



Revised 10/23/2015

## **CITY OF MIAMI SPRINGS, FLORIDA**

**Mayor Xavier M. Garcia**

**Vice Mayor Billy Bain**  
**Councilwoman Roslyn Buckner**

**Councilman Bob Best**  
**Councilman Jaime Petralanda**

*Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."*

### **CITY COUNCIL REGULAR MEETING AGENDA** **Monday, October 26, 2015 – 7:00 p.m.** **City Hall, Council Chambers, 201 Westward Drive**

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

**2. Invocation:** Councilwoman Buckner

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

**3. Awards & Presentations:**

A) Presentation of Certificate of Sincere Appreciation Plaque to James J. Pessolano in Recognition of 18 Years of Dedicated Service to the City of Miami Springs

B) Presentation of Certificate of Sincere Appreciation Plaque to Rene O. Alonso in Recognition of 28 Years of Dedicated Service to the City of Miami Springs

C) Yard of the Month Award – November 2015 – Delores Orr – 31 Carlisle Drive

D) Presentation of Ceremonial Check in the amount of \$50,000 from the FRDAP State Grant for the Miami Springs Aquatic Center Interactive Water Play Components

**4. Open Forum:** Persons wishing to speak on items of general city business, please sign the register located on the speaker's stand before the meeting begins.

**5. Approval of Council Minutes:**

A) October 12, 2015 – Regular Meeting

**6. Reports from Boards & Commissions: None.**

**7. Public Hearings:**

A) An Ordinance Of The City Council Of The City Of Miami Springs Amending Code Of Ordinance Section 150-009, Construction Materials; By Providing An Exception For Aluminum "Florida Or Sun Rooms" That Comply With Certain Construction Conditions; Repealing All

Ordinances Or Parts Of Ordinances In Conflict; Effective Date

**8. Consent Agenda: (Funded and/or Budgeted) None.**

**9. Old Business:**

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Update on Pool Project (Added October 23, 2015)

**10. New Business:**

A) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Amending The Current Schedule Of Charges For The Use Of City Recreation Facilities And Related Services; Effective Date

B) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Approving And Adopting A Revised City Employee “Pay Plan” For Fiscal Year 2015-2016; Reserving The Right And Authority To Amend Or Supplement The Plan; Effective Date

C) Presentation and Discussion with City Lobbyist, Jose Fuentes, on the following:

- 1) Status of Annexation
- 2) Consideration of Execution of Extension of Settlement Agreement
- 3) Recommendation by City Manager that Council approve an extension of the contract with Becker & Poliakoff, P.A. (Formerly The Fuentes & Rodriguez Consulting Group), for an additional one year period, in an amount of \$45,000.00 paid in monthly installments of \$3,750.00, for consulting and lobbying services, as funds were approved in the FY15/16 Budget, and pursuant to Section 31.11 (E)(6)(g) of the City Code and pursuant to the City’s existing contract

**11. Other Business:**

A) Consideration of Cancelling/Rescheduling the Regular Council meetings of Monday, November 23<sup>rd</sup> and Monday, December 28<sup>th</sup>

**12. Reports & Recommendations:**

- A) City Attorney
- B) City Manager
- C) City Council

**13. Adjourn**

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Anyone wishing to obtain a copy of an agenda item may contact the City Clerk at (305) 805-5006, download the complete agenda packet from [www.miamisprings-fl.gov](http://www.miamisprings-fl.gov) or view the materials at City Hall during regular business hours.

Pursuant to Florida Statute 286.0114, the City Council provides the public with a reasonable opportunity to be heard on all matters.

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than seven (7) days prior to the proceeding.

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.



# ***CERTIFICATE OF RECOGNITION***

Presented to

***Delores Orr***

Of

***31 Carlisle Drive***

for their home being designated as

***“YARD OF THE MONTH”  
November 2015***

Presented this 26th day of October, 2015.

**CITY OF MIAMI SPRINGS, FLORIDA**

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Zavier M. Garcia  
Mayor

**ATTEST**

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Erika Gonzalez-Santamaria, MMC  
City Clerk



***City of Miami Springs, Florida***  
City Council Meeting

Regular Meeting Minutes  
Monday, October 12, 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  
I.T. Director Jorge Fonseca  
Professional Services Supervisor Tammy Romero  
Public Works Director Tom Nash  
City Planner Chris Heid  
Building Official/Code Compliance Director Ulises Fernandez  
City Clerk Erika Gonzalez-Santamaria

**2. Invocation:** Offered Mayor Garcia

**Salute to the Flag:** Students from All Angels Academy lead the audience in the Pledge of Allegiance and Salute to the Flag

**3. Awards & Presentations:**

A) Presentation of Certificate of Sincere Appreciation Plaque to Barbara Robinson in Recognition of 30 ½ Years of Dedicated Service to the City of Miami Springs

After welcoming remarks, Mayor Garcia presented Ms. Robinson with a plaque recognizing her years of service and Mr. Gorland then presented a gift on behalf of the administration.

B) Presentation by Doug Taylor, P.E. of Craven Thompson, on Floodplain Map Project for Resident Relief

Mr. Doug Taylor provided a PowerPoint to Council and the public on the process of reducing the flood insurance rates in the City. Mr. Taylor answered all of the Council's questions.

C) Update on Aquatics Facility Construction

Professional Services Supervisor Tammy Romero provided an update on the aquatic facility construction. Ms. Romero answered any questions that the Council asked.

**4. Open Forum:**

The following members of the public addressed the City Council: Tony Lima, 841 Wren Avenue.

**5. Approval of Council Minutes:**

A) September 28, 2015 – Regular Meeting

**Councilman Best moved to approve the minutes. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, 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) Approval of City Attorney's Invoice for September 2015 in the Amount of \$13,419.00

**Councilman Best moved to approve Item 8A. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.**

The following are Building Department related items:

B) Recommendation by the Building Department that Council waive the competitive bid process and approve an expenditure to Evelio Mantilla, DBA Florida General & Roofing in an amount not to exceed \$60,000, on an "as needed basis" for Plan Reviews and Roofing/Building Inspections as funds were approved in FY15/16 Budget, pursuant to Section §31.11 (E)(6)(g) of the City code

C) Recommendation by the Building Department that Council waive the competitive bid process and approve an expenditure to M. Jurado and Associates, in an amount not to exceed \$12,000, on an "as needed basis" for Mechanical Plan Reviews and Inspections as funds were approved in FY15/16 Budget, pursuant to Section §31.11 (E)(6)(g) of the City code

**Vice Mayor Bain moved to approve 8B and 8C. Councilwoman Buckner seconded the motion, which carried 3-2 on roll call vote. The vote was as follows: Councilman Best, Councilman Petralanda and Mayor Garcia voting Yes; Vice Mayor Bain and**

**Councilwoman Buckner voting No.**

**After some discussion regarding the reading of each consent agenda item by title, Vice Mayor Bain moved to have the City Manager read all consent agenda items at every meeting. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.**

**Mayor Garcia called for a five minute recess at 9:00 p.m. Mayor Garcia reconvened the meeting at 9:10 p.m.**

**Councilman Petralanda pulled items 8X and 8Y. Vice Mayor Bain pulled items 8H, 8L, 8Q, 8U, 8DD. The City Manager read all items by title on the Consent Agenda.**

The following are City-wide related Items:

D) Recommendation by staff that Council approve an expenditure to Daily Business Review, as a sole source provider, on an "as needed basis" in the amount of \$3,750.00, for providing greater coverage and more informative notification of advertising and legal notices to the residents of public ordinances and state and federal grant awards of the City as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

E) Recommendation by staff that Council approve an extension of the contract with Kelly Janitorial for an additional one year period, in the amount of \$83,496.00, for janitorial cleaning services citywide as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year one of three with no increase in contract

F) Recommendation by staff that Council approve an expenditure to River Cities Gazette, as a sole source provider, on an "as needed basis" in the amount of \$18,950.00, for greater local access and more informative notification of advertising and legal notices to the residents of public ordinances and state and federal grant awards of the City as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

G) Recommendation by staff that Council approve an extension of the contract with Southern Waste Systems for an additional one year period, in the amount of \$22,320.00, for citywide garbage and recycling container pickup services as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for final option year with no increase in contract

H) Recommendation by staff that Council approve an extension of the contract with Toshiba for an additional one year period, in the amount of \$25,000.00, for copier lease services citywide and a printer program services that includes maintenance service and cartridges for certain desktop printers citywide as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year three of four with no increase in contract

The following is City Clerk Related items:

I) Recommendation by the City Clerk that Council approve an expenditure to Miami Herald, as a sole source provider, on an "as needed basis" in the amount of \$10,000.00, for larger circulations of legal advertising and legal notices as funds were approved in the FY15-16 budget, pursuant to Section § 31.11 (E)(6)(c) of the City Code

The following are Police related items:

J) Recommendation by the Police Department that Council waive the competitive bid process in the best interests of the City because we have established an 18-year relationship and approve an expenditure to Miami Lakes Veterinary Clinic, "on an as needed basis" in an amount not to exceed \$7,070.00, for veterinary services for the two police canines as funds were approved in the FY 15/16 Budget, pursuant to Section §31.11 (E)(6)(g) of the City Code

K) Recommendation by Police that Council approve an expenditure to Sungard Public Sector, as a sole source provider, "on an as needed basis" in an amount not to exceed \$3,400.00, for additional VPN router to connect to Sungard to Police Department network as there is only one source (proof attached) for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

L) Recommendation by the Police Department that Council approve an extension of the contract with USA Software, Inc., for an additional one-year period, in the amount of \$17,718.45, for annual software support and maintenance contract renewal as funds were approved in the FY 15/16 Budget, pursuant to Section §31.11 (E)(6)(c) of the City Code and pursuant to the City's existing contract for option to renew yearly with an increase of \$295.00 from last Fiscal Year

The following are City Manager related items:

M) Recommendation by City Manager that Council approve an extension of the contract with Becker & Poliakoff, P.A. (Formerly The Fuentes & Rodriguez Consulting Group), for an additional one year period, in an amount of \$45,000.00 paid in three equal payments, for consulting and lobbying services, as funds were approved in the FY15/16 Budget, and pursuant to Section 31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract **(PULLED BY ADMINISTRATION)**

The following are Golf Department related items:

N) Recommendation by Golf that Council approve an expenditure to Acushnet, as a sole source provider, on an "as needed basis" in the amount of \$35,000, for Titleist and Foot Joy merchandise to be re-sold in the pro shop as there is only one source for the required supplies and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

O) Recommendation by Golf that Council approve an expenditure to Aeration

Technology, as a sole source provider, on an "as needed basis" in the amount of \$20,000, for aeration services during the summer months as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

P) Recommendation by Golf that Council authorize the issuance of a purchase order or the execution of a contract to Florida Superior Sand, utilizing Miami Dade County under Bid # 9408-1/14-1 (attached), on an "as needed basis" in the amount of \$50,000, for medium grade sand for topdressing at the Miami Springs Country Club as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

Q) Recommendation by Golf that Council approve an extension of the contract with Greens Grade Inc. for an additional one year period, in the amount of \$340,000, for ground maintenance services at the Miami Springs Country Club as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year two of four with no increase to contract

R) Recommendation by Golf that Council authorize the issuance of a purchase order or the execution of a contract to Harrell's Fertilizer, utilizing Miami Dade County under contract # 9020-1/19, on an "as needed basis" in the amount of \$50,000, for custom liquid fertilizers as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

S) Recommendation by Golf that Council approve an expenditure to Hector Turf, as a sole source provider, on an "as needed basis" in the amount of \$25,000, for parts needed to repair Toro equipment as there is only one source for the required supplies and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

T) Recommendation by Golf that Council authorize the issuance of a purchase order or the execution of a contract to Hector Turf, utilizing a cooperative purchase with National IPA under contract # 120535 (attached), in an amount of \$30,363.50, for 3500-D Toro Groundskeeper rough mower as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

U) Recommendation by Golf that Council approve an extension of the contract with Hertz Corporation for an additional one year period, in the amount of \$16,400, for heavy equipment rental as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract for option year two of two with no increase to contract

V) Recommendation by Golf that Council authorize the issuance of a purchase order for the execution of a contract to Howard Fertilizer and Chemical, utilizing Town of Davie under Bid # B-14-25, on an "as needed basis" in the amount of \$110,000, for chemicals and custom blended fertilizers used to maintain the Miami Springs Country Club as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

W) Recommendation by Golf that Council approve an expenditure to Ultimate Advertising, as a sole source provider, on an "as needed basis" in the amount of \$15,000, for advertising the Miami Springs Country Club in a sports yearbook as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

X) Recommendation by Golf that Council approve an expenditure on an "as needed basis" in the amount of \$62,000, to U.S. Lubricants, the lowest responsible quote after obtaining three written quotes, for fuel for the maintenance and golf cart fleet as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (C)(2) of the City Code

Y) Recommendation by Golf that Council approve an extension of the contract with Yamaha for an additional one year period, in the amount of \$58,095, for the lease of the golf cart fleet as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing agreement currently in the 3rd year of a 5 year (sixty month) lease approved by Council in October 2013 with no increase to the contract

The following are Public Works Department related items:

Z) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Miami Tiresoles, utilizing Miami Dade County under contract # 15/17-07-220 (attached) "on an as needed basis," in an amount not to exceed \$30,000.00 for tires as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

AA) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Nextran Corporation, utilizing Miami Dade County under contract # 5380-6/14-6 (attached) "on an as needed basis," in an amount not to exceed \$25,000.00 for parts & repairs on trucks as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

BB) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Palmetto Ford Truck, utilizing Miami Dade County under contract # 5380-6/14-6 (attached) "on an as needed basis," in an amount not to exceed \$15,000.00 for parts & repairs on trucks as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

CC) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Petersen Industries, utilizing a cooperative purchase with the Florida Sheriffs Association under contract # 15-13-0904 (attached), in an amount not to exceed \$311,096.00, for 2 Trash Cranes as these units are replacing equipment that have exceeded their functionality and have been very costly to maintain as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

DD) Recommendation by Public Works that Council approve an extension of the

contract with Raydel Landscaping for an additional one year period, in the amount of \$105,000.00, for tree trimming and removals as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract ITB #04-11/12

EE) Recommendation by Public Works that Council approve an extension of the contract with SFM Services for an additional one year period, in the amount of \$18,720.00, for street sweeping services as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the City's existing contract which is the final option year with no increase to the contract

FF) Recommendation by Public Works that Council authorize the issuance and/or execution of a purchase order to Sunbelt Hydraulics, utilizing Miami Dade County under contract # 5380-6/14-6 (attached) "on an as needed basis," in an amount not to exceed \$15,000.00 for parts & repairs on trucks as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(5) of the City Code

**The City Manager read pulled items 8H, 8L, 8Q, 8U, and 8DD by title. There was some discussion as to having renewal or extension of contracts on Consent Agenda.**

**Councilwoman Buckner made a motion to approve pulled items 8H, 8L, 8Q, 8U, and 8DD. Vice Mayor Bain seconded the motion, which failed 2-3 on roll call vote. The vote was as follows: Councilman Best and Mayor Garcia voting Yes; Vice Mayor Bain, Councilwoman Buckner, and Councilman Petralanda voting No.**

**Mayor Garcia passed the gavel to Vice Mayor Bain. Mayor Garcia made a motion to have all contract renewals or extensions to be placed on the agenda but not under Consent Agenda. Councilwoman Buckner seconded the motion, which carried 4-1 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes; Councilman Best voting No.**

**Vice Mayor Bain moved to reconsider pulled items 8H, 8L, 8Q, 8U, and 8DD. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.**

**Vice Mayor Bain moved to approve pulled items 8H, 8L, 8Q, 8U, and 8DD. Councilwoman Buckner seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, Councilman Petralanda and Mayor Garcia voting Yes.**

**City Manager Gorland read pulled Consent Agenda items 8X and 8Y. Councilman Petralanda expressed his concern for the use of gasoline for the golf carts being used at the golf course.**

**Councilwoman Buckner moved to approve pulled items 8X and 8Y. Councilman Best seconded the motion, which carried 4-1 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, Councilwoman Buckner, and Mayor Garcia voting Yes; Councilman Petralanda voting No.**

**9. Old Business:**

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

There were no appointments made at this time.

