



**AGENDA INFORMATION  
CITY OF MIAMI SPRINGS  
CITY COUNCIL**

**Regular Meeting**

**Monday, June 25, 2012**

**7:00 p.m.**

**Council Chambers – City Hall  
201 Westward Drive, Miami Springs**

**Mayor Xavier Garcia**

**Vice Mayor George V. Lob**

**Councilman Bob Best**

**Councilwoman Grace Bain**

**Councilwoman Jennifer Ator**

**City Manager Ronald K. Gorland**

**City Attorney Jan K. Seiden**

**City Clerk Magalí Valls**



**CITY OF MIAMI SPRINGS, FLORIDA**

**Mayor Xavier M. Garcia**

**Vice Mayor George V. Lob**  
**Councilwoman Grace Bain**

**Councilman Bob Best**  
**Councilwoman Jennifer Ator**

**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".

**AGENDA**  
**REGULAR MEETING**  
**Monday, June 25, 2012 – 7:00 p.m.**  
**Council Chambers – City Hall**  
**201 Westward Drive – Miami Springs**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Councilwoman Ator  
  
**Salute to the Flag:** Audience Participation
- 3. Awards & Presentations:**
  - A) Presentation by Ivonne Pérez-Suárez, Consumer Advocate for Dade, Broward and Palm Beach Counties
  - B) Proclamation – Miami Heat Day

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) 06-07-2012 – Special Meeting
  - B) 06-11-2012 – Regular Meeting
  - C) 06-14-2012 – Special Meeting
6. **Reports from Boards & Commissions:**
  - A) 06-13-2012 – Golf and Country Club Advisory Board – Minutes
  - B) 06-14-2012 – Board of Parks and Parkways – Minutes
  - C) 06-18-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice
  - D) 06-28-2012 – Code Review Board – Cancellation Notice
7. **Public Hearings:** None
8. **Consent Agenda:**
  - A) Recommendation that Council Approve an Expenditure of \$11,000.00 to The Miami Herald Publishing Co. as a Sole Source Provider Pursuant to Section 31.11 (E) (6) (g) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget
  - B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$4,000.00, on an "As Needed" Basis to Titleist, for Purchase of Driving Range Supplies and Items for Resale in the Pro Shop, Pursuant to Section 31.11 (E) (6) (g) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget
  - C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$7,000.00, on an "As Needed" Basis, to Turf Choice for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget
  - D) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond Fertilizer, Utilizing Town of Davie Fertilizer and Chemical Bid R-2011-147, in an Amount not to Exceed \$7,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget

**8. Consent Agenda: (Continued)**

- E) Recommendation that Council Approve an Expenditure to Lou's Police Distributors, the Lowest Responsible Quote, in an Amount not to Exceed \$15,216.10, for Police Uniforms, Pursuant to Section 31.11 (C) (2) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget
- F) Recommendation that Council Waive the Competitive Bid Process and Approve an Increase of \$3,000 to Purchase Order # 120134 to International Date Depository (IDD), Pursuant to Section 31.11 (E) (6) (g) of the City Code, for Storage of Documents Required to be Kept by Florida Records Retention Laws and Schedules. Funding is Included in the Fiscal Year 2011-2012 Budget
- G) Recommendation that Council Award City Bid # 07-11/12 to Greater Miami Caterers, Inc., the Lowest and Only Responsible Bidder, in the Amount of \$149,064, for Catering Services for the City of Miami Springs Senior Center's Nutrition Programs for the Elderly, Pursuant to Section 31.11 (E) (1) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget

**9. Old Business:**

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

**10. New Business:**

- A) First Reading – Ordinance No. 1037-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-51, Color Palette Compliance; by Providing an Exception Provision and a Variance Process to the Color Palette Compliance Program Established by this Code Section; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date
- B) First Reading – Ordinance No. 1038-2012 – An Ordinance of the City Council of the City of Miami Springs Deleting all References to the Abraham Tract Sub-District of the Airport, Marine and Highway Business District Contained in Article XV and in Code of Ordinance Sections 150-154, 150-157, and 150-158; Establishing Code of Ordinance Section 150-165, Abraham Tract District; Providing Purpose; Permitted Uses; Prohibited Uses; Adult Related Business Regulations; Setbacks and Floor Area; Height Limitations; Off-Street Parking and Loading; Signage; Development Review Procedures; Requirements for Development Review; Exemptions; Fees; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date

**10. New Business: (Continued)**

- C) Approval of Requests from the Optimist Club to Sell Alcoholic Beverages and to Grant Funds in the Amount of \$2,000 for the 11<sup>th</sup> Annual Optimist Dolphin Classic and Community Fish Fry to be Held on the Circle on Saturday, July 14, 2012
- D) Request City's Sponsorship of the Miami Springs 12 and Under Girls Little League Softball Team to Travel and Play in the State and South Eastern Conference Championships
- E) Request by Curtiss Mansion, Inc. to Grant Conceptual Approval to Expand the Property to Accommodate Parking and the Original Entryway Structures

**11. Other Business: None**

**12. Reports & Recommendations:**

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

**13. Adjourn**

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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.  
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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 (7) days prior to the proceeding.  
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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.  
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## *City of Miami Springs, Florida*

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Thursday, June 7, 2012, at 4:00 p.m.

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

The meeting was called to order at 4:12 p.m.

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor George V. Lob
- Councilwoman Jennifer Ator
- Councilman Bob Best

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Grant Writer/Public Information Specialist Carol Foster
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

**2. Invocation:** Mayor Garcia offered the invocation and the audience participated in the Pledge of Allegiance.

**3. Resolution No. 2012-3548 – A Resolution of the City Council of the City of Miami Springs Acknowledging and Approving the Recitals contained Therein; Authorizing and Approving the Closing of the Curtiss Mansion Historic Tax Credit Transaction Between the City and NGM Insurance Company; Authorizing and Approving the Specific Documents for the Closing of the Transaction; Authorizing and Approving the Execution of any Additional Closing Documentation; Authorizing City Manager Ronald K. Gorland, and Assistant City Manager/Finance Director William A. Alonso to Execute the Required Closing Documentation; Authorizing the City Manager and Assistant City Manager/Finance Director to Designate Alternate Signatories; Effective Date**

City Manager Ronald K. Gorland stated that there were some outstanding concerns involving property tax issues and how the Property Appraiser will view the group of new companies that were formed to create the entities necessary for the historic tax credit transaction; it could possibly be two years before the County responds. As a result, the amount of tax is unknown; the activities could be taxed, which would be less, or the entire entity could be taxed, and this should not be the case because other communities pay no taxes for museum type entities that have fund raising activities. There is a possibility that the City could be subjected to taxes in an amount up to \$80,000 per year.

City Manager Gorland explained that the Internal Revenue Service (IRS) actively promotes these types of activities and there could be issues with a federal audit. The worst case is that the tax credit could be "unwound" at some point in the future. He advised Council that these were the two important issues to consider before adopting the resolution.

City Attorney Jan K. Seiden asked the City Manager to state what he received from Attorney Chaves today and Mr. Gorland explained that Mr. Chaves gave his approval and said to proceed with the transaction.

City Attorney Seiden added that the approval from Mr. Chaves was based on his review of all the documentation in the transaction and not his personal review. He clarified that he had not reviewed the documentation except for one document that is a guarantee from the City and he was involved in some discussions in regard to memos and leases.

Councilwoman Ator commented that she understands the issues with the Tax Appraiser and she knows that a lot of time and energy was spent to make the transaction cost neutral to the City. She asked if any of the provisions related to the division of revenues had been taken into account as it relates to the potential tax liability.

City Manager Gorland responded that Curtiss Mansion, Inc. (CMI) assumes the responsibility for the potential property tax liability as it relates to their activities. If the tax liability is based on the collection of companies there might be some sharing of the liability to consider.

City Attorney Jan K. Seiden received a telephone call from Attorney Erik Wishneff who advised him that there were a few issues raised by the investor's attorney in regard to the survey and title insurance requirements. He contacted Manuel Pérez-Vichot who agreed to help with the survey so that it will include additional items that were requested.

City Attorney Seiden stated that he could not speak to anything being handled by a third party or give assurance that they will be done to the satisfaction of the investor. He wants Council to be aware of this because ultimately they will decide whether to proceed or not based upon his comments and what the City Manager had disclosed.

City Attorney Seiden explained that the investor's attorney requires title insurance coverage that is called affirmative coverage that is not permitted in the State of Florida. Title companies in Florida provide what is called a Florida endorsement or Form 9, and this issue was thought to be resolved, but it was raised again today and the attorney who raised the issue may have confused this transaction with another transaction.

City Attorney Seiden spoke with Chicago Title who advised him that they cannot provide affirmative coverage and they are convinced that the comprehensive coverage is virtually identical, but he cannot confirm that this will be 100% okay with the investor.

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

City Attorney Seiden referred to a number of recitals in the "whereas" clauses that describe what had transpired to this point. He noted that Section 2 provides for the City Council authorization of the transaction to go forward and Section 3 provides that Council authorizes and approves the execution of the specific closing documents that are referenced in the bullet points.

Section 4 approves the execution of any and all other documentation that might not be listed in the resolution, according to Attorney Seiden, and Section 5 authorizes the City Manager and Assistant City Manager/Finance Director to execute all documentation required for the closing of the transaction.

City Attorney Seiden advised Council that they could refuse to execute the resolution, they could approve the resolution without any conditions or they could approve it subject to certain conditions based on any additional findings before the documents are executed the next day. If there are no further clearances or clarifications on the outstanding issues, he would like Council to acknowledge whether or not the transaction should go forward.

In response to Councilwoman Ator's concern about the title insurance coverage, City Attorney Seiden clarified that the investor's attorney raised the issue and at one point he thought the issue was resolved, but he cannot tell Council that they will 100% accept the comprehensive endorsement as opposed to the affirmative coverage.

City Manager Gorland explained that the only downside is that there is an event scheduled at the Curtiss Mansion on Saturday and if the flows are not executed before the event is held, it could affect the possibility for the historic tax credit transaction. The facility cannot be placed in service and the only potential is not holding that event on Saturday.

City Attorney Seiden said that it was agreed that the title insurance issues could be resolved post closing and if the City cannot deliver what is required then it becomes an issue. The question that was raised is whether or not the title agent will agree that the uses that are insured by the comprehensive endorsement include the proposed uses to which the property will be put once the transaction is closed and the Certificate of Occupancy (CO) is issued.

City Attorney Seiden added that the regulators have said that the endorsement cannot be modified and they have to accept that; they knew about this issue with the coverage before and it could be a confusion, but he cannot take responsibility for it and the burden is on Council to make a decision one way or another.

The resolution contains reference to the CMI Agreement that is next on the agenda and even though Council is approving the resolution, it is not in effect an approval of the agreement, according to Attorney Seiden.

Vice Mayor Lob asked if the City is in any way financially responsible if the transaction cannot go through because of the title insurance,

City Attorney Seiden replied that the City had been financially responsible all along and the amount would not be more than what had been spent to this point.

Councilwoman Ator said that if the transaction is closed and the insurance is not acceptable, she would like to know the downside.

City Manager Gorland commented that the downside is that the transaction might have to start over with an another investor; the problem is that an event on Saturday would be held that would be considered placing the facility in service and that could prevent the transaction from ever happening in the future.

City Attorney Seiden added that there were two or three items that were left off the survey and the surveyor should be able to handle it, but it is still an open issue.

To answer Councilman Best's question, City Attorney Seiden explained that it is a standard policy in the State of Florida that title companies provide an endorsement instead of affirmative coverage, according to Florida State law.

Attorney Seiden reiterated that Council could pass the resolution conditionally or without conditions and the only condition is related to the answer regarding the title insurance that should be received tomorrow. He explained that it is somewhat of a risk for Council to consider.

Councilwoman Ator explained the only risk would be if the event is held on Saturday, the Curtiss Mansion would not be eligible for a tax credit in the future and the City would be liable for the expenses anyway.

City Attorney Seiden said that Chicago Title is a large company, the investors should accept the coverage they are offering and it is very possible that one individual is confusing this transaction with another.

Councilman Best expressed his confidence in Chicago Title based on his experience in the aviation industry and Attorney Seiden agreed there is no doubt about their credibility.

**Vice Mayor Lob moved to adopt the resolution pending anything extraordinary coming up in the next day.**

City Attorney Seiden asked for clarification if Council would be passing the resolution unless something is heard tomorrow that negates their approval. He asked Vice Mayor Lob to define "extraordinary".

Vice Mayor Lob was of the opinion that the City Attorney would know what is good for the City or not.

City Attorney Seiden explained that Council would be approving the resolution as it stands, and if he or the Administration were to find out something that is beyond the scope of what they know now that would be negative to the City, they would not allow the documents to be signed and sent. The approval would be based on what has been conveyed to Council.

