



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Xavier M. Garcia

**Vice Mayor Jennifer Ator
Councilwoman Grace Bain**

**Councilman Bob Best
Councilman George V. Lob**

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, December 10, 2012 – 7:00 p.m.
Council Chambers – City Hall
201 Westward Drive – Miami Springs**

1. Call to Order/Roll Call

2. Invocation: Councilman Lob

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

3. Awards & Presentations:

A) Yard of the Month Award – December 2012 – Clifford and Merilynn Kleinhample – 190 Shadow Way

B) Certificate of Sincere Appreciation to Gene Duffy as a Former Member of the Police and Firefighters Retirement System Board

3. Awards & Presentations: (Continued)

C) Presentation by Bryan Reardon of Energy Systems Group

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) 11-19-2012 – Regular Meeting

B) 11-26-2012 – Special Meeting

C) 11-28-2012 – Special Meeting

6. Reports from Boards & Commissions:

A) 11-19-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice

B) 12-03-2012 – Zoning and Planning Board – Cancellation Notice

C) 12-03-2012 – Board of Adjustment – Cancellation Notice

D) 12-04-2012 – Code Enforcement Board – Cancellation Notice

E) 12-05-2012 – Architectural Review Board – Cancellation Notice

F) 12-11-2012 – Recreation Commission – Cancellation Notice

G) 12-13-2012 – Board of Parks and Parkways – Cancellation Notice

7. Public Hearings:

A) “Second” Second Reading – Ordinance No. 1040-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Updating the Five-Year Schedule of Capital Improvements of the City’s Comprehensive Plan as Mandated by Florida Statutes Sections 163.3177 (3) (b); Providing a Conflicts Clause and Severability Clause; Providing an Effective Date (First Reading: 10-22-2012 – Second Reading: 11-19-2012 – Advertised: 11-29-2012)

B) Second Reading - Ordinance No. 1043-2012- An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-roofs; By Deleting All References to the Two Year Sunset Provision Thereby Including Asphalt Shingles as an Approved Roofing Material for the City; Striking Subsection (H) of the Ordinance as Being Inappropriate and Outdated; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing An Effective Date (First Reading: 11-19-2012; Advertised: 11-29-2012)

7. Public Hearings: (Continued)

- C) Second Reading – Ordinance No. 1044-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002, Definitions; by Clarifying and Updating the Definitions of Rear Yard [Subsection (C) (79)], and Side Yard [Subsection (C) (80)]; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date (First Reading: 11-19-2012; Advertised: 11-29-2012)
- D) Second Reading – Ordinance No. 1045-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-164, Northwest 36th Street; By Removing Any and All References to the Required Participation of the City Architectural Review Board in the Design Review Process Mandated by the Ordinance; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date (First Reading: 11-19-2012; Advertised: 11-29-2012)
- E) Second Reading – Ordinance No. 1046-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-20, Establishment and Membership; by Revising the Membership of the City’s Memorial Committee to Meet Current Participation Availability; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11-19-2012; Advertised: 11-29-2012)
- F) Second Reading – Ordinance No. 1047-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 97-05, Senior Citizen Additional Homestead Tax Exemption; by Providing a Revised Provision Authorizing Qualified Seniors to Apply for Additional Homestead Tax Exemption Benefits; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date (First Reading: 11-28-2012; Advertised: 11-30-2012)

8. Consent Agenda:

- A) Approval of City Attorney’s Invoice for November 2012 in the Amount of \$12,204.00

9. Old Business:

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

9. Old Business: (Continued)

- B) “Second” First Reading – Ordinance No. 1042-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-034, Installation of Central Air Conditioning and Heating Units, Pool Pumps and Equipment, and Sprinkler Pumps and Equipment; By Providing an Additional Site Location for the Placement of Such Equipment on Newly Constructed Properties and Clarifying That All Approved Locations Are Not to Be Within Required Setback Areas; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11-19-2012)
- C) Review of Proposed Changes to the City’s Code of Ethics and Consideration of Incorporating a Citizens Bill of Rights (Requested by Vice Mayor Ator)

10. New Business:

- A) Consideration of Request from Susan Baan on Behalf of the Miami Springs Middle School PTA for a Contribution to the Art in the Sky Project
- B) Consideration of Request from Fred Suco to Host a New Year’s Eve Celebration with Live Music Until 1:00 a.m.
- C) Consideration of Request from the Woman’s Club to Waive Approximately \$710.10 in Permit Fees Required as Part of the Remodeling of their Kitchen and Bathroom Facility
- D) Resolution No. 2012-3567 – A Resolution of the City Council of the City of Miami Springs Authorizing the City Manager to Apply for a FY 2013 Edward Byrne Memorial Justice Assistance Grant from the Federal Drug Control and System Improvement Program, through the Office of Grants Coordination Justice Assistance Grant Administration for Miami-Dade County; Authorizing the City Manager to Execute Grant Contracts and Agreements, Execute Contracts and Agreements to Accomplish Grant Funding Purposes, Expend Funding for Established and Authorized Purposes, Receive and Expend Additional Funding that Might Become Available, Execute Amendatory Application Documentation, and to Exercise all Contractual Rights, Authorizations and Privileges Available to the City; Effective Date
- E) Ordinance No. 1048-2012 – First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 35-53, Benefit Amounts and Eligibility; by Providing Additional Provisions to Subsection (K), Deferred Retirement Option Plan (“DROP”), to Expand and Further Clarify and Explain Plan Eligibility; Repealing all Ordinances or Parts or Ordinances in Conflict; Providing an Effective Date

10. New Business: (Continued)

- F) Ordinance No. 1049-2012 – First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 35-55, Contributions; by Providing a Two Year Plan for the City to Reduce Required Police Retirement Plan Contributions; Repealing all Ordinances or Parts or Ordinances in Conflict; Providing an Effective Date

11. Other Business: None

12. Reports & Recommendations:

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

13. Adjourn

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

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

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



CITY OF MIAMI SPRINGS

*Finance Department
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5014
Fax: (305) 805-5018*

TO: Honorable Mayor Garcia and Members of the City Council
VIA: Ronald Gorland, City Manager
FROM: William Alonso, CPA, CGFO, Finance Director
DATE: December 3, 2012

A few months ago the city was approached by Mr. Bryan Reardon of Energy Systems Group (ESG) regarding the performance of a feasibility study to determine if they could recommend a project that would save the city money in energy and operating costs.

ESG completed the feasibility study (see attachments) and they determined that the savings would be approximately \$125,000 per year and that this amount was more than enough to fund the costs of the project.

Mr. Reardon is here tonight to provide Council with some background on how the project would work, funding sources, continue monitoring of results after project completion, and to answer any questions you may have.

Attachments:

- 1) *Background memo from Mr. Reardon*
- 2) *Company overview*
- 3) *Feasibility study*

Background

This City has an interest in reducing its energy and operational costs and continually looks for opportunities for savings. As a free service to the City, Energy Systems Group (a state term contracted Energy Services Company) recently performed a feasibility level analysis of City owned and operated facilities to identify cost effective energy savings opportunities with the potential of self-funding some of the city's more pressing capital improvement needs.

The study indicated several recommended projects that in total will save the City over \$125,000 per year in energy and operation costs, and that these savings would be more than enough to fund the cost of the projects including new HVAC systems at City Hall, the Senior Center, and the Golf Course; a gym lighting at the Recreation Center; and LED street lighting for the Downtown area. This project can be designed, funded, and implemented through a turnkey process known as Energy Performance Contracting (EPC)

The next step in the process would be to engage Energy Systems Group to perform an Investment Grade Audit to formally design and develop and design the recommended conservation projects identified in the feasibility study. If the Investment Grade Audit supports the initial findings of the feasibility study, ESG would obtain funding to implement the projects with no out-of-pocket costs to the City. The improvements would be paid for over time by the City through proven energy and operational savings guaranteed by ESG.

Performance Contracting Overview

Energy performance contracting (EPC) is encouraged under Florida Statute 489.145 as a practical way for public sector entities to obtain and finance energy-saving projects for their facilities. EPC can provide the resources to finance and acquire needed capital equipment and improve energy efficiency and comfort in public buildings.

EPC is rapidly achieving widespread use by Florida's public agencies, primarily because it offers a mechanism for overcoming constrained capital budgets, aging and inefficient buildings and equipment, and limited maintenance staff resources. In Florida, one of the most attractive and distinguishing features of EPC is the **guaranteed** energy cost savings that pay for all associated project costs over the life of the contract. This provides an opportunity for agencies to free-up scarce budget resources for other needed services and activities. By allowing the building energy savings to cover all project and financing costs, EPC provides agencies the ability to purchase comprehensive improvements (e.g., lighting, heating, air conditioning, and system controls, etc.).

Energy Services Companies

Energy Services Companies (ESCOs) provide comprehensive technical services as a part of an EPC project. In addition to analyzing facility energy use and designing comprehensive projects, they provide ongoing equipment maintenance, project monitoring, and savings measurement and verification services that ensure persistent and reliable project performance. In essence, the ESCO becomes a partner with the agency to improve, efficiently manage, and maintain a facility's energy consumption throughout the term of the contract.

ESCOs design projects to use state-of-the-art technologies. They also provide extensive training for facility operation's personnel and provide or arrange for project financing. This will be repaid over the contract term from the energy cost savings. In the event that actual savings fall short of the guarantee, the ESCO is contractually liable to reimburse the agency for the shortfall.

Energy Systems Group

Energy Systems Group (ESG) is an award-winning and nationally-accredited energy services company that develops innovative and self-funding energy and infrastructure solutions for a broad range of customers including local and state government agencies, municipalities, colleges, universities, K-12 schools, hospitals, airports, and the Federal Government. Since 1994, ESG has implemented over \$1.4 billion in projects for approximately 300 customers throughout the United States and U.S. Virgin Islands. ESG is headquartered in Newburgh, Indiana and operates through local offices across the United States, with regional hubs located in the Northeast, Midwest, Mid-Atlantic, Southeast, and Southwest United States. ESG is licensed to do business in 39 states, the U.S. Virgin Islands and Puerto Rico. ESG has an extensive presence in Florida including a regional headquarters and 4 satellite offices. They currently hold a Florida State Term Contract for Energy Services and have successfully implemented over \$100 million of projects with public sector clients within the state.

ESG's comprehensive offerings include facility audits, engineering & design services, project development and implementation, financing, operations & maintenance services, and measurement and verification of savings. The ESG team also brings proven expertise in the design and construction of innovative energy efficiency and onsite energy generation projects of varying complexity and size, including combined heat & power (CHP) plants, biomass/biogas recovery systems and processing facilities (landfill gas, anaerobic digesters, etc.) and diverse renewable energy technologies.

Company Overview

Energy Systems Group (ESG) is an award-winning and nationally-accredited energy services company that develops innovative and self-funding energy and infrastructure solutions for a broad range of customers including local and state government agencies, municipalities, colleges, universities, K-12 schools, hospitals, airports, and the Federal Government. Since 1994, ESG has implemented over \$1.3 billion in projects for approximately 300 customers throughout the United States and U.S. Virgin Islands. ESG is headquartered in Newburgh, Indiana and operates through local offices across the United States, with regional hubs located in the Northeast, Midwest, Mid-Atlantic, Southeast, and Southwest United States. ESG is licensed to do business in 39 states, the U.S. Virgin Islands and Puerto Rico.

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Legal Entity Statement

Founded in 1994, Energy Systems Group, LLC (ESG) is a nationally- recognized Energy Service Provider (ESP) accredited by the National Association of Energy Services Companies (NAESCO). ESG is a wholly- owned subsidiary of Vectren Corporation (NYSE:VVC), an energy holding company headquartered in Evansville, Indiana with approximately \$4.9 billion in assets. Vectren's energy delivery subsidiaries provide gas and/or electricity to more than one million customers in Indiana and Ohio. Vectren's nonutility subsidiaries and affiliates, which include ESG, offer energy-related products and services to customers throughout the United States, including infrastructure services, energy services, coal mining and energy marketing. Vectren Corporation and its nonutility companies employ 4,500 people. Vectren Corporation, rated A- by *Standard and Poor's*, is located on the Internet at www.vectren.com.

Trusted Partner

ESG specializes in Energy Savings Performance Contracting (ESPC) and characterizes itself as ***the energy services company that customers trust***, with a dedicated focus on building long- lasting and trusting relationships and producing superior results that exceed clients' expectations. Our record of success, corporate culture and values reflect those of a company that understands the importance of each client and the partnership required to successfully implement a project. As a brand and product-neutral energy services provider, we develop projects and install equipment based on the value to our customers. With Energy Systems Group, you can be confident that our solutions are customer-centric.

Leading Expertise

The ESG team is comprised of highly certified and licensed professional engineers, project managers, and energy and operations specialists, and a strong leadership team that bring exceptional expertise and proven results in developing and implementing comprehensive energy performance and infrastructure projects of varying complexity and size, including renewable energy, waste-to-energy, utility and co-generation projects. We build integrated teams of specialists based on the requirements of each project, working in concert with each customer to plan, price, design and implement the most valuable, cost-effective and efficient results.

"ESG has both the resources and technical abilities to provide the highest level of success possible for any energy savings project for municipalities regardless of the size. They will exceed the expectation of their clients and educate the entire group of stakeholders throughout the process. They are truly a pleasure to work with."

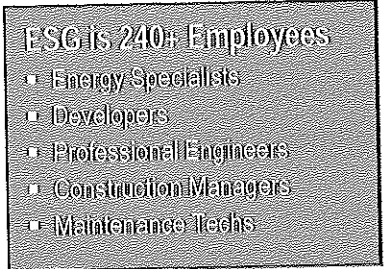
Thomas H. Logan, P.E.
City of Covington, Kentucky -
Director of Public Improvements/City
Engineer

ESG Helps Customers:

- Rebuild aging infrastructure
- Modernize their old buildings
- Improve comfort and productivity
- Become energy efficient
- Lower greenhouse gas emissions
- Reduce carbon footprint
- Become Green

Financial Stability / Reliability

ESG has bonding capacity of \$250 million. This capacity is sufficient for all bonding needs to date but is not meant to imply a maximum level of capacity, as needs beyond \$250 million will be favorably considered by Liberty Mutual Surety, thereby enhancing our ability to guarantee savings, arrange financing, and obtain bonding - all of which are critical to successful energy performance contracting. Liberty Mutual has rendered an opinion that Energy Systems Group is financially viable and bondable. This affords our customers the opportunity to partner with ESG at the lowest risk to their operations and reputation. In our history, no bonds have been revoked.



Self-Funding Programs

A key aspect of the services we provide is the facilitation of funding arrangements that enable customers to implement comprehensive energy and infrastructure improvements while maximizing operational budgets and overcoming the challenges faced by limited capital dollars or resource allocations. ESG's proven financial expertise bridges the gap between concept and construction by developing funding sources that bring our clients' projects to fruition and achieve their goals. Whether using energy grants, performance contracting agreements, enhanced-use leasing, land lease / power purchase agreements or other options available to our team, we assist in sourcing funds and procurement mechanisms to develop projects that fit into our customers' overall financial and operational strategies.

Focused on Sustainability

ESG defines the greening of our customers' footprint as the modernization of their buildings and energy infrastructure. Through the implementation of comprehensive and turn-key energy savings programs, ESG continues to reduce carbon footprints and to promote sustainability and energy efficiency for numerous college campuses, school districts, naval stations, air force bases, state capitol complexes, airports, hospitals, and municipalities. Innovative engineering, renewable energy, and long-term financing solutions underline our core expertise of energy performance contracting. The ESG team has a proven history of developing diverse solutions via a wide array of contracting and project delivery methods that allow us to utilize any combination of our design, construction, operations, maintenance, and project financing capabilities.

Leading Industry Knowledge, Affiliations and Awards

Our team is well-versed and actively engaged in energy and state legislation impacting performance contracting and public-sector financing. ESG is a leading partner and member of key energy industry organizations, including the U.S. Green Building Council, Energy Star®, the U.S. Department of Energy, the American University and President's Climate Commitment, the Association for the Advancement of Sustainability in Higher Education, the American Biogas Council, the Landfill Methane Outreach Program, the Energy Services Coalition, and many more. In addition, Energy Systems Group has executed an agreement with the Clinton Climate Initiative (CCI) that affirms our commitment to abide by the terms and conditions in contracts with CCI clients. Our projects and customers have earned several awards and certifications. From Leadership in Energy and Environmental Design (LEED) certifications to being recognized by the U.S. Department of Environmental Protection as Energy STAR Leaders, our innovation, performance and expertise is award-winning.



Commitment to Community

The ESG business model upholds our commitment to giving back to our customers' communities in partnering to promote local economic growth, job creation, education, and environmental stewardship. ESG's commitment to community includes progressively strengthening partnerships and growth opportunities for small and minority-owned businesses; working with local vendors and subcontractors; establishing scholarships and internships; preparing tomorrow's workforce through education and leadership development programs such as STEM (Science, Technology, Engineering and Math); advancing our customers' communities through revitalization; and working together to conserve natural resources and energy.

