someone to appoint to the Disability Advisory Board within the next week, the City Clerk can try to schedule a meeting with four members if there is no objection.

9B) Discussion Regarding Application Fees for Variance Requests to the Board of Adjustment and Board of Appeals

Building and Code Compliance Director Harold "Tex" Ziadie stated that the Administration was asked to prepare a cost analysis for variances and appeals. He referred to the back-up documentation and a memorandum from the City Attorney outlining his issues and concerns. He explained that the amount of time spent on every variance case is different and when the fee was \$100.00 it was not enough to recover the cost involved. The current fee of \$350.00 is enough to cover the cost in some cases and it is not enough in other cases.

Mayor Garcia asked if the appeal fee is enough to breakeven and Mr. Ziadie stated that the cost involved for an appeal is approximately half the cost of the work involved for a variance since most of the preparatory work has already been completed.

Mr. Ziadie referred to the analysis prepared by the Assistant City Manager/Finance Director showing the Building Department expenses for the last three fiscal years. He explained that the fees are kept as low as possible since the department is not allowed to make a profit.

Vice Mayor Bain stated that he would like to reduce the fees because the City Attorney has funds allocated in his budget for the variance process and Staff is not working outside of their normal workday to perform the work. He understands that there are expenses related to research and paperwork. The residents should have the opportunity to file for a variance and the fees should be as reasonable as possible.

Vice Mayor Bain commented that the total cost for a variance and appeal is \$800.00. The appeal fee should be less than the variance fee since the paperwork has already been done and it does not involve overtime for Staff.

Mr. Ziadie said that the analysis shows that an appeal is half the cost of the initial variance.

City Attorney Seiden stated that the appeal process is less time intensive because most of the work has already been done and no one should object to reducing the appeal fee to \$350.00; he feels that \$350.00 for the initial variance is appropriate.

**Vice Mayor Bain moved to charge \$350.00 total for the variance and appeal process. Councilman Windrem seconded the motion.**

Councilman Lob said that there are expenditures for the appeals process and Council should consider charging a fee to cover the process.

Vice Mayor Bain explained that the labor that the employee spends on the appeal process is within their 40 hour work week and the City Attorney is budgeted to do this work as well.

Councilman Lob would consider voting yes if the price were \$250 for the variance and \$100 for the appeal.

**Vice Mayor Bain amended his motion to charge a fee of \$250.00 for variances and \$100.00 for appeals. Councilman Windrem seconded the amended motion.**

Mayor Garcia asked if the fees cover the funds that were spent for the process and City Manager Gorland replied in agreement.

Mayor Garcia asked if the funds are a separate designated line item in the General Fund and Mr. Alonso responded that the Building Department has their own budget for expenses and a corresponding revenue line item for application fees.

Mr. Alonso clarified that what Vice Mayor Bain means is that the Administrative Assistant and the City Planner are on a 40 hour work week and the City Attorney bills the City for the hours he works.

Mayor Garcia advised residents that even though the City is paying the City Attorney they are paying him from tax dollars.

City Manager Gorland said that the staffing that is in place is dependent on a certain level of activity. Part of the revenues are added together to offset some of the staff expenses.

Mr. Alonso stated that in 2012 there were thirteen variances and two appeals and in 2013 there were eight variances and three appeals.

Councilman Windrem commented that it is not a revenue stream because it is not revenue positive. The City is trying to recoup the cost of the process. He would like to set the lowest fee possible, which seems to be \$468, not including the appeal.

City Manager Gorland explained that on average the Building Department does not have a surplus. The City can have a surplus in a particular year, but by State Statute it is not allowed.

Councilman Petralanda agreed that the fees could be lowered but not to where it would cost the City money.

Mayor Garcia noted that the fees were raised based on information that Staff provided to Council. He asked where the \$350 difference comes from and City Manager Gorland replied that it is coming from the General Fund.

City Attorney Seiden advised Council not to combine the fees because that would be unfair. There are a number of people who would not file for an appeal. When Mr. Holland was here they made an effort to reduce the number of variances to be heard. The reason why the numbers are so extensive is because the variance cases that the City has received over the last couple of years were difficult cases.

Mr. Ziadie commented that he spent approximately twelve hours preparing the packets for the upcoming variance cases and much of the work had already been done by Mr. Holland.