B) Recommendation by Recreation that Council approve an increase to the City's current open purchase order with Superior Park Systems, Inc, in an amount not to exceed \$5,557.50, for additional expenditures incurred for Stafford Park Pavilion to meet ADA Compliance Path, Engineered Drawings and Permitting, which exceeds the original amount of \$43,758.45 in the FY14/15 Budget pursuant to Section §31.11 (E)(6)(g) of the City Code

There is no impact to budget as we have set aside \$50,000.00 from the aquatic loan proceeds for this pavilion so the funds are available.

**Tony Lima, 841 Wren Avenue, addressed the Council on this item.**

**Vice Mayor Bain moved to approve the recommendation. Councilman Best seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bain, Councilman Best, 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 150-009, Construction Materials; By Providing An Exception For Aluminum “Florida Or Sun Rooms” That Comply With Certain Construction Conditions; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date

**City Attorney Seiden read the Ordinance by title.**

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

B) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Providing For The First Amendment To The FY 2015-16 General Fund And Special Revenue And Capital Projects Fund Budgets; By Re-Appropriating Reserved Fund Balances To Fund Open Encumbrances Through September 30, 2015; Effective Date

**City Attorney Seiden read the Resolution by title.**

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

C) Discussion of Perry Property Development and Request for abandonment of segment of La Villa Drive from 36th Street to the existing City barricade; request from Vacation of alley located at the rear of the commercial and residential properties fronting on Minola and La Villa Drive from 36th Street to the City barricade

**This item was heard earlier in the council meeting. City Planner Chris Heid gave a brief oral presentation on his recommendations and explained that this item went before the Zoning and Planning Board which they approved. The applicant's attorney, Santiago Echemendia, addressed the City Council on the overview of the proposed project. Salvatore Natoli, the property owner addressed the City Council as well. City Attorney Seiden explained the process for vacating the street and alley.**

**After much discussion, Vice Mayor Bain moved to direct the City Attorney to draft a resolution for the vacation of the alley and another for the abandonment of a portion of La Villa Drive. Councilman Best 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.**

D) Recommendation that Council authorize the acceptance of the attached agreement with the Fraternal Order of Police (FOP) extending the 1% reduction in Police pension contributions for an additional six months beginning April 1, 2016 and ending in September 30, 2016, as funds were budgeted in the FY 15/16 budget

**City Manager Gorland introduced the item to Council.**

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

E) Recommendation by Public Works that Council approve an expenditure to Trane U.S. Inc, as a sole source provider, in an amount not to exceed \$52,950.00, for City Hall A/C repair on the existing City Hall roof air conditioner unit; the main coils are going to be replaced, as there is only one source for the required service(s) and as funds were budgeted in the FY15/16 Budget pursuant to Section §31.11 (E)(6)(c) of the City Code

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

F) Discussion on proposal from Councilmember Petralanda to grant the grandchildren of Mayor/Councilmembers the same Recreation program fees that their children are currently receiving effective April 2017

**Councilwoman Best moved to approve the recommendation. Councilwoman Buckner seconded the motion, which carried 3-2 on roll call vote. The vote was as follows: Councilman Best, Councilwoman Buckner, Councilman Petralanda voting Yes. Vice Mayor Bain and Mayor Garcia voting No.**

## **10. Other Business:**

A) Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter

**Councilman Best moved to give the City Manager a vote of confidence. Councilman Petralanda seconded the motion, which carried 3-2 on roll call vote. The vote was as follows: Councilman Best, Councilman Petralanda and Mayor Garcia voting Yes. Vice Mayor Bain and Councilwoman Buckner voting No.**

## **11. Reports & Recommendations:**

A) City Attorney

The City Attorney explained to the City Council that there is an issue concerning the Code Enforcement Board regarding liens. He further explained that the Board had made certain assumptions about him reducing fines on a property (240 North Melrose) which in no way is true or valid. He expressed to Council that he will create a memo to clarify exactly what transpired with the above mentioned property.

B) City Manager

City Manager Gorland reminded the public and Council that the pumpkins are arriving tomorrow for the pumpkin patch. He also stated that the next few months were going to be busy due to the holidays and various sporting events around town. He also asked to keep William Alonso and his family in their prayers.

C) City Council

Vice Mayor Best wished the Cubs baseball team good luck.

Councilwoman Buckner had no report at this time.

Councilman Petralanda thanked Elain Martin for setting up and putting on the yard sale on Curtiss Parkway over the weekend.

Councilman Bain had no report at this time.

Mayor Garcia requested that the golf cart information on how to obtain a State permit be placed on the website. He reminded the Council and public that the Relay for Life kick-off event is October 20<sup>th</sup> at the Lions Club.

## **13. Adjourn**

There being no further business to be discussed the meeting was adjourned at 10:15 p.m.

*Respectfully submitted:*

Erika Gonzalez-Santamaria, MMC  
*City Clerk*

*Adopted by the City Council on  
This 10th day of October, 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.

**ORDINANCE NO. - 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-009, CONSTRUCTION MATERIALS; BY PROVIDING AN EXCEPTION FOR ALUMINUM "FLORIDA OR SUN ROOMS" THAT COMPLY WITH CERTAIN CONSTRUCTION CONDITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE**

**WHEREAS**, the City has been approached by residents seeking to construct aluminum "Florida or Sun Rooms" attached to their homes; and,

**WHEREAS**, the City Planner has conducted meetings and discussions with residents, Miami-Dade County Building Department representatives, and the company wishing to construct the proposed "Florida or Sun Rooms" in the City; and,

**WHEREAS**, the City Council has reviewed the documentation describing the proposed construction and the City Planner's recommendations for permitting the conditional construction of the proposed structures; and,

**WHEREAS**, the City Council has conducted debate in regard to the proposed Code of Ordinance amendment during a regular City Council meeting; and,

**WHEREAS**, the City Council has determined that permitting the conditional construction of the proposed "Florida or Sun Rooms" is in the best interests of the City and its citizens; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:**

**Section 1:** That Code of Ordinance Section, 150-009, Construction Materials, is hereby amended as follows:

**Sec. 105-009. Construction materials.**

(A) All buildings shall be of masonry construction, ~~except that aluminum siding may be used in renovating nonconforming structures, and~~ except that open, semi-open, or screened enclosures, including porches, patios, carports, or utility sheds may be constructed of aluminum or some similar fireproof material.

(B) Additionally, enclosed "Florida Room" or "Sun Room" structures may also be constructed of aluminum or other similar fireproof material, so long as such structures are in compliance with the following conditions; to wit,

- (1) Must be "product approved" by Miami-Dade County.
- (2) Must be attached to a concrete slab and the main structure on the property; not permitted as a free standing accessory structure.
- (3) May only be located in the rear yard area in compliance with all rear and side yard setback requirements for the main structure.
- (4) May not be larger than four hundred (400) square feet with a maximum height of fifteen (15) feet to the peak of the roof.
- (5) Must include a gabled style roof with a minimum pitch of 2 ½ inches in 12 inches unless determined to be impractical by the City Planner due to the location of the attachment to the main structure.
- (6) The solid walls of the building shall not exceed fifty (50%) percent of structure.
- (7) Any utilities to be included must comply with all City, County, and State building codes, rules and regulations.

(B)(C) In all cases of difficulty in the approval of construction materials, the South Florida Building Code and current test reports made by the official material control section of Dade County will be considered as final.

**Section 2: Repeal of Conflicting Provisions.** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

**Section 3: Effective Date.** That this Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 12<sup>th</sup> day of October, 2015, on a motion made by Vice Mayor Bain and seconded by Councilman Petralanda.

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_ 2015, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Vice Mayor Best	_____
Councilman Bain	_____
Councilwoman Buckner	_____
Councilman Petralanda	_____
Mayor Garcia	_____

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

**ATTEST:**

\_\_\_\_\_  
Erika Gonzalez-Santamaria, MMC, City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

\_\_\_\_\_  
Jan K. Seiden, City Attorney

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.



CITY OF MIAMI SPRINGS  
OFFICE OF THE CITY CLERK  
201 Westward Drive  
Miami Springs, FL 33166-5259  
Phone: 305.805.5006  
Fax: 305.805.5028

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Erika Gonzalez-Santamaria, City Clerk

DATE: September 24, 2015

SUBJECT: PENDING BOARD APPOINTMENTS

\*\*\*\*\*

The following appointments are pending:

APPOINTMENT COUNCILMEMBER	CURRENT MEMBER	NEW TERM EXPIRES	ORIGINAL APPOINTMENT DATE	LAST APPOINTMENT DATE
<b><u>Board of Adjustment/Zoning and Planning Board</u></b>				
Mayor Xavier Garcia	Juan Molina	04-30-2015	01-29-2015	01-29-2015
Vice Mayor Best	Bob Calvert	04-30-2015	01-28-2013	01-28-2013
Councilman Bain	Ernie Aloma	04-30-2016	04-13-2009	01-11-2011
Councilwoman Buckner	Bill Tallman	04-30-2016	01-11-2010	05-14-2012
Councilman Petralanda	Manuel Pérez-Vichot	04-30-2014	12-14-1998	04-25-2011
Councilman Petralanda	VACANT	10-31-2015		
<b><u>Architectural Review Board</u></b>				
Mayor Xavier Garcia	Marc Scavuzzo*	10-31-2014	08-27-2012	10-08-2012
Vice Mayor Best	Valentine Soler	10-31-2014	01-14-2013	01-14-2013
Councilman Bain	Joe Valencia*	10-31-2014	02-27-2012	02-27-2012
Councilwoman Buckner	Fredy Albiza*	10-31-2014	08-27-2012	11-19-2012
Councilman Petralanda	Ana Paula Ibarra*	10-31-2014	10-10-2011	10-08-2012
<b><u>Code Enforcement Board</u></b>				
Mayor Xavier Garcia	Jorge Filgueira*	11-30-2014	08-27-2012	08-27-2012
Mayor Xavier Garcia	Walter Dworak	09-30-2016	11-14-2005	09-14-2010
Vice Mayor Best	Marlene B. Jiménez	09-30-2015	03-02-2005	09-24-2012
Councilman Bain	John Bankston	09-30-2014	09-23-2002	09-10-2012
Councilman Bain	Rhonda Calvert	09-30-2014	09-25-2006	09-10-2012
Councilwoman Buckner	Jacqueline Martinez Regueira	09-30-2015	06-09-2003	11-19-2012
Councilman Petralanda	Robert (Bob) Williams	09-30-2016	03-10-2008	10-25-2010
<b><u>Code Review Board</u></b>				
Mayor Xavier Garcia	VACANT	04-30-2015		
Vice Mayor Best	Maria (Nuñez) Garrett	04-30-2014	05-08-2009	04-23-2012
Councilman Bain	Arthur Freyre	04-30-2017	05-19-2009	05-09-2011
Councilwoman Buckner	Dan Dorrego	04-30-2016	08-11-2003	05-24-2010
Councilman Petralanda	Jana Armstrong	04-30-2016	06-11-2001	05-10-2010
<b><u>Disability Advisory Board</u></b>				
Mayor Xavier Garcia	VACANT	12-31-2016		
Vice Mayor Best	Catherine Stadnik	12-31-2016	12-14-1998	02-14-2011
Councilman Bain	Grace Bain	12-31-2016	01-13-2014	01-13-2014
Councilwoman Buckner	Richard Barnes	12-31-2016	05-11-2009	01-24-2011
Councilman Petralanda	Thomas W. Cannon	12-31-2016		

**Ecology Board**

Mayor Xavier Garcia	Wendy Anderson Booher*	04-30-2015	01-12-2009	04-09-2012
Vice Mayor Best	Trina Aguila	04-30-2015	10-28-2013	10-28-2013
Councilman Bain	Carl Malek*	04-30-2017	11-22-2010	05-09-2011
Councilwoman Buckner	Marielys Acosta	04-30-2016	09-09-2013	09-09-2013
Councilman Petralanda	Michael Kobiakov	04-30-2016	08-12-2013	08-12-2013

**Education Advisory Board**

Mayor Xavier Garcia	Alyssa C. Roelans	05-31-2015	02-17-2015	02-17-2015
Vice Mayor Best	Constantino Hernandez	05-31-2015	04-27-2015	04-27-2015
Councilman Bain	Dr. Mara Zapata*	05-31-2015	06-13-2011	06-13-2011
Councilwoman Buckner	Ilia Molina	05-31-2015	02-05-2015	02-05-2015
Councilman Petralanda	Steve Owens	05-31-2015	05-13-2013	05-13-2013