**Vice Mayor Lob moved to adopt the resolution as stated. Councilman Best seconded the motion, which carried 4-0 on roll call vote.**

#### **4. Approval of Contract – Lease Curtiss Mansion Operations**

City Attorney Jan K. Seiden stated that there were two versions of the agreement with CMI and Version No. 2 contains language that is not included in Version No. 1. The language under "Demised Premises" describes what the current property consists of in regard to the Lease and there will be an upcoming issue when Council will be asked to include some additional property in the demised premises that does not exist at the time the Lease is signed.

City Attorney Seiden clarified that he did not want to include the following language:

*"The parties further acknowledge that additional adjacent vacant land may be approved by the City for inclusion within the demised premises that is beyond the Tract A Boundaries."*

Attorney Seiden would recommend that Council should not agree to this provision because it does not contemplate the current state of affairs.

Councilman Best asked what property the provision might include and City Attorney Seiden clarified that there are certain grounds to the west of the Tract A property that is Golf Course property between the bike path and the boundary of the Curtiss Mansion property. The property is not used for any purpose and CMI has approached the City Administration to request utilization of the property in order to provide a better parking lot configuration and this request must come to Council for their authorization.

There is a provision on page 10 that refers to the Sale of Naming Rights that was drafted based upon the requirements that were discussed with the City Manager and Assistant City Manager/Finance Director, according to Attorney Seiden. A different provision for the Sale of Naming Rights was proposed by CMI that is contained in Version No. 2 of the Agreement. He refused to amend an indemnification provision that states:

*"In case the City shall, without fault on its part, be made a party to any litigation commenced against CMI, CMI shall protect and hold the City harmless and shall pay all costs, judgments, expenses and reasonable attorney's fees . . ."*

City Attorney Seiden explained that CMI had requested deleting "*reasonable attorney's fees*", he refused to take it out and he is leaving it at Council's discretion. There is also a general attorney's fee provision that is imposed on page 14 that CMI would like to remove and he refused based on his own judgment, but any of the provisions are subject to Council's review and approval.

City Attorney Seiden noted that there is an insurance provision that provides for \$5MM per occurrence and that \$1MM basic coverage be provided for liability with a \$4MM umbrella. This is based on the City Manager's recommendation to be consistent with the Golf Course.

**Councilwoman Ator moved to approve CMI Lease No. 1. Vice Mayor Lob seconded the motion.**

To answer Mayor Garcia's question, CMI President Jo Ellen Morgan Phillips stated that the area that they are requesting to utilize for parking is a pie-shaped area off to the right hand side of the old entrance gates.

City Attorney Seiden interjected to explain that there is no objection to CMI acquiring the property; it is not currently part of the agreement and after Council approves the request, the agreement can be amended to include it.

Mayor Garcia asked for an explanation of the naming rights.

Ms. Morgan Phillips stated that the naming rights will begin at \$500.00 for trees and benches, etc. and it would be time consuming to bring each naming right to the City Council. CMI asked for a cut off at \$100,000 and Council could decide to reduce the amount.

Mayor Garcia stated that his concern was related to the naming rights for a room or the building itself.

City Attorney Seiden said that it was agreed that CMI would receive the financial benefit for the naming rights and in his opinion it is only respectful that Council should be consulted.

Ms. Morgan Phillips assured Council that CMI would be very respectful, but they do not want to come to Council for naming trees or items of that nature.

City Attorney Seiden suggested that the Lease could be amended to provide for Council approval of naming rights for anything over a certain amount.

Mayor Garcia explained that his concern is that future CMI representatives might decide to sell the naming rights for a room for \$500.00 and he would like to include a provision that the City Council must approve the naming rights for all rooms.

City Attorney Seiden requested that Council approve Version No. 1 of the Lease Agreement with the understanding that the agreement would be amended in regard to the naming rights provision.

City Attorney Seiden reiterated that he would make it a condition of approval that the City Management and CMI meet to review the naming rights provision to come up with an amendment that is more in line with what the Mayor discussed.

**Vice Mayor Lob moved to amend the motion as stated by the City Attorney (to approve Version No. 1 of the Lease Agreement with the condition that the naming rights provision would be amended). Councilwoman Best seconded the amended motion.**

Councilman Best asked about the demised property issue and the land that might be infringed upon.

City Attorney Seiden responded that the topic is not up for discussion at this time and he respectfully requests that it not be discussed until it is presented as an agenda item.

**The motion was carried 4-0 on roll call vote.**

City Attorney Seiden commented that approximately one year ago Council approved a lease with Experience Aviation (EA) and since it is inconsistent with the transaction framework, the lease will be terminated so that EA can enter into a lease with CMI. He will prepare a letter for EA to sign that will terminate the lease.

**5. Adjourn**

There being no further business to be discussed the meeting was adjourned at 4:46 p.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of:

Transcription assistance provided by Suzanne S. Hitaffer.

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



DRAFT



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 11, 2012, at 7:00 p.m.

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

The meeting was called to order at 7:04 p.m.

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor George V. Lob
- Councilwoman Jennifer Ator
- Councilman Bob Best

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Oper. Superintendent/Arborist Thomas Nash
- City Clerk Magali Valls
- Clerical Assistant Elora R. Sakal

**2. Invocation:** Councilman Best offered the invocation.

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

**3. Awards & Presentations:**

None.

**4. Open Forum:**

**Parking Violations**

Carl Malek of 330 Corydon Drive, Apartment # 5 expressed his concern with vehicles parked on the sidewalks. He saw information in the Gazette explaining that it is a parking violation and it seems that nothing is being done. He is unaware of whether he should contact the Police Department or knock on the owner's door to ask them to move their vehicle. He has also seen Police Officers parking their motorcycles on the sidewalk while checking for speeders and if it is a violation for residents, it should be a violation for Police Officers as well.

Mayor Garcia suggested that later during the meeting City Manager Gorland could address the issue or Mr. Malek could contact Chief of Police Peter Baan about the matter.

**5. Approval of Council Minutes:**

**5A) 05-29-2012 – Regular Meeting**

Minutes of the May 29, 2012 Regular Meeting were approved as written.

**Councilman Best moved the item. Vice Mayor Lob seconded the motion which was carried 4-0 on roll call vote.**

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

**6A) 05-29-2012 – Board of Appeals – Minutes**

Minutes of the May 29, 2012 Board of Appeals meeting were received for information without comment.

**6B) 06-04-2012 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the June 4, 2012 Zoning and Planning Board meeting was received for information without comment.

**6C) 06-04-2012 – Board of Adjustment – Cancellation Notice**

Cancellation Notice of the June 4, 2012 Board of Adjustment meeting was received for information without comment.

**6D) 06-05-2012 – Code Enforcement Board – Minutes**

Minutes of the June 5, 2012 Code Enforcement Board meeting were received for information without comment.

**6E) 06-06-2012 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the June 6, 2012 Architectural Review Board meeting was received for information without comment.

**6F) 06-12-2012 – Recreation Commission – Cancellation Notice**

Cancellation Notice of the June 12, 2012 Recreation Commission meeting was received for information without comment.

**6G) 06-19-2012 – Education Advisory Board – Cancellation Notice**

Cancellation Notice of the June 19, 2012 Education Advisory Board meeting was received for information without comment.

**7. Public Hearings:**

**7A) Second Reading – Ordinance No. 1036-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-017, Recreational Vehicles, to Clarify, Correct and Remove Provisions that will Provide a Clearer, more Accurate, and up to date Code Section; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 05-29-2012 – Advertised: 05-31-2012 – Second Reading: 06-11-2012)**

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

Attorney Seiden stated that there had been no changes since the first reading. The base of the ordinance is to clarify and correct some existing language that is no longer correct or appropriate in the application of the ordinance.

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

**Councilman Best moved to adopt the ordinance. Vice Mayor Lob seconded the motion which was carried 4-0 on roll call vote.**

**8. Consent Agenda: (Approved with one motion)**

**8A) Approval of the City Attorney's Invoice for May 2012 in the Amount of \$12,845.25**

There was no discussion regarding this item.

**Councilwoman Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**8B) Recommendation that Council Approve an Expenditure to SAMA Construction, Inc., the Lowest Responsible Quote, in the Amount of \$12,900, for Demolition of 990 Morningside Drive, Pursuant to Section 31.11 (C) (2) of the City Code**

There was no discussion regarding this item.

**Councilwoman Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**8C) Recommendation that Council Approve an Expenditure to Royal Rent-A-Car Systems of Florida, the Lowest Responsible Quote, in an Amount not to Exceed \$20,260.80, for the Monthly Rental of Two Vehicles, for a 12-Month Period, Pursuant to Section 31.11 (C) (2) of the City Code**

There was no discussion regarding this item.

**Councilwoman Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**8D) Recommendation that Council Approve an Expenditure to Chief Supply, the Lowest Responsible Quote, in the Amount of \$1,606.80, for Employee Recognition and Awards (Bars, Pins and Holders), Pursuant to Section 31.11 (C) (2) of the City Code**

There was no discussion regarding this item.

**Councilwoman Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**9. Old Business:**

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

None.

*Mayor Garcia asked for a 5 minute recess at 7:10 p.m.*

**9B) Discussion/Selection of Interim Council Member to Fill Vacant Seat II**

Mayor Garcia asked City Clerk Magalí Valls if she could update the public on what had occurred recently in regards to the qualifications for Seat II.

City Clerk Valls explained that the closing for qualifying was on Friday, June 8<sup>th</sup> and only one candidate qualified, which was Grace Bain. Since she was the only candidate, according to Florida Statutes, she is automatically elected to the position and there is no need for an election in that respect. There will be a Special Election for the two Charter amendment questions and Grace Bain is elected as Councilwoman in Seat II to replace former Councilman Dan Espino.

Mayor Garcia asked when Grace Bain would officially take the Seat.

City Attorney Seiden explained that the Code Provision states that the City Council shall convene a Special City Council Meeting on the night following the certification results of each City Council election or as soon as practical within seven days of the certification of the election results. The Special Meeting shall be scheduled by the City Clerk after determining the availability and preference of the newly elected council member.

City Attorney Seiden commented that this applies to General Elections, so there is no provision dealing with a replacement election and there is no direction other than what he just explained. It is up to Council and Mrs. Bain as to how she would like to handle the swearing in. He suggested scheduling a Special Meeting in advance of the next Regular Meeting. In light of the fact that the next meeting is the meeting before the July recess, there is going to be a lot of material and it will probably be a long meeting.

Vice Mayor Lob said that one person has been elected and he does not see why Council should place anyone else in the seat in the interim. He asked City Attorney Seiden if he should make a motion.

City Attorney Seiden responded that a motion would be appropriate and there has to be a majority vote. If Council appoints someone this evening, that person would be sworn in possibly before the next meeting.

**Vice Mayor Lob moved to appoint Grace Bain as an interim Councilmember. Mayor Garcia passed the gavel to Vice Mayor Lob and seconded the motion.**

Mayor Garcia stated that there would have been more of a debate if somebody was not automatically elected to the position for lack of opposition. Due to the fact that this happened, there were two people on the list that he considered besides Grace Bain and that was former Councilman Jim Caudle and Marla Alpizar, who he said is present, and met with him to discuss her interest in the City.

Mayor Garcia said that he had not had a conversation with former Councilman Jim Caudle who has made himself very open to assisting the City and he has the best interest of the City at heart. He felt uncomfortable making the decision without speaking to him first and that is why he called for the five minute recess in order to speak with him.

Mayor Garcia explained that in speaking to former Councilman Caudle on the telephone, he completely understands that the decision has been made by the lack of people running for the seat and he is okay with the decision to appoint Mrs. Bain. Being that Mrs. Bain is going to be the Councilwoman come August 14<sup>th</sup>, he sees no reason for delaying the process.

Councilman Best commented that these are extraordinary times from the perspective that there is a vacant seat on the City Council. He thanked those who came forward in terms of trying to assist the City and filling that seat for the interim period until there was an election. He said that he has had lunch with several of the contenders and has previously spoken personally to the others.

Councilman Best stated that it is public record who his final choice was and he feels that somebody that is elected to a position has a mandate from the residents and in this particular case that is not an option and there is an acclimated ascension to the seat. He believes that the City would be well served by former Councilman Jim Caudle and moving forward with two of the most contentious issues that the City has facing them today which are Recreation and the Golf Course.

Councilman Best explained that the situation that currently exists is that somebody that decided to run for office was unopposed. He has been in that position before, but it was not in times of extraordinary circumstances like it is now. He congratulated Grace Bain for having taken the time and effort to qualify and to be appointed in August to assume the seat. In the interim the City may be well served to have somebody else fill the seat and to divulge his or her views accordingly.

Councilman Best thanked Mrs. Marla Alpizar, Mark Trowbridge and former Mayor Richard Wheeler for their desire to fill the vacant seat. He said that Mrs. Bain is uncontested and will assume the seat and become his colleague for the remainder of the term.

Councilman Best welcomed Grace Bain to Council. He explained that he still feels that the City will be well served by having an additional person sit for two or three meetings to adjudicate the business Council has to face going into the budget.

Councilwoman Ator agreed with Councilman Best and added that she believes that the people she suggested were all strong with City budget history and she feels that Mr. Caudle was a good suggestion for that exact reason. She stated that it is a stressful time and there are a lot of difficult decisions to be made during the budget process and this is a unique opportunity to have a person's experience and knowledge.