Vice Mayor Bain said that the work that Mr. Ziadie did was during his regular eight hour shift and he did not get paid overtime. His point is that there is no additional time being spent on the variances other than what the City Attorney charges and the cost for paper and publication.

Mayor Garcia clarified that it takes revenue to make up for the taxes that the residents pay.

To answer Mayor Garcia's question, Mr. Alonso stated that the City budgeted a certain amount for variances and appeals when the fees were changed.

Mr. Alonso noted that he prepared the analysis for the Attorney's cost and out of pocket expenses and the average cost for the variance is \$443 and \$241 for an appeal.

Councilman Windrem commented that the fee stated in the current motion is too low and he would like to give some relief because the \$500 fee is exorbitant.

Vice Mayor Bain amended his motion to charge a fee of \$350.00 for variances and \$100.00 for appeals. Councilman Windrem seconded the amended motion.

Mr. Ziadie commented that City Attorney Seiden will have to prepare a resolution adopting the new fee schedule.

To answer Mr. Ziadie's question, Vice Mayor Bain said that the amended fees only apply to residential variances and appeals; the commercial fees will remain the same.

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

**9C) Recommendation to Approve Wall of Fame Plaque/Award (tabled 9/23/13 and 10/14/13)**

City Manager Gorland read the recommendation memo in its entirety.

Recreation Director Omar Luna commented that the company he is proposing to use for the Wall of Fame is Metro Signs. They will provide a fabric banner that will sit between two other pictures on the wall by the jogging track. The distance from the ground to the header is very high and nobody will be able to touch it. He considered using steel or aluminum letters but the cost was approximately \$3,000.00. This type of fabric header will cost approximately \$900.00 and should last a very long time. He discussed the different types of plaques that will be used to display the names.

Mr. Luna recommended the fabric header and a 14" x 20" bronze or etched plaque. The only issue with the bronze plaque is that the cost is approximately \$1,100.00 whereas the etched plaque is approximately \$458.00. He would like to get Council's approval and then he will bring back a better design of what the banner would actually look like.

To answer Councilman Petralanda's question, Mr. Luna said that if a person was on the basketball court, they would not be able to read the names on the plaques.

Vice Mayor Bain noted that the reason for the location of the Wall of Fame is because other areas have art work covering the walls and if it was placed on the basketball courts the balls may hit the plaques.

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

**9D) Update on Okeechobee Boat Ramp**

City Attorney Seiden said that he had contacted Jose Fuentes and representatives of the South Florida Water Management District (SFWMD). He verified that the canal is considered non-navigable.

Attorney Seiden said that Mr. Fuentes thought that the City may have to enter into an agreement with SFWMD but he recently received confirmation that the most the City would have to do is get a modified permit. The bottom line is that the City can do whatever they wish as long as they realize the consequences.

Vice Mayor Bain said that if Council decides to go forward with the boat ramp he believes that it should be done during the next budget so that funds are budgeted, unless the City can find someone to make a donation to fix the ramp.



City Attorney Seiden explained that the City would need to give direction to the Police Department. When Chief of Police Baan was involved in this topic, he made some suggestions to Council about how much or how little the regulations might be. If Council decides to improve the boat ramp and post a warning sign that would reduce the City's liability. Chief of

Police Baan mentioned to him that if Council decides to implement regulations as to types of boats and hours then he would demand additional manpower which he believes Council is trying to avoid.

Vice Mayor Bain said that he will speak with Chief of Police Baan and City Manager Gorland and bring the recommendation back to Council for approval.

(Agenda Item 9E was discussed after Agenda Item 11A)

#### **9E) City Clerk Selection Discussion**

Mayor Garcia asked Council if anyone had spoken to any of the candidates over the phone and Council replied that they did not have a conversation with any of them.

Vice Mayor Bain stated that there are three options:

1. Keep Ms. Hitaffer as the City Clerk; promote Ms. Sakal to Deputy Clerk and hire someone for the Clerical position.
2. Keep Ms. Hitaffer as the City Clerk and hire a Deputy Clerk from the other candidates.
3. Hire a new City Clerk and move Ms. Hitaffer back to her original Deputy Clerk position.

Vice Mayor Bain said that some Council members were going to call the candidates to ask them if they would consider the Deputy Clerk position but none of them were contacted.