ESG's Florida & Caribbean Region

ESG serves our Florida and Caribbean customers through our regional headquarters located in Tampa along with a network of satellite offices throughout the region. Our local team of is comprised of 17 dedicated and experienced energy professionals including, 1 Florida Building Contractor, 7 Engineers (4 Registered PE's), 6 Advanced Degree holders, 6 Certified Energy managers and 1 LEED AP. Our region currently holds a state term contract for energy services with the State of Florida and has been Pre-qualified by the Puerto Rican Government. Additionally we currently hold strategic partnership relationships with several area utilities. Since beginning operations in Florida during the fall of 2004, ESG Florida has successfully implemented over 30 projects valued at roughly \$110 million.

ESG Team's Key Attributes



- Successfully performed design, construction, and project management for numerous local and state government agencies across the nation
- More than 430 projects completed for 300 customers totaling in excess of \$1.3 billion of energy performance contracts, building improvements, renewable energy, biogas recovery, cogeneration and combined heat and power solutions
- Well versed in state and energy legislation impacting performance contracting and public-sector financing. ESG also explores innovative financing mechanisms through grants, rebates, and designated government funding applicable as best aligns with our customers' overall operational and financial goals



- Specific expertise in the design and construction of energy conservation measures and infrastructure solutions for hundreds of millions of dollars in performance contracts for local and state government agencies.
- ESG project teams consist of leading specialists that bring exceptional expertise and innovation in energy efficiency, engineering, design and project implementation for state government agencies
- Proven results, solid technical experience and superior efficiencies in design schedule, equipment procurement and contractor coordination
- Proven history of providing technically sound designs that are robust, reliable & scalable



- Single point of contact and accountability for the entire project lifecycle
- A contractual approach that is flexible and transparent, minimizing risk
- Flexible project management and execution approach to minimize disruptions and to afford ESG customers more involvement and control of the deliverables at every phase of the project lifecycle
- All key decision processes for design, construction, and operations are structured to ensure that the project meets our customers' strategic, financial and operations goals



- A seamless partner for Financing-Engineering-Construction-Operations, promoting consistency, minimizing learning curves, and providing immediate mobilization
- Integrated team of strong industry leaders and specialists who will work in concert to design, price, and implement projects cost-effectively and efficiently
- Customer-focused company driven by innovation. Clients trust ESG to build energy performance projects that strongly align with government procedures and standards, facilitating the implementation of energy conservation, renewable energy, and sustainable infrastructure improvements.

City of Miami Springs

Preliminary Audit

January 5, 2012

Building Performance with ENERGY.

REPORT HIGHLIGHTS

- Energy Savings can pay for the purchase and installation of LED street lighting, new facility lighting, HVAC equipment upgrades.
- Roughly \$1,753,766 in Capital Improvements could be implemented through the use of energy savings.
- Proposed projects will deliver the following environmental benefits:
 - 549 tons CO₂ reduction/yr
 - 6.0 tons SO₂ reduction/yr
 - 2.0 tons NO_x reduction/yr

INSIDE THIS REPORT:

- Identify Energy Conservation Measures
- Preliminary Cost and Savings Projections
- Project Simple Payback

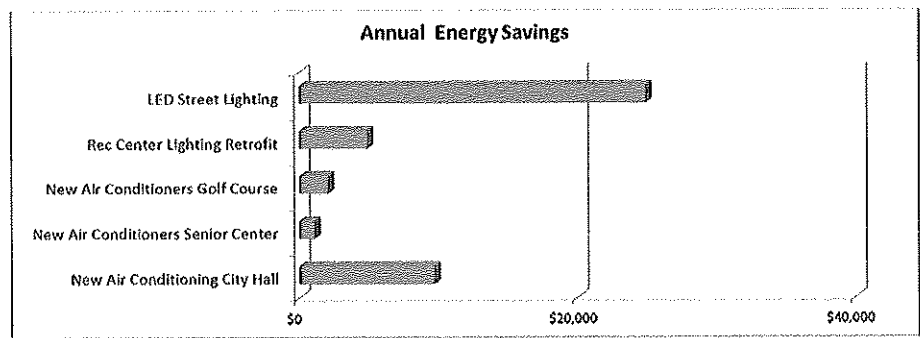
Preliminary Energy Assessment for the City of Miami Springs

Executive Summary

The Preliminary Energy Assessment (PEA) of the City of Miami Springs is attached. This report identifies and discusses the Energy Conservation Measures (ECMs) that present the greatest opportunities for financial savings to the City of Miami Springs. These ECMs were determined to be viable measures through Benchmarking, and preliminary analysis not detailed engineering analysis.

The City of Miami Springs facilities were generally found to be consuming energy at “efficient” levels, however opportunities for energy savings definitely exist. The preliminary package of ECMs described in this report will save the City of Miami Springs \$124,965 in annual utility and operational costs. This represents an opportunity to implement \$1,753,766 in self-funding capital improvements while addressing energy-related upgrades.

During the next phase, an Investment Grade Energy Audit (IGA), a more detailed engineering design and analysis would be completed. The IGA will provide firm pricing, guaranteed to be covered completely by savings generated from the project. The proposed project in its detailed form and assuming a 4.0% tax-exempt interest rate would be entirely amortized by the utility savings generated and guaranteed by the Energy Savings Performance Contract (ESPC).



ENERGY SYSTEMS GROUP Background and Experience

ESG was founded in 1994 to help customers develop and implement energy solutions that improve facilities through energy efficiency based capital projects. We are a wholly owned subsidiary of Vectren Corporation (NYSE: VVC), an energy and applied technology holding company headquartered in Evansville, Indiana with assets in excess of \$4.0 billion employing approximately 3,500 people. ESG's mission is to be the BEST energy services and performance contracting company in North America. Our focus on developing long lasting and trusting relationships with our customers is one of the cornerstones of ESG's success. Using our strengths in project development, design, financing, operations, maintenance, and project management, we strive to discover distinctive solutions for the complex issues facing today's energy consumers.

Corporate Headquarters:

4655 Rosebud Lane
Newburgh, IN 47630
(812) 471-5000

Regional Office:

17757 US Highway 19 North
Suite 210
Clearwater, FL 33764-6592
(727) 533-0403

ESG will work directly with the City of Miami Springs to offer a broad range of services, including the following:

- ✓ Preliminary Energy Auditing and Feasibility Studies
- ✓ Detailed Energy Use Analysis and Energy Audits
- ✓ Engineering Design
- ✓ Turnkey Project Implementation
- ✓ Project Financing
- ✓ Energy Savings Monitoring & Verification

Typical Schedule for an Energy Performance Contract

Energy Savings Performance Contracting (ESPC) is similar to a Partnership between the City and ESG whereby the energy savings discovered by ESG are used to pay for the modernization of the energy assets within those same facilities. Consequently, the greater the verifiable savings discovered, the more equipment and systems that can be replaced or repaired. In no event will the total project costs be more than the savings and increased revenues guaranteed to and delivered to the City. In that ESG will insure all of the upfront capital necessary to implement the project, guaranteeing a positive cash flow to the City would begin immediately following equipment commissioning.

The following is a typical schedule for the implementation of an ESPC for a Public Entity in Florida:

1. Issue a Request For Proposal/Qualifications in accordance with Florida Statutes 1013.23 and 489.145 to identify and select a State-qualified ESCO (Energy Services Company), or Select a State-qualified ESCO who has been selected through a competitively-bid ESPC contract from a public entity and enter into a Investment Grade Energy Audit (IGA) Agreement, setting forth the audit scope, the desired contract term and conditions, as well as an audit fee should the project not proceed

- beyond the IGA
- 2. Receive and review the completed IGA from the ESCO
- 3. Execute the ESPC with the ESCO
- 4. ESCO commences equipment procurement and construction

Brief descriptions of the potential efficiency improvements are presented for consideration. The actual improvements available for implementation depends on the amount of verified energy savings determined during the Investment Grade Energy Audit Phase.

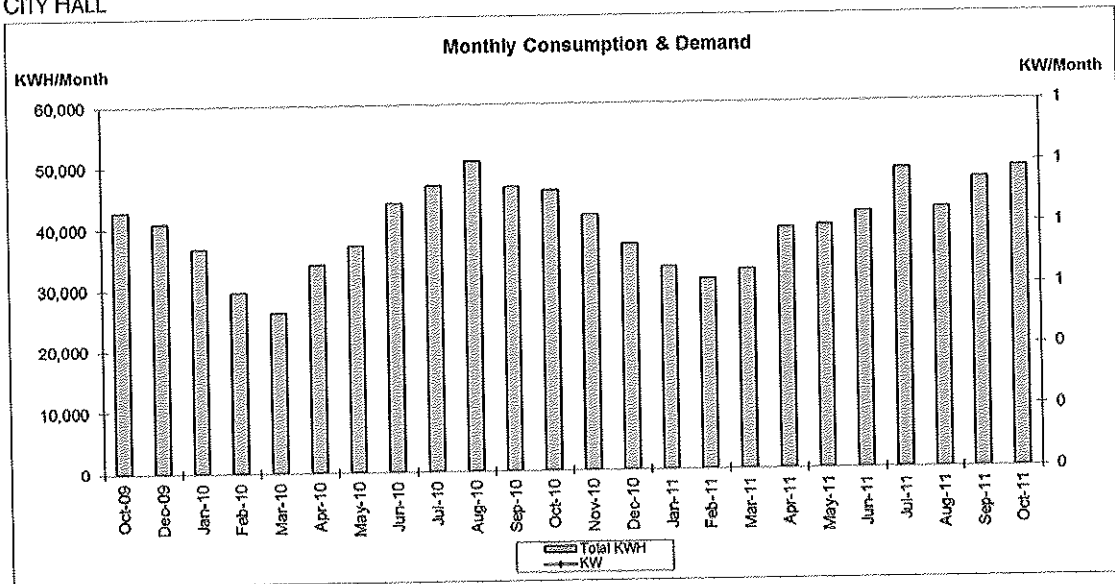
ENERGY CONSUMPTION IN LOCAL GOVERNMENTS

Local governments spend over \$10 billion each year on energy. Adopting a strategic approach to energy management can lower your energy bills by 30 percent or more. ESG brings you a proven energy management strategy to distinguish your municipality as an environmental leader and save money for repair and renovation, hiring of new staff, new construction, and other core activities.

EXISTING ENERGY CONSUMPTION

THE CITY OF MIAMI SPRINGS SPENDS OVER \$270,000 PER YEAR IN ENERGY IN YOUR FACILITIES. THIS ANALYSIS EXAMINED A REPRESENTATIVE SAMPLE OF THE CITY'S FACILITIES AND THEIR ENERGY CONSUMPTION.

CITY HALL



TARGETS FOR ENERGY CONSERVATION

LIGHTING AND HVAC CONSUME THE MAJORITY ON ENERGY AT THE CITY'S FACILITIES AND ARE THE BIGGEST TARGETS TO SAVE ENERGY.

THE FACILITIES SURVEYED HAVE A COMBINATION OF OUTDATED T-12 LIGHTING AND UPGRADED HIGHER EFFICIENCY T-8 LIGHTING, ALONG WITH HID METAL HALIDE LIGHTS IN THE RECREATION CENTER GYM WHERE LIGHTING RETROFITS ARE WARRANTED. TODAY'S T-8 AND T-5 TECHNOLOGIES WITH ELECTRONIC BALLAST USES AS LITTLE AS HALF THE ELECTRICITY WHILE MAINTAINING THE SAME OR BETTER LIGHT LEVELS.

THE EXISTING STREET LIGHTING USES OLDER TECHNOLOGIES AND IS A GREAT OPPORTUNITY TO SAVE ENERGY AND REDUCE MAINTENANCE COSTS THROUGH REPLACEMENTS UTILIZING LED AND INDUCTION TECHNOLOGIES.

THE HVAC SYSTEMS ARE ALSO GOOD TARGETS FOR ENERGY CONSERVATION AT THE CITY FACILITIES. MANY OF THE CITY'S HVAC SYSTEMS HAVE BEEN UPGRADED AND REPLACED WITH HIGH EFFICIENCY UNITS BUT THE SYSTEMS AT CITY HALL, THE SENIOR CENTER, AND THE GOLF COURSE REPRESENT OPPORTUNITIES TO BOTH SAVE ENERGY AND GREATLY IMPROVE THE COMFORT OF THESE FACILITIES.

ENERGY CONSERVATION MEASURES

EXISTING CONDITIONS

THE CITY OF MIAMI SPRINGS'S BUILDINGS WERE CONSTRUCTED AT VARIOUS TIMES. THESE BUILDINGS HOUSE CITY DEPARTMENTS INCLUDING CITY MANAGER, POLICE DEPARTMENT, FIRE STATION, PUBLIC WORKS, SENIOR CENTER AND RECREATION CENTER. MOST OF THE BUILDINGS OPERATE FROM 6:00AM TO 6:00PM, FIVE DAYS PER WEEK.

CITY OF MIAMI SPRINGS'S CITY HALL IS APPROXIMATELY 40 YEARS OLD, TWO STORY AND 21,000 SQUARE FEET. THE CITY HALL OPERATES FROM 8AM-6PM MON-FRI.

THE SENIOR CENTER UTILIZES EFFICIENT TECHNOLOGY WITH SOME AGING HVAC EQUIPMENT. THIS FACILITY SERVES THE SENIOR CITIZENS OF THE COMMUNITY WITH LARGE COMMUNITY ROOMS.

THE RECREATION CENTER IS RELATIVELY NEW USING EFFICIENT TECHNOLOGIES WITH THE EXCEPTION THE GYM LIGHTING. THE RECREATION CENTER OPERATES 7 DAYS PER WEEK.

PRELIMINARY RECOMMENDED MODIFICATIONS

THE FOLLOWING RECOMMENDED CONSERVATION MEASURES REPRESENT A POTENTIAL SAVINGS OF \$42,587 IN ENERGY AND \$89,054 IN OPERATIONAL AND AVOIDED CAPITAL COSTS.

ECM	Electric Demand Savings (kW)	Electric Energy Savings (kWh)	Water Savings (kGal)	Annual Energy Savings	Operational Savings	Total Savings	Estimated Cost	Simple Payback
New Air Conditioning City Hall	421	97,428	-	\$9,680	\$24,000	\$33,680	\$960,000	
New Air Conditioners Senior Center	47	10,919	-	\$1,080	\$1,360	\$2,440	\$54,400	
New Air Conditioners Golf Course	76	22,751	-	\$2,052	\$4,624	\$6,676	\$184,960	
Rec Center Lighting Retrofit	147	59,280	-	\$4,881	\$1,257	\$6,138	\$41,904	
LED Street Lighting	1,487	289,470	-	\$24,894	\$55,813	\$80,707	\$512,502	
Total	2,177	479,847	-	\$42,587	\$87,054	\$129,641	\$1,753,766	13.5

NEW AIR CONDITIONING SYSTEMS AT CITY FACILITIES - THE FOLLOWING TABLE LIST THE UNITS THAT SHOULD

BE CONSIDERED FOR REPLACEMENT DUE TO THEIR REACHING THE END OF THEIR EXPECTED LIFE.

Building Number	Manufacturer	Model Number	Size (tons)	Efficiency (kW/Ton)
City Hall	Trane	RTAA 070A	70.0	1.17
City Hall	Carrier	50TFF012	10.0	1.33
Senior Center	Trane	Unknown	5.0	1.20
Senior Center	Goodman	Unknown	5.0	1.20
Golf Course	Carrier	50TJ-005	4.0	1.20
Golf Course	Carrier	50TJ-005	4.0	1.20
Golf Course	Carrier	38AKS-024	20.0	1.20
Golf Course	Carrier	38AK-012	10.0	1.30

CITY HALL UPGRADE TO VRV & NEW CEILINGS – INSTALL A NEW HVAC SYSTEM IN CITY HALL THAT WOULD USE VRV AIR HANDLING UNITS AND INSTALL NEW CEILING BELOW THE NEW DUCTWORK THROUGHOUT THE FACILITY. REMOVE THE EXISTING UNIT AIR HANDLERS FROM THE BUILDING TO REDUCE MAINTENANCE COST AND AVOIDED FUTURE CAPITAL COST TO REPLACE THIS EQUIPMENT AT THE END OF ITS EXPECTED LIFE. THE NEW SYSTEM WILL PROVIDE BETTER TEMPERATURE CONTROL WHILE SAVINGS SOME ENERGY.

RECREATION CENTER GYM LIGHTING RETROFIT – RETROFIT THE GYM HIGH BAY CURRENT 400 WATT METAL HALIDE FIXTURES WITH T-5 FLUORESCENT FIXTURES THAT ARE ENERGY SAVING AND MAINTENANCE REDUCING.

LED AND INDUCTION STREET LIGHTING – NEW LED AND INDUCTION STREET LIGHTING PROVIDES A GREAT OPPORTUNITY TO SAVE ENERGY AND MAINTENANCE COSTS. THESE NEW FIXTURES USE APPROXIMATELY HALF THE ENERGY THE EXISTING FIXTURES WITH AN EXPECTED LIFE OF 20 YEARS WITHOUT LAMP REPLACEMENTS. THIS GREATLY REDUCES THE MAINTENANCE REQUIREMENTS. ANOTHER BENEFIT IS THAT THE LED'S AND INDUCTION RETROFITS PRODUCE A WHITE LIGHT THAT PROVIDES BETTER COLOR RENDERING FOR BETTER VISIBILITY AT NIGHT.