Mayor Garcia asked City Attorney Seiden if there is anything that prevents Ms. Alpizar, Mr. Wheeler, Mr. Caudle and Mr. Trowbridge from helping with the budget process if they are not appointed today.

City Attorney Seiden replied that as constituents of each Council member they can certainly participate. He is not certain of what the Administration's position would be in talking to individuals and if they would entertain individual citizens to discuss the budget. He understands that the budget meetings are basically discussions between Council and the Administration and input from the individuals would have to go through Council or at a time when the budget was proposed, unless the Administration changes their position.

Mayor Garcia said that Mr. Caudle expressed his appreciation for considering him for the position and wanted it to be clear to the public that he was willing to serve and assist in anything that the City needs whether it is with the Golf Course, Recreation or the budget.

Mayor Garcia stated that a person who fills the interim seat would not be here to finalize the budget; they will only have their input as a Council member and will not be able to speak to Council outside of the two Council meetings. He explained that Mr. Caudle or any of the other people under consideration could still speak to each Council member individually in order to affect the budget if they are not appointed for the interim position.

Mayor Garcia clarified that he would like a smooth transition and as much as he would like to see Mr. Caudle on Council, he feels that it would be a much smoother transition if Mrs. Bain were appointed.

Councilman Best mentioned that at the last regular Council Meeting this was not the case and the rules changed midstream.

Mayor Garcia clarified for Councilman Best that an election qualifying packet had been pulled prior to the last regular Council Meeting.

Councilman Best said that it is unbelievable that nobody else pulled a packet to run and he did not think that would happen. He felt that somebody, in the best interest of democracy, would pull a packet and run for office and not display the apathy that Council is seeing.

Councilman Best again welcomed Grace Bain to the seat that she will be filling on August 14<sup>th</sup> if not earlier. He felt that the process was misread by not only him but perhaps others sitting on Council as well.

Vice Mayor Lob stated that everyone on Council has had to deal with the budget at one point or another when they were elected. Council has had a couple more months of experience but they have all had the short cycle to work on the budget. It is not something that cannot be overcome, especially by Grace Bain, considering who her husband is and her involvement with the City.

Vice Mayor Lob commented that Mrs. Bain has many people who are willing to assist her. He feels that it makes no sense to put another person on Council and replace them a month later. He agreed that the rules did change and Council should move forward with the changes since it makes the best sense.

**The motion was carried 4-0 on roll call vote.**

City Attorney Seiden suggested setting a time to swear in Grace Bain for the interim position and Councilman Best recommended that the swearing in be done 30 minutes before the next City Council Meeting.

City Attorney Seiden clarified that it would take approximately 30 minutes to do the swearing in.

Councilman Best recommended, based on what Mayor Garcia said, that Grace Bain should be given an agenda packet prior to the meeting and City Attorney Seiden replied that she would receive one.

City Clerk Valls clarified that the swearing in for Grace Bain will be held prior to the June 25<sup>th</sup> Regular Council Meeting at a Special Meeting starting at 6:30 p.m.

### **9C) Curtiss Mansion National Historic Tax Credit Transaction Update**

City Manager Ronald K. Gorland stated that the tax credit transaction closed on Friday, June 8<sup>th</sup> and the Temporary Certificate of Occupancy (TCO) was issued on Saturday, June 9<sup>th</sup>. He explained that this would not have happened if it had not been for City Attorney Seiden.

City Manager Gorland explained that parts of the transaction still need some work and hopefully they will be finished within the next week. He added that there are some issues, but this is not a cause for major concern based on his knowledge. He thanked City Attorney Seiden for a wonderful job.

City Attorney Seiden commented that some adjustments had already been made today, packets have to be distributed and there are some documents that have to be recorded. He spoke with his title examiner and there is still one issue regarding the difference between affirmative coverage and comprehensive coverage and he hopes that it will not be an issue. He is going to meet the surveyor on the site on Thursday, June 14<sup>th</sup> to resolve one lingering issue regarding something that was left off of the survey.

City Attorney Seiden stated that the CMI agreement is complete and he has prepared a termination of lease agreement between the City and Experience Aviation (E.A.) which he has given to the City Manager to sign so that everything is in keeping with the propriety of the transaction and CMI will then be able to enter into their own agreement with E.A.

To answer Councilman Best's question, City Attorney Seiden clarified that the person he is dealing with has given him everything he needs and the coverage limit was raised for the lease holder's interest, in accordance with his request. It does not cost the City anything for this because they are already securing coverage for the \$5MM amount that is on the title insurance. He will prepare an affidavit and record the Memorandum of Leases, which are the requirements of the coverage. The one question that is still outstanding should not be an issue, but he cannot speak for the gentleman who is making the final decision.

Councilman Best and Vice Mayor Lob thanked City Attorney Seiden and the entire Administration for their efforts in this matter.

City Manager Ronald K. Gorland stated that this deal was for the express purpose of receiving approximately \$500,000 net proceeds to the City of the \$738,000 transaction and he expects to have the funds within the next three to four months.

## **10. New Business:**

### **10A) Resolution No. 2012-3547 – A Resolution of the City Council of the City of Miami Springs, Florida, Supporting the Miami-Dade County League of Cities' Efforts to Negotiate a New Charter County Transit System Surtax Interlocal Agreement on Behalf of the Municipalities in Miami-Dade County; Appointing a Representative for Negotiations with the County; Effective Date**

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

City Attorney Seiden referred to page two that outlines the position of the Miami-Dade County League of Cities in their negotiations with the County on the various issues involving the new Citizen Independent Transportation Trust (CITT) agreement. In Sections two and three, Council is appointing the City Manager to negotiate on behalf of the City and for the League to negotiate on behalf of all municipalities.

City Manager Gorland commented that this position is supported by the Miami-Dade County City Manager's Organization of which he is a member. The organization meets monthly to discuss various issues and discussions are handled through a number of people who are held in very high esteem. He expects the process could take a long time and there is a great article in the weekend paper about the tax and how it came about.

**Vice Mayor Lob moved to adopt the resolution. Councilman Best seconded the motion, which carried 4-0 on roll call vote.**

**10B) Recommendation that Council Approve an Expenditure to Wrangler Construction, Inc., the Lowest Responsible Bidder, in the Amount of \$12,480.00, for the Repairs of the Bike Path at the 900 Block of North Royal Poinciana, Pursuant to Section 31.11 (C) (2) of the City Code**

City Manager Ronald K. Gorland read the title of the award.

City Manager Gorland explained that Public Works has determined that a section of the bike path at the 900 block of North Royal Poinciana represents a safety issue and needs repair. Quotes were solicited from three construction firms and the Administration is recommending Wrangler Construction Inc. as the lowest of the three bidders.

Mayor Garcia asked if any of the other companies had done work for the City of Miami Springs before and City Manager Gorland replied that H&R Paving had performed work for the City in the past.

Operations Superintendent/Arborist Thomas Nash explained that Wrangler Construction Inc. installed the driveway at the Curtiss Mansion and they also did the repairs for Woody's West End Tavern off of Ludlam. H&R Paving has done a considerable amount of work for the City in the past and he is not familiar with the other bidder, Miguel Lopez Contractors.

**Councilwoman Ator moved the recommendation to use Wrangler Construction Inc., the lowest responsible bidder. Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**10C) Paperless Council Agenda Recommendation**

This item was **pulled** from the agenda.

## **10D) Verbal Status Report Regarding Proposal from Atkins in Regard to Repair and Rehabilitation Work on City Golf Course in the Basin 35 Area**

City Attorney Jan K. Seiden stated that as Council may remember, the City had a prior settlement with Atkins when they were Post, Buckley, Schuh & Jernigan, Inc. and the City received a refund of approximately \$128,000. That settlement was conditioned upon certain items that were going to happen or were thought to happen in the future and as it turns out, they cannot happen. As a result, there was a second and a third alternative. The third alternative was the trench system behind the Golf Course near the Basin 35 area.

Attorney Seiden explained that the second alternative involved keeping some piping in the ground on the Golf Course that was already installed and credit was given to Atkins for that work. He is waiting for the attorneys to send him an actual settlement agreement and he will state a list of terms that Atkins has agreed to.

Attorney Seiden stated that the City would be receiving an additional refund of \$24,000 from Atkins that is directly related to prior credits that were given to them for what was going to be the reuse of the north, south and east west pipes and catch basins that were proposed for one of the project alternatives for the Basin 35 project. In addition, the City will receive an additional credit of \$3,000 from Atkins representing 10% of the \$30,000 credit given to the City for the proposed retention pond project alternative because 90% of the work has already been done. The project was determined by staff to be cost beneficially not appropriate and the engineering that was done for the actual work on the homeowner side on Hunting Lodge Drive took care of the problem.

Atkins will agree to complete and deliver an approved best practices manual for the Golf Course as part of the prior settlement agreement between the parties at no additional cost to the City, according to Attorney Seiden. This is a document that is now being required for all Golf Courses that basically states how they are going to administer their chemicals and it is put in a manual form and approved by the Department of Environmental Resources Management (DERM).

Attorney Seiden continued explaining that Atkins is going to waive any further payments that may be due from the City for work performed on the retention pond project alternative which was currently claimed to be \$17,991. This is the only item that was negotiated and Atkins has rendered services to the City as part of the 90% that he mentioned earlier. The City agreed to split the cost with Atkins so basically of the approximate \$18,000 that the City owes Atkins, the City will compensate them \$9,000 to settle that issue and will walk away from Basin 35.

Attorney Seiden said that Atkins will continue to represent the City in its defense of a DERM permit that has existed for some time. This was previously authorized by Council for a total amount of \$12,800 in a purchase order in which there is approximately \$1,370 remaining and Atkins has assured him that they will continue to represent the City to clear up the old violation that involved the storage tank that had not been taken care of properly.

Attorney Seiden explained that Atkins will remove all north, south, and east west pipes and catch basins from the City Golf Course, repair any damage caused by the removal process, create berms to lessen the impact of the repair work where necessary and appropriate, extend the east west boundaries of the previously proposed low line retention area and act as project manager until all the said work has been completed and approved by the City. In the performance of the foregoing, Atkins agrees to cooperate with the City and create as little disruption as possible to the operation of the Golf Course and the City has agreed to assist them in the performance of their services and in lining off areas of the Golf Course when needed.

Attorney Seiden said that it is unfortunate that the City was put in this situation. He does not think that the current group at Atkins can be blamed for the situation and the former Post Buckley Staff is no longer there. He noted that Atkins has been very appropriate and conciliatory with the City and as soon as he receives the settlement agreement to sign, the Basin 35 issue will hopefully be resolved.

#### **10E) Verbal Status Report Regarding Cell Tower Contract Extension Crown Castle Agreement – 71 Hook Square**

City Attorney Jan K. Seiden stated that Council most likely is not informed regarding this issue and that from time to time, the City receives offers to purchase the City's ownership of the cell tower. Every year the offers are made and Assistant City Manager/Finance Director Alonso realizes that they are not good deals, although this proposal was somewhat different.

Attorney Seiden explained that the lease itself has expired and it is now in the first five-year option period with four of the years remaining. There is a second five-year option period under the original lease which he assumes that somebody will exercise. Crown Castle approached the City through one of their representatives to receive four additional five-year extensions built onto the back of the lease. It is strange because it is nine years in advance of something imminent happening.

Attorney Seiden commented that this most likely indicates that regardless of how the technology improves or changes, the cell towers are going to be around for a long time. Crown Castle has not approved his final draft and they have put items into the documentation that in his opinion are beyond the scope of what they are requesting. He has summarily removed Crown Castle at every juncture and only left in the extension provisions that they are asking for.

Attorney Seiden said that Crown Castle is offering \$7,000. He has spoken with Crown Castle by e-mail stating:

*"I have kept the City's options open to make an increase demand for consideration. The more I worked on the transaction and the more I thought about a payment of \$7,000, it seemed rather low to agreeing to and affect 20 potential years of the operation."*

City Attorney Seiden stated that when the offer is received by Council they may consider and if they approve it in concept, but feel that it is undervalued at this amount, they can direct him to return to the company and see if additional funds can be solicited. As of right now, there is nothing firm to give Council except that the Administration has been working on the offer and it has been proposed so early. He noted that he will bring it back to Council once Crown Castle has sent him confirmation that the documentation is okay with their board.

Vice Mayor Lob asked if any other City is being proposed with this offer and City Attorney Seiden replied that he had not checked with any other cities because it is only a proposal at this time.

Attorney Seiden commented that the City's cell tower is a larger facility and has larger capabilities than virtually any others in this area. The City Council made a very good decision about putting the cell tower in that location because it is basically unused property that the City has the right to use. The City receives funds for each of the co-locators per year and increases on all of those amounts. He said that the only questions are related to the timing and the \$7,000.

## **11. Other Business:**

### **11A) Status Report Regarding Fiscal Year 2012-2013 Budget**

City Manager Ronald K. Gorland stated that the budget process started approximately one month ago and he had asked the Assistant City Manager/Finance Director to start the process so that Council has enough time to think about it over the July break.