**Golf and Country Club Advisory Board**

Mayor Xavier Garcia	Michael Domínguez*	07-31-2015	04-12-2010	09-26-2011
Vice Mayor Best	Mark Safreed	07-30-2015	08-08-2005	06-27-2011
Councilman Bain	George Heider	07-31-2015	08-13-2001	06-27-2011
Councilwoman Buckner	Ken Amendola*	07-31-2015	10-10-2011	10-10-2011
Councilman Petralanda	Art Rabade	07-31-2015	03-11-2013	03-11-2013

**Historic Preservation Board**

Mayor Xavier Garcia	Sydney Garton	01-31-2016	11-08-1993	02-08-2010
Vice Mayor Best	Charles M. Hill	02-28-2015	03-08-2004	03-26-2012
Councilman Bain	Yvonne Shonberger	02-28-2017	06-13-2005	09-10-2012
Councilwoman Buckner	Dr. James Watson	02-28-2015	06-09-2014	06-09-2014
Councilman Petralanda	Jo Ellen Phillips	01-31-2016	2-14-2013	08-26-2013

**Board of Parks & Parkways**

Mayor Xavier Garcia	Eric Richey	04-30-2015	02-13-1989	04-09-2012
Vice Mayor Best	Tammy K. Johnston	04-30-2015	04-27-2006	04-09-2012
Councilman Bain	Lynne V. Brooks*	04-30-2015	08-08-2011	04-09-2012
Councilwoman Buckner	Irene Priess	04-30-2017	08-13-2001	04-25-2011
Councilman Petralanda	Lee Fisher	04-30-2017	03-23-2015	03-23-2015

**Recreation Commission**

Mayor Xavier Garcia	E. Jorge Santin	04-30-2016	04-14-2008	12-13-2010
Vice Mayor Best	Mark A. Johnston	04-30-2018	04-22-2013	04-22-2013
Councilman Bain	Dr. Stephanie Kondy	04-30-2017	06-13-2005	09-10-2012
Councilwoman Buckner	Miguel Becerra	04-30-2015	09-09-2015	09-09-2015
Councilman Petralanda	Alexander Anthony	04-30-2016	08-12-2013	08-12-2013

**\* Architectural Review Board**

Ecology Board - Council confirmation required per §32.40

Education Advisory Board - Council confirmation required per §32.99 (A)

Board of Parks and Parkways – Council confirmation required per §32.30

“No Board/Commission member who shall have served three consecutive terms of office shall be eligible to serve an additional term of office for two years thereafter, unless the appointment for any additional term shall be confirmed by a majority of the City Council.”




# AGENDA MEMORANDUM

**Meeting Date:** 10/26/2015

**To:** The Honorable Mayor and Members of the City Council

**Via:** Ron Gorland, City Manager

**From:** William Alonso, Assistant City Manager/ Finance Director 

**Subject:** Update on Pool Project

---

Mr. Jorge Ferrer, the City's Project Manager for the Aquatic Facility, is present tonight to provide Council with a presentation regarding the DERM issues from the initial stages of the project and plans review that was recently reported in the newspaper.

Following is a listing of the attachments included in this memo:

- Pages 1-2 is the newspaper article saying the plans were disapproved
- Pages 3-4 are emails from Jorge Ferrer, Project Manager, and Frank Regueyra, Lunacom Project Manager, advising the City that DERM had approved plans as of 10/22/2015.
- Pages 5-20 which are the responses from Alleguez Architecture to the DERM comments from July 9, 2015 review of the plans.
- Page 21 is an aerial map showing the location of the tanks in the southwest portion of the parking lot.

RIVER CITIES OCTOBER 22, 2015

# Miami-Dade County disapproves Miami Springs' plans for new \$5 million pool

## HIGHLIGHTS

DERM's disapproval not mentioned during Oct. 12 city council pool status update

Ruptured fuel tanks found buried near the Hialeah Preston wellfield protection area

City must get variance from county's environmental quality control board



< 1 of 2 >



BY THEO KARANTSALIS  
For the Miami Herald

Miami Springs' plans for a proposed \$5 million aquatic center have been disapproved by the county.

A three-page DERM report dated Sept. 15, obtained by the Miami Herald through a public records request, lists 10 reasons why the pool's facilities plan was disapproved. The Division of Environmental Resources Management (DERM) is a division of Miami-Dade County's Department of Regulatory and Economic Resources.

DERM's disapproval reasons of city pool plans include failing to list:

- All hazardous materials to be stored, used and/or generated at the facility.
- All non-domestic waste generated from this facility.
- A hazardous materials inventory that existed at the entire property prior to March 13, 1981, pursuant to county code, showing the type of hazardous materials, as well as their location.

A separate one-page disapproval notice for the new pool's permit shows an "overall disapproval" status, states a Sept. 29 DERM plan review summary.

There was no mention of DERM's disapproval of the facility's plans during a special pool update held during the Oct. 12 city council meeting.



"Lunacon, the contractor, is responsible for permitting and other than the normal difficulties that all projects large and small have getting fire's sign-off, permitting is going as expected," wrote City Manager Ron Gorland in an Oct. 14 email to the Herald.

Lunacon did not return emails by the Herald seeking comment as to whether they have had any pool permitting issues.

Last week, the Herald reported that while prepping the pool's foundation, the city's contractor found "an unforeseen 300-gallon underground storage tank and an adjacent concrete vault," states an August tank closure report submitted to DERM from the city.

Located near the Hialeah Preston wellfield protection area, one 16-foot-by-6-foot tank, which could hold 2,400 pounds of fuel, ruptured recently spilling an "unknown" amount of liquid to adjacent surface soils, states the report. A not-to-scale map provided by the city to the Herald last week, erroneously indicated that the fuel tanks were located near the kiddie slide area of the former pool.

The tank was removed and crushed before an inspector arrived onsite. An adjacent tank, which measured 12 feet by 6 feet, also was removed.

"The soil and groundwater analysis do not exceed the cleanup target levels referenced in Chapter 24 of the Miami-Dade County code," reads a letter sent Sept. 25 from DERM to the city of Miami Springs. "If subsequent evidence indicates that undiscovered contamination remains from a previous discharge or if a new discharge has occurred, then further action will be required to address such contamination."

More than five tons of "petroleum contaminated soil" was scooped from the pool area Aug. 25 and hauled off to a Medley landfill, states a city soil disposal report obtained by the Herald through a public records request.

Complying with DERM's inventory of hazardous materials that existed at the site, prior to March 13, 1981, may prove challenging.

"The two tanks, one cement and the other metal, appear to have contained possibly diesel fuel and the other maybe chlorine," Gorland wrote in an Oct. 14 email to the Herald. "No one knows for sure or even remembers that they were ever there. They were not on the old as-built plans either."

The former pool served the city for more than 50 years.

"Those tanks did not show up on any of the paperwork that we had archived," Miami Springs Mayor Xavier Garcia said at the Oct. 12 council meeting.

The open excavation project at the pool gave county officials a rare chance to peer in and conduct extensive tests from "the soil, walls and bottom," said Wilbur Mayorga, chief of DERM's environmental monitoring and restoration division.

"The good news is that, after review, all the analytical results were below detection limits," Mayorga said Thursday afternoon. "There are no contamination issues at this time."

The disapproval of a permit is not that uncommon, according to DERM.

"They can submit a package again and we [DERM] can approve or disapprove again," a DERM spokesperson said.

A new 6,000-square-foot pool structure that includes six lap-swimming lanes, a giant slide and a one-story administrative office building is expected to be completed by next summer.



## MORE RIVER CITIES

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## William Alonso

---

**From:** Jorge Ferrer <JFerrer@bermelloajamil.com>  
**Sent:** Friday, October 23, 2015 11:03 AM  
**To:** Ron Gorland; William Alonso; Tammy Romero; Omar Luna; Jan Seiden  
**Subject:** Miami Herald Article

Team,

This response is based on my review of the article and the comments from DERM that are located on the county website.

in response to the latest Herald article, all comments cited by DERM have been reviewed by the Design-Build team and addressed. Plans were resubmitted to DERM for review. Per an email received from Lunacon this morning, as of yesterday afternoon, DERM has approved the plans. The only thing that is pending is the water extension approval. Lunacon provided the comments by DERM and their responses to those comments in the email.

Comments by reviewing agencies are common during the permit process. The comments from DERM in the report are based on requests for additional information to be provided by the design-build team so they can properly evaluate the project.

Let me know if you have any questions.

.....  
**JORGE FERRER**  
Partner | Project Manager

2601 S. Bayshore Drive, Suite 1000  
Miami, FL 33133

**305.860.3775** – Direct  
305.859.2050 – Main  
305.450.8520 – Cell  
[www.bermelloajamil.com](http://www.bermelloajamil.com)

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Bermello Ajamil & Partners, Inc.

## William Alonso

---

**From:** William Alonso  
**Sent:** Friday, October 23, 2015 11:41 AM  
**To:** William Alonso  
**Subject:** FW: Miami Springs - Article Requested information  
**Attachments:** MSAC Alleguez Response to DERM Comments.pdf; MSAC - DERM plan review comments.pdf

**From:** Frank Regueyra [<mailto:FRegueyra@lunaconcorp.com>]  
**Sent:** Friday, October 23, 2015 10:11 AM  
**To:** Jorge Ferrer  
**Cc:** Tammy Romero; Michael Valdes; Patricia Bonilla; Emilio Criado; Darlene Roman-Rossy; Frank Regueyra  
**Subject:** Miami Springs - Article Requested information

Jorge -

Per your request, attached are the comments from DERM and the responses from the Design Team. Below is a brief chronology also.

- 06-23-2015 Plans were submitted at DERM
- 07-09-2015 We sent Orlando disapproval comments from DERM.
- 07-29-2015 Follow up on Building Plan Review. Maria Sent them to WASD, they were ready for pick up before even sending them to WASD.
- 08-04-2015 Comments from WASD were sent to the Design Team.
- 08-05-2015 Picked up Building Plans at DERM
- 08-28-2015 Jenny went to Alleguez to pick up responses to Building comments.
- 08-31-2015 Inserted 63 pages into the permit set.
- 09-11-2015 Gave Building Set to the "expeditor" Santos to submit at DERM.
- 09-23-2015 Jenny went to DERM, more disapproval comments from DERM & WASD.
- 09-24-2015 Picked up plans at DERM and submit them to FIRE.
- 09-28-2015 Received Alleguez responses to "Industrial Comments" and pending sheets that have to be inserted E-7.2, A110, A820, E-2.0, M-2.0 and p-2.0
- 09-29-2015 Went to Alleguez to pick up the revised sheets addressing DERM Industrial comments and the latest E-2.0 Sheet.
- 09-30-2015 Went to Alleguez, Carty and FIRE (They said FP sheets were not found in the plan set). Plans were sent to downtown.
- 10-01-2015 Went to WASD pay fee to expedite water extension plan review. Picked up plans at DERM Downtown.
- 10-02-2015 Frank and Judy personally took plan set to FIRE. Spoke with Capt Tola and Frank Diaz. Submit to FIRE. More disapproval comments.
- 10-07-2015 Re-submit Buildings plans again.
- 10-14-2015 FIRE approved
- 10-16-2015 Picked up Plans at FIRE and submit Plans at DERM to address Industrial comments (Miguel de Armas)
- 10-22-2015 Plans are ready for pick up. DERM clear, pending Water extension approval.

As for your other email, we noticed that as well and spoke with Miguel De Armas and ALL DERM comments are approved, they are waiting for the water extension approval which is in Fire being expedited.

Regards,

**Francisco A. Regueyra** - Project Manager  
Lunacon Construction Group, Corp.  
16890 South Dixie Highway, Miami, Florida 33157

4



# ALLEGUEZ ARCHITECTURE, INC.

## MEMORANDUM

To: Miami Dade County Fire Department

Date: August 5<sup>th</sup>, 2015

From: Design Team

Re: MIAMI SPRINGS AQUATIC CENTER  
(Process # M2015010837)

The following shall serve to document the Design Team's responses to the outstanding DERM Department comments for the above noted project.

### DERM

Disapproval Code/ Descriptions

#### Generation & Fueling System

1. Please note that sheet E-7.2 shows what appears to be a sub base tank under the emergency generator with some type of gauge and or sensor in detail GENERATOR YARD. Please note that if system is a bifuel system than the other fuel source would have to be indicated and or stated on plans and depending on such the system (gasoline, diesel, etc. ) may still not be acceptable due to the facilities location. Please review and address accordingly.

**Response: ( TLC) What is shown in sheet E-7.2 is the generator skid and no a sub-base tank. The generator is only on natural gas, not bi-fuel. The generator classifies as an Optional Stand-by Generator**

### Pool System

1. As stated above this facility is located within the well field therefore additional information is also required for the pool treatment system and its equipment. Include on plans what type of chemical system will be used for purification of the waters (chlorine, etc.) will there be any type of storage of chemicals onsite, sizes of containers, amount of container to be stored, etc.

Depending on the sizes of the containers (greater than 55 gallons) then secondary containment will be required:

Note that all hazardous materials and hazardous waste (if any) larger than or equal to 55 gallons in capacity must be stored within secondary containment areas. Provide engineering volume calculation of all proposed secondary containment. All secondary containment areas must be able to contain 110% of the largest container. Plans will need to show the following:

- Dimensions of containment area(s).
- Materials of construction (concrete, Stainless steel, etc.) include any coating to be used on contained or diked area .
- Number, size and dimensions of containers proposed to be stored within each area.
- Containment area volume calculation, taking in consideration the volume occupied by other containers within the same area, if any.

Provide a statement on the plans that states that the system to be installed will ascertain compliance with the sanitary sewer discharge standards stipulated in Section 24-42.4 of the code of metropolitan Dade County (see attached discharge standards).

**Response: (Aquadynamics) Pool is being permitted under separate permit (M2015012300). Plans were submitted on 07-17-2015.**

**General**

1. Be advised that all and or any changes must be done on the original sets and must be reproduced mechanically, these plans must be signed, sealed and dated by the professionals (i.e. engineer or architect) no hand drawn plans and or details, no hand written text and or white outs will be accepted. Plans need to be signed, sealed and dated by the professional engineer or architect for the design features for the wash facility, and an additional copy of the plans must be submitted.

**Responses (Alleguez/Carty) Understood.**

2. All revised sheets of the plan sets must be signed, sealed and dated by the specific professional registered in the State of Florida. All sheets to be replaced must be voided. Be advised that third set of signed sealed and dated plans showing the above requested information and details will be required.

**Response: (Alleguez/ Carty) Understood.**

This concludes the comment responses from Alleguez Architecture, Should you have any questions. Please do not hesitate in contacting me, Orlando Melian, at 305.461.4001.