Vice Mayor Bain stated that his idea is for Ms. Hitaffer to serve out her last two years and four months as City Clerk; train Ms. Sakal who will continue with her schooling and then hire someone to fill the Administrative Assistant position. If Ms. Sakal is qualified to step into the City Clerk position in two years and four months then she will be ready.

**Vice Mayor Bain made a motion to keep Ms. Hitaffer as the City Clerk; promote Ms. Sakal to Deputy Clerk and hire someone for the Clerical position. Councilman Lob seconded the motion.**

Vice Mayor Bain asked the other Council members why this is not an option.

Councilman Lob commented that the City has a chance to hire someone who is very qualified and he is uncertain where the Clerk's office will be two years from now. He does not think that any of the candidates would take the position of Deputy City Clerk. He personally feels that if Council waits until Ms. Hitaffer retires then they will be in a position where whoever comes in will not have enough time with Ms. Hitaffer unless Ms. Sakal takes over the position.

Vice Mayor Bain said that his premise is that Ms. Sakal will receive training in the two and a half years going forward. He has talked to some people who have watched the meetings and the thought of Mr. Urquia leaving his job for a smaller salary with the qualifications that he has does not make sense.

Councilman Lob advised Vice Mayor Bain that his consideration is not for hiring Mr. Urquia.

Councilman Windrem stated that from a staffing standpoint it is very optimistic to move down a path that grooms Ms. Sakal for either being the Deputy Clerk or the Clerk sometime in the next twenty eight months. Ms. Sakal's position has been difficult to fill and she is stellar. He does not believe that the option presented by Vice Mayor Bain is good for the City because it will be a revolving door for the Administrative Assistant position.

City Manager Gorland clarified that the Administrative Assistant position was never a revolving door. There was only one employee that did not work out.

Vice Mayor Bain explained that as the responsibilities of the City Clerk grew, Ms. Valls felt that she needed a person to assist in the office. One person was there for a period of time to help and they were transferred to the Police Department. There was one other person before Ms. Sakal.

Councilman Windrem said that having Ms. Hitaffer and Ms. Sakal along with either of the two candidates as the Clerk or Deputy Clerk position would be the best for the Clerk's office.

Vice Mayor Bain said that all of this is an assumption. If the Clerk's office did not have what they have now, they would not have Ms. Sakal with the potential that she has. He does not like to say that he will be right but he does not want to assume that the third person that is going to come in as the Administrative Assistant might be a better fit than Ms. Sakal. The City currently has two people who work well together.

Vice Mayor Bain noted that it is one thing to speak about the imagination that the candidates may have but Ms. Sakal is in a position where she is delegated to do her job and she has not had the opportunity to show what she can do as a Deputy Clerk or a Clerk until now.

To answer Councilman Petralanda's question, Councilman Windrem said that his options are to hire either Ms. Gonzalez-Santamaria or Mr. Urquia as the Clerk or Deputy Clerk.

Vice Mayor Bain said that it is disconcerting that Council expressed the desire to speak with the candidates to help make their decision and nobody took that opportunity. They do not have an answer as to whether or not the two candidates would be willing to take the Deputy Clerk position.

Mayor Garcia said that he brought up the discussion of wanting to speak with the candidates to see if they would consider being Deputy Clerk. He did not contact any of the candidates because that is not something he is willing to consider.

Councilman Petralanda said that he did not contact any of the candidates because he was confused. He believes that one of the options should have been chosen at the last meeting so that it would have given him the opportunity to call the candidates and know what it is that Council is offering them.

Councilman Petralanda explained that the Clerk's Office is a crucial department and Council should be thinking of experience. He is debating between keeping Ms. Hitaffer as the City Clerk and hiring a Deputy Clerk from the other candidates or hiring a new City Clerk and moving Ms. Hitaffer back to her original Deputy Clerk position.

The motion was failed 1-4 on roll call vote with Councilman Windrem, Councilman Lob, Councilman Petralanda and Mayor Garcia casting the dissenting votes.

City Attorney Seiden commented that two of the candidates did appear to be willing to discuss the Deputy Clerk position. He and Mr. Alonso were unable to find out what Ms. Gonzalez-Santamaria is making at Southwest Ranches.

