



City of Miami Springs, Florida
City Council Meeting

Regular Meeting Minutes
Monday, April 27, 2015 7:00 p.m.

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

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

Present were the following:

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

City Manager Ronald K. Gorland
Assistant City Manager/Finance Director William Alonso
City Attorney Jan K. Seiden
Chief of Police Armando A. Guzman
City Clerk Erika Gonzalez-Santamaria
Professional Services Supervisor Tammy Romero
Golf and Country Club Director Paul O'Dell
Public Works Director Thomas Nash
Parks and Recreation Director Omar Luna

2. Invocation: Councilman Petralanda

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

3. Awards & Presentations:

A) Yard of the Month – May 2015 – Adelaide and Paul Smith – 660 Nightingale Avenue

Mayor Garcia presented a Certificate of Recognition to Adelaide and Paul Smith for their home being designated as Yard of the Month for May 2015.

B) Yard of the Month – May 2015 – Miami Springs Woman's Club – 200 Westward Drive

Mayor Garcia presented a Certificate of Recognition to Miami Springs Woman's Club for their yard being designated as Yard of the Month for May 2015.

4. Open Forum: The following members of the public addressed the City Council: Tony Lima of 841 Wren Avenue, Ralph Wakefield, 255 Springs Avenue, Kim Werner of

1016 Meadowlark Avenue, and Betty Dixon of 330 Cardinal Street.

5. Approval of Council Minutes:

- A) April 13, 2015 – Regular Meeting
- B) April 13, 2015 – Special Meeting

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

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

7. Public Hearings: None at this time.

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

A) Recommendation by Golf that Council authorize the issuance of a Purchase Order to Howard's Fertilizer & Chemical, utilizing Town of Davie Bid #B-14-25, in the amount of \$10,000.00, for custom pre-emergent fertilizer blends as funds were approved in the FY14/15 Budget, pursuant to Section 31.11(E)(5) of the City Code

B) Recommendation by Golf that Council approve an expenditure to Aeration Technology, Inc., as a sole source provider, in an amount not to exceed \$28,000, for aerating the golf course this summer as funds were approved in the FY14/15 Budget, pursuant to Section 31.11 (E)(6)(c) of the City Code

C) Recommendation by Golf that Council authorize the issuance of a Purchase Order to Harrell's utilizing Miami-Dade County contract #9020-1/19, in the amount of \$8,000.00, for liquid fertilizer as funds were approved in the FY14/15 Budget, pursuant to Section 31.11(E)(5) of the City Code

D) Recommendation by Golf that Council authorize the issuance of a Purchase Order to Growers Equipment Co., utilizing State of Florida contract #760-000-10-1, in the amount of \$13,000.00, for the repairs done to the Kubota tractor at the golf course as funds were approved in the FY14/15 Budget, pursuant to Section 31.11(E)(5) of the City Code

E) Recommendation by Public Works that Council waive the competitive bid process and approve an expenditure to Computer Electric, on an "as needed basis" in the amount of \$47.70 per hour, for electrical repairs as funds were approved in the FY14/15 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/contract vendor for an additional one year period

F) Recommendation by Recreation that Council waive the competitive bid process and approve an expenditure to Firepower Displays Unlimited, LLC, in the amount of \$15,000, for 4th of July Fireworks Display as funds were approved in the FY 14/15 Budget, pursuant to Section §31.11 (E)(6)(g) of the City Code

Councilman Bain moved to approve consent agenda items 8B, 8C, 8D, 8E, and 8F. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilman Bain, Councilwoman

Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

Councilman Petralanda pulled consent agenda item 8A. After some discussion, Councilman Petralanda moved to approve consent agenda item 8A. Vice Mayor Best seconded the motion, motion carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilman Bain, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.

9. Old Business:

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

Councilman Best appointed Mark Johnston to the Recreation Commission and Constantino Hernandez to the Education Advisory Board.

B) Discussion regarding Aquatic Center current design and cost

Vice Mayor Best read a statement into the record. He discussed the current status of the aquatic facility and requested that the Council place a hold on further spending on the aquatic facility and a special meeting be schedule.

Councilwoman Buckner also stated that she is not comfortable with the new debt and how the community pool will look like. She also requested a special meeting to further discuss the various possibilities to reduce the cost and amenities of the projected aquatic facility.

Mayor Garcia encouraged the questions from the new Councilmembers in order to get to know the facility. He reminded the Council and the public that the process for the aquatic facility was long and very public process. There were many meetings, charrettes, and reading material via mail, website, and publications. He also requested that no holds be placed on the project until all the questions and specific details are given to the contractor, since the City is currently under contract.

Councilman Bain stated that the process for the pool was much different and much more open and public than the construction of the Community Center. There was a year and half of charrettes and meetings for the pool. He stated that he was not in favor of any closure or stopping the project.