Water and Sewer  
PO Box 330316 • 3575 S. Lejeune Road  
Miami, Florida 33233-0316  
T 305-665-7471

### VERIFICATION FORM

THIS FORM IS NOT VALID WITHOUT A PAID INVOICE AND EXPIRES ONE YEAR FROM THE DATE ON FORM  
miamidade.gov

ATLAS PAGE: M-11 INV#: 1137 FORM #: 201551401 DATE: 8/27/2015

NAME OF OWNER:	MIAMI SPRINGS AQUATIC CENTER M2015008224		
PROPERTY ADDRESS:	1401 WESTWARD DR		
PROPOSED USAGE / NO. OF UNITS:	AQUATIC CENTER WITH 360 SF CONCESSION BLDG, 1,206 SF OFFICE BLDG, 3,658 SF MULTI-PURPOSE BLDG, 2,986 SF EQUIPMENT/BATHROOM BLDG PAPER PLANS		
REPLACES: PREVIOUS USAGE / NO. OF UNITS:	POOL BLDG PER DEMOLITION PLANS		
PROPERTY LEGAL:	GOLF COURSE ADD HIALEAH PB 8-91 ALL BLK 6 LOT SIZE 156638 SQUARE FEET		
FOLIO NUMBER:	05-3024-004-0630	GALLONS PER DAY INCREASE:	223
PROPOSED FLOW:	821	PREVIOUS SQUARE FOOTAGE:	5,978 <input checked="" type="checkbox"/> NEW CONSTRUCTION
PREVIOUS FLOW:	598	PROPOSED SQUARE FOOTAGE:	8,210 <input type="checkbox"/> INTERIOR RENOVATION
ADOPTED FLOW:	0	<input type="checkbox"/> CRITICAL HABITAT	<input type="checkbox"/> SEWER ONLY

THIS IS TO CERTIFY THAT THE MIAMI-DADE WATER AND SEWER DEPARTMENT WILL HAVE A(N) 8 INCH WATER MAIN ABUTTING THE SUBJECT LEGALLY DESCRIBED PROPERTY. WE ARE WILLING TO SERVE THE SUBJECT PROPERTY, (OR, IF "WILL HAVE", UPON PROPER CONVEYANCE AND PLACEMENT INTO SERVICE OF WATER FACILITIES BY THE DEVELOPER UNDER AGREEMENT WITH THE DEPARTMENT, (AGREEMENT ID # 22339) SUBJECT TO PROHIBITIONS OR RESTRICTIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER MATTERS OF WATER SUPPLY OR WITHDRAWAL.


BY:   
SIGNATURE OF REPRESENTATIVE

Karina Campos - New Business Representative

AUTHORIZED BY

NEW BUSINESS COMMENTS: W/CC'S=\$309.9 S=\$1,248.80 TOTAL=\$1,558.77

THIS IS TO CERTIFY THAT THE MIAMI-DADE WATER AND SEWER DEPARTMENT DOES HAVE A(N) 8 INCH GRAVITY SEWER MAIN ABUTTING THE SUBJECT LEGALLY DESCRIBED PROPERTY. WE ARE WILLING TO SERVE THE SUBJECT PROPERTY, (OR, IF "WILL HAVE", UPON PROPER CONVEYANCE AND PLACEMENT INTO SERVICE OF SEWER FACILITIES BY THE DEVELOPER UNDER AGREEMENT WITH THE DEPARTMENT, (AGREEMENT ID #22339). SUBJECT TO PROHIBITIONS OR RESTRICTIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER MATTERS OF SEWAGE DISPOSAL. FURTHERMORE, APPROVAL OF ALL SEWAGE FLOWS INTO THE DEPARTMENT'S SYSTEM MUST BE OBTAINED FROM D.E.R.M. THE ANTICIPATED DAILY WATER AND/OR SEWAGE FLOW FOR THIS PROJECT WILL BE: TWO HUNDRED TWENTY THREE [223] GALLONS PER DAY INCREASE.

BY:   
SIGNATURE OF REPRESENTATIVE

Karina Campos - New Business Representative

AUTHORIZED BY

NEW BUSINESS COMMENTS: D.E.R.M. SEWER ALLOCATION LETTER DATED: 05/05/2015 2015--ALLOCATION-01500

THIS VERIFICATION LETTER CERTIFIES THE AVAILABILITY OF A WATER AND/OR SEWER MAIN ONLY, AND IT DOES NOT GUARANTEE THE EXISTENCE OF A WATER SERVICE LINE OR OF A SEWER LATERAL WITH SUFFICIENT DEPTH TO SERVE THE PROPERTY. FOR ADDITIONAL INFORMATION CALL 786-268-5249/5295. SHOULD IT BECOME NECESSARY TO INSTALL A SERVICE LINE AND/OR A SEWER LATERAL WASD REQUIRES THAT THE DEVELOPER RETAINS SERVICES FROM DESIGNERS AND CONTRACTORS WITH SKILL SETS FOR DESIGNING, BUILDING AND CONNECTING TO PUBLIC WATER AND SEWER SYSTEMS.

CONTACT NAME: JUANA CUEVAS

CONTACT PHONE: (786) 293-0088

AUTHORIZED BY: 

Printed On: 8/27/2015  
4:17:55 PM

NB: Karina Campos

PR:

⑦



# ALLEGUEZ ARCHITECTURE, INC.

## MEMORANDUM

To: Department of Regulatory and Economic Resources

Date: September 24<sup>th</sup>, 2015

From: Design Team

Re: MIAMI SPRINGS AQUATIC CENTER  
(Process # M2015010837)

The following shall serve to document the Design Team's responses to the outstanding DERM Department comments for the above noted project.

### DERM

#### Disapproval Code/ Descriptions

Disapproval Code 01: 0234 Water & Sewer verification form is required from the Water & Sewer Utility Company serving the property. (Also referred to as Plumbing Section Form)

**Response: Water & Sewer verification form is provided by the utility company once final plans are approved by the utility owner/Water and Sewer Department. The civil plans are under final review, final approval expected shortly.**

Disapproval Code 02: 0306 - Requires DERM Industrial Facilities approval. Contact the West Dade office at 11805 Coral Way, Miami, FL (786) 315-2800

**Response: See below for responses**

Disapproval Code 03: 0223 - Water Extension plans have not been approved. Contact the DERM Water & Wastewater Section at (786) 315-2800.

**Response: Water extension plans are in final approval process by the utility owner (Miami-Dade Water and Sewer Department). Plans will be submitted to the Water & Wastewater Section with approved stamp shortly.**

Disapproval Code 03: 0306 - Requires DERM Industrial Facilities approval. Contact the West Dade office at 11805 Coral Way.

**Response: See below for responses**

### Indust Review

**Comments: AS APPARENT THIS FACILITY IS LOCATED WITHIN THE 100 DAY LINE OF THE MIAMI SPRINGS UPPER WELLFIED (BASIC). A facility located within this area would have restriction on use storage and generation of hazardous materials and/or hazardous waste. Therefore limiting the type of systems that may be permitted for use, generation and/or storage at this facility**

**Response: (Alleguez) There are no hazardous areas or materials. The pool is utilizing a combination of liquid chlorine (bleach) and dilute muriatic acid. The bleach is commons household type sodium hypochlorite maximum 10% concentration or less and the remainder is water and inert materials. Also we have a 150 gallon storage container with a 50:1 water/muriatic acid ratio. Containers are located in**



the pool equipment room. Please refer to the Pool drawings under separate permit number M2015012300 for further information. The on-site emergency generator is power by natural gas.

#### Generation & Fueling System

1. Plans have been revised to show and state on other sheets that the emergency generator system will be of natural gas however Sheet E-7.2 still shows what appears to be some type of mechanical gauge or sensor located under the Emergency Generator in detail GENERATOR YARD. Please make sure that the plans depict the systems and equipment to be utilized and that each of these systems are outlined in the legend provided on this Sheet. Please review and address accordingly.

**Response: (TLC) Generator detail on Sheet E-7.2 will be modified to comply.**

#### Pool System

1. As previously stated the plans still identify the location of equipment and systems that will be utilized for the pool process and operations, however the response provided stated (Aquadynamics) that the POOL is being permitted under separate permit (M2015012300) and that the plans were submitted on 07/17/2015. This statement must appear on all sheets that show the location of these pool equipment and or systems. This information must be signed, dated and with title of the person providing such it.

**Response: (TLC and Alleguez/Carty) A notation has been added onto sheet A110 Floor Plan and sheet A820, indicating that Pool and Pool equipment is under separate permit.**

#### ELEVATOR SUMP

1. After reviewing revised Sheet A820 it was observed that the plans show what appears to be an elevator sump pit however the plans are not clear as to the location of an elevator.

Please clarify if the elevator system is traction or hydraulic system. PLANS DO NOT SHOW ANY TYPE OF DISCHARGE PIPING. Be advised that each sump pit with sump pump will be required to be discharged into the sanitary sewer system via an oil/water separator, oil sensor alarm system, if is a hydraulic elevator; see also exceptions on Florida Building Code (1003.4). If a traction elevator is being installed then call it out on plans. Provide details on plans and modify accordingly.

Plans will be required to show and identify the entire plumbing system piping route, treatment system and the connections to system stated above, and the final discharge point (i.e., sanitary sewers, etc.).

**Response: (Alleguez/ Carty) The facility does not have a elevator, the pit located in the pool equipment is used to house the pool pumps. All references to elevators have been removed. Please refer to revised sheet A820.**

**Response: TLC: A notation has been added onto sheets E-2.0, M-2.0 and P-2.0, indicating that Pool and Pool equipment is under separate permit.**

#### General

1. Be advised that all and or any changes must be done on the original sets and must be reproduced mechanically, these plans must be signed, sealed and dated by the professionals ( i.e., engineer or architect) no hand drawn plans and /or details, no hand written text and or white outs will be accepted. Plans need to be signed, sealed and dated by the professional engineer or architect for the design features for the wash facility, and an additional copy of the plans must be submitted.

**Response: Understood.**

2. All revised sheets of the plan sets must be signed, sealed and dated by the specific professional registered in the State of Florida. All sheets to be replaced must be voided. Be advised that third set of signed, sealed and dated plans showing the above requested information and details will be required.

**Response: Understood.**

#### **WATER TREATMENT Review**

Comments: The set submitted for permitting includes plans for a proposed water main extension; however, water main extension plans are required to be processed separately. Accordingly, the applicant shall submit the following to RER, Environmental Plan Review Division, Specialty Engineering Section (11805 S. W. 26th Street):

1. One set of plans of the proposed water main extension signed and sealed by the engineer of record and approved by the utility company; this set will be kept by RER,
2. The additional number of copies signed and sealed by the engineer of record and approved by the utility company that are needed stamped,
3. A properly executed copy of the Florida DEP Notice of Intent to Use the General Permit for Construction of Water Main Extensions for PWS (a.k.a. DOH Application). Alternatively a Special Permit form may be submitted, if applicable.
4. The \$115.00 review fee which shall be paid at the time of submittal.

**Response: Civil plans are in final plans review by the utility company (Water and Sewer Department). The final plans approval, expected shortly, will provide stamped plans for submittal as discussed above. The utility owner will then sign the required DOH application and the review fee will be paid.**

This concludes the comment responses from Alleguez Architecture, Should you have any questions. Please do not hesitate in contacting me, Orlando Melian, at 305.461.4001.

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## Plans Review Inquiry

Process Number: M2015010837

Review Type: DERM ENVIRN RESRC MGT

Disp Code	Disp Status	Disapproval Code Description
306	A	REQUIRES DERM INDUSTRIAL FACILITIES APPROVAL. CONTACT THE WEST DADE OFFICE AT 11805 CORAL WAY. MIAMI, FL. (786) 315-2800
231	A	WATER & SEWER VERIFICATION FORM IS REQUIRED FROM THE WATER & SEWER UTILITY COMPANY SERVING THE PROPERTY. (ALSO REFERRED T

Remarks

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Disapproval Remarks
-- ENTERED 07/09/2015 DEARMM
AS APPARENT THIS FACILITY IS LOCATED WITHIN THE 100 DAY LINE OF THE
MIAMI SPRINGS UPPER WELLFIED (BASIC). A FACILITY LOCATED WITHIN THIS AREA WOU
LD HAVE RESTRICTION ON USE, STORAGE AND GENERATION OF HAZARDOUS MATERIALS AND
/OR HAZARDOUS WASTE. THEREFORE LIMITING THE TYPE OF SYSTEMS THAT MAY BE PERMI
TTED FOR USE, GENERATION AND/OR STORAGE AT THIS FACILITY.
GENERATOR & FUELING SYSTEM
1.PLEASE NOTE THAT SHEET E-7.2 SHOWS WHAT APPEARS TO BE A SUB BASE TANK UNDE
R THE EMERGENCY GENERATOR WITH SOME TYPE OF GAUGE AND OR SENSOR IN DETAIL GEN
ERATOR YARD. PLEASE NOTE THAT IF SYSTEM IS A BI FUEL SYSTEM THEN THE OTHER FU
EL SOURCE WOULD HAVE TO BE INDICATED AND OR STATED ON PLANS AND DEPENDING ON

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Disapproval Remarks
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SUCH THE SYSTEM (GASOLINE, DIESEL, ETC.) MAY STILL NOT BE ACCEPTABLE DUE TO T
HE FACILITIES LOCATION. PLEASE REVIEW AND ADDRESS ACCORDINGLY.
POOL SYSTEM
1.AS STATED ABOVE THIS FACILITY IS LOCATED WITHIN THE WELL FIELD THEREFORE A
DDITIONAL INFORMATION IS ALSO REQUIRED FOR THE POOL TREATMENT SYSTEM AND ITS
EQUIPMENT. INCLUDE ON PLANS WHAT TYPE OF SYSTEM (CHEMICAL, NON-CHEMICAL, ETC
.) WILL BE USED FOR PURIFICATION OF THE WATERS (CHLORINE, ETC.) WILL THERE BE
ANY TYPE OF STORAGE OF CHEMICALS ONSITE, SIZES OF CONTAINERS, AMOUNT OF CONT
AINERS, AND LOCATION OF SUCH TO BE STORED, ETC. PLEASE NOTE THAT THE PLANS DO
SHOW THE LOCATION OF EQUIPMENT LOCATED WITHIN THE POOL ROOM 112 HOWEVER NONE

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Disapproval Remarks
-- ENTERED 07/09/2015 DEARMM
OF THE EQUIPMENT IS IDENTIFIED. PLEASE REVIEW AND ADDRESS ACCORDINGLY.
2.DEPENDING ON THE SIZES OF THE CONTAINERS (GREATER THAN 55 GALLONS) THEN SE
CONDARY CONTAINMENT WILL BE REQUIRED:
NOTE THAT ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTE (IF ANY) LARGER THAN OR
EQUAL TO 55 GALLONS IN CAPACITY MUST BE STORED WITHIN SECONDARY CONTAINMENT
AREAS. PROVIDE ENGINEERING VOLUME CALCULATION OF ALL PROPOSED SECONDARY CONTA
INMENT. ALL SECONDARY CONTAINMENT AREAS MUST BE ABLE TO CONTAIN 110% OF THE L
ARGEST CONTAINER. PLANS WILL NEED TO SHOW THE FOLLOWING:
DIMENSIONS OF CONTAINMENT AREA(S).
MATERIAL OF CONSTRUCTION (CONCRETE, STAINLESS STEEL, ETC.). INCLUDE ANY COA

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-- ENTERED 07/09/2015 DEARMM
TING TO BE USED ON CONTAINED OR DIKED AREA.
NUMBER, SIZE AND DIMENSIONS OF CONTAINERS PROPOSED TO BE STORED WITHIN EACH AREA.
CONTAINMENT AREA VOLUME CALCULATION, TAKING IN CONSIDERATION THE VOLUME OCCUPIED BY THE OTHER CONTAINERS WITHIN THE SAME AREA, IF ANY.
3.WILL THERE BE ANY TYPE OF DISCHARGE FROM THE POOL TREATMENT SYSTEM (NO BAC KWASHING), IF SO THEN PROVIDE A STATEMENT ON THE PLANS AS TO FROM WHAT SYSTEM AND THAT THE SYSTEM TO BE INSTALLED WILL ASCERTAIN COMPLIANCE WITH THE SANITARY SEWER DISCHARGE STANDARDS STIPULATED IN SECTION 24-42. 4 OF THE CODE OF METROPOLITAN DADE COUNTY (SEE ATTACHED DISCHARGE STANDARDS).