Assistant City Manager/Finance Director William Alonso stated that meetings had been held with all of the Department Heads regarding their budgets. Based on the requests from the Departments, the City is facing a shortfall of approximately \$817,000 this year. The millage that is being used is the rollback rate, which is the millage rate that will bring in the same amount of ad valorem dollars as this year; in other words, no tax increase.

Mr. Alonso explained that the following are assumptions based on the budget: the Curtiss Mansion Operation will be self sufficient and will not require City subsidy; the City will have a projected increase of approximately 8.4% or \$65,000 in pension costs next year and there will be an increase of approximately \$123,000 in Workers Compensation insurance cost.

The City has been receiving a Police grant for the past three years that funded two police officers, according to Mr. Alonso. The grant is ending this year which means that the two officers will then have to be compensated by the City and will maintain the level of the police force at 43 uniformed officers. He said that the budget also contains approximately \$253,000 in capital expenditures.

The assumption is that the proceeds of the Historic Tax Credit will be used to construct the parking lot at the Curtiss Mansion and there are two options: Use the proceeds to pay off the original advance of \$475,000 or to use these proceeds for the parking lot and keep funds. Another assumption is that no hurricanes will affect the City during the months of October and November.

Assistant City Manager/Finance Director Alonso stated that the budget includes no personnel head count changes, no C.O.L.A. or merit increases for General Employees and no C.O.L.A. for uniformed police. There will be no outsourcing for any Public Works services. He added that the 3% Department Head pay cut that was taken last year and the longevity was included in the \$817,000 deficit figure. Another assumption is that there will be no further deterioration of the national or local economy.

Mayor Garcia asked if there was a specific number for the 3% Department Head pay cut and Mr. Alonso replied that he did not have the number and he will email it to him.

Assistant City Manager/Finance Director Alonso commented that the budget projects a loss of \$223,746 at the Golf Course next year. The projected revenue from red light cameras is \$300,000, which he feels is very conservative and it could be more than that amount. He has included a designated fund balance and a list of the millage rates of all municipalities showing that Miami Springs is approximately 12<sup>th</sup> on the list from high to low at the current rate of 6.74 mills.

Mr. Alonso also distributed the financial dashboard which shows the millage rates, reserves and property taxes collected over the past ten years. He mentioned that under the column of property taxes collected in 2011, it shows \$5,576,976 and the City is operating at the same ad valorem levels that the City received in 2003-2004. He wanted Council to be aware that the millage rate started at 8.74 in 2003, and is now at 6.74 for fiscal year 2012. He will not know the final numbers for a few months because there are still appeals that need to be heard.

Assistant City Manager/Finance Director Alonso stated that when the workshops begin, he will bring Council a listing of certain actions that can be taken to balance the budget and provide several options.

Mayor Garcia commented that this information is very helpful and will be useful to inform the residents who want to keep their taxes low and the other residents who want to raise taxes and keep certain programs.

Mr. Alonso mentioned that the preliminary head count in personnel is approximately 121 employees and two years ago there were 128 employees. Out of those 121 employees, approximately 80 are Police and Public Works.

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

\*\*\*\*\*  
Mayor Garcia commented that he had just received great news that the girls from All Angels Academy that went to the National History Competition have made it to the final round and will perform against thirteen teams tomorrow. The final results will be given to Council on Thursday.  
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### **12A) City Attorney**

#### **Special Meeting**

City Attorney Seiden reminded Council that there is a Special Meeting at 8:30 a.m. on Thursday, June 14, 2012.

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

#### **Bids**

City Manager Gorland commented that the bids for the landscaping and tree trimming are due on June 12<sup>th</sup> at 2:30 p.m. and the sanitation bids are due on June 14<sup>th</sup> at 2:30 p.m.

#### **Tennis Camp**

City Manager Gorland stated that Miami Springs Tennis Director Manny Fabian will be offering tennis camps for kids from ages 5 to 17 on June 11<sup>th</sup> through August 3<sup>rd</sup>.

#### **McDonald's Grand Re-Opening**

City Manager Gorland reported that McDonald's is celebrating its Grand Re-Opening celebration on Saturday, June 16<sup>th</sup> from 11:00 a.m. to 2:00 p.m. and a ribbon cutting is scheduled.

#### **Poker Tournament**

City Manager Gorland commented that on Saturday, June 16<sup>th</sup> at 3:00 p.m. the Lions Club Charity Poker Tournament will be held at the Lions Club. Anyone who is interested in reserving a seat can contact Irene Priess.

## **Movie Night**

City Manager Gorland reported that on June 23<sup>rd</sup> at 7:30 p.m. the Miami Springs Historical Museum will be hosting a Movie Night at the Museum featuring "Miami 1926". The cost is \$5 for adults and \$2 for children and seniors.

## **Car Show**

City Manager Gorland announced that the annual classic Car Show will be held on Tuesday, July 3<sup>rd</sup> at the Circle as part of the Independence Day celebrations. Anyone interested in entering their cars can contact the Community Center or City Hall.

## **Fourth of July**

City Manager Gorland reminded everyone that the Fourth of July is forthcoming and he plans on having a great holiday celebration in Miami Springs.

## **12C) City Council**

### **All Angels**

Councilwoman Ator thanked Mayor Garcia for recognizing the good news regarding the girls from All Angels who are participating in the National History Competition. The young ladies are very excited and it is a wonderful experience for them.

### **Playground Project**

Councilwoman Ator commented that the playground project for the Charter School would be held on Tuesday, June 12<sup>th</sup> from 12:45 p.m. to 5:45 p.m. This is the first time that a new school has been chosen a playground like this and a lot of effort has been put into the project. She encourages everyone to go out and support the school.

### **Little League**

Councilwoman Ator reported that the Hankins & Ator under 10 Little League Team won the championship and it was very exciting.

### **University of Florida Baseball**

Vice Mayor Lob said that he had the pleasure of attending the University of Florida Baseball game when visiting his daughter.

### **Playground Project**

Councilman Best thanked Councilwoman Ator for mentioning the playground project at the Charter School and he plans to attend the ribbon-cutting ceremony.

### **Grace Bain**

Councilman Best thanked Grace Bain for being present at the meeting tonight and welcomed her to the dais.

### **Thank You**

Councilman Best thanked Ms. Alpizar, Mr. Caudle, and Mr. Trowbridge for their interest in the interim position for the Group II seat.

### **Delores Orr**

Councilman Best attended the retirement party that was held for Delores Orr at the Lions Club. There were many people who attended and it was a wonderful occasion.

### **Thank You**

Mayor Garcia thanked those who showed an interest in filling the Group II seat. He knows that they understand how thankless of a job it is to sit on Council and it means a lot to him that they were willing to be appointed to the position.

### **Grace Bain**

Mayor Garcia congratulated Ms. Bain on her newly appointed position.

### **Charter School**

Mayor Garcia announced that the Academy for International Education (AIE) Charter School will be adding a 7<sup>th</sup> grade level in the upcoming year.

### **Playground Project**

Mayor Garcia stated that the last time a park was built like the playground at the Charter school was when the Let's Build it Park was built on Prince Field. He encouraged everyone to help with building the park on Tuesday, June 5<sup>th</sup> at 12:45 p.m. and the ribbon-cutting ceremony will take place at 5:45 p.m.

### **McDonald's Re-Opening**

Mayor Garcia mentioned that a flyer was placed in the Gazette for a free sandwich to celebrate the McDonald's grand re-opening that will take place on Saturday, June 16<sup>th</sup> at 11:00 a.m. The building was completely remodeled and he can see the face of 36<sup>th</sup> Street starting to change. He encourages more renovation and thanks those who have already made positive changes.

### **Summer Camp**

Mayor Garcia reported that the Community Center Summer Camp began today and his son was disappointed that he was not the first one to walk into the program, but he was very excited to be a part of it. He thanked City Manager Gorland and the Recreation Staff for putting together a wonderful program and Golf & Recreation Director Luna for doing a great job.

### **Father's Day**

Mayor Garcia wished all fathers a Happy Father's Day.

### **13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 8:29 p.m.

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Zavier M. Garcia  
Mayor

### **ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of:

Transcription assistance provided by Elora R. Sakal.

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





## *City of Miami Springs, Florida*

**DRAFT**

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Thursday, June 14, 2012, at 8:30 a.m.

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

The meeting was called to order at 8:36 a.m.

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor George V. Lob
- Councilwoman Jennifer Ator
- Councilman Bob Best

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Police Captain Jon Kahn
- Human Resources Director Loretta M. Boucher
- Human Resources Specialist Noemí Darías-Sanfiel
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

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

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

**3. Hearing on Disputed Impasse Issues Between the City and the Police Benevolent Association (PBA)**

City Attorney Jan K. Seiden announced that he would participate as a de facto ruler should a question come up between the parties and he would make a judgment. The process will begin with the PBA going first and both sides will be given 45-minutes to make their presentation.

City Attorney Seiden explained that the PBA will designate speakers to have the floor and multiple speakers will be permitted as long as the time limit is not exceeded. The City will follow the PBA with their presentation and also be allowed 45-minutes with multiple speakers. There will be no citizen participation or comments allowed during the process because it is a semi quasi-judicial proceeding based on previously made legal arguments.

City Attorney Seiden added that there would be no rebuttal or cross-examination between the parties and following the conclusion of both presentations the Mayor and City Council members may ask questions and make statements. The City Council will then conduct deliberations and attempt to reach conclusions and a final decision on the impasse issues. If Council feels that additional time is needed to make a decision they are permitted to re-schedule and carry over the hearing, if necessary.

City Attorney Seiden commented that based on Council's decision by a motion, the actions will be memorialized in an Order so that there is a written document of the proceeding.

Attorney James C. Casey, with the law firm of Slesnick & Casey, LLP, representing the Dade County Police Benevolent Association (PBA), introduced his co-counsel Cristina Escobar, Dade County PBA President John Rivera, along with representatives Oscar Garcia and Jimmy Deal. He added that Peter Newman would be an additional civilian speaker on their behalf.

Attorney Casey explained that he had worked with the Miami Springs Police Department since 1986, along with his partner and various legal members of the Dade County PBA staff. He noted that the disputed impasse is the purpose of this hearing and there are three basic issues. They have been bargaining the contract since mid-2008 and the last time the police officers received a pay increase was October 2008.

Attorney Casey stated that the main issue is the cost sharing mechanism of the pension contribution; the second issue is the Deferred Retirement Option Plan (DROP) that allows employees to retire and receive benefits in excess of their retirement for a maximum period of five years. The third issue is related to drug testing and toxicology and the non-on duty circumstances when someone is not injured or when a vehicle is damaged while it is not under their control. He called upon Oscar Garcia to make a presentation about the pension contribution and the DROP.

Oscar Garcia, Police Officer with Miami Springs since September 8, 1997, stated that he worked three years as a dispatcher and the remaining time as a police officer. The main issue is the pension cost sharing mechanism and it is important to understand that it has been altered since it was put into effect in 1993. On March 12, 1999, Florida Statute 185 was passed that defines the minimum standards and they do not reflect their pension; at this point they are paying 16.9%, which is the highest contribution rate in the State of Florida and fourteen other states.

Officer Garcia stated that some police officers have been divorced because of this contribution, some have lost their properties, some cannot make child support payments and some cannot afford to place their kids in summer camp. He said that this had been a problem for twelve years and nothing is being done to fix the problem that is equivalent to a cancer. He said that they are only asking the City to be fair; a contribution of 15% was recommended, but this is still way more than they can afford to pay and the monies allocated for their pension cannot be touched because they do not meet minimum standards.

Officer Garcia said that now is the time for Council to make a difference and the Police Department and citizens of the City are waiting for that decision. He implored Council to do the right thing.

As far as the DROP, Officer Garcia explained that it is a benefit and an incentive for officers to retire. The DROP system is set up so that someone with 20 years of service is eligible to enter the system with benefits paid at 70% and they can work until the 28-1/4 year that would allow them to leave at 100%. Someone who plans to take a 5-year drop must enter the plan by their 25<sup>th</sup> anniversary and every year after that they would lose one year of eligibility up to the 30<sup>th</sup> year. There is an eight year span to make a decision and the incentive is for people to leave employment at a lower rate.

Officer Garcia commented that the proposed change would allow someone to enter the DROP at any time and if this happens, the person could stay longer, be paid more money and increase the amount that the pension fund has to pay out. He explained that this is a burden on the pension fund and they do not want this. There are only three individuals in the Police Department that would benefit from this change and the other 40 would not. He urged Council to make a decision based on what is in the interest of the entire department.

Regarding the toxicology and alcohol test, Officer Garcia explained that police officers are subject to drug testing and they understand that the City is a drug free work place and officers should be held accountable for their actions, but there should be a fair policy. He cited a situation when a police vehicle was parked in front of an officer's house when they were off-duty and the tires were flattened. He said that the officer was subjected to a drug test and they feel that it is not fair. He explained another incident occurred over a weekend when an officer was testing a taser gun that accidentally fired off the probes and when they returned to work they were required to be tested for drugs.