Vice Mayor Bain stated that the Clerk's office is functioning fine with the employees that are currently there. He is not certain what Council's expectations are of a City Clerk but he has not received any phone calls or complaints about the office.

Mayor Garcia said that Vice Mayor Bain should not make the assumption that because his option was not the same as the rest of Council that they believe there is something wrong in the Clerk's office.

City Attorney Seiden said that if Ms. Hitaffer was not in the DROP then Council would not be having this meeting.

Councilman Lob stated that he is considering someone else because Ms. Hitaffer is in the DROP.

Vice Mayor Bain commented that Councilman Lob should look at the situation as he sees it. There is someone who has been here for two and a half years with college experience. The City has the advantage of currently having someone who is committed and knows the job and can adapt and move forward. He looks at this situation as an asset.

Councilman Lob noted that if the City were to hire one of the candidates, that person would have the benefit of working with both Ms. Sakal and Ms. Hitaffer for a period of time. That person may also bring some new ideas that were not considered before. He is not in any way saying that the current staff in the Clerk's office is not qualified; he is considering the future of the City.

Councilman Petralanda believes that option three is the best option because once Ms. Hitaffer retires then Ms. Sakal can move up to the Deputy Clerk position.

Councilman Windrem said that there are other departments that are in the same situation that have leadership personnel in the DROP and this process should be done in every department. The City is very lucky to have Ms. Sakal and Ms. Hitaffer after Ms. Valls retired. He reiterated that Council should be looking at the other departments as well.

City Attorney Seiden advised Councilman Windrem that Council does not have the responsibility for hiring in other departments.

Mayor Garcia clarified that Ms. Gonzalez-Santamaria's current salary at the Town of Southwest Ranches is \$73,000. He assumed that it will be very unlikely that Ms. Gonzalez-Santamaria would take a lower salary than what she is currently making unless Council is looking to have two employees at equal salaries.

Mayor Garcia passed the gavel to Vice Mayor Bain.

To answer Mayor Garcia's question, City Attorney Seiden stated that Council decides on salaries, raises and bonuses for the City Clerk only.

Mayor Garcia clarified that the City Manager has control over the rest of the employees in the Clerks Department.

Mayor Garcia made a motion to hire Erika Gonzalez-Santamaria as the City Clerk and have Suzanne Hitaffer as the Deputy Clerk and Elora Sakal as the Administrative Assistant. Councilman Lob seconded the motion.

Vice Mayor Bain said that if Council decides to approve the motion then there has to be a strict evaluation in three months on whether the new Clerk is doing the job properly or not. He does not want this to be like situations that have occurred in the City before where a person is not doing the job satisfactorily and it lingers on for some time.

Mayor Garcia stated that the City Attorney, the City Clerk and the City Manager are under constant evaluation and per the Charter they need a vote of confidence every year.

Vice Mayor Bain commented that if Council votes on this decision then he does not want it to linger into a situation where it becomes out of control such as past experiences during his first term.

Councilman Lob said that he has no issue with having an evaluation in three months.

The motion was carried 4-1 on roll call vote with Vice Mayor Bain casting the dissenting vote.

City Attorney Seiden noted that Council must decide what the conditions of employment and the salary they are going to offer Ms. Gonzalez-Santamaria.

Mayor Garcia asked how the process was done with City Manager Gorland and City Attorney Seiden replied that he believes he negotiated a contract. He would recommend against Council giving a contract to anyone except for the City Manager.

Vice Mayor Bain moved to start the salary negotiations for Ms. Gonzalez-Santamaria at the minimum salary of \$71,850. Councilman Lob seconded the motion.

City Attorney Seiden said that Human Resources Director Loretta Boucher can speak to Ms. Gonzalez-Santamaria regarding the salary negotiations.

The motion carried 3-2 with Vice Mayor Bain and Mayor Garcia being the dissenting votes.

#### 10. New Business:

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

**10A) Consideration of a Request from Miami-Dade County League of Cities for Sponsorship Opportunities and Participation in their 60<sup>th</sup> Annual Installation Gala to be Held on Saturday, February 8, 2014 at Jungle Island**

City Manager Gorland read the agenda packet memo in its entirety.

By consensus, Council agreed to purchase a black and white ¼ page ad and six tickets.