DRAFT

City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, November 19, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:09 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best
- Councilman George Lob

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
- Planning and Zoning Director James H. Holland
- Golf Superintendent Sandy Pell
- I.T. Director Jorge Fonseca
- Deputy City Clerk Suzanne S. Hitaffer
- Clerical Assistant Elora R. Sakal

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: Students from Blessed Trinity Catholic School led the audience in the pledge of allegiance to the flag.

The audience participated.

Mayor Garcia presented baseball caps to the students who participated.

3. Awards & Presentations:

3A) Paperless Agenda i-Pad Instructions by I. T. Director Jorge Fonseca

I. T. Director Jorge Fonseca explained that before the meeting he gave a short demonstration on the iPad to show Council the new paperless agenda. The City Clerk's Office is doing a great job with quickly learning how to optimize the pdf files.

Mayor Garcia stated that the paperless agenda is going to be easier for everyone including the residents and if the residents still want a hard paper copy it will be available. The paperless agenda will save the City money and in turn save the residents money as well.

City Manager Gorland said that he plans to run the paperless agenda parallel with the normal agenda process for a couple of months until Council is ready to make a full commitment.

3B) Presentation by John Foy from USGA on Golf Conditions

John Foy from USGA stated that he is the Regional Director for South Florida. His last visit to the Golf Course was 1-1/2 years ago. Since his last visit there has been a big improvement with the irrigation system, but the Golf Course is still suffering from the installation. Due to the summer rainfall and cloud cover, it was not a good growing season for the grass; play and revenue was down and expenses were cut. He said that the basic resources must be available in order to grow healthy grass and control pests.

Mr. Foy stated that the putting greens are healthy and there should be no problems for the winter due to the proactive management and control of diseases by Golf Superintendent Sandy Pell. He said that the roots get shallow with a lot rain and improvement to surrounding areas of the putting greens is needed. He believes that the Golf Course greens should continue to be fertilized.

Mr. Foy added that there are both good and bad tees and he would recommend renovating and upgrading of the tees in order to get a smooth and level surface. The fairways have been an issue and the basic grass is 70-80 years old. He explained that fertilization and weed control is needed for the short term.

Mr. Foy commented that he will send a written report to the City. There are 200 total acres and 80 acres of fairways and the average golf course is 35-40 acres. He has suggested reducing the size of the fairways in order to cut costs. He noted that there is a new variety of Bermuda grass called Celebration that is better adapted for the needs of the golf courses in South Florida and the "no till" process is less disruptive. He mentioned that the 13th and 14th fairways are the weakest and he hopes to start with them this spring. Other suggestions Mr. Foy made were to reduce the shade problems, root pruning and replacing sand in the bunkers and hazards.

Mayor Garcia asked about reducing the fairways and if that would affect the play and Mr. Foy replied that the fairways are 40 yards wide; they can be reduced by approximately 35 yards and it would not penalize the golfers.

Councilman Best thanked Mr. Foy for his presentation.

3C) Proclamation – National American Indian Heritage Month

Vice Mayor Ator received a proclamation from Mayor Garcia proclaiming November as National American Indian Heritage Month.

Vice Mayor Ator commented that she is accepting this proclamation on behalf of the Daughters of the American Revolution (DAR) and it is going to be displayed in the Miami Springs Public Library.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 10-22-2012 – Regular Meeting

Minutes of the October 22, 2012 Regular Meeting were approved as written.

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

6. Reports from Boards & Commission

6A) 10-15-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes

Minutes of the October 15, 2012 Revitalization and Redevelopment Ad-Hoc Committee meeting were received for information without comment.

6B) 10-16-2012 – Education Advisory Board – Minutes

Minutes of the October 16, 2012 Education Advisory Board meeting were received for information without comment.

6C) 10-18-2012 – Historic Preservation Board – Minutes

Minutes of the October 18, 2012 Historic Preservation Board meeting were received for information without comment.

6D) 10-22-2012 – Board of Appeals – Minutes

Minutes of the October 22, 2012 Board of Appeals meeting were received for information without comment.

6E) 10-23-2012 – Ecology Board – Minutes

Minutes of the October 23, 2012 Ecology Board meeting were received for information.

Vice Mayor Ator commented that in regard to recycling, she would like for someone to advise the Ecology Board members that there is recycling at the Community Center because based on the minutes, they are under the impression that there is no recycling at the facility.

6F) 11-06-2012 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the November 6, 2012 Code Enforcement Board meeting was received for information without comment.

6G) 11-07-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the November 7, 2012 Architectural Review Board meeting was received for information without comment.

6H) 11-08-2012 – Board of Parks and Parkways – Minutes

Minutes of the November 8, 2012 Board of Parks and Parkways meeting were received for information.

Vice Mayor Ator commented that in reading the Board of Parks and Parkways meeting minutes regarding the Westward Drive bike path, she would like to attempt to not up-root trees for the project.

City Manager Gorland stated that the City can attempt to not up-root the trees but there is a certain amount of root pruning that must be done because cement needs to be poured at a specific width. Some trees are very close to the street, but as to the health of the trees, he understands that some trees may suffer but none should expire.

Vice Mayor Ator said that from previous discussions regarding the Westward bike path, she was under the impression that there was going to be minimal removal of trees.

City Manager Gorland explained that the only area that there was a question about was where the benches and shelters were going to be placed due to the bus stop requirements.

Mayor Garcia asked City Manager Gorland if he could follow up with Public Works Director Nash to find out what the difference is between what was discussed with him and the Board of Parks and Parkways.

6I) 11-15-2012 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the November 15, 2012 Historic Preservation Board meeting was received for information without comment.

6J) 11-22-2012 – Code Review Board – Cancellation Notice

Cancellation Notice of the November 22, 2012 Code Review Board was received for information without comment.

6K) 11-05-2012 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the November 5, 2012 Zoning and Planning Board was received for information without comment.

6L) 11-13-2012 – Recreation Commission – Minutes

Minutes of the November 13, 2012 Recreation Commission meeting were received for information without comment.

6M) 09-19-2012 – General Employees Retirement System – Minutes

Minutes of the September 19, 2012 General Employees Retirement System meeting were received for information without comment.

6N) 09-19-2012 – Police and Firefighters Retirement System – Minutes

Minutes of the September 19, 2012 Police and Firefighters Retirement System meeting were received for information without comment.

6O) 11-14-2012 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the November 14, 2012 Golf and Country Club Advisory Board meeting was received for information without comment.

6P) 11-05-2012 – Board of Adjustment – Approval of Actions Taken at their Meeting of November 5, 2012, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of November 5, 2012 were approved subject to the 10-day appeal period.

Vice Mayor Ator moved for approval. Councilman Best seconded the motion, which was unanimously carried on roll call vote.

Council sat as the Board of Appeals at 7:44 p.m.

The Mayor reconvened the City Council meeting at 8:03 p.m.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1040-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Updating the Five-Year Schedule of Capital Improvements of the City’s Comprehensive Plan as Mandated by Florida Statutes Sections 163.3177 (3) (b); Providing a Conflicts Clause and Severability Clause; Providing an Effective Date (First Reading: 10-22-2012 – Advertised: 11-01-2012)

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

Attorney Seiden stated that this is one of the Comprehensive Plan amendments that were proposed by the City consultants.

Planning and Zoning Director Holland commented that there was a change in Exhibit "A" that Councilwoman Ator had requested regarding a column reflecting the 2012-2013 fiscal year for informational purposes.

Vice Mayor Ator asked if the items that were in the 2012-2013 fiscal year column were in the budget and Assistant City Manager/Finance Director Alonso responded that he would like to defer this item to the next meeting because Exhibit "A" was not updated by the consultants.

City Attorney Seiden explained that Council can either pass the ordinance with the assurance that the schedule would be corrected or it can be brought back to the next meeting.

Mayor Garcia would like for this item to be brought back to Council at the next meeting.

The ordinance was tabled for a "second" first reading at the December 10th Regular Council Meeting.

8. Consent Agenda: (approved with one motion)

8A) Approval of the City Attorney's Invoice for October 2012 in the Amount of \$12,825.00

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8B) Recommendation that Council Approve Change Orders No. 4 & 5 to Carivon Construction Co., in the Amount of \$75,507.05, for the Work Described in List Attached for Completion of the Curtiss Mansion Project, Pursuant to Section 31.11 (F) (11) (c) of the City Code

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8C) Recommendation that Council Approve an Expenditure to Dell Marketing, L.P., Utilizing Florida State Contract # 250-000-09-1, in the Amount of \$6,433.56, for a File (LAN) Server to Accommodate Required Upgrades of the Police Computer Network, Pursuant to Section 31.11 (E) (5) of the City Code

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8D) Recommendation that Council Approve a Bid to Maroone Dodge of Pembroke Pines, Utilizing Florida Sheriffs Association Bid Award Announcement # 12-20-0905, in the Amount of \$71,205.00, for Three (3) Dodge Chargers Patrol Vehicles, Pursuant to Section 31.11 (E) (5) of the City Code

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8E) Recommendation that Council Approve a Bid to Peterson's Harley-Davidson of Miami, L.L.C. Utilizing Miami-Dade County Contract # 5206-5/14-4, in the Amount of \$22,186.34, for Two (2) 2013 Harley-Davidson Road King Motorcycles, Pursuant to Section 31.11 (E) (5) of the City Code

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8F) Recommendation that Council Approve a Change Order of \$1,325.00 to Metro Express for Additional Paving of the Area Around Bentley and Ludlam Drives, Pursuant to Section 31.11 (F) (11) (b) of the City Code

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8G) Request that Council Approve an Expenditure in an Amount not to Exceed \$12,000.00 to Gabriel Roeder Smith and Company, Actuaries (GRS), for Police Pension Plan Alternatives, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

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

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

9. Old Business:

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

Vice Mayor Ator (Group IV) **appointed** Todd Stiff as the alternate member to the Board of Adjustment for a three-year term ending on October 31, 2015.

Councilman Lob (Group III) **reappointed** Fredy Albiza to the Architectural Review Board for a two-year term ending on October 31, 2014.

Councilman Lob (Group III) **reappointed** Jacqueline Martinez Regueira to the Code Enforcement Board for a three-year term ending on September 30, 2015.

Councilwoman Ator asked if the Civil Service Board appointment is made on a rotating basis and City Attorney Seiden replied that the Civil Service Board has not met for approximately four election cycles.

10. New Business:

10A) Consideration of Request for Funding Movie Nights from All Angels Academy

On behalf of Mother Keedy, Mindy McNichols of 1471 Hammond Drive requested Council approval for the City to co-sponsor the All Angels Academy movie nights on the Circle by providing the necessary Police assistance. She explained that All Angels pays for the screen rentals and paid publicity.

Ms. McNichols explained that All Angels is in charge of setting up and taking everything down at the end of the event. She clarified that All Angels does not make a profit and the event is not a fundraiser. She said that All Angels enjoys holding the event for the community; it is very popular and many people attend.

Ms. McNichols stated that All Angels is asking for reimbursement of the Police officers for the Friday, November 17th movie night event.

Nery Owens of 332 Payne Drive said that she has a problem with a conflict of separation of church and state. The residents' tax dollars are being used for this event at approximately \$3,000 per Movie Night for the police reimbursement. The City has made many cuts during the budget process and she questioned why Council continues to support the event.

Mayor Garcia clarified that the City does not spend \$3,000 per Movie Night. He asked Assistant City Manager/Finance Director William Alonso what the amount is for the police officers per event.

Mr. Alonso replied that the funds come from the \$10,000 that was budgeted for Circle events and he believes that the total cost last year was less than \$3,000 for the Movie Night events.

To answer Ms. Owen's question, Mayor Garcia responded that Public Works does not clean up after the event. All Angels cleans everything after the event has ended.

Ms. Owens feels that \$3,000 is a lot to be spending and she believes that in all fairness, either all religions or none should be co-sponsored. She does not think that the City should co-sponsor any religions based on the United States Constitution in regard to separation of church and State.

Chief of Police Pete Baan stated that for past Movie Night events there have been three Police officers at \$35.00 an hour per officer and the event is normally four hours.

Mayor Garcia clarified that this was an item that Council approved in the budget. Movie Night is something that Council supports and All Angels was the religious institution that took on this event. He has asked other religious institutions if they were interested in hosting similar events and all of them replied that they were happy with the way All Angels was running the event and were not interested in taking on the task.

Mayor Garcia stated that All Angels welcomes other religious institutions to come and help and Blessed Trinity has helped in setting up and picking up after the event. He agrees with Ms. Owens that there should be a separation between church and State, although there is no mention of faith at the event. He would like to see Movie Nights continue no matter who is the host.

Councilman Lob said that Council set up the Circle funds to help promote activity at the Circle in the Downtown area. He has attended the Movie Night event and there is no discussion of faith and a lot of people who are not a part of All Angels attend the event.

Councilman Best appreciated Ms. Owens' review on this topic. He said that he is not of that religious persuasion of All Angels; however the fact that it is not a religious event is significant. He views it as an event for all members of the City. The safety issue of the Police officers is for the betterment of the City as well. He commended All Angels for wanting to host this event.

City Attorney Seiden clarified that Vice Mayor Ator will not vote on this item because she is the Chair person of the All Angels Board of Trustees. He said that if something religious was taking place during the event then it would be a different subject, but this is a City event and All Angels sponsors the event.

Vice Mayor Ator commented that last year during the budget process she suggested moving the Movie Night to another area but Council was happy with hosting the event on the Circle.

Councilwoman Bain moved to approve. Councilman Best seconded the motion, which was carried 4-0 on roll call vote with Vice Mayor Ator abstaining (CE Form 8B–Memorandum of Voting Conflicts attached)

10B) Request from Lino Ferrer Productions to Serve Alcohol in the Sosa Theater on Sunday, November 18, 2012 from 7:30 to 10:30 p.m.

City Manager Ronald K. Gorland stated that this is not a request for sale of alcohol but rather a party where they will be serving alcohol.

Lino Ferrer of 1470 N. W. 107 Avenue, Suite C, explained that there is not going to be any sale of alcohol. They will be serving wine and champagne for a celebration on Thursday, November 29th.

Mayor Garcia asked if the alcoholic beverages were going to be served inside of the theatre and Mr. Ferrer replied that they would be served outside in the lobby after a presentation that will take place in the Rebeca Sosa Theatre.

Councilman Best moved to approve. Councilwoman Bain seconded the motion, which was carried 5-0 on roll call vote.

10C) Resolution No. 2012-3566 – A Resolution of the City Council of the City of Miami Springs, Authorizing and Approving The Submittal of an Application for a 2012 Transportation Enhancement Program (“TEP”) Grant Administered by the State of Florida Department of Transportation; Authorizing Execution of the Required Grant Application Documentation by the Proper Officers and Officials of the City; Effective Date

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

Attorney Seiden stated that this is the alternative that would keep the program as a bike path and funds might be available within the five-year funding cycle at no match to the City and it would allow for the bike path project as opposed to the CITT funds.

Vice Mayor Ator moved to adopt the resolution. Councilman Best seconded the motion which carried 4-1 on roll call vote with Councilwoman Bain casting the dissenting vote.

10D) First Reading – Ordinance No. 1042-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-034, Installation of Central Air Conditioning and Heating Units, Pool Pumps and Equipment, and Sprinkler Pumps and Equipment; By Providing an Additional Site Location for the Placement of Such Equipment on Newly Constructed Properties and Clarifying That All Approved Locations Are Not to Be Within Required Setback Areas; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that he provided a provision for an additional location for new construction.

Vice Mayor Ator would like to amend the ordinance because of the problems that the City has had, but it could create the same problem as before which is that none of the architects looked at the code before they did their drawings. If the equipment is not within the seven foot setback, she does not understand why it would require placement in a niche.

City Attorney Seiden explained that the reason was because this is a way of further protecting the noise and view by having it recessed inside a niche. The ordinance is as clear as it can be and architects should be able to read and abide by the Code regulations.

Vice Mayor Ator was of the opinion that adding the niche to the ordinance would create more problems. She also would like to add language about requiring some foliage or landscaping.

City Attorney Seiden stated that the word “foliage” can be added to the ordinance in order to be more specific or it can be left the way it is and leave it to the discretion to the Planning Department.

Vice Mayor Ator wanted to make the ordinance as clear as possible so the City does not continue to have these issues.

Councilman Best suggested changing the language to “and/or” after the word “and” in order to satisfy any foliage or screening requirement. He mentioned that ordinances are passed by Council for the convenience of citizens and not the architects.

Vice Mayor Ator explained that prices for variance requests have increased and she would like for the process to be easier and clearer.

City Attorney Seiden said that he could add the word foliage into the ordinance if that is what Council would like to do.

To answer Mayor Garcia’s question, City Attorney Seiden responded that if a home is built without a niche, the homeowners have the right to get a variance, but it would not be approved without the granting of a variance.

Mayor Garcia asked what would be done if Council wanted to allow units or equipment on the outside of the side yard setback and City Attorney Seiden replied that the language would be eliminated from the ordinance.

Mayor Garcia said that what is being proposed is that as long as the equipment is within the outside of the side yard setback, it would be permitted even though they are not in a niche as long as it is enclosed or properly screened with foliage or another type of screening.