Councilman Bain made a motion to continue the process as-is. The motion failed due to lack of a second.

Councilman Petralanda stated that the new members of Council have the right to have their voices heard. He also suggested that the work on the aquatic facility should not stop but a special meeting be established as soon as possible.

Patricia Bonilla, president of Lunacon, addressed the City Council. She addressed the possibilities if the project were to stop there would still be costs incurred regardless. John Dillon, Dillon Pools, addressed the City Council with their concerns on changing to a competition pool and other matters that relate to the current project.

Darlene Roman-Rossy, representative from Lunacon, also addressed the City Council's questions and concerns regarding the current aquatic facility.

After some discussion, Vice Mayor Best moved to stop all funding of the aquatic facility and to schedule a special meeting. Councilwoman Buckner seconded the

motion, which failed 2-3 on roll call vote. The vote was as follows: Vice Mayor Best and Councilwoman Buckner voting Yes; Councilman Bain, Councilman Petralanda and Mayor Garcia voting No.

Mayor Garcia requested that within the next two days that the new Council members meet with staff to discuss questions and concerns they may have on the project.

Councilman Petralanda made a motion to schedule a special meeting on Monday, May 4th. Councilman Bain seconded the motion. Councilman Petralanda later withdrew his motion.

Both Vice Mayor Best and Councilwoman Buckner agreed to meet with staff to discuss the aquatic facility project within the next few days.

C) Recommendation that Council approve the execution of the Professional Consulting Services Agreement with Craven Thompson & Assoc., Inc. for Architectural, Engineering, Planning, Design and Staff Services Support citywide paid in accordance with the Hourly Fee Schedule "Attachment B" of the contract

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

10. New Business:

A) Ordinance – First Reading – An Ordinance Of The City Council Of The City Of Miami Springs Amending Code Of Ordinance Section 35-14, Membership In Retirement System; To Provide Any Newly Appointed Department Directors The Option Of Joining The City Employees Retirement System; Determination Of Retroactivity; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date

City Attorney Seiden read the title of the ordinance.

Attorney Seiden stated that newly appointed City employees to the positions of City Manager, Assistant City Manager, or Department Director following the enactment of this ordinance shall have the option of membership in the City Employees' Retirement System or any other City approved retirement plan. He asked Staff to send the ordinance to the attorney for the Retirement Board for his review and approval. Second Reading is scheduled for May 27, 2015.

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

B) Ordinance – First Reading – An Ordinance Of The City Council Of The City Of Miami Springs Amending The Following Delineated Code Sections Contained In "The Miami Springs Retirement Ordinance" In Order To Comply With The Provisions Of The Internal Revenue Code; By Providing Additional Definitions In Code Section 35-04, Definitions; Supplementing The Provisions Contained In Code Section 35-18, Military Service Credit; By Correcting Certain Language And Providing An Additional Provision In

Code Section 35-20, Normal Retirement; By Revising And Supplementing Provisions Contained In Code Section 35-30.1, Limitation On Benefit; By Substantially Modifying And Updating Provisions Contained In Code Section 35-30.2, Distributions In Plan Years Beginning After December 3, 1984; By Creating New Code Of Ordinance Section 35-30.4, Miscellaneous; By Supplementing And Further Explaining Provisions Contained In Code Section 35-46, Direct Transfers Of Eligible Rollover Distributions; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date

City Attorney Seiden read the title of the ordinance.

Attorney Seiden stated that the ordinance is before the Council for consideration so that the wording for the pension plan is in compliance with the new Internal Revenue Service enactments. He asked Staff to send the ordinance to the Retirement Board and the attorney for the Retirement Board for their review and approval.

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

C) Ordinance – First Reading – An Ordinance Of The City Council Of The City Of Miami Springs Amending The Following Delineated Code Sections Contained In The “Police And Fireman Pension Plan” In Order To Comply With The Provisions Of The Internal Revenue Code; By Providing Additional Definitions In Code Section 35-51, Definitions; By Supplementing Provisions And Correcting Language Contained In Code Section 35-53, Benefit Amounts And Eligibility; By Providing Additional Substantive Provisions In Code Section 35-54, Optional Forms Of Benefits; By Supplementing A Provision In Code Section 35-54, Member Contributions; By Adding Additional Provisions In Code Section 35-58, Repeal Or Termination Of System; By Revising, Supplement, And Adding Provisions In Code Section 35-59 Miscellaneous; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date

City Attorney Seiden read the title of the ordinance.

Attorney Seiden stated that the ordinance is before the Council for consideration so that the wording for the pension plan is in compliance with the new Internal Revenue Service enactments. He asked Staff to send the ordinance to the Retirement Board and the attorney for the Retirement Board for their review and approval.