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GENERAL
1.BE ADVISED THAT ALL AND OR ANY CHANGES MUST BE DONE ON THE ORIGINAL SETS AND MUST BE REPRODUCED MECHANICALLY, THESE PLANS MUST BE SIGNED, SEALED AND DATED BY THE PROFESSIONALS ( I.E., ENGINEER OR ARCHITECT) NO HAND DRAWN PLANS AND /OR DETAILS, NO HAND WRITTEN TEXT AND OR WHITE OUTS WILL BE ACCEPTED. PLANS AND REVISIONS TO PLANS NEED TO BE SIGNED, SEALED AND DATED BY THE PROFESSIONAL ENGINEER OR ARCHITECT FOR THE DESIGN FEATURES. BE ADVISED THAT AN EXTRA SET OF SHEETS MEP SHOWING POOL SYSTEM MAY BE REQUIRED FOR DRER RECORDS DEPENDING ON YOUR RESPONSES.
2.ALL REVISED SHEETS OF THE PLAN SETS MUST BE SIGNED, SEALED AND DATED BY TH

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E SPECIFIC PROFESSIONAL REGISTERED IN THE STATE OF FLORIDA. ALL SHEETS TO BE REPLACED MUST BE VOIDED. BE ADVISED THAT THIRD SET OF SIGNED, SEALED AND DATE D PLANS SHOWING THE ABOVE REQUESTED INFORMATION AND DETAILS WILL BE REQUIRED. MORE COMMENTS MAY FOLLOW AFTER RECEIPT AND REVIEW OF THE ABOVE REQUESTED INFORMATION. SHOULD YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT ME AT (786) 315-2800.
REVIEWED BY: TOMAS FONTE TITLE: ENGINEER   DATE REVIEWED: 07/06/2015
THE SET SUBMITTED FOR PERMITTING INCLUDES PLANS FOR A PROPOSED WATER MAIN EXTENSION; HOWEVER, WATER MAIN EXTENSION PLANS ARE REQUIRED TO BE PROCESSED SEPA

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RATELY. ACCORDINGLY, THE APPLICANT SHALL SUBMIT THE FOLLOWING TO RER, ENVIRON
MENTAL PLAN REVIEW DIVISION, SPECIALTY ENGINEERING SECTION (11805 S. W. 26TH
STREET):
1.ONE SET OF PLANS OF THE PROPOSED WATER MAIN EXTENSION SIGNED AND SEALED BY
THE ENGINEER OF RECORD AND APPROVED BY THE UTILITY COMPANY; THIS SET WILL BE
KEPT BY RER,
2.THE ADDITIONAL NUMBER OF COPIES SIGNED AND SEALED BY THE ENGINEER OF RECOR
D AND APPROVED BY THE UTILITY COMPANY THAT ARE NEEDED STAMPED,
3.A PROPERLY EXECUTED COPY OF THE FLORIDA DEP NOTICE OF INTENT TO USE THE GE
NERAL PERMIT FOR CONSTRUCTION OF WATER MAIN EXTENSIONS FOR PWS (A.K.A. DOH AP

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PLICATION). ALTERNATIVELY A SPECIAL PERMIT FORM MAY BE SUBMITTED, IF APPLICAB
LE.
-- ENTERED 10/22/2015 DEARM
THE SET SUBMITTED FOR PERMITTING INCLUDES PLANS FOR A PROPOSED WATER MAIN EXT
ENSION; HOWEVER, WATER MAIN EXTENSION PLANS ARE REQUIRED TO BE PROCESSED SEPA
RATELY. ACCORDINGLY, THE APPLICANT SHALL SUBMIT THE FOLLOWING TO RER, ENVIRON
MENTAL PLAN REVIEW DIVISION, SPECIALTY ENGINEERING SECTION (11805 S. W. 26TH
STREET):
1.ONE SET OF PLANS OF THE PROPOSED WATER MAIN EXTENSION SIGNED AND SEALED BY
THE ENGINEER OF RECORD AND APPROVED BY THE UTILITY COMPANY; THIS SET WILL BE

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KEPT BY RER,
2.THE ADDITIONAL NUMBER OF COPIES SIGNED AND SEALED BY THE ENGINEER OF RECOR
D AND APPROVED BY THE UTILITY COMPANY THAT ARE NEEDED STAMPED,
3.A PROPERLY EXECUTED COPY OF THE FLORIDA DEP NOTICE OF INTENT TO USE THE GE
NERAL PERMIT FOR CONSTRUCTION OF WATER MAIN EXTENSIONS FOR PWS (A.K.A. DOH AP
PLICATION). ALTERNATIVELY A SPECIAL PERMIT FORM MAY BE SUBMITTED, IF APPLICAB
LE.

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# AGENDA MEMORANDUM

**Meeting Date:** 10/26/2015

**To:** The Honorable Mayor Xavier Garcia and Members of the City Council

**Via:** Ron Gorland, City Manager

**From:** Omar L. Luna, Recreation Director

**Subject:** Revised Recreation Department Fee Schedule

---

## RECOMMENDATION:


Staff requests Council approval of the attached resolution for the revised Recreation Fee Schedule which includes that the discount extended to Councilmembers and their immediate families be extended to include the grandchildren of Council Members.

## DISCUSSION:

This proposal was approved by Council at the October 12, 2016 Council Meeting. This change will be effective April 15, 2017.

**FISCAL IMPACT:** None

**Submission Date and Time:** 10/22/2015 10:48 AM

<b><u>Submitted by:</u></b>	<b><u>Approved by (sign as applicable):</u></b>	<b><u>Funding:</u></b>
Department: Recreation	Dept. Head: 	Dept./ Desc.: _____
Prepared by: Omar Luna		Account No.: _____
Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Procurement: _____	Additional Funding: _____
Budgeted/ Funded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Asst. City Mgr.: _____	Amount previously approved: \$ _____
	City Manager: _____	Current request: \$ _____
		Total vendor amount: \$ _____

**RESOLUTION NO. 2015 –**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF MIAMI SPRINGS AMENDING THE CURRENT  
SCHEDULE OF CHARGES FOR THE USE OF CITY  
RECREATION FACILITIES AND RELATED SERVICES;  
EFFECTIVE DATE**

**WHEREAS**, Ordinance 655-81 was passed on September 14, 1981, authorizing and directing the establishment and maintenance of a "Schedule of Charges" for the use of City recreation facilities and related services, and;

**WHEREAS**, Ordinance 655-81, as currently codified in the Code of Ordinance Section 95.03, further authorized and directed the adoption of a current "Schedule of Charges" from time to time by City Council Resolution; and,

**WHEREAS**, the most current "Recreation Department Schedules of Charges" was established on September 28, 2015 by the adoption of City Resolution No. 2015-3653; and,

**WHEREAS**, the City Council of the City of Miami Springs is desirous of amending the City's current "Recreation Department Schedule of Charges" as authorized by Code of Ordinance Section 95.03;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

Section 1: That the attached "Recreation Department Schedule of Charges" (Exhibit "A") is hereby approved and adopted for the use of City Recreation facilities and related services.

Section 2: That the provisions of this Resolution shall become effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Vice Mayor Best	_____
Councilman Bain	_____
Councilwoman Buckner	_____
Councilman Petralanda	_____
Mayor Garcia	_____

---

Zavier M. Garcia, Mayor

**ATTEST:**

---

Erika Gonzalez-Santamaria, MMC, City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

---

Jan K. Seiden, City Attorney

**EXHIBIT "A"**  
**CITY OF MIAMI SPRINGS**  
**RECREATION DEPARTMENT**  
**SCHEDULE OF CHARGES**  
**EFFECTIVE OCTOBER 1, 2012**  
**(includes applicable taxes)**

**1. FITNESS ROOM MEMBERSHIP/YEARLY**

Adult – 18 & older	\$150.00
Youth – 13 to 17	\$150.00
Seniors (60 & over)	\$75.00
Seniors (60 & over) from 9:00AM – 12:00PM, Mon. thru Fri.	Free
Daily Guest Rate	\$5.00

**2. OPEN GYM ACTIVITY**

18 & Over	\$4.00
17 & Under	FREE

**3. RECREATION MEMBERSHIP/YEARLY – FULL ACCESS TO POOL,  
\*FITNESS ROOM, OPEN GYM**

18 & Over	\$340.00
13-17 (17 & under never pays for open gym)	\$190.00
Seniors (60 & over)	\$170.00
(*13-17, with parent supervision <b>only</b> )	

**4. YEARLY FAMILY \*FITNESS ROOM MEMBERSHIP**

Family of 2	\$188.00
Family of 3	\$263.00
Additional Family Members (per membership)	\$75.00
(*13-17, with parent supervision <b>only</b> )	

**5. YEARLY INDIVIDUAL MEMBERSHIP**

**Open Gymnasium Membership**

Seniors (60 & over)	\$75.00
Adults (18 & over)	\$150.00
Seniors (60 & over) from 9:00AM – 12:00PM, Mon. thru Fri.	Free

**Open Swimming**

Seniors (60 & over)	\$40.00
Children (17 & under)	\$40.00
Adults (18 & over)	\$80.00
Family of 4	\$200.00
Additional Family Members (per membership)	\$20.00
Seniors (60 & over) from 9:00AM – 12:00PM, Mon. thru Fri.	Free

## **6. POOL FEES**

### **General Pool Admission**

Seniors & Children	\$2.00
Adults	\$4.00
Seniors (60 & over) from 9:00AM – 12:00PM, Mon. thru Fri.	Free

### **Lessons**

Tiny Tot Lessons – 6 months – 5 years	\$40.00
6 & older Lessons	\$40.00
Private Swim Lessons	\$40.00/hr.

### **Rentals**

Non-Profit Group Pool Rental	\$30.00/hr.
Observation Deck Rental	\$50.00/4 hrs.
(plus refundable clean up deposit)	\$100.00
(plus entrance fee per child)	\$2.00/child
(plus entrance fee per adult)	\$4.00/adult
Pool Rental – 50 people	\$60.00/hr.
(for every 12 people over 50 - \$20.00 per guard, per hr.)	
Outside Clubs/Organizations – Team Usage	\$600.00/mo.
Outside Clubs/Organizations – Family Membership	\$100.00 Annually Or \$10.00 monthly

Red Cross Certification Courses	Negotiated
Senior High Schools (ex: Swim Teams/Water Polo)	\$1,500.00 season
Middle Schools (ex: Swim Teams/Water Polo)	\$200.00 monthly

Swim Meets	Negotiated
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Water Fitness Programs Lane Rental (up to 10 participants) (8 sessions)	\$40.00/class
	or \$15.00/hr/lane
Lane Rental (over 10 participants) additional rental	\$15.00/hr/lane

## **7. CHILDREN'S PROGRAMS**

### **After School Program**

Registration Fee	\$35.00
Daily Fee	\$8.00
Weekly Fee	\$35.00

After School Bus Only Weekly Fee (applies only to middle school)	\$10.00
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### **School Holiday Program**

Registration Fee*	\$35.00
Daily	\$20.00

\*Registration fee will not be charged for registered after school program participants.