Officer Garcia commented that when an officer goes to court in his personal vehicle and is injured, he or she does not get Workers Compensation and this is not fair; they are only asking for fairness, not to alter the policy. He said that it is of the utmost importance that Council considers the issues and the totality of the circumstances. He said that the City is receiving funds from the red light cameras that can be used to offset the cost of the additional benefits.

Officer Garcia reiterated that it is time for Council to make the tough decisions. They understand that there are budget constraints and they are not asking for a raise, a cost of living increase or take home cars; they are asking Council to fix something that is broken. The pension contribution must be adjusted to some level; it can be done in phases and it is something that cannot be ignored.

PBA Attorney Cristina Escobar stated that Article 38 in the collective bargaining agreement addresses the toxicology requirements for the Department and it incorporates the Drug Free Workplace policy of the City, which is Administrative Order 94-7. The PBA is asking the City to comply, and to stay within the parameters of that policy, as they are completely proponents of a Drug Free Workplace. Under the policy itself, there are certain limitations and parameters for the City to consider. She explained certain situations when drug testing would apply under reasonable suspicion.

Attorney Escobar explained that there were certain situations as mentioned by Officer Garcia and Attorney Casey where an officer, while at home and off-duty, was trying to put on their taser when it accidentally went off and there was no injury or damage. The officer was required to take a urine test. Another situation involved an off-duty officer who was parked and his tires were slashed and when it was reported to the Department they were told that they had to be tested. She stated that these cases do not fit within the parameters.

Attorney Escobar further explained that the City has claimed that Workers Compensation would not pay without the testing, but Workers Compensation only comes into play when there is an injury and these were situations where there was no injury to anyone. She said that someone might think that it is not be a big deal for an officer to take the test, but it is demeaning and an undue burden on the officers who are here to serve the City.

Former law enforcement officer and PBA member Peter Newman, of 340 Cardinal Street, spoke on behalf of the Police Officers and as a 30-year resident of the City. He said that when the Police Department is called, an officer usually responds within minutes and they are asked to perform a job everyday that most people would not do because it involves their safety. He said that they stand the chance of not coming home to their families at night and there is a wall at Tropical Park with 137 names of police officers that have given their lives serving the community.

Mr. Newman asked Council to seriously consider the concerns of the Police Officers who are good people that the City has invested a lot of funds in and they should be treated fair. He implored Council to make the best decision.

PBA Attorney James Casey referred to Exhibit 7 in the packet and displayed a poster board showing the pension contributions since 1993, when the cost sharing mechanism went into effect. The average employee contribution is 7.65% over the course of the timeframe from September 1993 to September 2012.

Attorney Casey stated Council's decision today would only last for the next 3-1/2 months when the contract year ends. He said that if the numbers are correct, each point reduction in the pension contribution is worth \$26,000 and the maximum cost to the City would be \$78,000 if it is retroactive to October 1, 2011. Going forward prospectively with a reduction of 3 points on the pension contribution bringing it down to 13.9%, this would cost approximately \$22,700 for the remaining 3-1/2 months.

Attorney Casey said that in three months, they would start bargaining again, probably about the same issues because the pension contribution is an important issue to the officers. He explained that Council is here today under Chapter 447, which is the public sector collectively bargaining statute that is run by the Public Employees Relations Commission. As a legislative body, Council's duty is to make a decision that will last for the next 3-1/2 months on the three specific issues. Council has to take such action as they deem appropriate to be in the public interest, including the interest of the public employees in resolving the disputed issues, and they are looking for fairness.

Attorney Casey explained that each point reduction is worth \$26,000 per year or \$78,000 for three points, which breaks down to \$6,500 per month or \$3,000 per pay period and this is what they are asking for in order to be economically fair to the City. In terms of the budget deficit, the Special Master's determination is shown on pages 21 and 22, where a series of thirteen aspects are listed in which Assistant City Manager/Finance Director William Alonso testified as to why there is a budget deficit in the City.

Attorney Casey noted that Mr. Alonso testified that the red light camera revenue was predicted at \$100,000 and there would be an elimination of longevity payments totaling \$41,500.00, and other miscellaneous reductions for a total savings of \$383,000. Mr. Alonso testified to a \$457,325.00 deficit at the Special Magistrate hearing and what occurred is that over time, the numbers did not take effect. He distributed copies of a worksheet for this exhibit.

Attorney Casey stated that in February 2012, the longevity payments were reinstated and in March of 2012, two police vehicles were purchased to the tune of \$56,177.76. The City Manager stated that his reorganization plan would save \$117,000 and Mr. Alonso had stated that a pay-out that was budgeted for the Assistant City Manager in case he was not appointed City Manager was \$116,000. These savings reduced the deficit to approximately \$126,000.00, according to Attorney Casey.

In November 2011, the City projected that the red light camera revenue would be \$100,000 and the gross revenue through May 31, 2012 is actually \$484,000 and the net amount to the City is \$161,000. He noted that of the 5,471 infractions this year, 3,066 were first notice payments and the remaining 2,675 violators are going to court and at some point they will be paying funds averaging \$75.00 per ticket, after overhead. He explained that the City had received \$168,950.00 and based upon a conservative projection for the next three months, there is \$150,000 projected revenue, for a total budget surplus of \$92,000 for the year.

Attorney Casey stated that the money exists to cover the \$78,000 to reduce the pension contribution of the employees.

Attorney Casey explained that the City will say that they do not have to abide by the 1999 Statute, because the City's procedure and the cost sharing mechanism were somehow grandfathered in. The PBA's position is that the changes last year in the 185 Plan and in the Florida Retirement System also had a grandfather clause, but the grandfather clause is interpreted to be status quo until such time as the parties bargain a new contract incorporating and meeting the minimum standards and the cost sharing mechanism in the Statute, which was at 5%. The PBA is proposing to reduce 3 points down from 16.9% to 13.9% and they would like it to be retroactive back to October 1, 2011.

In regard to the DROP, Chief Baan, Captain Kahn and Lieutenant Walker are the officers that are not in the bargaining unit and the City has become the union for those three officers, according to Attorney Casey. The only ones that will benefit are the three Officers who are currently not in the DROP because none of the Officers on board, after they reach 100%, can increase their pension benefit by 3.5% every year they stay on with the City.

In closing, Attorney Casey stated that he would like Council to consider the issues, ask questions and they will clarify their position. Fairness is the only thing they are looking for and equitability is what they want for the employees who deserve a magnanimous review of these issues so that the PBA position will go forward and they can begin bargaining a new position of some sort of equality.

PBA President John Rivera said that there is uniqueness about Miami Springs and the position they are currently in. There are impasse situations in other cities and his officers in those respective cities are very demanding, but in Miami Springs the officers want to work with the City and this is refreshing. They come as friends and not as adversaries. They want Council to understand that there are situations that will require decisions that need to make sense.

Mr. Rivera stated that to have a pension system where only two or three people benefit, does not make sense. The workers that are making the contact with the citizens and constituents should not be treated worse than those who sit behind desks. The Officers should want to come to work with a smile and the desire to provide the service for the people; this is how Council wins as elected officials and the City, residents, businesses and visitors also win. He urged Council to consider the fairness factor.

Mr. Rivera clarified that he was an architect of the original DROP plan and he is a recipient. The DROP is a win for the City, the employee and the taxpayers, but it only becomes a "win, win, win" when it is fair for everybody across the board. In addition, part of the plan is that it is known at a defined moment when someone is going to leave the City so that it can be planned financially. To allow it to continue open-ended is like a blank check, because it cannot be determined how much money is going to be. This is one of the things that drained the Florida Retirement System.

Six months ago Officer Jeff Collins displayed what the Police Officers can face at a moment's notice when it is least expected, according to Mr. Rivera. There is no such thing as a routine call for the men and women in the Department who are brave enough to wear a badge. They are not better than other employees, but they are different and they should be treated differently.

Mr. Rivera expressed his opinion about the toxicology testing being intrusive. He said that he understands the Drug Free Workplace, he is Commissioner for the Criminal Justice Standards and Training and he de-certifies police officers when they do wrong. The understanding is that the officers should not be using firearms when they are under the influence of drugs. He commended the City for its Drug Free Workplace, but noted that the Fire Department is contracted by the City and they do not have that same policy.

In closing, Mr. Rivera thanked Council for their attention and he said that they have been partners for years. He commended the Police Officers for not wanting to be adversary about the issues and wanting to be partners so that the City can be the best in every situation.

Attorney Jim Crosland representing the Administration wanted to clarify that Mr. Casey is painting a picture that it is only going to cost the City for the remaining of the fiscal year, and this is not accurate. Council's decision today will establish the new status quo if the PBA is given what they are asking for and the benefit continues until a new bargaining agreement is negotiated or they reach another impasse. The point is that it is not a cost factor for the next three months, it will continue in the future.

Attorney Crosland explained that in the bargaining, a number of agreements were reached with the PBA. The parties did bargain in good faith and all of the proposals were things that the PBA asked for and the City granted in the negotiations, although they are not legally before Council today.

The main issue is the employee pension contribution and it is the City's position that there will be no change in the contribution system at this time, according to Attorney Crosland. He stated that the pension system is "A" rated and it is 96% funded. The bottom line is that the pension system is very well funded and it is very dangerous to alter it. In large part, the reason the system is solid is because of the contribution system and the goal of the Administration is to preserve that for the City employees and citizens.

Attorney Crosland referred to other pension systems, including the City of Miami and Hollywood that experienced difficulties because of years of expensive employee benefits and City contributions. In order to resolve the issues a referendum was held and the electorate voted to alter the pension system and reduce benefits for all City employees, including Police, Fire and General employees.

Attorney Crosland explained that Mr. Casey would have Council believe that the only real impact of a 3 point reduction is \$22,700 because it is only for three months remaining in the fiscal year. If this change is made, the financial impact will not stop and those increased costs will continue forever unless there is another change.

Attorney Crosland stated that the City Manager will tell Council that the City is facing an \$800,000 deficit for the upcoming fiscal year and considering an additional \$80,000 for pension contributions will bring the budget gap to almost \$900,000 that must be dealt with. Aside from the identifiable costs, if the pension system is altered now it will destroy the City's ability to maintain the current system under the law. The fact is that the current system is valid and legal because it was enacted prior to 1999 when the minimum benefit provisions were adopted.

Attorney Crosland said that during the negotiations, the union representatives consistently said that the City's current employee contribution arrangements are unlawful, but he argued that they are not because they were in place before the Statute changed. The PBA argued that the City would receive a letter from the State Division of Retirement informing the Administration that the pension contribution is illegal and it has been two years since that time and there has been no letter received.

Attorney Crosland stated that the City's Pension Attorney is well regarded throughout the State and he was invited to attend a meeting to explain the issues and discuss the pension contribution. The Pension Attorney agreed that the pension system is legal because the current provision was enacted in 1993, and every year the State Division of Retirement issues a letter to the City approving the pension system. He noted that if the State did not feel that the current arrangements were not in compliance they would have confirmed that and they would have withheld the 185 monies.

Attorney Crosland explained that if the pension plan were to lose its grandfather status, it could potentially cost the City millions of dollars in contributions over the years and lower the financial stability of the plan. He stated that there are different pension systems and perhaps some arrangement can be worked out in the future, but the reason the parties have not reached an agreement is because of this one issue. He would like to close this out for this fiscal year and continue discussion in future negotiations with no promises attached.

In regard to the DROP eligibility, Attorney Crosland stated that the PBA's argument is that it is only being done to benefit the Chief and two other Senior Staff Officers. He explained that under the law, changes cannot be made for uniform police officers regarding the pension system based on whether they are in the bargaining unit or not; the changes must be the same. Officer Garcia talked about the DROP as being an incentive, and that is exactly what it is supposed to be and under the current provision, the three Senior Officers cannot enter the DROP and they can stay working here forever.

Attorney Crosland advised Council that if they approve the Administration's recommendations for the DROP it would give incentive to those three Officers to leave within five years, and it would contribute to upward mobility within the Department. This would apply to everyone in the bargaining unit who will eventually be eligible for that provision, and there cannot be discrimination between bargaining and non-bargaining unit employees.

Attorney Crosland added that the City Manager will confirm that he needs a few years to plan for organizational development and the City's position is that eliminating time restrictions for the DROP will benefit everyone in the Police Department in the long run.

Attorney Crosland stated that the Administration is proposing no change to the toxicology and drug testing and the PBA is proposing a change due to the fact that there was only one Police Officer who discharged their taser at home. He explained that the City is a participant in the Drug Free Workplace Act and it provides a discount in regard to Workers Compensation. The PBA wants to carve out certain situations that would not require testing, while all other City employees are subject to after accident toxicology testing. He said that the Police Officers should also be subject as well and the PBA counsel has said that the City's reluctance to agree to this is a disguised way to impose random drug testing, which is not true; it only applies when there are accidents involving dangerous weapons.

In conclusion, Attorney Crosland recommended that Council should, through a motion and vote, approve the Administration's package, which is no change to the employee pension contribution requirements, to amend the DROP eligibility requirements, and to leave the toxicology and drug testing requirements the same. He cannot understand how Police Officers of all people could oppose drug testing.