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

D) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Providing For The Third Budget Amendment To The FY 2014-2015 Budget; By Reclassifying The Stafford Park Renovation Project From The General Fund Into The Capital Projects Fund; Recording The State Grant For The Senior Center Operations Fund; Increasing The General Fund From The City’s Designated Fund Balances To Fund Additional Purchases And Expenses Authorized By The City Council; Providing Intent; Specifying Compliance With Budgetary Processes And Procedures; Effective Date

City Attorney Seiden read the title of the resolution.

Attorney Seiden stated that the resolution is to reclassify a project within the budget to the designated funding source.

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

E) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Amending The Schedule Of Golf Charges And Fees For The Operation Of The Miami Springs Golf And Country Club; Reserving The Right And Authority To Amend Or Supplement The Schedule Of Charges; Effective Date

City Attorney Seiden read the title of the resolution.

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

F) Resolution – A Resolution Of The City Council The City Of The City Of Miami Springs Authorizing The City To Apply For, And Accept, If Awarded, A \$30,000 2015 Urban And Community Forestry Grant With The State Of Florida On An Equal Or Greater Matching Amount Basis; Directing The Proper Officers And Officials Of The City To Execute The Grant Memorandum Of Agreement With The State Of Florida, Department Of Agriculture And Consumer Services, Florida Forest Service; Effective Date

City Attorney Seiden read the title of the resolution.

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

G) Decision Regarding Advertising in the Conference Edition of the Quality Cities Magazine to Celebrate the Florida League of Cities 89th Conference in Hollywood, Florida to be Held During August 13-15, 2015

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

H) Recommendation by Golf that Council approve an expenditure to Awnings Universal, the lowest responsible quote, in the amount of \$6,500, for an awning to cover our lift station, pursuant to Section §31.11 (C)(2) of the City Code

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

I) Setting a date for a Special Meeting for Codes Review/Updating and Memorial Day Council Meeting Conflict

City Attorney Seiden stated that he will provide several topics for the Council's consideration at the next Council meeting.

11. Other Business:

A) Authorization to hire outside Counsel for pending election litigation

City Attorney Seiden briefly went over the details of the litigation. He explained that since he may be called as a witness, it would be best to hire outside counsel to represent the City, the Mayor and Clerk.

After some discussion, Vice Mayor Best moved to authorize to hire outside counsel. Councilman Bain seconded the motion, which was carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilman Bain, Councilwoman Buckner, and Councilman Petralanda voting Yes. Mayor Garcia abstained.

B) FY2014-2015 2nd Quarter Budget Status Report (Unaudited)

Assistant City Manager/Finance Director reported that the City is within revenues and expenditures and are expected to have a surplus in the second quarter. Staff has added designated fund balance items for the Council's information.

C) Consideration of Rescheduling of Regular Council meetings to 7:00 p.m. on the first and third Tuesday of each month

Tom Curtis spoke on the agenda item.

Some discussion ensued on the item, Councilman Bain moved to change the Council meetings to the second and fourth Tuesday of every month. Councilman Petralanda seconded the motion, which failed 1-4 on roll call vote. The vote was as follows: Councilman Bain voting Yes; Vice Mayor Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting No. There was no further action.

12. Reports & Recommendations:

A) City Attorney had no further comments at this time.

B) City Manager

City Manager Gorland stated that hurricane season commences on June 1st. The City is undergoing its preliminary preparations internally.

C) City Council

Councilman Petralanda thanked the public that came out to the meeting. Thanked Vice Mayor Best and Councilwoman Buckner for wanting to be a part of the pool issue.

Vice Mayor Best appreciates the opportunity to bring up the pool project. It was a productive discussion and looks forward to moving forward in the right direction.

Councilwoman Buckner thanked everyone for coming out to the meeting.

Councilman Bain stated that the discussion this evening was supposed to happen in the Council meeting and was productive. He asked the City Manager to report at the next meeting on ConEd. He requested that the City Manager update the Council on any opportunities to assist Maria Mitchell from the Miami Dade Pedestrian and Bicycle Committee.

Mayor Garcia discussed that when the Okeechobee tunnel was being built, FDOT offered a pedestrian walkway into Miami Springs. There are residents that do use the Metrorail station and a walkway would be helpful for pedestrians.

13. Adjourn


There being no further business to be discussed the meeting was adjourned at 10:50 p.m.

Respectfully submitted:


Erika Gonzalez-Santamaria, MMC
City Clerk



Adopted by the City Council on
This 11th day of May, 2015.


Zavier M. Garcia, Mayor

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Garcia, Xavier	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL
MAILING ADDRESS 40 Whitethorn Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Miami Springs MIAMI-DADE	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED April 27, 2015	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

CITY OF MIAMI SPRINGS
2015 MAY - 10 P 4:00

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Zavier Garcia, hereby disclose that on April 27, 20 15:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

City Council had to consider the hiring of outside Counsel for the election lawsuit brought forward by Fernando Suco, as I am a named party in the litigation.

May 4, 2015
Date Filed

Zavier M. Garcia
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.