### **Full Day Summer Camp**

Registration Fee	\$50.00
Activity Fee	\$100.00*

Weekly Fee (1 <sup>st</sup> child)	\$100.00
Weekly Fee (each additional child)	\$75.00

**\*Field Trip, Special Events Fees**

**8. FACILITY RENTAL FEES\***

<b>Multi-Purpose/Meeting Room</b>	<b><u>Non-Profit/Private</u></b>	<b><u>For Profit</u></b>
3 hr. Minimum	\$150.00	\$225.00
Every Additional Hour	\$50.00	\$100.00
Security Deposit	\$200.00	\$200.00

<b>Theatre</b>	Negotiated
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**10X10 Pavilion at Prince Field**

Residents (3 Hour Minimum)	\$50.00
Residents (Additional Hour)	\$15.00
Non-Residents (3 Hour Minimum)	\$100.00
Non-Residents (Additional Hour)	\$25.00
Deposit	\$100.00

\*\*Virginia Gardens Residents are included with Miami Springs Residents

**Field House\*\***

Resident	\$250.00/4 hrs.
Non-Resident	\$500.00/4 hrs.
Refundable damage deposit	\$100.00

\*\*Facilities (if available) with no charge for City sponsored activities

<b>Basketball Gym (Per Hour)</b>	<b><u>Non-Profit/Private</u></b>	<b><u>For Profit</u></b>
Full Court	\$60.00	\$100.00
Half Court	\$30.00	\$50.00

<b>Volleyball Gym (Per Hour)</b>	<b><u>Non-Profit/Private</u></b>	<b><u>For Profit</u></b>
Full Court	\$30.00	\$50.00

<b>Complete Gym (Wrestling/Judo)</b>	<b><u>Non-Profit/Private</u></b>	<b><u>For Profit</u></b>
Tournament (the whole gym)	\$500.00	\$750.00
Maximum (4) Hours		
Every Additional Hour	\$125.00	\$175.00

<b>Softball &amp; Baseball Field Rentals</b>	<b><u>Non-Profit/Private</u></b>	<b><u>For Profit</u></b>
Practice Fee (no field prep required)	\$10.00	\$15.00
Game Rental (2/hr minimum)	\$30.00	\$40.00
Additional Hour	\$15.00	\$20.00
Game Rental w/Lights (2/hr minimum)	\$40.00	\$50.00
Additional Hour w/Lights	\$20.00	\$25.00
Lining Fee (field prep, drag & line)	\$35.00	\$35.00

**Soccer/Flag Football Field Rentals**

Game Rental (2/hr minimum)	\$35.00	\$45.00
Additional Hour	\$17.00	\$22.00
Game Rental w/Lights (2/hr minimum)	\$45.00	\$55.00
Additional Hour w/Lights	\$22.00	\$28.00

Lining Fee	\$75.00	\$75.00
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<b>Stafford Park 20 x 20 Pavilion (3 Hours)</b>	<u><b>Resident</b></u>	<u><b>Non-Resident</b></u>
	<b>\$100.00</b>	<b>\$150.00</b>
<b>Each Additional Hour</b>	<b>\$30.00</b>	<b>\$50.00</b>
<b>(Park Hours Sunrise to Sunset)</b>		
<b>Security Deposit</b>	<b>\$100.00</b>	<b>\$100.00</b>

**\*\*Virginia Gardens Residents are included with Miami Springs Residents**

### **Batting Cages**

No Lights per Hour	\$15.00
Lights per Hour	\$25.00

### **Buses**

#### **Big Bus**

Hourly Rate within MS/VG City Limits	\$75.00
Hourly Rate outside City Limits	\$100.00

**\*\*Bus is only restricted to Miami-Dade County**

#### **Small Bus**

Hourly Rate within MS/VG City Limits	\$50.00
Hourly Rate outside City Limits	\$75.00

**\*\*Bus is only restricted to Miami-Dade County**

#### **4<sup>th</sup> of July**

Spot in the Parade	\$50.00
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**\*\*Non-Profit Organizations will not be charged a fee. Proper Documentation must be shown.**

### **Circle/Gazebo Pavilion for Weddings and/or Private Events**

Rental (3 Hour Minimum)	\$500.00
Every Additional Hour	\$125.00

**\*\*Police and Public Works will be an additional cost per the staff and services needed to support the wedding/event.**

### **Curtiss Parkway Median Rental**

Rental	\$100.00
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**\*\*PROVIDE-SET UP-TAKE DOWN OF 5 TABLES & 50 CHAIRS FOR MULTI-PURPOSE ROOM RENTAL: \$50 (not included in the rental fee set by Resolution)**

**\*\*JUMP HOUSES: Will be permitted if they use vendors that are approved by the City. They must also show proof of insurance w/City as co-insured.**

9. **CITY EMPLOYEES** – Full Time Employees, City Council Members and their immediate family members and **Grandchildren under age 25.**
- A. General Admission Pool, Gym, Fitness Room – FREE
  - B. 50% discount for summer programs operated by the Recreational Department
  - C. 50% discount on special events operated by the Recreational Department  
Note: there are no City provided discounts for programs operated by other Organizations such as the Optimists, Little League, etc.
  - D. **Grandchildren of Council Members are allowed to receive same discount as their children. \*To be effective April 2017**
10. **SPECIAL CONTRACTUAL ACTIVITIES:**  
These activities will be offered as available and appropriate fees will be charged. Additional information may be obtained from the Recreation Office.
11. **SPECIAL CONDITIONS, REQUIREMENTS, AND RATES**
- A. There will be no rental or private use of the Prince Field Tot Lot due to its unique nature as a community built park for use by all our residents.
  - B. Authorization is hereby given to the City Manager to add and/or adjust Schedule of Charges based upon promotional and marketing activities to encourage usership of the City's recreation facilities. City Manager will advise City Council of changes.
  - C. Security Deposit will be up to the discretion of the City Manager and/or Recreation Director.
  - D. Quarterly payment plans available for memberships in excess of \$150 annually.
  - E. All City of Miami Springs employees, their spouses, and their immediate family members (parents and children) under the age of 25, are eligible for resident fees upon presentation of proof satisfactory to the cashier.
  - F. All City of Miami Springs property and/or business owners and their immediate family members (parents and children) under the age of 25, are eligible for resident fees upon presentation of proof satisfactory to the cashier.



# AGENDA MEMORANDUM

**Meeting Date:** 10/26/2015

**To:** The Honorable Mayor Xavier Garcia and Members of the City Council

**Via:** Ron Gorland, City Manager

**From:** William Alonso, Assistant City Manager/ Finance Director

**Subject:** FY15-16 Position Classification and Pay Plan

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As is done at the beginning of each the new fiscal year, attached is a resolution to approve the revised pay plan for FY15-16 for Council approval.

Page two of this agenda memo is a chart that shows the changes from the FY14-15 to FY15-16. The items highlighted in yellow are new positions that are either new or replacing a position that has been eliminated. The yellow items do not change the pay ranges for those positions.

The items highlighted in blue (fifteen in total) are those where the "maximum" of the pay range was increased since employees in those positions that were at the top of the old range would exceed it after the 3% COLA was applied.

**POSITION CLASSIFICATION AND PAY PLAN**  
**FISCAL YEAR 2015-16**  
**CIVIL SERVICE/NON CIVIL SERVICE EMPLOYEES**

POSITION	PAY GRADE	FY2014-15 PAY RANGE		FY2015-16 PAY RANGE		
		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	
MAINTENANCE WORKER I	8A	22,992	34,089	22,992	38,440	Pay Range Change
PRO SHOP CLERK	8	22,992	34,089	22,992	34,089	
CLERICAL ASSISTANT	9	23,612	35,013	23,612	35,013	
EQUIPMENT OPERATOR	10	24,201	35,885	24,201	35,885	
MAINTENANCE WORKER CREW LEADER	10	24,201	35,885	24,201	35,885	
MAINTENANCE WORKER II	10A	24,201	35,885	24,201	38,440	Pay Range Change
REFUSE COLLECTOR	10A	24,201	35,885	24,201	38,440	Pay Range Change
TREE TRIMMER	10	24,201	35,885	24,201	35,885	
RECREATION LEADER	10	24,201	35,885	24,201	35,885	
REFUSE TRUCK DRIVER	13	26,060	38,644	26,060	41,396	Pay Range Change
HEAVY EQUIPMENT OPERATOR	14	26,715	39,616	26,715	42,437	Pay Range Change
ADMINISTRATIVE ASSISTANT I	15	27,382	40,606	27,382	40,606	
BUILDING SPECIALIST I	15	27,382	40,606	27,382	40,606	
MATERIALS MANAGEMENT CLERK	15	27,382	40,606	27,382	40,606	
POLICE ADMINISTRATIVE SPECIALIST I	15	27,382	40,606	27,382	40,606	
RECREATION SPECIALIST	15	27,382	40,606	27,382	40,606	
HEAD LIFEGUARD	15	27,382	40,606	27,382	40,606	New position
ACCOUNTING CLERK I	16	28,062	41,622	28,062	41,622	
ACCOUNTING CLERK II	18	29,482	43,729	29,482	43,729	
AUTOMATED EQUIPMENT OPERATOR	19A	30,226	44,825	30,226	49,216	Pay Range Change
BUILDING MAINTENANCE SPECIALIST	19	30,226	44,825	30,226	44,825	
POLICE DISPATCHER I	19	30,226	44,825	30,226	44,825	
POLICE DISPATCHER II	21	31,751	47,092	31,751	47,092	
ACCOUNTING CLERK III	22A	32,547	48,264	32,547	51,701	Pay Range Change
ADMINISTRATIVE ASSISTANT II	22	32,547	48,264	32,547	48,264	
BUILDING SPECIALIST II	22	32,547	48,264	32,547	48,264	
BUILDING SPECIALIST III	22	32,547	48,264	32,547	48,264	New position
ASSISTANT CITY CLERK	22	32,547	48,264	32,547	48,264	
ADMINISTRATIVE ASSISTANT III	24A	34,198	50,709	34,198	52,675	Pay Range Change
RECREATION COORDINATOR	24	34,198	50,709	34,198	50,709	
PARKS MAINTENANCE FOREMAN	24	34,198	50,709	34,198	50,709	
POLICE ADMINISTRATIVE SPECIALIST II	24	34,198	50,709	34,198	50,709	
SANITATION FOREMAN	24B	34,198	50,709	34,198	53,130	Pay Range Change
GOLF MAINTENANCE SUPERVISOR/FOREMAN	24	34,198	50,709	34,198	50,709	New position
GOLF MAINTENANCE MECHANIC	24	34,198	50,709	34,198	50,709	New position
OPERATIONS SUPERVISOR	26A	35,922	53,279	35,922	54,877	Pay Range Change
CODE COMPLIANCE OFFICER	26	35,922	53,279	35,922	53,279	
POLICE COMMUNICATIONS SUPERVISOR	26	35,922	53,279	35,922	53,279	
AQUATICS DIVISION SUPERVISOR	28	37,747	55,973	37,747	55,973	
RECREATION MAINTENANCE SUPERVISOR	28	37,747	55,973	37,747	55,973	
BUILDING AND CODE COMPLIANCE SUPERVISOR	29	38,356	56,406	38,356	56,406	
* DEPUTY CITY CLERK	29	38,356	56,406	38,356	56,406	
EXECUTIVE SECRETARY	29	38,356	56,406	38,356	56,406	
PROCUREMENT SUPERVISOR	29A	38,356	56,406	38,356	58,098	Pay Range Change
HUMAN RESOURCES SPECIALIST	29	38,356	56,406	38,356	56,406	
POLICE SENIOR ADMINISTRATIVE SPECIALIST	29	38,356	56,406	38,356	56,406	Eliminate position
POLICE SENIOR EXECUTIVE ASSISTANT	30	38,356	56,406	38,356	56,406	New position
SPECIAL EVENTS/PROGRAMS SUPERVISOR	31	42,130	62,047	42,130	62,047	
HUMAN RESOURCES SPECIALIST II	31	42,130	62,047	42,130	62,047	
* ASSISTANT INFORMATION TECHNOLOGY MANAGER	37	47,136	69,905	47,136	69,905	
* GOLF COURSE MAINTENANCE SUPERINTENDENT	37	47,136	69,905	47,136	69,905	Eliminate position
* GRANTS WRITER/PUBLIC INFORMATION SPECIALIST	37A	47,136	69,905	47,136	72,002	Pay Range Change
PROFESSIONAL SERVICES SUPERVISOR	37	47,136	69,905	47,136	69,905	Eliminate position
PROFESSIONAL SERVICES MANAGER	37	47,136	69,905	47,136	69,905	New position
OPERATIONS SUPERINTENDENT	37	47,136	69,905	47,136	69,905	
* GOLF MAINTENANCE MANAGER	40	49,767	73,805	49,767	73,805	New position
* ELDERLY SERVICES DIRECTOR	40A	49,767	73,805	49,767	76,019	Pay Range Change
* ASSISTANT PUBLIC WORKS DIRECTOR	40	49,767	73,805	49,767	73,805	
* ACCOUNTING SYSTEMS/FINANCE ANALYST	41	51,778	79,045	51,778	81,416	Pay Range Change
* CITY PLANNER	44	54,930	81,466	54,930	81,466	
* POLICE LIEUTENANT	44P	62,669	91,110	62,669	91,110	
* HUMAN RESOURCES DIRECTOR/RISK MANAGER	45	56,305	83,501	56,305	86,006	Pay Range Change
* COMPTROLLER	46	64,582	93,904	64,582	93,904	
* INFORMATION TECHNOLOGY DIRECTOR	46	64,582	93,904	64,582	93,904	
* POLICE CAPTAIN	46P	65,837	95,728	65,837	95,728	
* GOLF & COUNTRY CLUB DIRECTOR	49	71,850	95,799	71,850	95,799	
* BUILDING AND CODE COMPLIANCE DIRECTOR	49	71,850	95,799	71,850	95,799	
* RECREATION DIRECTOR	49	71,850	95,799	71,850	95,799	
* PUBLIC WORKS DIRECTOR	49	71,850	95,799	71,850	95,799	
* CITY CLERK	49	71,850	95,799	71,850	95,799	
* BUILDING OFFICIAL	50	74,817	112,227	74,817	112,227	
* BUILDING OFFICIAL & CODE COMPLIANCE DIRECTOR	50	74,817	112,227	74,817	112,227	
* FINANCE DIRECTOR	50	74,817	112,227	74,817	112,227	
* CHIEF OF POLICE	50P	76,270	114,406	76,270	114,406	
* ASSISTANT CITY MANAGER-FINANCIAL SERVICES	50M	84,125	125,489	84,125	125,489	
* NON CIVIL SERVICE						

**RESOLUTION NO. 2015 –**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MIAMI SPRINGS APPROVING AND ADOPTING A REVISED  
CITY EMPLOYEE “PAY PLAN” FOR FISCAL YEAR 2015-  
2016; RESERVING THE RIGHT AND AUTHORITY TO  
AMEND OR SUPPLEMENT THE PLAN; EFFECTIVE DATE**

**WHEREAS**, Ordinance 993-2010 was passed on August 23, 2010, authorizing and directing the annual internal review and approval of the City Employee “Pay Plan”, and,

**WHEREAS**, Ordinance 993-2010, as currently codified in the Code of Ordinance Section 34-19(B), further directed the annual approval of the City “Pay Plan” by Resolution in conjunction with the City Council’s adoption of the City’s annual budget; and,

**WHEREAS**, the City Council of the City of Miami Springs is desirous of approving the revised City Employee “Pay Plan” for Fiscal Year 2015-2016 in accordance with the recommendations of the City Manager:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That the revised City Employee “Pay Plan”, attached hereto as Exhibit “A”, is hereby approved and adopted for the Fiscal Year of 2015-2016.