**10B) Resolution No. 2014-3608 – A Resolution of the City Council of the City of Miami Springs Approving a New Lease Agreement with The School Board of Miami-Dade County, Florida for the 501 East Drive/Stafford Park Site; Authorizing the Proper Officers and Officials to Execute the Lease Agreement and any other Required Documentation Related thereto; Effective Date**

City Attorney Seiden stated that the City advised the School Board that they going to consider the resolution this evening and send it to them in the morning. The resolution attaches all of the documents that are specifically referenced. He was also asked to redraft the facility agreement that the City has with the Historical Society because it did not reference the new lease or the requirements incorporated within it. He referred to Agenda Item 10E which is the Sublease Agreement.

City Attorney Seiden said that he spoke to someone from the School Board and was told that they were prepared to present the agreement and that their internal committee had prepared a memorandum approving the transaction. They said that they were going to move forward although they may revise the City agreement so it is more accurate. The School Board has agreed to use those documents as the approval documents.

City Attorney Seiden noted that Agenda Item 10E is the same document except that he adjusted three provisions dealing with authority to sublease, inclusion of lease terms and conditions and other minor adjustments. He was never given any specifics as to what the objections were except for the fact that it did not reference the current lease. He would ask that Council adopt it or authorize it in concept, subject to the School Board's approval. He will bring it back in revised form if necessary.

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

**10C) Resolution No. 2014-3609 – A Resolution of the City of Miami Springs Calling for the Holding of a Special Election for the City on Tuesday, April 8, 2014; Specifying the Purpose of the Special Election; Providing Authorizations and Directions to the City Clerk; Effective Date**

City Attorney Seiden read the resolution in its entirety.

City Attorney Seiden commented that the Special Election date is set for April 8, 2014, which the County's Election Department has agreed to. There was miscommunication as to the proper format. He has just recently received a copy of a contract that he needs to review. He changed the language to say that the City would have an agreement as to the contract prior to the election. He asked Council to review the ballot question which reads as follows:

*"Shall the City Council be authorized to sell and rezone the 10,299 square feet of Golf Course property adjacent to the former James Medical Clinic currently under License Agreement as a parking area to proposed contract purchasers for \$115,000?"*

City Attorney Seiden said that he wanted to include as much information as possible in the question. In speaking to Mr. Perez-Vichot, he is going to prepare publication materials prior to the election in order to educate the electorate on the issue. Assuming a positive result, the City can determine whether they will close before the official rezoning and the Comprehensive Plan process that is required.

City Attorney Seiden stated that Exhibit "A" shows a line of demarcation inside and outside the golf course. The original exhibit shows the yellow area that it is within the golf course property.

Vice Mayor Bain suggested including the size of the land in the ballot question which is less than one quarter of an acre.

By consensus, Council agreed to amend the ballot question to read as follows:

*"Shall the City Council be authorized to sell and rezone the 10,299 square feet (less than a quarter of an acre) of Golf Course property adjacent to the former James Medical Clinic currently under License Agreement as a parking area to proposed contract purchasers for \$115,000?"*

Mayor Garcia asked what the City Clerk's office has to do in terms of the filing and Acting City Clerk Hitaffer commented that there is a lot less involved in this type of election. She believes that it only involves legal advertising and she has already worked on a schedule.

Mayor Garcia asked if there were limits to what Mr. Perez-Vichot could do and Acting City Clerk Hitaffer replied that she would have to contact the Elections Department to find out because this is the first time the City has done something like this. She knows that if a political committee is formed that it would involve campaign reporting requirements.

Councilman Petralanda asked if the question should state what the property it is being rezoned as and City Attorney Seiden replied that it can only be rezoned according to the zoning in the adjacent Airport Golf District.

Vice Mayor Bain moved to adopt the resolution with the changes in the ballot question made by Council. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

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

**10D) Consideration of Drafting a Resolution Requesting an Intergovernmental Agency Agreement with Miami-Dade County Granting the City of Miami Springs Autonomy Regarding Street Safety and Traffic Calming on all Roads in the City**

City Manager Gorland said that this resolution came from another community since other communities are taking this responsibility over from the County. He has tried to find out if there has been any liability exposure but the Florida League of Cities has not yet responded.

City Attorney Seiden stated that the City will now be assuming the responsibility for determining signage and where it should be placed within the City. If it proves to be a wrong decision from an engineering standpoint and it causes some type of injury or accident then the City would have to face liabilities.