Councilman Best commented that he was unsure of what that proposal would solve and he feels that people would still come to request a variance. He does not believe that people would be able to get through the side yard without a niche.

Mayor Garcia stated that the units or equipment have to be on the outside of the side yard setback.

Councilman Best said that most properties would not qualify and Mayor Garcia replied that they would not be permitted but the homeowners have the right to get a variance.

City Attorney Seiden explained that most of the recent variances have been from properties that are approximately 20,000 square feet. If Council changes the ordinance to not require the niche, there will be more variance cases.

Vice Mayor Ator commented that Council is not saying that someone cannot create a niche, they are saying that it will not be required to create a niche as long as they are outside of the setback. She said that she spoke with Board of Adjustment Chairman Manny Pérez-Vichot and he was in favor of allowing units in the side yard.

Council directed City Attorney Seiden to create the new language for the ordinance and bring it back for another first reading at the next Council Meeting.

10E) First Reading - Ordinance No. 1043-2012- An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-roofs; By Deleting All References to the Two Year Sunset Provision Thereby Including Asphalt Shingles as an Approved Roofing Material for the City; Striking Subsection (H) of the Ordinance as Being Inappropriate and Outdated; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing An Effective Date

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

Attorney Seiden stated that he took the prior ordinance and struck out the language that was sun setting.

Councilman Lob moved to approve the ordinance on first reading. Councilman Best seconded the motion which carried 4-1 on roll call vote with Vice Mayor Ator casting the dissenting vote.

10F) First Reading – Ordinance No. 1044-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002, Definitions; by Clarifying and Updating the Definitions of Rear Yard [Subsection (C) (79)], and Side Yard [Subsection (C) (80)]; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

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

Attorney Seiden stated that he and Mr. Holland went over some of the definitions in order to make them easier to understand. He generally agrees with Planning and Zoning Director Holland, which is that regulatory conditions should not be included within the definitions and there is a good exception for what he left in the ordinance.

City Attorney Seiden explained that the first part of subsection 79 describes what a rear yard is. There are provisions in the code that deal with lot coverage both in the front and in the rear yard. It is not allowable to build in the rear yard if it exceeds a certain percentage and there was always an issue in defining it.

City Attorney Seiden explained the changes to some of the definitions in the ordinance.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Lob seconded the motion which carried 5-0 on roll call vote.

To answer Mayor Garcia's question, City Attorney Seiden stated that the front yard is from the building to the property line. If calculations are being based on green space, then cut outs are included as part of the total area and it is stated in the other part of the ordinance.

Mayor Garcia said that the reason for his question is because when homes install circular driveways or anything that is going to be paved, the ordinance discusses whether it is pervious or non-pervious which means that water has to be able to percolate through it.

City Attorney Seiden commented that the topic is dealt with within the ordinance because the ordinance was amended. There is a provision within that ordinance that explains total area.

Vice Mayor Ator clarified that it would not include the front porch or patio.

10G) First Reading – Ordinance No. 1045-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-164, Northwest 36th Street; By Removing Any and All References to the Required Participation of the City Architectural Review Board in the Design Review Process Mandated by the Ordinance; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

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

Attorney Seiden stated that this is a housekeeping measure. This ordinance eliminates the Architectural Review Board from the Design Review process.

Councilman Best moved to approve the ordinance on first reading. Councilwoman Bain seconded the motion.

Vice Mayor Ator believes this amendment is a bad idea and the Architectural Review Board is not very happy about this ordinance. She is going to vote no because she feels that the Architectural Review Board should be able to participate in the process.

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

10H) First Reading – Ordinance No. 1046-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-20, Establishment and Membership; by Revising the Membership of the City’s Memorial Committee to Meet Current Participation Availability; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that the Clerk’s office obtained information from the religious community by calling the churches to see if they were interested in serving on the Committee.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Best seconded the motion.

To answer Councilman Best’s question, City Attorney Seiden replied that the other churches did not reply. If they later show an interest then the City would be happy to include them.

The motion carried 5-0 on roll call vote.

10I) Recommendation from the Board of Parks and Parkways for the Yard of the Month for December and January

City Manager Gorland read the memorandum requesting Council approval of the recommendations from the Board of Parks and Parkways to designate 190 Shadow Way and 209 Chippewa Street as the Yard of the Months for December 2012 and January 2013 respectively.

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

10J) Code of Ethics and Citizens Bill of Rights

Vice Mayor Ator stated that she received documents at an Ethics Commission luncheon a couple of months ago when Doral Mayor J.C. Bermudez spoke on the Citizens’ Bill of Rights that is included in the Doral Charter. She believes that Council should consider putting a Bill of Rights on the ballot in April and passing an Ethics Ordinance.

City Attorney Seiden commented that a Bill of Rights is something to consider but Council should spend a lot of time on it. It is an interesting idea and the Code of Ethics was removed in Miami Springs because it was outdated. He suggested that Council should have a Special Meeting on the subject.

Attorney Seiden explained that the City of Doral was starting from scratch and it was easier to include it as a part of their Charter. It may be acceptable to the City to consider a Bill of Rights, but it could be an ordinance rather than a Charter amendment. He asked if Vice Mayor Ator would be in favor of creating it as an ordinance rather than a Charter amendment because the City would save the cost of a Charter Election.

Vice Mayor Ator replied that if the question was added to the ballot for the April election she does not believe that there would be additional costs.

To answer Vice Mayor Ator's question, City Attorney Seiden responded that the Clerk could call the Elections Department to find out the deadline for placing issues on the ballot for the April Election.

Councilman Best asked what the difference is between the State Form 6 and what the City is currently doing and City Attorney Seiden replied that Mayor Bermudez' attempt was to be a little more protective of certain procedures. Mayor Bermudez is adamantly opposed to involvement of personal business and government business and he wanted to avoid that at all costs.

City Attorney Seiden explained that Council should take the time to look at the Citizens Bill of Rights section which discusses truth in government, public records, minutes and ordinance register, right to be heard, right to notice, etc. He noted that it is really a procedure for good government.

Councilman Lob concurred with Councilman Best by asking how the City of Doral's Bill of Rights would be different from the City of Miami Springs' Bill of Rights and City Attorney Seiden responded that the idea is to formalize it and hold Council to a standard.

Mayor Garcia would like for Council to review the subject and bring back any questions for the next agenda. He would also like to get a response on the deadline for placing issues on the April ballot.

Vice Mayor Ator stated that there has been a certain amount of distrust of public officials and elected officials on this body and by putting standards in writing and placing the question on the ballot, it will show people in the electorate that it is important to Council.

11. Other Business:

11A) FY 2011-2012 Fourth Quarter Budget Status Report (Unaudited)

Assistant City Manager/Finance Director William Alonso reported that as stated in his memo, the City does not expect any significant adjustments to the numbers. The City came in at \$120,000 less than budgeted. The Golf Course loss is \$286,000 compared to \$414,000 last year due to revenues.

11B) Update to Proposed Fund Balance Designations

Assistant City Manager/Finance Director William Alonso stated that designations should be reduced by \$111,000. As shown in Attachment "A", there are certain commitments that cannot be changed such as the Country Club roof, the storage tank DERM issue, the Westward median and the funds to marcite the Community Center pool. Funds that can be reduced include the \$19,945 Senior Center building designation, the Downtown Revitalization of \$89,475 and the \$500,000 that is set aside for hurricane contingencies.

Mr. Alonso asked Council for guidance on where they wanted to reduce \$111,000 and if there are other items that they would like to re-designate. He provided Attachment "B" showing what the departments' future needs would be. He commented that as an example, if Council decided to do away with the Senior Center designation and the Downtown Revitalization it would account for approximately \$110,000 and the \$500,000 would be kept in hurricane contingency fund. Council can also leave the Senior Center designation and the Downtown Revitalization and remove \$100,000 from the hurricane contingency.

Mayor Garcia asked if Council was in favor of reducing the \$500,000 in hurricane contingency and none were in favor.

Councilman Best stated that it may be significant to think about utilizing \$100,000 of the \$500,000 hurricane contingency toward the reduction of the \$111,000.

Mr. Alonso said that if Council chose to remove the Senior Center designation and the Downtown Revitalization it would leave a shortage of \$1,500. There will be an update on the pool at the next Council Meeting.

Vice Mayor Ator moved to amend the balance designations by removing the Senior Center and the Downtown Revitalization in order to fund the excess deficit funds available. Councilwoman Bain seconded the motion.

Councilman Best explained that he can understand removing funds from the Downtown Revitalization but he does not understand applying this to a City asset which is something Council was told was necessary to finish quickly.

Vice Mayor Ator clarified that the Senior Center roof was repaired and the funds are additional funds that were left over.

City Manager Gorland stated that at one point there were more funds in the Senior Center designation before work was done because the intent was to build a second floor and expand the first floor. Most of the funds that were put aside have been spent on the Senior Center.

Councilman Lob suggested disbanding the Revitalization and Redevelopment Ad-Hoc Committee if those funds were going to be removed.

Mayor Garcia said that this is not an agenda item for discussing the disbandment of the Committee. He advised Council to take into consideration that just because a board does not meet or has not met, it does not necessarily mean that it needs to be disbanded.

Discussion ensued regarding disbandment of the Revitalization and Redevelopment Ad-Hoc Committee.

Councilman Best commented that the funds in the hurricane contingency have not been used for a long period of time. If a hurricane were to come, the Federal Emergency Management Agency (FEMA) would take care of the City anyway. He understands that it is insurance funds but he feels that 25% of it should be used to satisfy the requirement.

Councilman Lob said that in Councilman Best's favor, the City also has \$3.5MM specifically for contingency emergencies.

Mayor Garcia felt that residents would prefer using funds from the Senior Center designation and the Downtown Revitalization because having the hurricane contingency funds are more of a comfort and relief for residents in case of an emergency.

Vice Mayor Ator stated that it makes her very uncomfortable to move funds from the hurricane contingency fund especially in light of what happened in the last month across the eastern seaboard. The City is unprepared for a natural disaster both financially and emotionally.

The motion carried 4-1 on roll call vote with Councilman Best casting the dissenting vote.

11C) Consideration of Cancelling the Second December Meeting

City Manager Ronald K. Gorland stated that City Administration requests that Council consider canceling the second Council Meeting scheduled for December 24th.

Vice Mayor Ator moved to cancel the December 24, 2012 Council Meeting. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

City Manager Gorland noted that while this meeting is canceled, there may be two additional meetings within the coming weeks to give direction to the City Attorney for an ordinance and to then move that ordinance to a first reading. He will keep Council informed as needed. As of right now, the only information he has is the timeline if Council were requested to act by the Miami-Dade County Tax Appraisers Office.

Discussion ensued regarding the deadline that could not be met by the end of this month for the Senior Exemption Provision and an attempt that is being made to change the deadline date through the State.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

City Events

City Manager Gorland encouraged residents to check the website and tweets for upcoming events in the City.

Yoga in a Chair

City Manager Gorland advised residents to contact the Senior Center for more information on Yoga in a Chair.

Art Classes

City Manager Gorland reported that art classes for kids from ages 3 to 12 are still open and available every Tuesday afternoon at the Community Center. For more information contact the Community Center.

5K Turkey Trot

City Manager Gorland said that the 5K Turkey Trot was a blast with more than 60 participants. Free turkeys were given away in a drawing and his daughter received one that she is going to donate to the Senior Center. He reported that there will be another event in the Spring.

Hometown Holiday Shopping

City Manager Gorland reported that the Hometown Holiday Shopping month begins November 23rd through December 23rd.

Farmers Market

City Manager Gorland stated that the Farmers Market has been great and he encouraged everyone to visit the market at All Angels Academy every Saturday morning.

Seth Bramson

City Manager Gorland reported that well renowned historian and writer Seth Bramson will be at the Miami Springs Historical Museum on November 29th at 7:30 p.m.

Holiday Art Exhibit

City Manager Gorland said that the Holiday Art Exhibit will be in the City Hall Lobby and anyone interested should contact the Hibiscus Fine Arts Guild for more information.

Winter Concert

City Manager Gorland stated that Poinciana United Methodist Church is hosting a Winter Concert on Friday, December 7th from 5:00 p.m. to 7:00 p.m.

Classic Car Show

City Manager Gorland commented that the Classic Car Show is the largest show in South Florida and it will be held at the Circle on Saturday, December 8th from 6:00 p.m. to 10:00 p.m. The show will expand into the first block of Curtiss Parkway.

Christmas at the Gazebo

City Manager Gorland reported that Christmas at the Gazebo would begin with a parade on Saturday, December 15th at 5:30 p.m. and festivities at the Gazebo from 6:00 p.m. to 9:00 p.m. There will be snow and the sale of wristbands will be \$2.00 for residents and \$10.00 for non-residents beginning on Monday, November 26th.

Happy Thanksgiving

City Manager Gorland wished everyone a Happy Thanksgiving.

12C) City Council

Halloween

Vice Mayor Ator commented that Halloween went very well. She visited the Halloween event at the Community Center and it was nicely done and well organized.

Story Time

Vice Mayor Ator participated and enjoyed Story Time. She made hand turkeys with the kids.

Curtiss Mansion

Vice Mayor Ator mentioned that the Curtiss Mansion fence has been installed and it looks beautiful.

Woman's Club Christmas Party

Vice Mayor Ator reported that the Woman's Club is hosting their Christmas Party. Anyone interested in attending can R.S.V.P. to Carmen Tapp.

Holiday Tour of Homes

Vice Mayor Ator said that the Holiday Tour of Homes will be held on Saturday, December 29th.

Taste of the Springs

Vice Mayor Ator stated that the Taste of the Springs would be held on Sunday, February 10, 2013.

Breakfast with Santa

Vice Mayor Ator reported that the All Angels Breakfast with Santa would be held on Saturday, December 1st. Tickets will be \$7.00 in advance and \$9.00 at the door.

Turkey Trot

Vice Mayor Ator recognized her husband Bill Tallman for winning a bronze medal in the Turkey Trot.

Happy Anniversary

Vice Mayor Ator wished her husband Bill Tallman a Happy Anniversary.

Science Fair

Vice Mayor Ator recognized her oldest son for winning second place in the Science Fair for his project with football throwing.

Happy Thanksgiving

Vice Mayor Ator wished everyone a happy and safe Thanksgiving.

Junior Orange Bowl Pageant

Councilwoman Bain reported that she was fortunate enough to be at the Junior Orange Bowl Pageant at the Rebeca Sosa Theatre and the young ladies were phenomenal. Ashlyn Ray from Miami Springs won princess and Skylar Odin from Miami Springs won Miss Congeniality; they will be on the float at the Orange Bowl Parade.

Soccer Fundraiser

Councilwoman Bain stated that the Miami Springs/Virginia Gardens Soccer Club held their fundraiser at Woody's and it was a great success with many people attending.

Optimist Football

Councilman Lob commented that one of the Optimist Football teams went to the super bowl of their league and he is very happy for them.

Happy Thanksgiving

Councilwoman Bain wished everyone a blessed Thanksgiving.

Happy Thanksgiving

Councilman Best wished everyone a very happy and safe Thanksgiving.

Christmas Tree Sale

Councilman Lob reported that the Optimist Club is having their annual Christmas tree sale beginning Thanksgiving Day at 9:30 a.m. There is a coupon in the Gazette. The hours will be from 6:00 p.m. to 9:30 p.m. during the week and 9:30 a.m. to 9:30 p.m. during the weekend.

Happy Thanksgiving

Councilman Lob wished everyone a Happy Thanksgiving.

Prayers

Mayor Garcia asked that everyone keep City Clerk Magali Valls and her family in their thoughts and prayers for the passing of her sister.

Christmas Tree Sale

Mayor Garcia reiterated that the Christmas Tree Sale begins on Thanksgiving Day. He noticed over the years that many kids are participating and helping with the unloading of the Christmas trees.

Basketball Season

Mayor Garcia commented that the Basketball season is in full swing. There are a couple of age groups that are still available for registering.

Hometown Holiday Shopping

Mayor Garcia encouraged everyone to participate in the Hometown Holiday Shopping.

Johnny's Luncheonette

Mayor Garcia commented that Johnny's is doing a promotion that if someone shops in any Miami Springs' business and shows proof of receipt, they will receive a free ice cream or desert with their lunch purchase.

Junior Orange Bowl Pageant

Mayor Garcia said that the Jr. Orange Bowl Pageant was great and he appreciates the Junior Orange Bowl Committee for selecting the Community Center to hold the event.

Football Program

Mayor Garcia stated that the Football program is getting better every year. He thanked the Optimist Club for sponsoring the program.

Report Cards

Mayor Garcia commented that his son made straight A's at his new school, which is the AIE Charter School.

Turkey Trot

Mayor Garcia said that his son received second place in his age division at the Turkey Trot. He recognized the Recreation Staff and Director Omar Luna for a phenomenal job.

Happy Anniversary

Mayor Garcia wished his wife a Happy 12 Year Anniversary.

Happy Birthday

Mayor Garcia wished his wife a Happy Birthday.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:56 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as _____ during meeting of:

Transcription assistance provided by Suzanne S. Hitaffer and Elora R. Sakal.