**Section 2:** That the City Council hereby reserves the right and authority to amend or supplement the City Employee “*Pay Plan*” at any and all times as may be determined to be in the best interests of the City by City Council resolution.

**Section 3:** That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Vice Mayor Best	_____
Councilman Bain	_____
Councilwoman Buckner	_____
Councilman Petralanda	_____
Mayor Garcia	_____

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

**ATTEST:**

\_\_\_\_\_  
Erika Gonzalez-Santamaria, CMC, City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

\_\_\_\_\_  
Jan K. Seiden, City Attorney

**POSITION CLASSIFICATION AND PAY PLAN**  
**FISCAL YEAR 2015-16**  
**CIVIL SERVICE/NON CIVIL SERVICE EMPLOYEES**

Exhibit A

POSITION	PAY GRADE	FY2015-16 PAY RANGE	
		MINIMUM	MAXIMUM
MAINTENANCE WORKER I	8A	22,992	38,440
PRO SHOP CLERK	8	22,992	34,089
CLERICAL ASSISTANT	9	23,612	35,013
EQUIPMENT OPERATOR	10	24,201	35,885
MAINTENANCE WORKER CREW LEADER	10	24,201	35,885
MAINTENANCE WORKER II	10A	24,201	38,440
REFUSE COLLECTOR	10A	24,201	38,440
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RECREATION LEADER	10	24,201	35,885
REFUSE TRUCK DRIVER	13	26,060	41,396
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ADMINISTRATIVE ASSISTANT I	15	27,382	40,606
BUILDING SPECIALIST I	15	27,382	40,606
MATERIALS MANAGEMENT CLERK	15	27,382	40,606
POLICE ADMINISTRATIVE SPECIALIST I	15	27,382	40,606
RECREATION SPECIALIST	15	27,382	40,606
HEAD LIFEGUARD	15	27,382	40,606
ACCOUNTING CLERK I	16	28,062	41,622
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POLICE DISPATCHER II	21	31,751	47,092
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ADMINISTRATIVE ASSISTANT II	22	32,547	48,264
BUILDING SPECIALIST II	22	32,547	48,264
BUILDING SPECIALIST III	22	32,547	48,264
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ADMINISTRATIVE ASSISTANT III	24A	34,198	52,675
RECREATION COORDINATOR	24	34,198	50,709
PARKS MAINTENANCE FOREMAN	24	34,198	50,709
POLICE ADMINISTRATIVE SPECIALIST II	24	34,198	50,709
SANITATION FOREMAN	24B	34,198	53,130
GOLF MAINTENANCE SUPERVISOR/FOREMAN	24	34,198	50,709
GOLF MAINTENANCE MECHANIC	24	34,198	50,709
OPERATIONS SUPERVISOR	26A	35,922	54,877
CODE COMPLIANCE OFFICER	26	35,922	53,279
POLICE COMMUNICATIONS SUPERVISOR	26	35,922	53,279
AQUATICS DIVISION SUPERVISOR	28	37,747	55,973
RECREATION MAINTENANCE SUPERVISOR	28	37,747	55,973
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EXECUTIVE SECRETARY	29	38,356	56,406
PROCUREMENT SUPERVISOR	29A	38,356	58,098
HUMAN RESOURCES SPECIALIST	29	38,356	56,406
POLICE SENIOR EXECUTIVE ASSISTANT	30	38,356	56,406
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PROFESSIONAL SERVICES MANAGER	37	47,136	69,905
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* RECREATION DIRECTOR	49	71,850	95,799
* PUBLIC WORKS DIRECTOR	49	71,850	95,799
* CITY CLERK	49	71,850	95,799
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* CHIEF OF POLICE	50P	76,270	114,406
* ASSISTANT CITY MANAGER-FINANCIAL SERVICES	50M	84,125	125,489
* NON CIVIL SERVICE			

# WADE F. JOHNSON, JR., P.A.

ATTORNEY AND COUNSELOR AT LAW

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Orlando, Florida 32812

Wade F. Johnson, Jr.  
Florida Bar Certified Tax Specialist  
CPA, MBA

Telephone (407) 859-2388  
Facsimile (407) 429-3825

September 22, 2015

Ron Gorland  
Miami Springs City Manager  
201 Westward Dr.  
Miami Springs, FL 33166

RE: Settlement Agreement Extension

Dear Mr. Gorland:

As you are aware, the Settlement Agreement between the City of Miami Springs and Meridian Mgmt, LLC dated December 21, 2011, as amended on December 18, 2014, ("Settlement Agreement") expires on December 21, 2015. This letter is written to request that the City of Miami Springs (the "City") agree to extend the term of the Settlement Agreement for an additional year.

In 2002, the City began its efforts to annex a portion of Miami-Dade County to the west of the current city limits. That request encountered a number of issues and was unsuccessful. In 2009, the City submitted an annexation application to Miami-Dade County to reinstate the annexation process. This application proceeded to the Planning Advisory Board level where it was unanimously rejected in September of 2010. That was how things stood when the Settlement Agreement between the City and Meridian was signed in December of 2011.

Subsequent to the signing of the Settlement Agreement, the City's annexation request has been resurrected and is a current topic of discussion, along with a number of other annexation requests. The combined efforts of all of the interested parties has resulted in momentum that appears to be heading for at least an opportunity to be heard and a vote by the Miami-Dade County Board of County Commissioners (the "MDCC"). The goal now is to have that vote result in approval of the City's annexation application.

The road to this point has been an up and down journey, with a few unexpected issues arising that have delayed a final resolution but have not resulted in a denial of the application. In 2012, as a part of the consideration of the pending annexation applications, the MDCC formed the Annexation and Incorporation Review Task Force (the "Task Force"). That Task Force prepared a report that was released in September of 2013; however, the efforts of the Task Force were compromised and its credibility was put into question when two of its most prominent members were arrested on corruption charges in August of 2013. Those arrests, and the resulting cloud over the Task Force, set the whole process back since the MDCC now seemed to believe that they had no dependable, credible analysis of the impact of the proposed annexations and they seemed unwilling to make a decision without such an analysis.

Even so, the annexation applications went before the Land Use & Development Committee of the MDCC on October 10, 2013. The expected result of that meeting was that the applications would be forwarded to the full MDCC for consideration; however, the absence of one member of the committee due to a death in the family resulted in a 2-2 vote on the City's application. The effect of that vote was that the City's application was tabled.


On February 27, 2014, the MDCC, at a special meeting called specifically to discuss annexations and incorporations, decided that they wanted to ask the Miami-Dade County Mayor to hire a consultant to issue a report providing guidance on how to deal with the remaining unincorporated portions of the county. That consultant is still working on the report and the exact timing of the release of the final report is uncertain.

Given the current status of the annexation proposals and the fact that no action will be taken by the MDCC until after the final report of the consultant has been issued, I believe it is in the best interest of all concerned that the Settlement Agreement be extended. Due to the uncertainty of the date of issuance of the final report, I propose that the extension be a one-year extension. Significant progress has been made toward approval of the City's application and once the report of the consultant is issued, no matter what recommendations are made therein, it will continue to take a concerted, coordinated effort to see the application through the approval process. The extension of the Settlement Agreement will enable the City to build upon the progress made to date.

The City's current annexation proposal has weathered a few issues that were completely unforeseen and unpreventable (among them, federal corruption charges, death of a Commissioner's family member, delays in the County's contract process and disagreements among the cities with pending annexation applications). These issues resulted in delays that caused this process to take longer than anyone anticipated when it first began; however, what was once hopeless may now be an attainable goal if we all continue to work together. The extension of the Settlement Agreement will insure that the current efforts continue and provides the best chance of the desired result from this process.

I have enclosed a proposed Second Amendment to the Settlement Agreement. Please let me know how we may assist in getting the extension of the term of the Settlement Agreement.

Very truly yours,



Wade F. Johnson, Jr.

WFJ

cc: Jan K. Seiden,  
Miami Springs City Attorney

**SECOND AMENDMENT TO SETTLEMENT AGREEMENT BETWEEN  
CITY OF MIAMI SPRINGS AND MERIDIAN MGMT, LLC**

THIS Second Amendment to Settlement Agreement ("Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between MERIDIAN MGMT, LLC, ("MERIDIAN"), a Florida limited liability company, its successors and assigns, whose address is c/o Wade F. Johnson, Jr., 4255 Tidewater Dr., Orlando, FL 32812 and the CITY OF MIAMI SPRINGS, a Florida municipal corporation, whose address is 201 Westward Dr., Miami Springs, FL 33166 ("CITY") and the parties hereto agree to amend the Settlement Agreement between MERIDIAN and the CITY dated December 21, 2011, as amended by an Amendment dated December 18, 2014 ("Agreement"), as follows:

1. The term of the Agreement shall be extended for one year and shall now terminate on December 21, 2016.
2. In the event of a conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date written above.

Witness

**MERIDIAN MGMT, LLC**

\_\_\_\_\_

By:

\_\_\_\_\_  
Wade F. Johnson, Jr., Manager

\_\_\_\_\_  
(Please Print or Type Name)

**CITY OF MIAMI SPRINGS**

ATTEST:

\_\_\_\_\_  
Erika Gonzalez-Santamaria  
City Clerk

By:

\_\_\_\_\_  
Ron Gorland  
City Manager

By:

\_\_\_\_\_  
Jan K. Seiden  
City Attorney

**Jose K. Fuentes**  
**Senior Government Relations Consultant**  
**Phone: (305) 260-1018 Fax: (305) 260-1042**  
**jfuentes@bplegal.com**

**121 Alhambra Plaza, 10th Floor**  
**Coral Gables, Florida 33134**

October 22, 2015

***BY HAND DELIVERY***

Mr. Ron Gorland, City Manager  
City of Miami Springs  
201 Westward Drive  
Miami Springs, FL 33166

***Re: State and County Lobbying services for the City of Miami Springs***

Dear Mr. Gorland:

I want to thank you and the Mayor and City Council for entrusting us to represent your interest throughout the State of Florida. On behalf of Becker & Poliakoff, please accept this Proposal to provide State and County Lobbying Services to The City of Miami Springs.

Becker & Poliakoff has a long history and successful track record of representing municipalities before the Legislature and Executive branch agencies in Tallahassee on substantive legislative issues, funding and other critical issues. Our Government Law & Lobbying team includes experienced professionals with specific lobbying experience on water related issues.

By way of background, our firm was founded in Miami Dade County over forty years ago. Today, the firm includes more than 170 attorneys, lobbyists and other professionals in twelve offices throughout Florida, Washington, DC, New York, New Jersey and Northern Virginia. Our statewide footprint in Florida and national presence benefits our clients by having relationships with legislators and Members of Congress throughout the state and the country. We use these relationships to benefit our clients. For example, we have worked closely with legislators that we know through our Panhandle office to assist us with a bill specifically benefiting a South Florida client. Additionally, we were able to connect personally with a Orlando area legislator who chairs an important committee on behalf of one of our municipal clients.

Our lobbying team is deeply involved in water and municipal issues from years of experience representing local governments and the experience of lobbyist Jose Fuentes who served as the Regional Director of the South Florida Water Management District, and Jose A. Bermudez who most recently served in the Office of Governor Rick Scott. We have made it our business to intimately understand the various funding formulas impacting municipal resources, specifically programs and funding affecting water programs in the budget and appropriations process. We

have spent countless hours working with legislative staff and members, and agency staff on local water policy and funding issues.

Our longevity for our clients speaks for itself. As an example, we have represented Miami-Dade Schools since 2003, City of Opa Locka since 1999, and Miami Dade Expressway Authority since 2001. A great deal of our success can be attributed to our long standing working relationships with elected officials at the highest levels and our understanding of the inner workings of the legislative process from years of working as chiefs of staff, legislative aides, lobbyists and even as legislators themselves. Our lobbying team covers both sides of the aisle and works with the various caucuses to find common ground for our clients.

In summary, our firm's lobbying team is best qualified to perform the work needed by the City of Miami Springs because our team has strengths and talents that others simply don't have:

1) An experienced lobbying team with specific lobbying experience on water policy, appropriations and grants funding that knows how to be effective in Tallahassee working with coalitions, caucuses et. al., to get the job done; 2) energy, enthusiasm – no lobbying team works harder or longer hours. We simply cannot be outworked; 3) offices around Florida providing opportunities to get to know legislators year round in their home districts and; 4) a diverse lobbying team that can reach out to a diverse group of legislators throughout the state.

Our firm is prepared to provide ongoing and on-call governmental relations services on a monthly fee basis. We propose a monthly fee of \$3,750.00 a month, beginning immediately upon execution of this retainer agreement. This time frame may be terminated by either party on 30 days written notice if the project does not go forward. Services will be provided by Jose Bermudez and Jose Fuentes throughout this engagement.

Also made part of this letter are the Firm's Standard Terms of Engagement, which are enclosed herewith and incorporated by reference in our proposal. If you wish to proceed in accordance with this proposal, please execute and return one copy of this letter along with the first month's \$3,750.00 retainer.

On behalf of the entire Firm, I look forward to continuing to work with you and expanding our long-term, mutually beneficial relationship. If you are in agreement with the terms and conditions of this Retainer Agreement and our Firm's Standard Terms of Engagement, which are attached hereto and incorporated herein by reference, please indicate by signing in the space provided below, enclosing payment of the initial fees referenced above (\$3,750.00) and return one executed original. The original additional copy of this Retainer Agreement is for your files.

Cordially,

Jose K. Fuentes  
For the Firm

cc: Mayor Xavier Garcia and City Council  
Bernie Friedman, Esq.  
Jose Bermudez

Enclosure

**Retainer Agreement Agreed to and Accepted by City of Miami Springs, including any of its related affiliates, entities, and/or assigns.**

By: \_\_\_\_\_  
**Mr. Ron Gorland, City Manager**

## **TERMS OF ENGAGEMENT**

We appreciate your decision to retain Becker & Poliakoff, P.A. (the “Firm”) as your legal counsel. This document explains how we work, our obligations to you, your obligations to us, what we will do on your behalf, and how our charges will be determined and billed. Experience has shown that an understanding of these matters will contribute to a better relationship between us, and that, in turn, makes our efforts more productive.

Our engagement and the services we will provide to you are limited to the matter(s) identified in the accompanying letter. Any changes in the scope of our representation, as described in the letter, must be approved in writing. We will provide services of a strictly legal nature related to the matter(s) described in the letter. You will provide us with the factual information and materials we require to perform the services identified in the letter, and you will make such business or technical decisions and determinations as are appropriate. You will not rely on us for business, investment, or accounting decisions, or expect us to investigate the character or credit of persons or entities with whom you may be dealing, unless otherwise specified in the letter. Further, there may be tax consequences resulting from the transaction, claim, settlement, or other resolution of your matter. Unless specified in writing by the Firm, the Firm will not be providing tax advice. The Firm has capable and experienced tax attorneys on staff who can assist you at your request.