City Manager Ronald K. Gorland thanked the PBA negotiating team and union representatives for working so hard with the Administration over the last three years to come to an agreement, although it may not seem to have been very productive since it leads to the current impasse, but the fact is that only three items remain unresolved. He was part of the negotiating team and can honestly say that they all were engaged in the give and take necessary to accomplish an agreement and that every effort was made by both sides and that they are at a true impasse.

City Manager Gorland reminded everyone that the primary issue that both parties had to deal with during this period is not their making; the downward spiraling economy impacted everyone, including the City. Mr. Crosland covered in detail the three remaining issues and the reasons the Administration cannot compromise further. The City's financial condition must be kept in mind in order to make sure there is no misunderstanding regarding the financial capability at this time.

City Manager Gorland explained the history of the City's financial condition since he joined the City eight years ago as Assistant City Manager when the reserves were down to a deficit of \$300,000 and the millage rate was at 8.7440. He said that the new Administration worked successfully with Council to turn the City around in just a few years, rebuilding the reserves to \$8.4MM in FY 2009. The impact of a declining economy resulted in a reduction of the City's reserves to the current \$4.9MM. He explained that this leaves little funds for aging infrastructure and revitalization and the cash reserves might have to be used to balance the budget.

According to Mr. Gorland, the City Council and the Administration worked hard to minimize the economic impact on the ability to deliver core services, especially the Police Department. This meant implementation of many of the classic actions available and all cost reduction programs such as employment freezes, no merit increases, personnel and capital expenditure reductions. These actions impacted City personnel except for the PBA bargaining unit members. During this period, the City reduced its full-time non-PBA employees from 84 in FY2010 to 79 today, and increased the uniform Police personnel by two from 41 to 43 Police Officers, according to Mr. Gorland.

City Manager Gorland added that during the current fiscal year, the City imposed pay increase caps, eliminated cost of living adjustments, eliminated merit increases and reduced the pay of assistant directors and higher positions by 3%. Longevity pay was also eliminated, but reinstated months later. The City's capital expenditure plan was cut back to essential expenditures and cost beneficial programs.

The City's current budget situation is a shortfall of approximately \$816,000, according to Mr. Gorland. Part of the problem is that the City's projected ad valorem tax revenues will only be \$5.6MM and this is approximately the same amount that was received eight years ago in FY2004, and was a direct result of the drop in property values. The only way to close a gap of this magnitude is a combination of further reductions in non-PBA bargaining personnel, pay and benefit reductions and further capital expenditure reductions, or a millage increase. It could be argued that the PBA bargaining unit members should share in the burden as their peers are doing in many local communities, but they are not being asked to do this.

City Manager Gorland stated that 71% of the City's budget is associated with personnel and there is no way not to negatively impact the personnel in closing the \$816,000 budget shortfall. He noted that not one penny had been taken from the pay scales of the PBA bargaining unit members in spite of all the cost reductions, nor have they been asked to make any staff reductions. He added that this is amazing when considering the reductions that were imposed on police in many other cities.

City Manager Gorland said that he wished that the City was in a better financial condition and they could agree to more of the PBA demands without placing the City in financial stress, but that is not within the current capability. Under the circumstances, it seems like enough that the City is not asking the PBA bargaining unit members to incur any of the across the board reductions imposed on the City's non-PBA bargaining unit personnel.

Mr. Gorland stated that at some point the economy would turn around and the City would once again return to a position of fiscal strength when the PBA demands could be considered more favorably. The Police are highly valued and greatly respected in the community and he does not like that they are at an impasse. Unfortunately, this is not the time to make any further concessions related to the impasse.

City Attorney Seiden advised Council that they could ask questions of any of the presenters at this time or they could enter into deliberations and discussion amongst Council.

*(Mayor Garcia called for a five-minute recess)*

Vice Mayor Lob asked Mr. Casey if he was made aware of the shortfalls related to Workers Compensation and Mr. Casey responded that he was not aware of any shortfalls.

Vice Mayor Lob commented that the City is in the self-insured program and there was a shortfall of more than \$100,000 because of claims for various people who were hurt on the job. He asked Assistant City Manager/Finance Director William Alonso if he had a better estimate.

Assistant City Manager/Finance Director William Alonso stated that Vice Mayor Lob's estimate was correct and that the reason for the increase was due to the Heart and Lung bill.

Vice Mayor Lob commented that the Workers Compensation increase was an increase that the City normally does not have and it would negate the \$92,000 estimated by Mr. Casey. He asked for more clarification from Oscar Garcia about a statement he made that pension monies could not be touched because the City does not meet minimum standards.

Attorney Casey explained that the Statute provides that certain criteria be met, such as a certain amount of overtime and disability payments are to be included in the pension plan. These are two major areas in which the minimum standards have not been met with the current pension plan. There is \$500,000 in an insurance trust fund that cannot be used to enhance benefits until the minimum standards are met.

Mayor Garcia wanted clarification from Mr. Casey in regard to the Magistrate's decision and how it affects the current pension system if the percentage is capped at 15%.

Mr. Crosland said that if Council were to grant what the PBA is asking that would destroy the current pension plan in the sense of the current legal ability to continue what is being done now. If Council were to agree with the Special Magistrate's recommendation it would destroy the pension plan as well. Any change in the employee contribution requirements from what is in place right now would destroy the ability to keep the 1993 provisions and in the worst case scenario, the State will say that the employee contributions must be capped at 5%.

Mayor Garcia asked if Council were to agree to 15% if the State could then mandate 5%.

Attorney Crosland agreed that the State mandating 5% could be a possibility, although he could not guarantee that would happen and any change in the percentage would destroy the City's legal position to continue what it is doing now.

PBA Attorney Casey said that when Mr. Crosland uses the word "destroy" he is talking about changing the cost sharing mechanism; the pension plan will remain 96% funded. He said that it has remained unchanged since 1999, and they will continue to bargain until it gets changed.

Mayor Garcia asked City Attorney Seiden to explain the City's side of the argument.

City Attorney Jan K. Seiden said that as he understands the argument, based on what Pension Attorney Cypen has said, the current pension system is valid and is not subject to the current legislation that would affect contributions based on its grandfather status. Since the system is grandfathered in that means that it cannot be attacked, but if one word or if Council were to accept the 15%, it is likely to happen that the State will require the City to comply with the 185 plan requirements. The cap for contributions by the union is 5% and if that applies the City would have the balance of the contributions or 29%.

To answer Mayor Garcia's question, City Attorney Seiden clarified that 5% is the mandated Statute amount or the cap. Any change that is made in the pension contribution would cause the City to lose the ability to not be subject to the law since it has a grandfathered system that went into place before the Statute went into effect.

Attorney Crosland said that William Alonso provided him with a cost breakdown and a 5% cap would mean an additional 12% contribution for the City, for a total cost of \$300,000 more per year.

Assistant City Manager/Finance Director William Alonso clarified that the City is currently paying \$442,000, and an additional \$312,000 would bring the total contribution to approximately \$754,000.

City Attorney Jan K. Seiden stated that the recent newspaper articles show the situations that exist and many of the pension systems are being damaged severely because of these types of conditions. The argument is that it is an extraordinary hardship for the Police Officers to have to contribute additional monies so they have less money to live on day-to-day. To be fair the other side of the argument must be considered and that is they are contributing their money and they will get it back including the investment income. Council represents the City's 14,000 residents and they must vote on what is appropriate for the citizens.

Mayor Garcia said that in speaking with the residents, they have said that they do not want the quality of the policing to be jeopardized, and it has not diminished. The current pension system is the wrong one and he would like to do what needs to be done to fix it. He realizes that it is a lot of money, but the residents have a choice to maintain the police force and keep the Police Officers from leaving the Department.

Councilman Best stated that he is troubled with the decision that Council is faced with and it makes sense to him that the City's pension plan is 96% funded. In this particular case, he does not feel that the labor force is hurt by moving forward with the City's plan. The first issue relative to the employee pension contribution is the foremost issue and there is a ripple effect across the country that has reached Miami Springs at some small degree. He agrees with the Mayor that the pension matter would have to be addressed sooner than later or it will break everyone.

Councilman Best feels that the rank and file is well compensated for what they do and the question is whether or not to change the pension contribution that would affect the grandfathering of what is currently in place. On the second issue, relative to the DROP, he believes that the benefit should be the same for everyone. In regard to the toxicology issue, he does not know that it is that intrusive to require a test in the case of an inappropriately discharged taser or handgun. He feels that the City's position is good.

Vice Mayor Lob inquired if the drug testing policy applies also to General Employees if something happens outside the workplace.

City Manager Gorland responded that it applies to 100% of the workforce, even if an incident happens outside of the workplace.

Human Resources Director/Risk Manager Loretta Boucher stated that the officer that was asked to take the drug test discharged their taser gun. If hurt at home he would be covered under Workers Compensation since a piece of City equipment was used improperly. Regarding the car that was damaged in a parking lot, she is not aware of sending anyone for drug testing and she is not aware of any slashed tires. Any time someone is hurt when it involves city equipment they are sent for testing and it does not apply if someone falls down while off duty at home. She emphasized that the testing only applies when it is a job related incident and if someone is hurt going to court they are covered because they are on duty.

Councilwoman Ator stated that she has a question related to the DROP. There was testimony given on behalf of the PBA that it affects three people and it is bad for the remaining 40 people; it sounds like it really impacts all 43 people.

Attorney Crosland said that the proposal is to give the benefit to all the officers in the bargaining unit; not just the three people whose names were mentioned. It would apply to them as well because the pension statute governs everyone who is a uniformed police officer and there cannot be discrimination.

To answer the Mayor's question, Attorney Crosland said that if Council approves the proposal it would result in a rewording of the pension ordinance that has already been drafted.

Attorney Seiden agreed that anything that is approved would have to be incorporated into the ordinance.

Councilwoman Ator stated that she participated in the Good Government Initiative with public officials from all over south Florida and one of the issues they dealt with was about budgets and pensions. She spoke with other elected officials who said that their cities were drowning in pension costs, while this does not apply to Miami Springs because the pension plan is 96% funded.

Councilwoman Ator explained that she is a lawyer that specializes in employment and she has experience in these matters and understands the problems that obviously need to be solved. Council must look at changing the dynamics of the pension system and consider how it can be done. The Police Officers are saying that they are contributing too much and they cannot pay their bills and the Administration is saying that there is no way that the City can afford to pay \$800,000 per year.

Councilwoman Ator emphasized that during her time on Council she has criticized the Administration for spending money because it is not there and they should be financially responsible. As a Councilwoman, she cannot be any less than financially responsible for the City. During the last budget process, the Chief of Police said that he would give up three police cars in order not to impose a pay cut and the Department ended up getting the cars and there were pay cuts, which is unacceptable. She is not in a position to agree to any changes until she goes through the next budget process because right now the funds are not available.

Councilwoman Ator referred to the possibility of outsourcing Public Works and said that this is going to be another issue involving the budget deficit. She cannot do anything other than adopt the City's recommendation on the pension contribution. The DROP position impacts everyone equally.

In regard to the toxicology issue, Councilwoman Ator said that she completely understands the testing being tied to the Workers Compensation insurance. She writes employment manuals and is familiar with drug testing policies, and she does not think it is onerous to be drug tested outside the workplace when it involves City property and there is an accident.

Councilwoman Ator stated that she would like to resolve the issues going forward, but this is not the day to adopt the proposed changes. From a legal perspective, adopting a 15% contribution could lead to the 5% cap because it would destroy the grandfather status the City enjoys now.

Vice Mayor Lob commented that everyone agrees that the pension contribution is not fair to the officers, he feels for them and some are his friends. The current pension system cannot continue; pension plans across the nation are being reworked and the City's pension system should be adjusted in order to be fair to everyone, including the employees and the citizens. He agrees that the City is not in a position to accept any changes in the current system because the funds are not available. Even though there are reserve funds, this is not a one-time expenditure and the expense will occur every year.

Vice Mayor Lob would like Council to look at other pension systems and come up with a solution that satisfies everyone. He would like to remain partners with the Police Officers to work out a long-term solution and it cannot be done at this meeting.

Vice Mayor Lob explained that if the DROP is an incentive for employees to retire, he would like to know how the change would affect the incentive.

Attorney Crosland responded that as far as the bargaining unit employees, the change will loosen up the DROP requirements. The reality is that it is the opposite of what the PBA Attorney is arguing because he says it is a mechanism by which the three senior Staff people can get all the money and keep working. The DROP incentive is for an employee to retire within five years and that will open up mobility within the Department for employees to move up to those positions.

Mayor Garcia stated that the three Senior Staff members are not eligible to enter the DROP and for the record he is only concerned with the positions and the dollar amount and not the names of the employees who fill those positions. He said that after 20 years the pension benefit is 70% of the pay and after 28 years it becomes 100%. He asked what happens after 28 years and if someone could make more than 100%.

Attorney Casey clarified that bargaining unit employees cannot make more than 100%. The status of the three Senior Staff members allows them to continue receiving 3.5% annually with no maximum and there is no incentive for them to enter the DROP.