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 **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, November 26, 2012, at 6:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 6:11 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best
- Councilman George Lob

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
- City Clerk Magalí Valls
- Clerical Assistant Elora R. Sakal

2. Invocation: Councilwoman Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Discussion of an Ordinance Granting Either a \$50,000 Senior Exemption or the Amount of the Assessed Value of the Property Up to \$250,000, as Passed in the Recent Referendum Amendment No. 11.

City Manager Gorland stated that the State requires that this be done by December 1st. It is not possible because of the normal ordinance reading period which is at least ten days. Miami-Dade Tax Assessors Office is working with the State to try to change the deadline. The City was urged to move forward in the event that the Tax Assessors will get the Minutes – City Council Regular Meeting

authority from State. He said that he does not know what the deadline is going to be yet.

Assistant City Manager/Finance Director William Alonso stated that the Property Appraiser's office has advised him to use January 1st as the deadline because that is the date that he needs the information by. Miami Springs is among one of the communities that has only the \$25,000 exemption. The Property Appraiser is awaiting a legal opinion from the State regarding what would happen to the \$25,000 exemption that the cities currently have if the cities do not enact the new ordinance by January 1st for the \$50,000 exemption.

Mr. Alonso explained that if Council wanted to move forward with the \$50,000 exemption then they would create the ordinance and turn it in by January 1st. If Council wants to remain with the \$25,000 exemption then they would have to wait until the Property Appraiser receives a legal opinion from the State.

City Attorney Jan K. Seiden said that it is certainly a major issue. He does not believe that Council has heard the passage of this ordinance having a negative impact upon already existing legislation. He would doubt that the State is going to take the position of removing the \$25,000 exemption if the City chose not to use the \$50,000 exemption.

City Attorney Seiden noted that in the body of the proposed ordinance on page two there are two exemptions that are being proposed for the cities to have authority to enact pursuant to Florida Statute 196.075 which is the codification of the constitutional amendment not only from this election but from the prior election in 1998. He read the two exemptions as follows:

"An exemption not exceeding \$50,000 to any person who has legal or equitable title to real estate, maintains their permanent residence on the property, is 65 or older, and whose household income does not exceed the income limitation."

"An additional exemption equal to the assessed value of the property to an owner who has title to real estate in Florida with a just value less than Two Hundred and Fifty Thousand (\$250,000) Dollars, has maintained permanent residence on the property for not less than 25 years, is 65 or older and whose household income does not exceed the income limitation."

City Attorney Seiden said that Council may choose one or both exemptions. The income limitation is set forth in Section 196.075 and that is \$20,000. On page three, an amount of \$22,693 was stricken out and the reason it is such an odd number is because the City of Miami Springs did not choose to enact the initial citizen exemption at the time that they were first eligible to do it. Within the body of the Florida Statute and the constitutional amendment, it says that the eligibility amount originates at \$20,000 and increases by a percentage of consumer price index each year.

City Attorney Seiden stated that Mr. Alonso had originally calculated the \$22,693 for the

opening minimum amount. It has been looked at internally and sent to the Property Appraiser and, as shown, the amount is going back to the original \$20,000 because Council is going to be enacting something from scratch.

City Attorney Seiden commented that he and City Clerk Valls have already corrected the ordinance. The provisions in paragraph (D) will be the 2013 tax roll instead of the 2014 tax roll. He said that Council has three options:

- To do nothing at this time as prior Council did when this other constitutional amendment was approved in 1998 and wait for a time when they feel that it would be appropriate to enact an additional amount up to the \$50,000.
- Council can direct that the ordinance be finalized for either the provision of the \$50,000
- Council can direct that the ordinance be finalized for the assessed value of up to \$250,000 or both.

City Attorney Seiden explained that if Council wanted to do this expeditiously, they would have to meet on Wednesday night without their attorney to pass it on first reading so that the City Clerk can advertise with enough time to place it on the agenda for second reading at the City Council Meeting of December 10th which would then allow the City to deal with the deadline of January 1st for the tax collector.

Councilman Best asked if the term “just” on page two of the ordinance in the second bullet point meant that it has to stay under \$250,000 and City Attorney Seiden responded in agreement.

To answer Councilman Best’s question, Mr. Alonso replied that the cost to the City of the additional \$25,000 would be approximately \$38,000 in loss of ad valorem taxes. There are a total of 218 seniors and 210 will be eligible.

Councilman Best clarified that if the 210 seniors are affected, \$38,000 would need to be made up for the next budget.

To answer Vice Mayor Ator’s question, Mr. Alonso replied that he does not know how many of the 210 seniors have maintained permanent residence on the property for not less than 25 years.

City Attorney Seiden clarified that on page two of the ordinance it states that either or both of the additional Homestead Tax Exemptions are allowed and the word “or” is between the two exemptions and can be removed.

To answer Mayor Garcia's question, City Attorney Seiden replied that if spouses are of different ages and both of their names are on the title, he believes that they would both have to be of age to be eligible.

Councilman Best moved to go to the \$50,000 for the seniors. Councilwoman Bain seconded the motion, which was carried 5-0 on roll call vote.

Council agreed to hold a Special Meeting on Wednesday, November 28th at 5:30 p.m.

4. Discussion and response to Dade County PBA Miami Springs Police Bargaining Unit counter proposal dated November 21, 2012.

City Manager Gorland read the memo regarding the counter proposal. He said that at this point he is looking for Council agreement with the PBA counter proposal and direction to prepare all the documentation that is required to execute this agreement as preliminarily agreed to by the union because they have to ratify what has been drafted.

City Attorney Seiden said that there needs to be a ratification vote. The proposed original language from Mr. Crosland regarding the DROP plan and the other provision was distributed to Council. If Council approves the counter proposal then there would be some acknowledgement that the City would absorb the cost. Mr. Linn will assist the City in preparing the necessary documentation required to be submitted to Tallahassee to request State approval to use the excess Chapter 185 funds as agreed upon with the PBA. The contract language will then be amended to provide the additional DROP language that has been proposed and he will create an ordinance to amend the DROP plan as provided in the documentation.

City Attorney Seiden stated that the deal would not be finalized until the second reading of the ordinance is complete.

Councilman Best asked if this would be to the City's advantage if Council was to succeed in moving forward and to the satisfaction to the PBA.

City Attorney Seiden replied that it is up to the Administration, but he believes that it is their plan. The Administration has done a good job in showing their position of not only wanting to do a short term solution to show their good faith to the Union and getting some kind of immediate relief. At the same time they did not shrink away from the philosophy of continuing negotiations in the future to get a new contract done.

Councilman Best moved to approve the counter proposal by the PBA and to direct Staff to move forward accordingly. Councilwoman Bain seconded the motion.

City Attorney Seiden clarified that the City will not move forward until final verification of ratification from the Union is received as promised to be given to the City by Friday.

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

5. Adjourn.

There being no further business to be discussed the meeting was adjourned at 6:37 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magalí 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.



DRAFT

City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Wednesday, November 28, 2012, at 5:30 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 5:38 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best

Absent: Councilman George Lob

Also Present:

- City Manager Ronald K. Gorland
- Chief of Police Peter G. Baan
- City Clerk Magalí Valls
- Clerical Assistant Elora R. Sakal

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: The audience participated.

3. First Reading – Ordinance No. 1047-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 97-05, Senior Citizen Additional Homestead Tax Exemption; by Providing a Revised Provision Authorizing Qualified Seniors to Apply for Additional Homestead Tax Exemption Benefits; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Manager Ronald K. Gorland read the ordinance by title.

Mr. Gorland stated that City Attorney Seiden prepared the necessary ordinance for the additional Homestead Tax Exemption.

Councilwoman Bain moved the item. Councilman Best seconded the motion.

Vice Mayor Ator noted that the ordinance has changed from what Council had previously discussed and she would like to speak with City Attorney Seiden regarding the issue. She will call him before the next meeting.

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

4. Adjourn.

There being no further business to be discussed the meeting was adjourned at 5:42 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magalí 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

CANCELLATION NOTICE

The Revitalization and Redevelopment Ad-Hoc Committee Meeting of November 19, 2012 has been canceled in advance.

Elora R. Sakal
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



Zoning and Planning Board

Cancellation Notice

The Zoning and Planning Board meeting of Monday, December 3, 2012 has been canceled in advance.

Elora R. Sakal
Board Secretary

cc: City Council
City Manager
City Attorney
City Planner
City Clerk
Zoning and Planning Board Members
Post



City of Miami Springs, Florida

Board of Adjustment

CANCELLATION NOTICE

The Board of Adjustment Regular Meeting of December 3, 2012 has been canceled in advance.

Elora R. Sakal
Board Secretary

cc: Mayor and Council
City Manager
Assistant City Manager/Finance Director
City Attorney
Planning and Zoning Director
Board of Adjustment Members
Post



**CITY OF MIAMI SPRINGS
FLORIDA**

**CANCELLATION NOTICE
CODE ENFORCEMENT BOARD**

The regular meeting of the Code Enforcement Board scheduled for Tuesday, December 4, 2012 has been cancelled in advance due to lack of cases to be heard.

Tex Ziadie

Tex Ziadie
Director-Building and Code Compliance Department

cc: City Clerk
City Manager
Code Enforcement Board Members by E-Mail
Post



City of Miami Springs, Florida

Architectural Review Board

CANCELLATION NOTICE

The Architectural Review Board meeting on Wednesday, December 5, 2012 has been canceled in advance.

Elora R. Sakal
Board Secretary

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Attorney
City Clerk
Planning and Zoning Director
Architectural Review Board Members
Post



City of Miami Springs, Florida

Recreation Commission

CANCELLATION NOTICE

The Recreation Commission meeting scheduled for Tuesday, December 11, 2012 has been canceled in advance.


Elora R. Sakal
Clerk of the Board

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Clerk
City Attorney
Recreation Commission Members
Golf Pro Mike Aldridge
Omar Luna, Recreation Director
Post



City of Miami Springs, Florida

Board of Parks and Parkways

CANCELLATION NOTICE

The Board of Parks and Parkways Meeting of Thursday, December 13, 2012 has been canceled in advance.



Elora R. Sakal
Board Secretary

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Attorney
City Clerk
Board of Parks and Parkways Members
Public Works Director
Post

CITY OF MIAMI SPRINGS



PLANNING AND ZONING
DEPARTMENT
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5034
Fax: (305) 805-5036

MEMORANDUM

To: Honorable Mayor Garcia and Members of the City Council
Via: Ronald Gorland, City Manager
From: James H. Holland, AICP
Planning and Zoning Director
Date: December 4, 2012
Subject: Schedule of Capital Improvements attached to Ordinance No.
1040-2012 as Exhibit A

Following the November 19, 2012 Council meeting, at the request Councilwoman Ator, I asked Jim LaRue to include an additional column to Exhibit A indicating the budgeted amount for capital improvements for FY 2012-2013. He responded that none of the line items meet the criteria for capital improvements, as defined by statute. His memorandum is attached.

It is my recommendation that Council adopts the Ordinance and Exhibit A, as it was originally presented and considered at First Reading.



Memorandum

To: James Holland, City Planner
From: James G. LaRue, AICP
Date: November 28, 2012
Subject: 2012-2013 5-year Capital Improvements Schedule

Capital Improvements that are required to be included on the 5-year Capital Improvements Schedule are those which must be purchased to maintain the state mandated level of service. A level of service must be maintained in the areas of drainage, sewer, potable water and solid waste removal with traffic and recreation being optional. Only the projects which directly maintain these services need to be included.

None of the budgeted items included on the attached 5-year capital expenditure 2012-2013 plan are required to be included in the state mandated 5-year Capital Improvements Schedule. Therefore, the prior 2012-2013 items included in the City's Comprehensive Plan's Capital Improvements Schedule will remain unchanged.

CITY OF MIAMI SPRINGS
FY 2012-2013 Budget
CAPITAL EXPENDITURE SUMMARY-ALL FUNDS

Department	Total Budgeted	Description of expenditure	
City Clerk	\$ 2,500	Fellowes Powershred Cross cutting shredder C-385C	2,500
			2,500
Building & Code	\$ 1,000	Computer and office equipment	1,000
			1,000
Recreation	\$ 15,618	Toro 3040 Field Rake/attachments	15,618
Police	\$ 119,200	Three marked units @ \$25,000.00/each	75,000
		Three sets of light bars, sirens, deck lights, corner strobe kits, cages (prisoner transport) @ \$5,000.00/set (including labor)	-
		One police motorcycles @ \$15,000.00/each	15,000
		Ten TASER w/TASER CAMs & extended 4-year warranties (\$1,420.00/ea)	14,200
			119,200
Public Works	\$ 2,500	2 HP OFFICE COMPUTERS	2,500
			2,500
Information Technology	\$ 11,500	PBX Phone server - redundant server for fail over	5,500
		Backup storage unit - NAS	4,000
		Trendmicro Enterprise antivirus system	2,000
			-
			11,500
LETf	\$ 26,000	Voice Recording System for Communications (phone/radio system)	20,000
		Computer/Technology Upgrades (laptop computers, monitors, printers, etc.)	6,000
			26,000
Elderly Services	\$ 6,000	New 3 Ton Air Conditioner Compressor (Library, Computer Rm, Food Prep Rm)	3,500
		Construct closet with louver doors around existing air handler in dining room	2,500
			6,000
Total	\$ 184,318	Total	\$ 184,318

These acquisitions will result in no impact on future operating costs of the city.

THE FOLLOWING DEPARTMENTS DID NOT HAVE CAPEX REQUESTS FOR NEXT FISCAL YEAR:

Finance
Human Resources
Planning
Golf

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

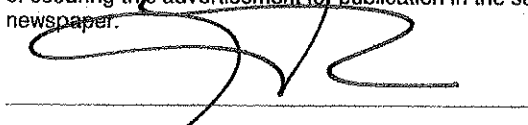
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF MIAMI SPRINGS - PUBLIC HEARING 12/10/12
RECOMMENDATIONS OF THE CITY LOCAL PLANNING AGENCY

In the XXXX Court,
was published in said newspaper in the issues of


11/29/2012

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



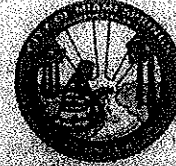
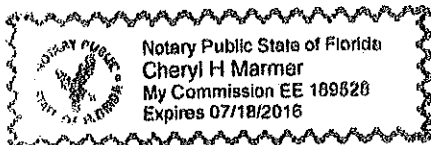
Sworn to and subscribed before me this

29 day of NOVEMBER, A.D. 2012



(SEAL)

MARIA MESA personally known to me



NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS TO CONSIDER THE RECOMMENDATIONS OF THE CITY LOCAL PLANNING AGENCY RELATIVE TO THE CONSIDERATION OF AMENDMENTS TO THE CITY COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Miami Springs will conduct a public hearing on the following ordinance related to the proposed amendment of the City Comprehensive Plan following receiving the recommendations of the City's Local Planning Agency relative to the proposed amendments:

SECOND READING — ORDINANCE NO. 1040-2012 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN, AS MANDATED BY FLORIDA STATUTES SECTIONS 183.3177 (3) (b); PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The public hearing will be held on Monday, December 10, 2012 beginning at 7:00 p.m.

The hearings will be held at the City of Miami Springs, City Hall, located at 201 Westward Drive, Miami Springs, FL 33166. All interested parties are encouraged to appear and be heard regarding the proposed Amendments to the Comprehensive Plan and may submit written or oral comments before or at the hearing.

A copy of the proposed Amendments will be available for public inspection at the City Clerk's office 201 Westward Drive, Miami Springs, FL 33166, between 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment, should contact the City Clerk's office at 305.805.5006, at least 48 hours prior to the meeting.

If any person decides to appeal a decision made in any matter considered at this meeting, such person may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

Magali Valls, CMC, City Clerk

11/29

12-3-166/1988163M

117.51

12-10-2012

ORDINANCE NO. 1040-2012



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTIONS 163.3177 (3) (b); PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, F.S. §163.3177 (3) (b) requires local governments to annually update its Five-year Schedule of Capital Improvements which is consistent with its Comprehensive Plan and may be accomplished by Ordinance rather than as an amendment to the Local Comprehensive Plan; and,

WHEREAS, the City Council, acting as the Local Planning Agency, held its duly advertised public hearing on October 22, 2012, reviewed the proposed Five-year Capital Improvements, and forwarded its recommendation to the City Council; and,

WHEREAS, the City Council held its required first public hearing on October 22, 2012, approving revisions to the Five-year scheduled Capital Improvements and will conduct the required second public hearing before adoption; and,

WHEREAS, the City Council is desirous of adopting the aforesaid Schedule of Capital Improvements to guide future development of the City and protect the public's health, safety and welfare;

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

Section 1: That the City Council of the City of Miami Springs hereby revises the Capital Improvements Element of its Comprehensive Plan by updating the Five-year Schedule of Capital Improvements (Five-year Capital Improvement Plan) attached hereto as Exhibit "A".

Section 2: That all Ordinances or parts of ordinances in conflict are hereby repealed insofar as they are in conflict.