### ***Confidentiality and Related Matters***

Regarding the ethics of our profession that will govern our representation, several points deserve emphasis. As a matter of professional responsibility, we are required to preserve the confidences and secrets of our clients. This professional obligation and the legal privilege for attorney-client communications exist to encourage candid and complete communication between a client and his lawyer. We can perform truly beneficial services for a client, only if we are aware of all information that might be relevant to our representation. Consequently, we trust that our attorney-client relationship with you will be based on mutual confidence and unrestrained communication that will facilitate our proper representation of you. Additionally, you should be aware that, in instances in which we represent a corporation or other entity, our client relationship is with the “entity” and not with its individual executives, shareholders, directors, partners, or persons in similar positions, or with its parent, subsidiaries, or other affiliates. In those cases, our professional responsibilities are owed only to that entity, alone, and no conflict of interest will be asserted by you because we represent persons with respect to interests that are adverse to the individual persons or business organizations who have a relationship with you. Of course, we can also represent individual executives, shareholders, partners, and other persons related to the entity in matters that do not conflict with the interests of the entity, but any such representation will be the subject of a separate engagement letter. Similarly, when we represent a party on an insured claim, we represent the insured, not the insurer, even though we may be approved, selected, or paid by the insurer.

### *Fees and Billing*

We encourage flexibility in determining billing arrangements. For example, we often agree with our clients to perform services on a fixed-fee, success fee, or other basis that we and the client believe will encourage efficiency and reflect the value of our services in relation to a particular objective.

If you and we have agreed on a fixed fee or success fee arrangement, you agree that our fees will not be limited to the fixed amount if you fail to make a complete and accurate disclosure of information that we have requested and that we reasonably require for our work, or if you materially change the terms, conditions, scope, or nature of the work, as described by you when we determined the fixed amount, or as compared with the work normally and customarily involved in similar engagements. If any of these events occur, you agree that our fees will be based upon the other factors described below, unless you and we agree on a revised fixed or success fee.

If the accompanying letter does not provide for a fixed fee, our fees for services will be determined as described in the following paragraphs.

When establishing fees for services that we render, we are guided primarily by the time and labor required, although we also consider other appropriate factors, such as the novelty and difficulty of the legal issues involved; the legal skill required to perform the particular assignment; time-saving use of resources (including research, analysis, data and documentation) that we have previously developed and stored electronically or otherwise in quickly retrievable form; the fee customarily charged by comparable law firms for similar legal services; the amount of money involved or at risk and the results obtained; and, the time constraints imposed by either the client or the circumstances. We generally require a retainer in an amount that is appropriate with respect to the proposed representation. Unless otherwise agreed, the retainer will be applied to the last statement rendered in connection with the representation, with any unused portion being returned to the client. The firm, in its discretion, may apply the retainer against unpaid past due bills and may apply a cost retainer against unpaid attorney's fees.

In determining a reasonable fee for the time and labor required for a particular matter, we consider the ability, experience, and reputation of the lawyer or lawyers in our firm who perform the services. To facilitate this determination, we internally assign to each lawyer an hourly rate based on these factors. If we determine that research or other work can be efficiently handled by a law clerk or paralegal under an attorney's supervision, the time of the law clerk or paralegal will be billed at the lowest paralegal rate applicable to the nature of the services performed.

Of course, our hourly rates change periodically to account for increases in our cost of delivering legal services, other economic factors, and the augmentation of a particular lawyer's ability, experience, and reputation. Any such changes in hourly rates are applied prospectively, as well as to unbilled time previously expended. You will be advised of any change in the hourly rate applicable to your matter. We record and bill our time in one-tenth hour (six minute) increments;

however, the minimum time that is normally billed for the total of an individual lawyer's activities on a matter in a single day is two-tenths of an hour.

When selecting lawyers to perform services for you, we generally seek to assign lawyers having the lowest hourly rates consistent with the skills, time demands, and other factors influencing the professional responsibility involved in each matter. That does not mean we will always assign a lawyer with a lower hourly rate than other lawyers. As circumstances require, the services of lawyers in our firm with special skills or experience may be sought when that will either (a) reduce the legal expense to you, (b) provide a specialized legal skill needed, or (c) help move the matter forward more quickly. If that lawyer's regular office is in a location other than the Becker & Poliakoff, P.A. office in the city in which you are located, you will not be charged for his or her travel time except in the case of lawyers whose practice is concentrated in fields of law or whose expertise is greater than that generally available in the city in which you are located. Also, to encourage the use of such lawyers in situations where their services can provide a significant benefit that is disproportionate to the time devoted to the matter, we may not bill for their services on an hourly rate basis but, if you agree in advance, we will adjust the fee on an "added value" basis at the conclusion of the matter, if and to the extent their services contributed to a favorable result for you. In an effort to maximize efficiency and improve the quality of legal services, we have made a substantial investment in the application of technology to the practice of law. A direct benefit of this technology is the ability to do research, compile documents and respond to client needs in a fraction of the time previously required; thereby substantially improving the quality of legal services while reducing the costs. To effectively utilize technology in the law office, there are on-going costs associated with system research, development, maintenance, upkeep, and staff training, as well as the time expended in developing the primary source documents. Accordingly, in situations in which a previously-developed work product is used as a primary source of a paralegal's or an attorney's work product, a value must be applied to the previously-developed work product. This process is known as value billing. Value billing is simply applying a weighted value to the time expended in providing legal services, which allocates a value for the previously-developed work product. The benefit to the client of a technologically-advanced firm is improved legal services tailored to the client's needs in a fraction of the time and at a fraction of the cost. In many matters, a weighted value (value billing) will be applied to a paralegal's or an attorney's efforts which utilize, as a primary source, a previously-developed work product. If you have any questions concerning the application of value billing to a specific matter being handled by us, please feel free to write or call the attorney handling your matter(s).

### *Expenses*

In addition to legal fees, our statements will include out-of-pocket expenses that we have advanced on your behalf and other charges (which may exceed direct costs and allocated overhead expenses) for certain support activities. Advanced expenses will generally include such items as travel, parking, postage, filing, recording, certification, and registration fees charged by governmental bodies. Other charges typically include such items as telephone calls, facsimile transmissions, printing, scanning charges or other digital or electronic images, overnight courier services, certain charges for computer research and complex document production, processing,

loading, conversion, coding, manipulation, technical assistance and project management costs for use with litigation support software, and charges for copying and scanning materials sent to you or third parties or required for our use. Some such costs, including but not limited to computer searches, computer generated documents and filings, long distance telephone calls and faxes, may include an administrative fee charged by the Firm, as determined by the Firm from time to time. Instead of charging for telephone calls, facsimile transmissions, routine printing, scanning or other digital or electronic images, the firm may elect to charge a one-time fee of \$2.25 per megabyte of stored records. This electronic records fee will be charged only once, as records are added to the database, and will not be a recurring charge for storage. We may request an advance cost deposit (in addition to the advance fee deposit) when we expect that we will be required to incur substantial costs on your behalf.

During the course of our representation, it may be appropriate to hire third parties to provide services on your behalf. These services may include consulting or testifying experts, investigators, providers of computerized litigation support, and court reporters. Because of the legal “work product” protection afforded to services that an attorney requests from third parties, in certain situations we may assume responsibility for retaining the appropriate service providers. Even if we do so, however, you will be responsible for paying all fees and expenses directly to the service providers or reimbursing us for these expenses.

### ***Billing***

We bill periodically throughout the engagement for a particular matter, and our monthly statements are due when rendered. If our fees are based primarily on the amount of our time devoted to the matter, our statements will be rendered monthly. In instances in which we represent more than one person with respect to a matter, each person that we represent is jointly and severally liable for our fees and expenses with respect to the representation. Our statements contain a concise summary of each matter for which legal services are rendered and a fee is charged.

If our statement is not paid in a timely manner, we reserve the right to discontinue services. Additionally, if our statement has not been paid within thirty (30) days from the date of the statement, we impose an interest charge of one and one-half (1.5%) percent per month (an eighteen [18%] percent annual percentage rate), from the 30th day after the date of the statement until it is paid in full. Interest charges apply to specific monthly statements on an individual statement basis. Any payments made on past-due statements are applied first to the oldest outstanding statement. If you have given the Firm a deposit for attorneys’ fees and/or costs that the Firm has deposited in our trust account which is designated for use in one matter, and you fail to pay attorneys’ fees or costs for another matter the Firm is handling for you, the Firm shall have the option to disburse those funds to the Firm to pay outstanding attorneys’ fees and costs in any other matter provided that attorneys’ fees and costs in the other matter are more than 60 days past due. If collection activities are necessary, we will be entitled to reasonable attorneys’ fees and costs, whether pre-trial, trial or appellate. Post-judgment interest shall accrue at the rate of eighteen (18%) percent per annum. In the event of a dispute over the amount of legal fees charged or the manner, nature or extent of legal services provided, YOU AGREE TO A WAIVER OF TRIAL BY JURY. In any

such litigation, jurisdiction and venue will lie in the Judicial Circuit for Miami-Dade County, Florida, or the county where the Firm office is located that has provided the greatest amount of services to the Client, measured by the amount of the delinquent debt.

**If you object to any portion of an invoice, you shall so notify the Firm within thirty (30) calendar days of receipt of the invoice. You shall identify in writing the specific cause of the disagreement and the amount in dispute, and shall pay that portion of the invoice not in dispute in accordance with the other payment terms of this Agreement. If no dispute is submitted within thirty (30) calendar days, the invoice will be considered due and payable and any dispute regarding the invoice that could have been detected within said thirty (30) day period shall be deemed waived.**

Should the Firm cease to represent Client for any reason, including the Firm's voluntary withdrawal during the pendency of any action, and any attorney's fees or costs remain unpaid, the Firm is entitled to a charging lien and to payment of any costs and attorney's fees out of any eventual recovery in the action (in addition to any right to a retaining lien) or other rights retained herein.

### ***Questions About Our Bills***

We invite you to discuss freely with us any questions you have concerning a fee charged for any matter. We want our clients to be satisfied with both the quality of our services and the reasonableness of the fees we charge for those services. We will attempt to provide as much billing information as you require and in such customary form that you desire, and we are willing to discuss with you any of the various billing formats we have available that best suits your needs.

### ***Relationships With Other Clients***

Because we are a large, multi-practice law firm with offices throughout Florida, in the U.S., and internationally, we may be (and often are) asked to represent a client with respect to interests that are adverse to those of another client who is represented by our firm in connection with another matter. Just as you would not wish to be prevented in an appropriate situation from retaining a law firm that competes with Becker & Poliakoff, our firm wishes to be able to consider the representation of other persons who may be competitors in your industry or who may have interests that are potentially adverse to yours, but with respect to matters that are unrelated in any way to our representation of you. The ethics that govern us permit us to accept such multiple representations, assuming certain requirements are met.

During the term of this engagement, we agree that we will not accept representation of another client to pursue interests that are directly adverse to your interests, unless and until we make full disclosure to you of all relevant facts and circumstances of our undertaking the two representations, confirm to you in good faith that we have done so, and that the following criteria are met: (1) there is no substantial relationship between any matter in which we are representing or have represented you and the matter for the other client; (2) any confidential information we have

received from you will not be available to the lawyers and other Becker & Poliakoff personnel involved in the representation of the other client; (3) our effective representation of you and the discharge of our professional responsibilities to you will not be prejudiced by our representation of the other client; and (4) the other client has also consented, in writing, and on our full disclosure of the relevant facts, circumstances, and implications of undertaking the two representations. If the foregoing conditions are satisfied, you agree that we may undertake the adverse representation, and that all conflict issues will be deemed to have been resolved or waived by you.

By making this agreement, we are establishing the criteria that will govern the exercise of your rights under applicable ethical rules to object to our representation of another client whose interests are adverse to yours. If you contest in good faith the facts underlying our confirmation to you that the specified criteria have been met, then we will have the burden of reasonably supporting those facts.

### ***Virus Protection***

During the course of our engagement, we may exchange electronic versions of documents and emails with you using commercially available software. Unfortunately, the technology community is occasionally victimized by the creation and dissemination of so-called viruses, or similar destructive electronic programs. We take the issues raised by these viruses seriously and have invested in document and email scanning software that identifies and rejects files containing known viruses. We also update our system with the software of various vendors' current releases at regular intervals.

By utilizing this virus scanning software, our system may occasionally reject a communication you send to us. We in turn may send you something that is rejected by your system. We believe this infrequent occurrence is to be expected as part of the ordinary course of business.

Because the virus protection industry is generally one or two steps behind new viruses, we cannot guarantee that our communications and documents will always be virus free. Occasionally, a virus will escape and go undetected as it is passed from system to system. Although we believe our virus protection measures are excellent, we can make no warranty that our documents will be virus free at all times.

Please inform us immediately in the event a virus enters your company's system via any electronic means originating from our Firm. Through cooperative efforts we can minimize any disruption to our communications.

### ***Solicitation***

We spend a great deal of time and resources to hire and train superior attorneys and employees who are able to provide you with legal services conforming to our high professional standards. Accordingly, in the event you solicit or hire a Firm attorney or employee during the

time period we are representing you and for a period of six months thereafter, you agree you will pay the Firm an amount equivalent to twenty-five (25%) percent of that attorney or employee's first year of base salary with your organization (including any signing bonus), plus stock or equity in your organization equivalent to twenty-five (25%) percent of any stock or equity grant made as part of your hiring of such attorney or employee.

***Termination***

Upon completion of the matter(s) to which this representation applies, or upon earlier termination of our relationship, the attorney-client relationship will end, unless you and we have expressly agreed to a continuation with respect to other matters. We hope, of course, that such a continuation will be the case. The representation is terminable at will by either of us. The termination of the representation will not terminate your obligation to pay our fees and expenses incurred prior to the termination.

\* \* \*

Your agreement to this engagement constitutes your acceptance of the foregoing terms and conditions. If any of them is unacceptable to you, please advise us now so that we can resolve any differences and proceed with a clear, complete and consistent understanding of our relationship.

**Last Revised: 6/1/15**

ACTIVE: BPUsers/JBERMUDEZ:7666140\_1\_JBERMUDEZ