City Attorney Jan K. Seiden clarified that currently the three Senior Staff members cannot enter the DROP.

Attorney Crosland stated that under the current DROP system there is no possibility of the three Senior Staff members exercising the option and that is the problem.

To answer the Mayor's question, Attorney Casey explained that the three senior officers had the right to enter the DROP between 20 and 28 years and they chose not to because they knew they were eligible to receive pension benefits over 100%, while the bargaining unit members do not have that benefit. There is an incentive for the rank and file to enter the DROP or else they will begin losing money and it is important to understand the distinction.

Attorney Crosland said that the essential benefit of entering the DROP is that instead of leaving the employment of the City, the pension funds are put into a separate account and the employee continues receiving a paycheck without paying the pension contribution.

City Attorney Seiden said that being part of the DROP is the incentive and right now the three senior officers cannot be in the plan. Right now they can stay with the employment of the City for as long as they want and allowing them to enter the DROP gives them the incentive to retire. He does not see this as disadvantageous to the City or the Union.

Mayor Garcia said that he wanted to know the financial implications to the pension.

Assistant City Manager/Finance Director William Alonso stated that there is no financial impact to the pension plan because a person who enters the DROP is basically retired; the only difference is that they keep working for up to five years. On the City's side, since there are no more pension contributions, in this particular case, the three individuals would save the City approximately \$66,000 annually.

Attorney Casey reiterated that the three individuals had the option to enter the DROP at twenty years, they chose not to do so and now they want to make it available to themselves after the fact. He feels that this is disingenuous; they were all treated equally at the beginning, they did not enter and now they must live with their decision.

Councilwoman Ator does not feel that the real issue is entering the DROP because the three officers earn the additional 3.5% every year and that is the real issue.

Attorney Crosland stated that the three senior officers receive 3.5% because their status falls under the old pension plan before it was changed.

Attorney Seiden explained to the Mayor that the granting of the amendment would give an incentive and the option to retire, and without it the three officers could stay forever.

To answer Vice Mayor Lob's question, Attorney Crosland stated that the incentive to enter the DROP is that the employee continues to receive their regular paycheck for up to five years and they receive their pension benefit in a separate fund, which is two payments. After five years, the employee must retire.

Vice Mayor Lob felt that the purpose of the DROP is to give employees the incentive to retire earlier and if the employees made the decision not to enter the program between 20 and 28 years, it was their decision; they chose not to take advantage of the incentive and decided to continue working. He reiterated that the DROP is an incentive to retire between 20 and 28 years, and the incentive would be lost if an employee can enter the DROP at any time.

City Manager Ronald K. Gorland clarified that because of the 100% cap for the bargaining unit employees, if they choose not to enter the plan before 28 years, they will be contributing to a pension plan and they will not get back one dime; this is the incentive to enter the plan.

Mayor Garcia asked Officer Garcia about the 96% funding on the pension plan.

Officer Garcia clarified that the fact that the pension plan is 96% funded has nothing to do with the issues that had been discussed during this meeting. He said that the reason the plan is well funded is because of the pension board policies and the ability to invest funds within the pension system.

Officer Garcia stated that they want to fix the way that the funds are being allocated to the pension system. Currently, the City is paying approximately \$447,000 per year and the hardworking Police Officers are paying the same amount, plus \$47,934.00 that is allocated to offset the cost of the pension that was grandfathered in since 1997. When the 1999 pension system went into effect, the City's plan did not meet the minimum standards and since there were not enough funds to implement the minimum standards set forth in Statute 185.07, the monies were to be allocated into a reserve fund until such funds become available to implement the minimum. The minimum standards must be implemented first and the State of Florida has not addressed this issue because it has to go through the collective bargaining process.

Mayor Garcia asked Officer Garcia to comment on Councilwoman Ator's position that the issue is really 3.5% and not the DROP.

Officer Garcia commented that 3.5% applies to the pre-1983 managerial employees who are the only Police Department employees that can exceed 100%. He said that the law was changed and the reason for this is because the pension system must be amortized for forty years in order to be able to plan ahead, and that is why the pension system is 96% funded. For every year those employees who exceed 100% and continue working they get an additional 3.5%. If they are allowed the option to enter the DROP they could stay another 30 years before they enter the DROP and continue earning another 3.5% every year. By implementing a change it would mean that every employee could work up to the 28<sup>th</sup> year because the incentive would be to reach 100% and then enter the DROP for five years.

Officer Garcia clarified that the Police Officers have until their 25<sup>th</sup> year to participate in the DROP for five years and after 25 years they lose one year eligibility. For example, if someone decides to enter the DROP in their 27<sup>th</sup> year they can only participate for three years because they cannot go past 30 years. The City's proposal would remove that incentive and that would allow everyone to reach 100% and then enter the DROP for five years, which would affect the pension system.

Councilwoman Ator continued to explain that the problem is the 3.5%, not the DROP, which is part of the 1983 pension law that obviously will need to be addressed when the entire pension system is addressed.

Mayor Garcia asked Assistant City Manager/Finance Director William Alonso which position on the DROP would have a greater effect on the pension system and the City.

Mr. Alonso replied that from the City's point of view, there is a benefit every time an employee enters the DROP and currently there are 17 employees participating in the plan, which reduces the City's pension contribution for next year.

To answer the Mayor's question, Mr. Alonso explained that there is more than \$20MM in the Police pension plan and the funds for the people who are retiring are already in the plan to pay for their retirement. The pension plan does not lose money when people retire from the system.

Councilwoman Ator stated that the 3.5% is an issue with the pension; it is not an issue with the DROP. She reiterated that the pension system needs to be fixed.

Vice Mayor Lob said that apparently it is only an issue for three people, because once an employee reaches 100% they will be paying into the pension system and not benefiting from it.

City Attorney Jan K. Seiden interjected by saying that Vice Mayor Lob's statement was not accurate. There are two sides and if Council does not agree to the amendment, then the three top Officers in the Department that earn 3.5% every year have no ability, nor an incentive to retire and they will work for as long as they want. Secondly, if this is enacted, one of the impacts on the rank and file is that it will open up a window for everybody from now on to expand the time past 28 years and work up to 100% and then enter the DROP.

Officer Garcia said that an employee needs to make a decision on their 25<sup>th</sup> anniversary whether they want to leave at 100% or take five years in the DROP. Even if the person waits until the 28<sup>th</sup> year to enter the DROP they could still participate for one year and nine months. It is unfair to make the change to allow an employee to reach 100% and then enter the DROP because it does not work to the benefit of the overall Department.

Mayor Garcia asked about the situation with the toxicology testing and if the policy could be made more clear.

City Attorney Seiden explained that if a police car is sitting in a parking lot overnight and the tires or vehicle is damaged while the Officer is sleeping, the Human Resources Director/Risk Manager clarified that under those situations there would be no drug testing. If an Officer gets into their vehicle and gets into an accident or damages a tire while operating it there would be a drug test required.

Officer Garcia clarified that an incident did occur with a Police Officer who has a take home car and in the morning when he found that the car had been vandalized overnight it was reported to his Supervisor and the Officer was subject to a drug test.

City Attorney Seiden could not recall the incident, but could not say that it never happened. He said that it is not something that is normally done because there must be some causal effect.

Councilman Best questioned the whether or not the incident happened and if it was reported.

Officer Garcia stated that the incident was reported and the person who actually vandalized the Police car was arrested, and the Police Officer was still subjected to a drug test. He explained that the incident was a couple of years ago.

Attorney Crosland said that if someone is not in the vehicle and it is at their home, the intent under the current policy is not to drug test someone, as previously stated by the Human Resources Director. He cannot dispute what happened two or three years ago, but it is not the intent of the policy and it does not need to be changed. He explained that the real issue is the discharge of a weapon and if that were to happen, it is a valid use of the drug testing policy. He clarified that all City employees are subject to after accident testing.

Attorney Escobar added that the policy is in place and the language is provided and should be enforced, but it has to be on reasonable suspicion while on duty. The Officer has to report a discharged firearm but there does not always have to be a drug test unless there is a reasonable belief that drugs are involved. They are asking to look at the language and specifically apply it as it is stated.

City Attorney Seiden referred to the information that was provided in the booklet under the second tab, outlining the PBA position and the City position for all three issues. Council may vote on each one individually or move the PBA slate or the City's slate.

Attorney Casey clarified that he would like Council to vote on each individual issue.

City Attorney Jan K. Seiden explained that Council needs three affirmative votes if they are going to vote to approve something and failing to do this will in effect be a denial.

#### ISSUE 1: PENSION CONTRIBUTION COST SHARING MECHANISM

**Councilman Best moved to adopt the City's status quo position for Issue 1. Councilwoman Ator seconded the motion, which carried 3-1 with Mayor Garcia casting the dissenting vote.**

#### ISSUE 2: PENSION DROP PROGRAM

**Vice Mayor Lob moved to adopt the PBA's position. Mayor Garcia passed the gavel and seconded the motion, which failed 2-2 with Vice Mayor Lob and Mayor Garcia voting "aye" and Councilman Best and Councilwoman Ator voting "no."**

City Attorney Seiden stated that the 2-2 vote is effectively a denial to adopt the PBA's position.

**Councilwoman Ator moved to adopt the City's position on Issue 2. Councilman Best seconded the motion, with Councilman Best and Councilwoman Ator voting "aye" and Vice Mayor Lob and Mayor Garcia voting "no".**

City Attorney Seiden said that as a result of the vote, the pension DROP program would remain status quo and Attorney Crosland agreed.

#### ISSUE 3: TOXICOLOGY & ALCOHOL TESTING

**Councilwoman Ator moved to adopt the City's position. Vice Mayor Lob seconded the motion, which carried 4-0 on roll call vote.**

City Attorney Seiden said that he will prepare an order for the Mayor's signature in accordance with the votes that were taken. He thanked Council for their time and participation.

**4. Adjourn**

There being no further business to be discussed the meeting was adjourned at 11:27 a.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of:

Transcription assistance provided by Suzanne S. Hitaffer.

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





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

The **Golf and Country Club Advisory Board** met in Regular Session at 7:00 p.m., on Wednesday, June 13, 2012 in the Council Chambers at City Hall.

**1) Call to Order/Roll Call**

The meeting was called to order at: 7:15 p.m.

The following were present: Chairman George Heider  
Ken Amendola  
Michael Domínguez

Absent: Mark Safreed  
Mark A. Trowbridge

Also present: Golf Superintendent Sandy Pell  
Board Secretary Elora Sakal

**2) Approval of Minutes**

Minutes of the April 11, 2012 meeting were not approved because Chairman Heider was not present at the last meeting.

**3) Old Business:**

**a) Appointing of New Vice Chair**

This item was tabled until there is a full board.

**4) New Business:**

**a) Improvements to the Golf Course This Summer**

Chair Heider asked Golf Superintendent Pell what holes are being repaired on the golf course and Golf Superintendent Pell replied that funds are being used to repair some of the holes. She said that hole number thirteen has to be repaired and she has met with the City Attorney and the Florida League of Cities Attorney about the homeowner that is getting golf balls in their yard. The attorneys strongly suggest that some kind of effort be done to resolve the issue.

Golf Superintendent Pell stated that she is going to be removing the entire right side of the 13<sup>th</sup> tee and making it longer with a width of 35 ft. and a length of 100 ft. the same as fourteen and seventeen. She received estimates on sod and the approximate cost for the sod and fill will be \$7,000. If there are funds left over, she would like to repair tees five, seven and two.

Chairman Heider commented that it that would be great if the holes she mentioned could be repaired.

Golf Superintendent Pell explained that she only received two quotes for the sod and she is hoping to get one more.

Chair Heider stated that Palmetto Golf Course addressed an issue with the safety of vehicles and they had to redesign the tee boxes and planted palm trees to direct ball flights to go in a certain area. He suggested that there should be some kind of grant from the County that would be available to purchase trees. If there is a big concern with the homeowners, then more trees will need to be planted by that tee box to force the player to drive the ball into a certain area.

Board member Amendola noted that there is a large tree in that area.

Golf Superintendent Pell added that the large tree is an obstruction and will force players to hit out towards the pump house.

Board member Dominguez asked if some of the palms to the right of the pump house would be moved and Golf Superintendent Pell responded that the palms will stay where they are since they cannot be moved because they take a long time to grow.

Chair Heider suggested moving some of the oaks that are on the back of the driving range but he was unaware of how much it would cost.

Golf Superintendent Pell stated that the issue with transplanting oak is the percentage of having a successful transplant and it will require continual watering.

Chair Heider said that palm trees would be beneficial because they are easy to plant and withstand storms.

Golf Superintendent Pell commented that she hopes that redesigning the tee and the tree on the left side of it will help solve the issue so she could use the funds to repair other tees. She noted that she requested repairs for six tees for the five year improvement plan.

Chairman Heider explained that there are some improvements that he likes and others that he does not. He likes that the holes are not being changed on Mondays and Golf Superintendent Pell replied that she does it every summer on Mondays and Thursdays.

Golf Superintendent Pell mentioned that she is going to be shortening some of the landing areas and curvatures such as the one on tee eleven and seventeen.