Section 3: That if any part whatsoever of this Ordinance shall be held invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

Section 4: That this Ordinance shall become effective immediately upon its adoption.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

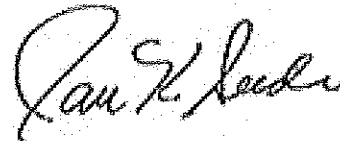
Vice Mayor Ator	" _____ "
Councilman Best	" _____ "
Councilwoman Bain	" _____ "
Councilman Lob	" _____ "
Mayor Garcia	" _____ "

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 10-22-2012
Second reading: 11-19-2012 Tabled
Second "second" reading: 12-10-2012

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

Exhibit A

CITY OF MIAMI SPRINGS CAPITAL IMPROVEMENT PLAN (5 YEARS)							
	SOURCE OF FUNDING	2012-13	2013-2014	2014-2015	2015-2016	2016-2017	Totals
GOLF COURSE							
Maintenance Equipment	Revenues	100,000	100,000	100,000	100,000	100,000	500,000
Carl Barn	Revenues	-	100,000	100,000	100,000	-	300,000
T-Boxes	Revenues	200,000	-	-	-	-	200,000
Renovate restrooms	Revenues	50,000	-	-	-	-	50,000
RECREATION							
Marcite Pool	Reserves	250,000	-	-	-	-	250,000
Pool Lighting Project	Reserves	35,000	-	-	-	-	35,000
Premier Fence at Prince Field	Revenues	-	30,000	-	-	-	30,000
Replace Water Fountains at Parks	Revenues	15,000	-	-	-	-	15,000
Replace Playground Surface at Prince/Pdove	Revenues	6,000	-	-	10,000	-	16,000
Replace Bleacher at Prince with Shade Structure	Revenues	-	-	80,000	-	-	80,000
Replace Mounds at Prince Field	Revenues	3,400	-	-	3,400	-	6,800
Irrigation on Ball Fields	Revenues	20,000	-	-	-	-	20,000
Bleachers at Stafford Park (Soccer Field)	Revenues	60,000	-	-	-	-	60,000
Shade Structures at Stafford for new and existing	Revenues	-	80,000	-	-	-	80,000
Replace Vita Course at Stafford Park	Revenues	-	75,000	-	-	-	75,000
Repave Vita Course Track	Revenues	-	30,000	-	-	-	30,000
Vita Course Lights	Revenues	-	-	165,000	-	-	165,000
5 Tier bleachers for Community Center	Revenues	-	-	16,000	-	-	16,000
Replace Heater at Pool	Revenues	50,000	-	-	-	-	50,000
Replace Sand Pro	Revenues	20,000	-	-	-	-	20,000
Laser Grade and Clay to Ballfields	Revenues	25,000	-	-	30,000	-	55,000
New Park Benches, Trash Receptacles and Picnic	Revenues	40,000	-	-	-	-	40,000
Replace Water Fountains at all Parks	Revenues	15,000	-	-	-	-	15,000
Re-sod Prince and Stafford Fields	Revenues	-	-	150,000	150,000	-	300,000
Re-Paint Concession Stands at Stafford and PD	Revenues	-	-	15,000	15,000	-	30,000
Replace Playground at Prince Field	Revenues	-	-	-	100,000	-	100,000
Resurface and Repaint Gym Floor w/ City Logo	Revenues	-	-	20,000	-	-	20,000
Resurface Gym Floor	Revenues	5,000	-	5,000	-	5,000	15,000
Replace Playground at Peavy Dove	Revenues	-	-	-	50,000	-	50,000
Replace Sand Pro	Revenues	-	-	-	10,000	-	10,000
Tables/Trash Receptacles at Dog Park and Tennis	Revenues	7,500	-	-	-	-	7,500
TOTAL GENERAL FUND		901,900	415,000	651,000	568,400	105,000	2,641,300
ELDERLY SERVICES							
Bldg Addition & Replacement of Sliding Glass Walls	Revenues	-	-	280,000	-	-	280,000
TOTAL SENIOR CENTER		-	-	280,000	-	-	280,000
ROAD AND TRANSPORTATION							
streetlight improvements	CITT Funds	100,000	100,000	100,000	100,000	115,000	515,000
street/sidewalk milling and resurfacing	CITT Funds	60,000	60,000	60,000	60,000	70,000	310,000
TOTAL ROAD & TRANS.		160,000	160,000	160,000	160,000	185,000	825,000
STORMWATER							
drainage/pump station improvements	Grant/Revenues	300,000	300,000	300,000	-	-	900,000
TOTAL ENTERPRISE FUNDS		300,000	300,000	300,000	-	-	900,000
TOTAL ALL FUNDS		1,361,900	875,000	1,391,000	568,400	105,000	4,646,300

Five Year Capital Improvement Plan

	<u>SOURCE OF FUNDING</u>	<u>2013-2014</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>Totals</u>
<u>RECREATION</u>							
Prince Field Lighting Project	Grant/Revenues	130,000					130,000
New Truck	Revenues		20,000				20,000
Perimeter Fence at Prince Field	Revenues	30,000					30,000
Replace Playground Surface at Prince/Pdove	Revenues			10,000			10,000
Replace Bleacher at Prince with Shade Structure	Revenues		80,000				80,000
Replace Mounds at Prince Field	Revenues			3,400			3,400
Shade Structures at Stafford for new and existing	Revenues	80,000					80,000
Replace Vita Course at Stafford Park	Revenues	75,000					75,000
Repave Vita Course Track	Revenues	30,000					30,000
Vita Course Lights	Revenues		165,000				165,000
5 Tier bleachers for Community Center	Revenues		16,000				16,000
Laser Grade and Clay to Ball Fields	Revenues			30,000			30,000
New Park Benches, Trash Receptacles and Picnic	Revenues	20,000				20,000	40,000
Community Center Paint	Revenues					50,000	50,000
Re-sod Prince and Stafford Fields	Revenues		150,000	150,000			300,000
Re-Paint Concession Stands at Stafford and PD	Revenues		15,000	15,000			30,000
Replace Playground at	Revenues			100,000			100,000

	SOURCE OF FUNDING	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Totals
Prince Field							
Resurface and Repaint Gym Floor w/ City Logo	Revenues		20,000				20,000
Resurface Gym Floor	Revenues	5,000		5,000		5,000	15,000
Replace Playground at Peavy Dove	Revenues			50,000			50,000
Replace Sand Pro	Revenues			10,000			10,000
Tables/Trash Receptacles at Dog Park and Tennis	Revenues	15,000				20,000	35,000
GOLF COURSE							
Maintenance Equipment	Revenues	100,000	100,000	100,000	100,000	100,000	500,000
Cart Barn	Revenues	100,000	100,000	100,000			300,000
T-Boxes	Revenues		60,000	60,000	60,000		180,000
Renovate restrooms	Revenues		40,000	40,000			80,000
TOTAL GENERAL FUND		585,000	766,000	673,400	160,000	195,000	2,379,400
ROAD AND TRANSPORTATION							
Streetlight improvements	CITF Funds	100,000	100,000	100,000	115,000	115,000	530,000
Street/sidewalk milling and resurfacing	CITF Funds	60,000	60,000	60,000	70,000	70,000	320,000
TOTAL ROAD & TRANS.		160,000	160,000	160,000	185,000	185,000	850,000
SANITATION							
New Sanitation Vehicles	Revenues				110,000	125,000	235,000
STORMWATER							
Vaccon truck	Revenues		200,000			200,000	400,000
Drainage/pump station improvements	Grant/Revenues	300,000	300,000				600,000
TOTAL ENTERPRISE FUNDS		300,000	500,000		110,000	325,000	1,235,000
TOTAL ALL FUNDS		1,045,000	1,426,000	833,400	455,000	705,000	4,464,400

ORDINANCE NO. 1043-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-010, ROOF MATERIALS, REQUIREMENTS, AND RE-ROOFS; BY DELETING ALL REFERENCES TO THE TWO YEAR SUNSET PROVISION THEREBY INCLUDING ASPHALT SHINGLES AS AN ADDITIONAL APPROVED ROOFING MATERIAL FOR THE CITY; STRIKING SUBSECTION (H) OF THE ORDINANCE AS BEING INAPPROPRIATE AND OUTDATED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, approximately two years ago, the then City Council amended Code Section 150-010 to provide a two year period to determine the feasibility of permitting asphalt shingles as an additional approved roofing material in the City; and,

WHEREAS, during the aforesaid period a number of City property owners have installed new roofs or re-roofed their homes using the newly permitted asphalt shingles; and,

WHEREAS, as the time is approaching (January 2013) for this two year feasibility and testing period to automatically “sunset”, the City Council has received documentation and testimony from the Building and Code Department Director regarding the results of the two year feasibility period and the current state and status of asphalt shingle products; and,

WHEREAS, in addition, the City Council has received many comments regarding the Building and Code Department’s support of adding asphalt shingles as an approved roofing material in the City; and,

WHEREAS, the City Council has conducted its own debate and discussion of the issues related to adding asphalt shingles as an approved roofing material in the City; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to allow the use of asphalt shingles as an approved roofing material in the City; and,

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

Section 1: That Code of Ordinance Section 150-010, Roof Materials, Requirements and Re-Roofs, is hereby amended as follows:

150-010. Roof Materials, Requirements and Re-Roofs.

(A) . . .

(B) . . .

(C) In addition to the other approved materials for new roofs contained in subsections (A) and (B) above, Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles may be used for the installation of new roofs ~~for a two-year period commencing on the date of the passage of this Ordinance. If no further City Council action is approved prior to the expiration of the aforesaid two-year period, the provisions of this subsection shall automatically “sunset” and become null and void at the end of the two-year period.~~

(D) . . .

(E) . . .

(F) . . .

(G) Re-roofs. Any roof cover that has outlived its bond shall be replaced. The replacement roof shall be constructed of the same roofing materials as was utilized on the roof being replaced. However, nothing contained herein shall prevent the replacement roof from being constructed of cement tile or clay tile. In addition, metal roofs can be utilized as replacement or re-roofs so long as the conditions set forth above for new construction metal roof usage are met. Further, in accordance with the provisions of Subsection (C) above, Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles may be used for re-roofs, ~~during the two-year "sunset" period provided therein.~~

~~(H) Gravel roof coverings shall be required for all roofs with a slope of one-half to two and one-half to 12.~~

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

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

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

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

ORDINANCE NO. 1044-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-002, DEFINITIONS; BY CLARIFYING AND UPDATING THE DEFINITIONS OF REAR YARD [SUBSECTION (C) (79)], AND SIDE YARD [SUBSECTION (C) (80)]; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, as a result of certain recent cases the City Planner, Building and Code Department, and other administrative officials of the city have had occasion to review the Code definitions of rear and side yards; and,

WHEREAS, the aforesaid reviews have resulted in various recommendations for the clarification and updating of the aforesaid Code definitions; and,

WHEREAS, although “regulatory provisions” are not normally included within provisions providing definitions, it is appropriate to include such “regulatory provisions” if such provisions are specifically separated from the definitions and such placement does not create interpretation issues for the definition; and,

WHEREAS, it was further agreed by the City Staff that the subject definitional provisions required updating; and,

WHEREAS, the City Council has been provided an explanation for the proposed clarification and updating of the subject definitions and determined that such actions are in the best interests of the City and its citizens; and,

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

Section 1: That Code of Ordinance Section 150-002, Definitions, is hereby amended as follows;

150-002. Definitions.

(A) . . .

(B) . . .

(C) The following words and phrases shall have the following meanings ascribed to them respectively:

(1) thru (78)

(79) Yard, rear. A yard extending across the rear of a lot, and being the required minimum horizontal distance between the rear lot line and the rear of the nearest part of the main building. ~~Eaves or overhangs may extend into any minimum rear yard setback, but shall not extend more than 30 inches into the minimum rear yard setback or closer than three feet to the rear property line. Stoops and steps may extend into any minimum rear yard setback, but shall not extend more than 36 inches into the minimum rear yard setback. No portion of a central air conditioning or heating unit shall be located in any minimum rear yard setback area. Window awnings and shutters may extend into any minimum rear yard setback. No other structures than those specifically permitted above shall be constructed or erected in any minimum rear yard setback. On all lots, the rear yard shall be that portion opposite and most distant from the front yard.~~

The rear yard shall be that portion of the lot that is opposite and most distant from the front yard. Despite the definition contained herein, for total rear yard area computation purposes only, the entire open and non-constructed areas behind the rear of the main building and extending to the rear lot line, shall be used for such calculations. The following shall constitute the only permitted encroachments into the minimum rear yard setback areas;

(a) Eaves and overhangs; not to exceed thirty inches into the minimum setback.

(b) Stoops and steps; not to exceed thirty-six inches into the minimum setback.

(c) Window awnings and shutters

(80) Yard, side. A yard between the main building and the side line of the lot, and extending from and between the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the nearest part of the main building. ~~Eaves or overhangs may extend no more than 30 inches into the minimum side yard setback, nor closer than three feet to the side property line. Stoops and steps may extend into any minimum side yard setback, but shall not extend more than 36 inches into the minimum side yard setback. Any portable air conditioning unit, whether installed through the wall or set into a window, may extend into the minimum side yard setback. Window awnings and shutters may extend into any minimum side yard setback. No other structures than those specifically permitted above shall be constructed or erected in any minimum side yard setback. It is contemplated that building indentations, niches, or~~

cutout areas may be provided adjacent within the side yards of properties and that such areas may constitute a part of the total side yard area, but shall not be permitted within the minimum side setback area. The following shall constitute the only permitted encroachments into the minimum side setback area;

(a) Eaves and overhangs; not to exceed thirty inches into the minimum setback, nor closer than three feet to any side property line.

(b) Stoops and steps; not to exceed thirty-six inches into the minimum setback.

(c) Window awnings and shutters

Section 2: all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

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

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

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

ORDINANCE NO. 1045-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-164, NORTHWEST 36TH STREET; BY REMOVING ANY AND ALL REFERENCES TO THE REQUIRED PARTICIPATION OF THE CITY ARCHITECTURAL REVIEW BOARD IN THE DESIGN REVIEW PROCESS MANDATED BY THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, in the application of Code Section 150-164 requirements to certain recently proposed projects for the District, it was determined that certain ordinance mandated procedures and processes were unnecessary; and,

WHEREAS, while the process of design review for development within the district was intended to be expedited and “developer-friendly”, the multi-level review process mandated by the District Boundary Regulations proved to be time consuming and duplicitous; and,

WHEREAS, it was determined by the City Administration and Staff that the review procedures designated for the Architectural Review Board could be adequately and more efficiently handled by the other review processes and parties already mandated within the ordinance; and,

WHEREAS, in addition to the foregoing, the jurisdiction and duties of the Architectural Review Board for design review of proposed projects for the 36th Street District have recently been amended out of the Board’s enabling legislation; and,

WHEREAS, in light of the foregoing, the City Council has determined that it is both necessary and proper that any and all references to the Architectural Review Board duties and responsibilities for development review be removed from the subject ordinance;

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

Section 1: That Code of Ordinance Section 150-164, Northwest 36th Street, is hereby amended as follows;

Section 150-164. Northwest 36th Street District

(A)

(B)

(C)

(D)

(E)

(F)

(G)

(H)

(I) *Development review procedures.* An application for development review shall be submitted to the City for processing. No construction or alterations governed by this ordinance may begin without such approval. There are two types of approval. These are outlined below:

- (1) *Review for projects not requiring City Council Approval.* The City Planner and City Building Official shall review all permit applications not requiring City Council approval such as accessory and minor structures such as fences, sheds, replacement of sign faces, new signage, exterior wall re-painting or re-roofing to ensure the improvements are in compliance with the Architectural Design Standards.
- (2) *Projects requiring formal review by the City Council.* The following formal approval process for the City shall apply to all new construction, remodeling and renovation projects.
 - (a) Optional informational and pre-application meeting with City Staff and Revitalization Specialist as described in (J).
 - (b) Mandatory preliminary review meeting with City Staff and Revitalization Specialist. The requirements of this meeting are described in (K).
 - ~~(c) The Architectural Review Board shall review the proposed plans and designs which have completed the mandatory preliminary review process and issue an opinion as described in Code § 32-100.~~
 - ~~(d)~~(c) Applications for variances, if any, shall be submitted to the City Board of Adjustment for review and consideration in accordance with the procedures set forth in Code § 150-110 through 150-113.
 - ~~(e)~~(d) The City Zoning and Planning Board will have the responsibility to review all site and development plans and to make recommendations for modification, approval or denial to the City Council in accordance with Code § 150-101 and 150-102.
 - ~~(f)~~(e) The decisions and recommendations of the City Board of Adjustment and Zoning and Planning Board will be reviewed for final approval by the City Council in accordance with the procedures set forth in Code § 150-113.

~~(g)~~(f) The City Council will authorize the preparation and issuance of a Development Order for each project application which has completed the Development Review Process.