By consensus, Council directed the Administration to obtain information and bring it back to Council.

**10E) Review of Proposed Sublease Agreement (Revised Facility Agreement for Miami Springs Historical Society)**

This agenda item was discussed under Agenda Item 10B.

Councilman Lob moved to approve the sublease agreement in concept as per the City Attorney's request. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

**11. Other Business:**

**11A) Scheduling of a Special Meeting in February for Review of Investment Grade Audit from ConEdison**

City Manager Gorland explained that the proposed meeting would take approximately two hours for Council to consider a proposal that the City has been working on for about six months to upgrade the lighting and other electrical facilities. The expense will be paid back as a result of reduced power usage.

Mayor Garcia asked if there was information that Council could have prior to the meeting for review and City Manager Gorland said that they could receive the information except it is highly complicated to understand without an explanation.

Mayor Garcia said that he would like to have an explanation before the meeting in order to help Council make a decision and not be pressed to make a decision on the same night that the information is presented.

By consensus, Council agreed to discuss this item at one of the upcoming regular meetings if the agenda is small.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Heat on Wheels**

City Manager Gorland reported that there is a Heat on Wheels tournament this weekend at the Community Center at 9:00 a.m. on Saturday and Sunday. He recommended that Council go to watch a game because it is amazing to watch.

**Workshop Meeting**

City Manager Gorland reminded Council of the Workshop meeting on Wednesday, January 15<sup>th</sup> at 7:00 p.m. to discuss Code revisions.

## **Sports Programs**

City Manager Gorland said that the soccer, football and Little League programs are still going on and he encourages everyone to attend the games.

## **Daddy/Daughter Dance**

City Manager Gorland reported that the Daddy/Daughter dance is on Saturday, February 8<sup>th</sup>.

## **Farmers Market**

City Manager Gorland stated that the Farmers Market is doing well and he encouraged everyone to make a visit.

## **Workshop Meeting**

After discussion, Council agreed to change the time for the January 15<sup>th</sup> Workshop meeting to 6:00 p.m.

To answer City Attorney Seiden question, Mayor Garcia said that it is a Workshop meeting and Council does not take comments from the residents.

## **12C) City Council**

### **Congratulations**

Mayor Garcia congratulated Mikey Gavila for completing his marathon and Mr. Gavila said that he finished the 26-mile marathon in 4 hours and 55 minutes.

### **Hank Flowers**

Vice Mayor Bain said that he hopes that Hank Flowers gets well soon and he will keep him in his prayers since he means a lot to him.

### **City Clerk Selection**

Vice Mayor Bain said that he wishes Council would have reconsidered their decision for the City Clerk selection but he understands that they did what they thought was right.

### **Lost and Found Pets**

Councilman Petralanda thanked City Manager Gorland for implementing information on the City website for lost and found pets.

### **City Clerk Selection**

Mayor Garcia hopes that Assistant City Clerk Sakal and Acting City Clerk Hitaffer are not going anywhere. He thanked them both for all of their hard work. He said that they both are a very important part of the department and the job that has been done since former City Clerk Valls retired. There has been magnificent team work and he thinks the department will continue to have a magnificent team with City Clerk Erika Gonzalez-Santamaria.

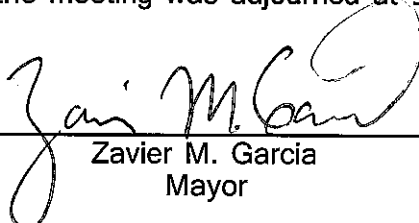


**Lieutenant Governor**

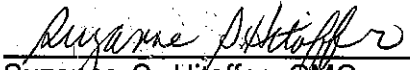
Mayor Garcia said that if everyone tunes in to their televisions at approximately 9:30 a.m. Governor Scott will be making a very important announcement about his appointment of Property Appraiser Carlos Lopez-Cantera as the Lieutenant Governor.

**13. Adjournment**

There being no further business to be discussed the meeting was adjourned at 9:35 p.m.

  
\_\_\_\_\_  
Zavier M. Garcia  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Suzanne S. Hitaffer, OMC  
Acting City Clerk



Approved as written during meeting of: 02-10-2014

Transcription assistance provided by Elora R. Sakal.

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