Chairman Heider stated that he was uncertain of what was trying to be accomplished with the first cut in the fairway. He asked Golf Superintendent Pell if she is trying to make the golf course more difficult and Golf Superintendent Pell responded that she was trying to change the visual dynamic of the golf course and give it a new look.

Board member Dominguez asked if there is any other treatment or fill to help fill in the sod and Golf Superintendent Pell replied that she is going to begin working on it. She explained that the funds are low and she is trying to do as many things as possible and manage the funds at the same time.

To answer Board member Domínguez's question, Golf Superintendent Pell said that during the summer is the time to take whatever advantages are possible during the growing season for filling the sod. She commented that she is going to start spraying an inexpensive fertilizer on a bi-weekly basis.

Chair Heider reiterated that it is very difficult to hit from the first cut. He understands the budget constraints that the golf course is under. He listed a few of the issues occurring at the golf course, including players driving on the greens and tee fifteen flooding when it rains.

Chairman Heider asked if it would be easier to remove the rough and bring in some St. Augustine sod and Golf Superintendent Pell replied that installing St. Augustine is not something that she recommends because there will be more weed intrusion and other issues.

Chairman Heider stated that he did not understand the rough on hole seventeen and Golf Superintendent Pell replied that the landing area is not a large enough.

Golf Superintendent Pell said that she has concerns that involve extensive tree trimming at some point in time. Funds have been put into the capital budget for trees. The pines to the left of hole number one need to be topped because they are impeding shade on the grass almost all day and the trees between eleven and fifteen need to be addressed.

Chair Heider stated that he does not have any issues with the greens and fairways. He would like to see more golfers playing at the golf course. He quoted Mayor Garcia when

he said that a couple of his friends called the golf course a “discount golf course” and he does not believe it is a “discount golf course”.

Board member Domínguez explained that there are critical parts of the first cut that need to be addressed.

Discussion ensued regarding the issues with the first cut and the fairways.

Golf Superintendent Pell commented that the fairways are being cut two to three times a week depending on the fairway. The rough is being turned around once a week. She would like to focus on turning over the playable areas once a week.

Chairman Heider commented that if Golf Superintendent Pell can improve the first cut he believes that it will make a big difference on the course.

Golf Superintendent Pell offered to mark some of the holes and cut them back this week.

Board member Dominguez mentioned that there are some beginners that make Golf Superintendent Pell’s job even tougher. There was discussion at the last meeting regarding the roping off of certain areas and rangers teaching players the etiquette of driving on the range.

Golf Superintendent Pell noted that there are a few players who are driving up to the tees and she has spoken to them many times.

Board member Domínguez said that the people who are not aware of the rules need to be given a warning and more signs need to be installed on the carts advising players that they cannot drive on the greens.

Board member Amendola stated that some players may have bad backs or other issues and are given a blue handicap flag but most players do not have any issues and are abusing the rules.

Board member Domínguez believes that the issue needs to be addressed and people need to respect the rules and the greens.

Golf Superintendent Pell said that if there are no negative repercussions then players are going to do whatever they want and it is a shame.

Chair Heider believes that enforcing the rules starts with Management. When International Golf Maintenance (IGM) was in charge of the golf course they never enforced anything and towards the end they stopped maintaining the golf course. Management needs to enforce keeping the golf carts away from the course and he knows that it has been an issue for a long time.

Discussion ensued regarding the rules and etiquettes of the golf course and not driving on the greens and more enforcement of the rules.

Chair Heider said that one of the five-year goals would be to purchase approximately \$20,000 worth of trees and it would help in many areas such as holes thirteen and eighteen.

Golf Superintendent Pell noted that the golf course had lost a tremendous amount of trees from the storms and it changed the overall integrity of the course. She commented that 28 dead trees that were removed were received from a grant and at some point in time tree preservation and the reinstallation and restoring of the tree canopy needs to be focused on.

Chair Heider explained that a homeowner removed a Poinciana tree and was given the okay from the City to remove it. He asked Golf Superintendent Pell if the Golf Course is going to get any trees in return for the removal of that tree and Golf Superintendent Pell replied that she is uncertain.

Chair Heider thanked Golf Superintendent Pell for bringing the survey card that he requested a few meetings ago. He believes that this survey is excellent and very simple. He asked if there is going to be a raffle at the end of the month with the surveys and Golf Superintendent Pell responded that she is going to come up with something similar to the business card raffle.

Golf Superintendent Pell mentioned that the Golf Course has an email database of approximately 10,000 addresses. She also noted that she is going to send a Canadian newsletter to the Canadians over the summer.

**5) Other Business: None.**

**6) Adjournment**

There was no further business to be discussed and the meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Elora Sakal  
Clerk of the Board

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_\_

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

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

The Board of Parks and Parkways held a regular meeting on Thursday, June 14, 2012 at 7:00 p.m. in the City Hall Council Chambers.

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

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

The following were present: Chairman Eric Richey  
Vice Chairman Jean Ansbaugh  
Lynne V. Brooks  
Tammy K. Johnston  
Irene Priess

Also Present: Oper. Superintendent/Arborist Tom Nash  
Board Secretary Elora R. Sakal

**2. Approval of Minutes**

Minutes of the May 10, 2012 meeting were approved as written.

**Board member Priess moved to approve the minutes. Board member Johnston seconded the motion which was carried unanimously on voice vote.**

**3. Old Business: None.**

**4. Other Business:**

Chair Richey stated that he wanted to discuss the photo of the June Yard of the Month that was in the Gazette. He had some friends who commented that the picture should be of the home and not of the homeowners and the sign so that they can see the home. He said that he spoke with Building and Zoning Office Director Tex Ziadie regarding the matter and suggested that the photo in the Gazette should be of the yard only and he wanted to know what the board members thought of his suggestion.

Board member Ansbaugh agreed that the photo should only be of the yard.

Operations Superintendent/Arborist Nash said that he believes that one of the issues was trying to get the homeowners to come to a City Council Meeting to receive their award.

Board Secretary Elora Sakal explained that the homeowners did not go to the Council Meeting to receive their award. She noted that Mr. Ziadie had trouble communicating with the homeowners because they only spoke Spanish and he does not speak Spanish, but the letter he gave the homeowners to accept the sign in the yard is translated in Spanish.

Operations Superintendent/Arborist Nash commented that there were some technical difficulties but in the end they were all accomplished. In the past, he does not recall the residents being in the pictures.

**Chair Richey made a recommendation to Council that in the future the picture that gets featured in the Gazette should only be of the yard.**

Chair Richey asked Board Secretary Sakal if she receives the homeowner's acceptance to put the sign in the yard and Board Secretary Sakal replied that with this home, Mr. Ziadie personally delivered the letter to the residents.

Chair Richey read the letter to the board.

Board member Ansbaugh suggested that the word advertising when speaking about the Gazette should be reworded.

Board member Johnston suggested replacing the word "advertised" to "featured".

Chair Richey asked Board Secretary Sakal to replace the word "advertised" to "featured" and Board Secretary Sakal agreed to replace the words.

Board member Ansbaugh commented that the sign does not have to be in the picture and it can be solely of the home.

Board member Priess commented that in the past she would only take a picture of the home.

Operations Superintendent/Arborist Nash stated that he saw the email regarding the duplication of the sign and had it duplicated.

Board member Brooks asked how the homeowners are notified to the Council Meeting to receive their award and Board Secretary Sakal replied that Mr. Ziadie would advise the homeowner when he gives them the notice.

Chair Richey recommended that another line should be added to the notice explaining that the homeowners will be honored at a specific Council Meeting.

Chair Richey brought up a previous discussion regarding the yard deteriorating if too much time passed and asked the board for their opinion on whether to vote on all of the homes up to the month of October or to recommend a certain amount at a time. He noted that the selections are some of the nicest landscaped homes in Miami Springs and he has no fear that the yard would deteriorate over time.

Board member Priess suggested voting on the months of July and August due to the fact that there is no meeting in July and August is voted on as a precaution.

Chair Richey noted that if there is no meeting in August then there would not be a September Yard of the Month to offer. Therefore September should also be included.

Chair Richey clarified that the July Yard of the Month was chosen by Board member Brooks and he chose the August Yard of the Month. The September Yard of the Month was chosen by Board member Ansbaugh and the October Yard of the Month was chosen by Board member Johnston.

Chair Richey feels that the list of homes is all on the east end of Miami Springs and he encourages the board to venture to other locations in Miami Springs.

Board member Priess commented that all of the homes with the exception of 356 DeLeon Drive are west of Curtiss Parkway.

**5. New Business:**

**a. July Yard of the Month: 937 Hunting Lodge Drive**

**Chair Richey asked for all those in favor of 937 Hunting Lodge Drive being the July Yard of the Month and by consensus the Board members agreed.**

**b. August Yard of the Month: 479 South Esplanade Drive**

**Chair Richey asked for all those in favor of 479 South Esplanade Drive being the August Yard of the Month and they all agreed by consensus.**

**c. September Yard of the Month: 555 Hunting Lodge Drive**

**Chair Richey asked for all those in favor of 555 Hunting Lodge Drive being the September Yard of the Month and by consensus the Board members agreed.**

**d. October Yard of the Month: 356 DeLeon Drive**

This item was tabled until the September board meeting.

**6. Weed Eater Training**

Chair Richey said that he did not look at the bike path on Ludlam Drive but he is noticing the scratches on the lamps on Curtiss Parkway. He thinks that Public Works is getting too close to the lamps when they are weed eating.

Operations Superintendent/Arborist Nash noted that it is an ongoing issue.

Board member Ansbaugh stated that there are many people who would be willing to volunteer their time and dig around each tree and remove weeds.

Mr. Nash mentioned that people are more than welcome to volunteer their time and would not need permission.

Board member Ansbaugh asked if the City is planning on privatizing and removing Public Works and Mr. Nash replied that the City is looking for a Request for Proposal (RFP) for outsourcing the landscaping, trees and sanitation. He does not have any information as to what direction it is going.

Board member Ansbaugh asked Mr. Nash if other cities grow their grass up to the trees where they are weed eaten and Mr. Nash said he is not familiar with the term and has not visited other municipalities and viewed how they operate.

Mr. Nash explained that Public Works uses an extensive amount of mulch around the entire City. He said that in his personal opinion, he has not seen mulch keep weeds away.

Board member Ansbaugh asked if a poison is allowed to be used to kill the weeds and Mr. Nash responded that he was using Round Up but he had issues with it.

Discussion ensued regarding Public Works weed eating around the trees incorrectly.

**7. Other Business:**

Chair Richey commented that he has some long range goals that he wanted to discuss with the board. He commended Public Works for the plantings in front of City Hall. He asked Mr. Nash if the hedges could be shaved down whenever he has a chance and Mr. Nash replied in agreement.

Mr. Nash explained that the front portion of plants on the island that is between the Chevron gas station and Rae's Tae Kwon Do is going to be replaced with robellini palms.

Board member Ansbaugh asked if it was possible to replace the Poinciana trees that were destroyed on Poinciana Boulevard and Mr. Nash responded that he would need to see what kind of funding is available.

Mr. Nash mentioned that 115 trees have been planted in the City over the last two months. He also noted that a couple of fox-tail palms will be installed in front of Hollemans Restaurant.

Chair Richey asked Mr. Nash when the City normally plants and Mr. Nash replied that it depends on the funding.

Mr. Nash explained that Japanese ferns were planted on East Drive and Stafford Park and Oak trees, Mahogany trees, Gumbo Limbo trees, and Laurel Oak trees were scattered throughout the City. Eleven trees were planted on Eldron Drive and the next day there was a five car accident that removed two of the trees, but the insurance company is going to replace them.

Chair Richey recommended putting some trees off the first block of Curtiss Parkway sometime in the future and Mr. Nash believes that there are power lines that run down that location and he will look into it.

**8. Adjournment:**

**There was no further business to be discussed and the meeting was adjourned at 7:43 p.m.**

Respectfully submitted,

\_\_\_\_\_  
Elora R. Sakal  
Secretary to the Board

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_\_

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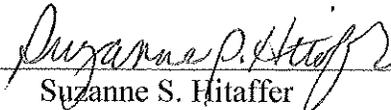
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*City of Miami Springs, Florida*

**CANCELLATION NOTICE**

The Revitalization and Redevelopment Ad-Hoc Committee Meeting of June 18, 2012 has been canceled in advance.

  
Suzanne S. Hitaffer  
Secretary to the Board

cc: Mayor and Council  
City Manager  
Assistant City Manager/Finance Director  
City Attorney  
City Clerk  
Revitalization and Redevelopment Board Members  
Post

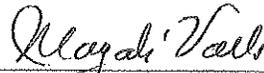




## CANCELLATION NOTICE

### CODE REVIEW BOARD

Due to the fact that the City Council has not directed the Code Review Board to review any ordinances this month, the regular meeting of Thursday, June 28, 2012 has been canceled in advance.

  
\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

cc: Mayor and Council  
City Manager  
Assistant City Manager/Finance Director  
City Attorney  
Code Review Board Members and Secretary  
Post