(J)

(K)

(L)

(M)

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

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

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____, and
on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

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

ORDINANCE NO. 1046-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 32-20, ESTABLISHMENT AND MEMBERSHIP; BY REVISING THE MEMBERSHIP OF THE CITY'S MEMORIAL COMMITTEE TO MEET CURRENT PARTICIPATION AVAILABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the Memorial Committee of the City was previously established to provide participation by a diverse cross-section of City leaders; and,

WHEREAS, one of the Board membership positions was reserved for the President of the Minister's Council; and,

WHEREAS, the City has recently been advised that the Minister's Council no longer exists within the community; and,

WHEREAS, the City Council requested that the City Clerk's Office poll the various religious institutions in the City to determine if there was any interest in continuing to serve on the Memorial Committee; and,

WHEREAS, the City Clerk's poll of the City's religious institutions established that four (4) of the institutions wished to maintain a membership presence on the Committee; and,

WHEREAS, the City Council has determined that it is both proper and appropriate and in the best interests of the City to amend the membership structure of the Committee;

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

Section 1: That Code of Ordinance Section 32-20, Establishment and Membership, regarding the City's Memorial Committee is hereby amended as follows:

ARTICLE IV. MEMORIAL COMMITTEE

Sec. 32-20. Establishment and Membership

There is established a Memorial Committee whose membership shall be composed as follows:

~~(A) President Miami Springs Minister's Council~~

(A) Beginning on January 1, 2013, each of the following shall serve for consecutive one year terms on an annual rotating basis:

(1) Reverend or official delegate, All Angels Episcopal Church

(2) Pastor or official delegate, Grace Lutheran Church

(3) Pastor or official delegate, Vida Nueva Christian Ministries

(4) Pastor or official delegate, Iglesia Bautista Sion

(B)

(C)

(D)

(E)

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

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

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

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

ORDINANCE NO. 1047-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 97-05, SENIOR CITIZEN ADDITIONAL HOMESTEAD TAX EXEMPTION; BY PROVIDING A REVISED PROVISION AUTHORIZING QUALIFIED SENIORS TO APPLY FOR ADDITIONAL HOMESTEAD TAX EXEMPTION BENEFITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 3, 1998, voters of the State of Florida approved an amendment to the Florida Constitution providing for an additional amount of Homestead Exemption for qualified senior citizens; and,

WHEREAS, pursuant to the enactment of H.B. 291, now codified as Florida Statute Section 196.075, all County and Municipal governments were required to enact enabling ordinances in order for the additional Homestead Tax Exemption to be applicable within their respective jurisdictions for qualified persons 65 years of age or older; and,

WHEREAS, due to the potential financial impact of the additional Homestead Exemption on local government finances, many jurisdictions, including the City of Miami Springs, determined that such enabling legislation was not to be enacted at that time; and,

WHEREAS, although the financial impact of enacting such legislation on local government finances remained constant, the City Council remained cognizant of the impact of the rising costs of living on older citizens who subsist on fixed incomes, and enacted Code Section 97-05 in October of 2005 to authorize seniors to apply for the additional \$25,000 Homestead Tax Exemption; and,

WHEREAS, in the recent Presidential Election of 2012, the voters of Florida approved proposed Constitutional Amendment No. 11 which authorized the amendment of Florida Statute Section 196.075 to allow local government authorization of two (2) different additional Homestead Tax Exemptions for seniors; and,

WHEREAS, pursuant to the recently adopted Constitutional Amendment, Florida Statute Section 196.075 now authorizes local governments to adopt ordinances to allow either or both of the following additional Homestead Tax Exemptions, to wit:

- An exemption not exceeding Fifty Thousand (\$50,000) Dollars to any person who has the legal or equitable title to real estate, maintains their permanent residence on the property, is 65 or older, and whose household income does not exceed the income limitation:
- An additional exemption equal to the assessed value of the property to an owner who has title to real estate in Florida with a just value less than Two Hundred and Fifty Thousand (\$250,000) Dollars, has maintained permanent residence on the property for not less than 25 years, is 65 or older and whose household income does not exceed the income limitation; and,

WHEREAS, the City Council is desirous of fulfilling its mandate of providing all possible financial relief and assistance to qualified seniors residing in the City despite the continuing financial pressures being experienced by the City; and,

WHEREAS, the City Council has determined that it is both proper and appropriate to amend Code Section 97-05 in order to provide some additional financial assistance to the qualified seniors residing in the City:

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

Section 1: That Code of Ordinance Section 97-05, Senior Citizen Additional Homestead Tax Exemption, is hereby amended as follows:

Section 97-05 – Senior Citizen Additional Homestead Tax Exemption

(A) *Additional exemption established.* That in accordance with Section 6 (f) (d), Art. VII of the Florida Constitution and Section 196.075 of the Florida Statutes, any person 65 years of age or over, who has legal or equitable title to real estate located within the City of Miami Springs and maintains thereon his/her permanent residence, which residence qualifies for and receives Homestead Exemption pursuant to Section 6(a), Art. VII of the Florida Constitution, and whose household annual income does not exceed ~~\$22,693~~ Twenty Seven Thousand and Thirty (\$27,030) Dollars, shall be entitled to make application for an additional Homestead Exemption of ~~\$25,000~~ Fifty Thousand (\$50,000) Dollars. This additional Homestead Exemption, if granted, shall be applicable to all ad valorem tax millage rates levied by the City of Miami Springs.

(B) *Filing Requirements*.....

(C) *Waive of Exemption*.....

(D) *Applicable time of exemption.* That this additional exemption shall be available commencing with the year ~~2007~~ 2013 tax roll, and the Property Appraiser may begin accepting applications and sworn statements for the year ~~2007~~ 2013 tax roll as soon as the appropriate forms are available from the Department of Revenue for ~~2007~~ 2013.

(E) *Annual household income adjustment.* That commencing January 1, ~~2007~~ 2013, and each January 1st thereafter, the ~~\$22,693~~ Twenty Seven Thousand and Thirty (\$27,030) Dollars annual income limitation in this Section shall be adjusted annually and be applicable as of January 1st of that year. The annual income limitation shall be adjusted by the percentage of change and the average cost of living in the immediately preceding calendar year compared with the average cost of living index for the calendar year immediately prior to that year. As used herein, "*Index*", shall be the average of the monthly Consumer Price Index for the stated period, for the United States as a whole, issued by the U. S. Department of Labor.

(F) *Notification to Property Appraiser.* That the City Clerk shall deliver a certified copy of this Section to the Miami-Dade County Property Appraiser prior to ~~December 1, 2005~~ January 1, 2013.

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

Section 3: That this Ordinance shall take effect in the manner provided by law.

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this 10th day of December, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-28-2012
Second reading: 12-10-2012

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

The City of Miami Springs
Summary of Monthly Attorney Invoice
Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLLP

December 6 for November

<u>General Fund Departments</u>	<u>Cost</u>	<u>Hours</u>
Office of the City Clerk	2,466.45	18.27
Human Resources Department	1,078.65	7.99
Risk Management	294.30	2.18
Finance Department	823.50	6.10
Building, Zoning & Code Enforcement Department	1,420.20	10.52
Planning	372.60	2.76
Police Department	1,044.90	7.74
Public Works Department	33.75	0.25
Recreation Department	40.50	0.30
IT Department		0.00
Golf		0.00
Senior		0.00
General - Administrative Work	<u>4,629.15</u>	<u>34.29</u>
Sub-total - General Fund	\$12,204.00	90.40
<u>Special Revenue, Trust & Agency Funds</u>		
Golf Course Operations		0.00
L.E.T.F.		0.00
Due from Pension Funds		<u>0.00</u>
Sub-total - Special Funds	\$0.00	0.00
GRAND TOTAL: ALL FUNDS	\$12,204.00	90.40



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

TO: Honorable Mayor Garcia and Members of the City Council
FROM: Magalí Valls, City Clerk
DATE: December 5, 2012
SUBJECT: PENDING BOARD APPOINTMENTS

The following appointments are pending:

APPOINTMENT COUNCILMEMBER	CURRENT MEMBER	NEW TERM EXPIRES	ORIGINAL APPOINTMENT DATE	LAST APPOINTMENT DATE
<u>Board of Adjustment</u>				
Mayor Xavier M. Garcia	Francisco Fernández	04-30-2015	10-14-1991	11-28-2011
<u>Architectural Review Board</u>				
Councilman Best – Group I	Bob Calvert*	10-31-2014	VACANT	VACANT
Councilwoman Bain - Group II	Joe Valencia	10-31-2014	02-27-2012	02-27-2012
<u>Civil Service Board</u>				
Councilwoman Bain - Group II	Carrie Figueredo	06-30-2015	08-24-2009	08-24-2009
Councilman Best – Group I	Rob Youngs	06-30-2015	01-11-2010	01-11-2010
<u>Code Review Board</u>				
Mayor Xavier M. Garcia	Connie Kostyra*	04-30-2015	VACANT	VACANT
<u>Disability Advisory Board</u>				
Mayor Xavier M. Garcia	Charlene Anderson*	12-31-2013	VACANT	VACANT
Councilwoman Bain - Group II	Peter Newman*	12-31-2013	VACANT	VACANT
<u>Ecology Board</u>				
Councilman Lob– Group III	Dr. Mara Zapata*	04-30-2013	VACANT	VACANT

APPOINTMENT COUNCILMEMBER	CURRENT MEMBER	NEW TERM EXPIRES	ORIGINAL APPOINTMENT DATE	LAST APPOINTMENT DATE
<u>Golf and Country Club</u>				
Vice Mayor Ator – Group IV	Mark Trowbridge*	07-31-2013	VACANT	VACANT
<u>Recreation Commission</u>				
Councilman Best – Group I	John H. Shapiro*	04-30-2015	VACANT	VACANT

* Bob Calvert resigned on January 31, 2012.
Connie Kostyra resigned on April 28, 2011.
Charlene Anderson resigned on June 6, 2011.
Peter Newman resigned on August 1, 2009.
Dr. Mara Zapata resigned from the Ecology Board to become a member of the Education Advisory Board.
Mark Trowbridge resigned on August 20, 2012.
John Shapiro resigned on December 5, 2012.

cc: City Manager
Assistant City Manager/Finance Director
City Attorney
Affected Board Members

ORDINANCE NO. 1042-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-034, INSTALLATION OF CENTRAL AIR CONDITIONING AND HEATING UNITS, POOL PUMPS AND EQUIPMENT, AND SPRINKLER PUMPS AND EQUIPMENT; BY PROVIDING AN ADDITIONAL SITE LOCATION FOR THE PLACEMENT OF SUCH EQUIPMENT ON NEWLY CONSTRUCTED PROPERTIES AND CLARIFYING THAT ALL APPROVED LOCATIONS ARE NOT TO BE WITHIN REQUIRED SETBACK AREAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, since the amendment of Code Section 150-034 in 2006-2007 the mechanical equipment located outside of homes has been dramatically improved; and,

WHEREAS, the aforesaid equipment improvements have effectively reduced the operating “noise” of such equipment; and,

WHEREAS, it has also been determined that the location of such equipment provides energy saving consequences and more efficient equipment operation; and,

WHEREAS, a number of property owners of newly constructed homes have shown the inclination and desire to locate such equipment in specially designed side yard “niche” areas of the new structures; and,

WHEREAS, these special location areas lend themselves to the planting or installation of proper screening from the side yard areas of adjacent properties; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to expand the approved area for the location of mechanical equipment for newly constructed homes;

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

Section 1: That Code of Ordinance Section 150-034, Installation of central air conditioning and heating equipment, pool pumps and equipment, and sprinkler pumps and equipment, is hereby amended as follows;

Sec.150-034. Installation of Central Air Conditioning and Heating Units, Pool Pumps and Equipment and Sprinkler Pumps and Equipment.

(A) *Location Property-New Construction* - Central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment to be installed in conjunction with the construction of new residential structures may ~~only~~ be located in the rear yard area of the homesites- or in the side yard areas of homesites. All side yard location areas shall also be required to be properly obscured and screened from view by the planting of appropriate landscaping materials or the installation of fences, walls, or other appropriate and approved screening materials. Nothing contained herein shall permit the location of any equipment or screening materials within the required rear or side yard setback areas of the property.

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

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

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012 – Tabled
Second first reading: 12-10-2012
Second reading: 01-14-2013

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

Magali Valls

City Council Meeting of:

12-10-2012 

From: Magali Valls
Sent: Thursday, December 06, 2012 8:49 AM
To: Xavier Garcia; Councilwoman Jennifer Ator; Councilwoman Grace Bain; Councilman George V. Lob; Councilman Bob Best; Ron Gorland; William Alonso; Jan Seiden
Subject: Code of Ethics and Citizens Bill of Rights

I contacted the Miami-Dade County Elections Department last week regarding the deadline for placing a Charter amendment question on the ballot for the April 2, 2013 Miami Springs General Election.

A resolution would have to be adopted 60 days before the election, and before adopting it, we should ask the County Supervisor of Elections for her authorization to add the question to the ballot.

Magali Valls, CMC
City Clerk
City of Miami Springs
201 Westward Drive
Miami Springs, FL 33166
<http://www.miamisprings-fl.gov>
Phone: 305.805.5006
Fax: 305.805.5028
E-mail: vallsm@miamisprings-fl.gov



CITY OF MIAMI SPRINGS
Office of the Mayor and Council
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: 305.805.5006
Fax: 305.805.5028

Agenda Item No.

City Council Meeting of:

11-19-2012

Leo

J.A.

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Jennifer Ator, Vice Mayor

DATE: November 14, 2012

SUBJECT: **Code of Ethics and Citizens Bill of Rights**

Attached are two documents I received from J.C. Bermudez, Mayor of Doral, when I was at the Ethics Commission Luncheon a couple of months ago. Mayor Bermudez spoke on the Citizens' Bill of Rights that is included in the Doral Charter, and the Amended Ethics Ordinance, which was passed in August 2012. I found both documents interesting and believe that we should strongly consider putting a Bill of Rights on the ballot in April and passing an Ethics Ordinance. Both would need to be drafted by Counsel (Mr. Seiden) and the City Manager (Mr. Gorland).

It is unfortunate that the electorate does not trust the City Council. This type of legislation, which requires transparency and mandates ethical conduct, will go a long way towards earning some of that trust back.

Respectfully submitted

Vice Mayor Jennifer Ator

ORDINANCE #2012-22

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION _____ OF THE CITY CODE OF THE CITY OF DORAL ESTABLISHING AN ENFORCEMENT MECHANISM FOR THE CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2.07 of the City of Doral Charter requires the City Council to pass ordinance(s) that address a code of ethics; and

WHEREAS, the City of Doral adopted Ordinance 2012-16 which established a Code of Ethics; and

WHEREAS, that Ordinance required that enforcement mechanisms be established by separate Ordinance; and

WHEREAS, the enforcement mechanisms referred to are established in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Section _____ of the City Code of the City of Doral is hereby created to read as follows:

Section _____. Definitions.

(1) All terms used herein shall have the same meaning as those in Section 2-11.1 of the Miami-Dade County Code of Ordinances except for the following:

- a. A "city vendor" is a person and/or entity who has been selected by the city as the successful contractor on a present or pending solicitation for goods, equipment or services, or has been approved by the city on a present or pending award for goods, equipment or services prior to or upon execution of a contract,

purchase order, standing order, direct payment or purchasing card payment.

- b. The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren, spouses of a child or stepchild of the person involved.
- c. The term "Members of the Council" shall mean the Mayor and Councilmembers of the City of Doral.

Section _____. Ethics Training.

- (1) All Members of the Council shall attend an ethics training course offered by the Miami-Dade County Commission on Ethics and Public Trust at least once annually.
- (2) All lobbyists registered with the City shall attend an ethics training course offered by the Miami-Dade County Commission on Ethics and Public Trust at least once annually.

Section _____. Meeting with Unregistered Lobbyists Prohibited. Penalties

- (1) No Member of the Council, Charter Official or city employee shall meet with any person required to register as a lobbyist pursuant to Section _____ of the Miami-Dade County Code without verifying that the lobbyist has registered with the City Clerk.
- ~~(2) A Member of the Council found to have violated this Section shall be subject to the following penalties:
 - a. \$500.00 for the first violation.
 - b. \$1000.00 for the second violation.
 - c. \$1500.00 for the third and subsequent violations.~~
- ~~(3) A city employee found to have violated this Section shall be subject to disciplinary action consistent with the City policies as interpreted by the City Manager.~~
- ~~(4) A Charter Official found to have violated this Section shall be subject to discipline as determined by the City Council.~~

Section _____. Prohibited Outside Employment.

- (1) No entity may be a city vendor if a Member of the Council is an owner, director, employee, consultant for or has any financial relationship with the entity or a subcontractor of the entity.

- (2) No entity may be a city vendor if a Member of the Council's immediate family is an owner, director, employee, consultant for or has any financial relationship with the entity or a subcontractor of the entity.
- (3) The City shall have the right to immediately terminate, for cause, any contract with any city vendor in the event that a relationship in violation of this Section is discovered after the execution of the contract.

Section _____. Financial Disclosures of Candidates and Elected Officials.

- (1) Upon qualifying for any elected City office, any candidate for such office shall, in addition to all other disclosures required by State or County law, submit Form 6 of the Florida Commission on Ethics to the City Clerk.
- (2) All elected officials in office as of the Effective Date of this Ordinance shall submit Form 6 of the Florida Commission on Ethics to the City Clerk within 30 days of the Effective Date of this Ordinance.
- (3) Elected officials and Charter Officials shall submit Form 6 of the Florida Commission on Ethics to the City Clerk annually by July 1st of each calendar year, provided, however, that this section shall not apply to the City Attorney when the City Attorney is a law firm and not an individual.

Section _____. Prohibited Gifts from Vendors and Lobbyists.

- (1) A Member of the City Council, Charter Official, or City Employee, may not directly or indirectly, accept any gift, greater than twenty five dollars (\$25.00) in value, from any city vendor or registered lobbyist.

Section _____. Disqualification from serving as city vendor/lobbyist.

- (1) Definition. For purposes of this section, the term "disqualified" shall be defined to include:
 - (a) Termination of a city vendor/lobbyist's existing contract with the city, subject to the waiver provisions of subsection (5); and
 - (b) Disqualification of a response to solicitation requests for prospective city vendor/lobbyist contracts with the city, subject to the waiver provisions of subsection (5).
 - (c) For purposes of this section, "city vendor/lobbyist" status shall terminate upon completion of the agreement for the provision of goods, equipment or services.

- (d) For purposes of this section, the term "services" shall mean the rendering by a city vendor/lobbyist through competitive bidding or otherwise, of labor, professional and/or consulting services to the city.
 - (e) The term contribution shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented (copies available in city clerk's office).
- (2) Except as provided herein, any willing violation of this Ordinance by a vendor or lobbyist may lead to disqualification as defined in this Section.
 - (3) Waiver of prohibition. Conditions for waiver. The requirements of this section may be waived by a four-fifths vote for a particular transaction by city council vote after public hearing upon finding that:
 - (a) The goods, equipment or services to be involved in the proposed transaction are unique and the city cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or
 - (b) The business entity involved in the proposed transaction is the sole source of supply as determined by the City Manager; or
 - (c) An emergency contract must be made in order to protect the health, safety or welfare of the citizens of the city, as determined by a four-fifths vote of the city council; or
 - (d) A contract for the provision of goods, equipment or services exists which, if terminated by the city, would be adverse to the best economic interests of the city.
 - (4) Full disclosure. Any grant of waiver by the city council must be supported with a full disclosure of the subject campaign contribution.
 - (5) Applicability. This section shall be applicable only to prospective transactions, and the city council may in no case ratify a transaction entered into in violation of this section.

Section _____ ~~Doral Ethic Commission Created.~~

- ~~(1) By separate Ordinance, the City Council shall create mechanisms to enforce this Ordinance including, but not limited to, a Doral Ethics Oversight Board.~~

Section . Enforcement and Penalties.

- (1) The Miami-Dade Ethics Commission shall investigate alleged violations of this Section. The City Manager and the City Attorney shall negotiate with the Ethics Commission as to terms of enforcement and compensation. In addition to any penalties imposed by the Ethics Commission, violators of this Ordinance shall be subject to additional penalties as provided herein.
- (2) A Member of the Council found to have violated any section of this Ordinance shall be subject to the following penalties:
- a. \$500.00 for the first violation.
 - b. \$1000.00 for the second violation.
 - c. \$1500.00 for the third and subsequent violations.
- Any fine due by a Member of the Council shall be deducted from his or her stipend by the Finance Director at the direction of the City Manager. Such funds shall be refunded to the City's General Revenue Fund.
- (3) A city employee found to have violated this Section shall be subject to disciplinary action consistent with the City policies as interpreted by the City Manager.
- (4) A Charter Official found to have violated this Section shall be subject to discipline as determined by the City Council.
- (5) All alleged violations of this Section shall be reported to the City Clerk or the City Attorney who shall then be responsible for transmission of such allegations to the Miami-Dade Ethics Commission. In the event that the allegation is made directly to the Miami-Dade Ethics Commission, the Commission shall investigate the matter pursuant to its agreement with the City but shall inform the City Attorney of such allegations.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any

reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective after adopted on second reading.

INTENTIONALLY LEFT BLANK

The foregoing Ordinance was offered by Councilman Cabrera who moved its adoption. The motion was seconded by Councilman Boria and upon being put to a vote, the vote was as follows

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 22 day of August, 2012.

PASSED AND ADOPTED on SECOND READING this 19 day of September, 2012.



Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney

CITY OF DORAL

MUNICIPAL CHARTER

Notes from 2003 Charter Commission. The following are notes which are included in the Charter as directed by the 2003 Charter Commission.

1. For historical purposes, the Commission wishes to note the following. The members of the original Charter Commission were as follows:

Jerome Reisman, Chair

Ernesto Anton, Vice Chair

Alicia Casanova, Member

Morgan Levy, Member

Santiago Sellan, Member

The attorneys were Richard Jay Weiss and Gilberto Pastoriza, assisted by Michael Marrero and Tony Recio, of the law firm of Weiss Serota Helfman Pastoriza and Guedes, P.A.

PREAMBLE

We, the people of the City of Doral, in order to secure for ourselves the benefits and responsibilities of home rule, and in order to provide a municipal government to serve our present and future needs, and recognizing that the City exists for the purpose of providing for the health, education, safety and welfare of its citizenry, do hereby adopt this Charter. The City Council and all of its boards, committees, commissions and employees shall at all times conduct themselves in accordance with common courtesy and consistent with the Code of Ethics of the state of Florida and Miami-Dade County.

CITIZENS' BILL OF RIGHTS

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

(1) *Convenient Access.* Every person has the right to transact City business with a minimum of personal inconvenience. It shall be the duty of the Mayor, the City Council and the City Manager to provide, within budgetary limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the City.

(2) *Truth in Government.* No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

(3) *Public Records.* Records of the City, its boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public, to the extent required by law.

(4) *Minutes and Ordinance Register.* The City Clerk shall maintain and make available for public inspection a register separate from the minutes showing the votes of each Councilmember on all ordinances and resolutions listed by descriptive title. The register shall be available for public inspection not later than 60 days after the conclusion of the meeting at which action was taken.

(5) *Right to be Heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Council or City agency, board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public. The City Council shall adopt agenda procedures and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.

(6) *Right to Notice.* Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

(7) *No Unreasonable Postponements.* No matter, once having been placed on a formal agenda by the City, shall be postponed to another date except for good cause shown.

(8) *Right to Public Hearing.* Upon a timely written request from any interested party, and after presentation of the facts to and approval by the Council, a public hearing shall be held upon any significant policy decision which is not subject to subsequent administrative or legislative review and hearing.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his/her counsel shall be entitled to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The

decision of such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

(9) *Notice of Action and Reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any City administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

(10) *Managers' Report.* The City Manager shall periodically make a public status report on all major matters pending or concluded within his/her area of concern.

(11) *Budgeting.* In addition to any budget required by state law, the City Manager, at the direction of the Mayor, shall prepare a budget showing the cost of each department for each budget year. Prior to the City Council's first public hearing on the proposed budget required by state law, the City Manager shall issue a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefore, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

(12) *Quarterly Budget Comparisons.* The City Manager shall issue a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for the portion of the fiscal year that has elapsed.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C) All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida.

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.01. Corporate existence.

A municipal corporation known as the City of Doral (the "City") is hereby created pursuant to

the Constitution of the State of Florida (the "State") and the Home Rule Charter of Miami-Dade County (the "County"). The corporate existence of the City shall commence upon the adoption of this Charter.

Section 1.02. Form of Government

The City shall have a "Mayor-Council-Manager" form of government.

Section 1.03. Corporate Boundaries.

The corporate boundaries of the City are legally described as follows (the "Legal Description"):

A PORTION OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the Northeast corner of Section 8, Township 53 South, Range 40 East in Miami-Dade County, Florida, said corner also being the intersection of the Center line of NW 90 Street with the Center line of NW 97 Avenue; thence Westerly following the Center Line of NW 90 Street along the North line of said Section 8, said line being also the South boundary line of the Town of Medley, to the West boundary line of said Town of Medley and the Northwest corner of said Section 8; thence continue Westerly following the Center line of NW 90 Street, along the North line of Section 7, Township 53 South, Range 40 East, to the Northwest corner of said Section 7; thence continue Westerly following the Center Line of the NW 90 Street, along the North line of Section 12 in Township 53 South, Range 39 East, to the Easterly Limited Access Right-of-Way line of State Road No. 821 (Homestead Extension of Florida Turnpike) as shown on the Florida State Department of Transportation Right-of-Way Map Section 87005-2310 dated May 20, 1970; thence Southerly, along said Easterly Limited Access Right-of-Way line of State Road No. 821 through Sections 12, 13, 24, and 25 in Township 53 South, Range 39 East, to the point of intersection with the Center Line of NW 25 Street, said line also being the South line of said Section 25; thence Easterly following the Center Line of NW 25 Street along the South line of said Section 25 to the Southwest corner of Section 30, Township 53 South, Range 40 East; thence continue Easterly along the South line of said Section 30, said line also being the Northerly Right-of-Way line of the NW 25 Street Canal, to the point of intersection with the Center Line of NW 107 Avenue, said point also being the Southeast corner of said Section 30; thence Southerly following the Center Line of NW 107 Avenue along the West line of Section 32, Township 53 South, Range 40 East, to the Southwest corner of said Section 32; thence continue Southerly along the West line of Government Excess Lot 5 between Township 53 and 54 South, Range 40 East, to the Northerly Limited Access Right-of-Way line of State Road No. 836 (Dolphin Expressway Extension) as shown on the Florida State Department of Transportation Right-of-Way Map Section 87200-2521 dated May 17, 1971; thence Easterly, along said Northerly Limited Access Right-of-Way line of State Road No. 836 through said Government Excess Lot 5 and Government Excess Lot 4, and through Sections 33 and 34 in Township 53 South, Range 40 East, and through Government Excess Lot 3, to the Easterly Limited Access Right-of-Way line of State Road No. 826 (Palmetto Expressway) as shown on the Florida State Department of Transportation Right-of-Way Map Section 8726-101 recorded in Road Plat Book 72 at Page 61 of the Public Records of Miami-Dade County, Florida; thence Northerly, along the Westerly Limited Access Right-of-Way line of State Road No. 826 (Palmetto Expressway) through Sections 34, 27, and 22 in Township 53 South, Range 40 East,

to the Center Line of NW 58 Street; thence Westerly following the Center Line of NW 58 Street, along the North line of said Section 22 and the North line of Section 21, Township 53 South, Range 40 East, to the Northwest corner of said Section 21, said corner also being the intersection of the Center line of NW 58 Street with the Center Line of NW 97 Avenue; thence Northerly following the Center Line of NW 97 Avenue, along the East line of Section 17, Township 53 South, Range 40 East, and along the East line of said Section 8, to the Northeast corner of said Section 8, said corner also being the intersection of the Center line of NW 90 Street with the Center line of NW 97 Avenue, and the **POINT OF BEGINNING**.

The corporate boundaries are generally described as follows (the "General Description") and shown on the following map (the "Map"). In case of a conflict between the Legal Description, the Map and the General Description, the Legal Description shall govern.

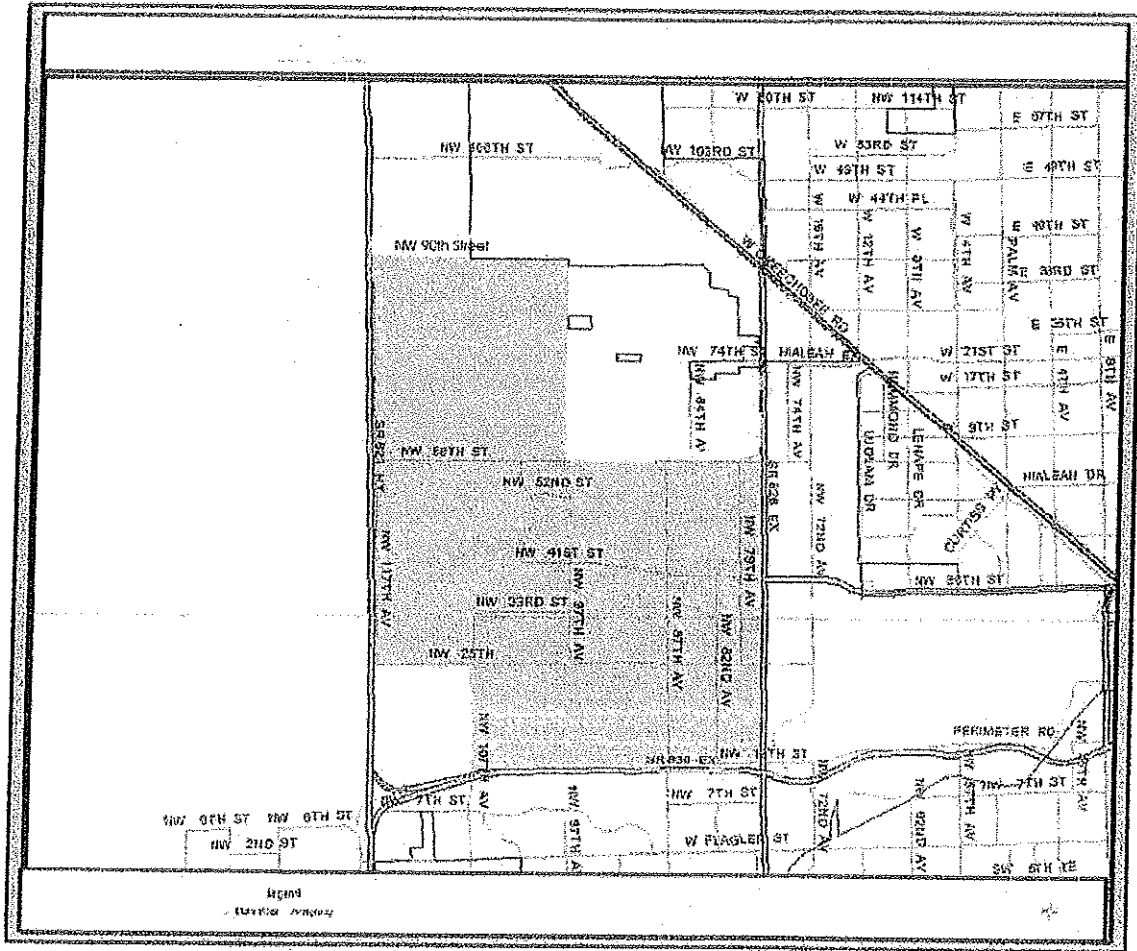
Northern Boundary: NW 90th Street between 97th Avenue and the Florida Turnpike and NW 58th Street between State Road 826 and NW 97th Avenue.

Eastern Boundary: NW 97th Avenue between NW 58th Street and NW 90th Street and State Road 826 between State Road 836 and NW 58th Street.

Southern Boundary: State Road 836 between State Road 826 and NW 107th Avenue and NW 25th Street between 107th Avenue and the Florida Turnpike.

Western Boundary: NW 107th Avenue between State Road 836 and NW 25th Street and the Florida Turnpike between NW 25th Street and NW 90th Street.

DORAL



CBI (Commercial, Business & Industrial)
 Residential

Section 1.04. Powers.

The City shall have all available governmental, corporate and proprietary powers and may exercise them except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the City that the municipal government established herein have the broadest exercise of home rule powers permitted under the Constitution and laws of the State.

Section 1.05. Construction.

This Charter and the powers of the City shall be construed liberally in favor of the City.

ARTICLE II. CITY COUNCIL; MAYOR.

Section 2.01. City Council

There shall be a City Council (the "Council") vested with all legislative powers of the City, consisting of four members ("Councilmembers") and the Mayor. Collectively, Councilmembers and the Mayor are "Members of the Council". Councilmembers shall occupy seats numbered 1 through 4 (individually each is a "Seat").

Section 2.02. Mayor and Vice Mayor.

(a) *Mayor.* The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:

- i) Recommend the appointment of a City Manager to the Council in accordance with Section 3.02 of this Charter.
- ii) Recommend the appointment of a City Attorney to the Council in accordance with Section 3.07 of this Charter.
- iii) Present "State of the City" and budgetary addresses annually.
- iv) May create and appoint subject to Council approval, committees of the Council which may include non-Councilmembers. The members of each committee shall select a chair.
- v) Be recognized as head of the City government for all ceremonial purposes, for purposes of military law, and for service of process.
- vi) Be the official designated to represent the City in all dealings with other governmental entities.
- vii) Execute contracts, deeds and other documents on behalf of the City as authorized by the Council.

(b) *Vice-Mayor.* During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the first Council meeting after each regular City election, or in any calendar year in which there is no regular City election, at the first Council meeting in the month of November, the Council shall elect a Councilmember as Vice-Mayor.

Section 2.03. Election and term of office.

(a) *Election and term of office.* Each Councilmember and the Mayor shall be elected at-large for four-year terms in the manner provided in Article V of this Charter.

(b) *Limitations on lengths of service.* For the purposes of determining length of service, a "Term" shall be defined as more than two years of service as a Councilmember. No person shall serve as Mayor for more than two consecutive elected terms. No person may serve as a Councilmember for more than two consecutive Terms.

Section 2.04. Qualifications.

Candidates for Councilmember or Mayor shall qualify for election by filing a written notice of candidacy with the City Clerk at such time and in such manner as may be prescribed by

ordinance (the "Qualifying Date") and payment of a qualifying fee of \$200 to the City Clerk. A person may not be a candidate for Councilmember and Mayor in the same election. Only electors of the City who have resided continuously in the City for at least two years preceding their Qualifying Date shall be eligible to hold the office of Councilmember or Mayor. If at the conclusion of the qualifying period no elector has filed or qualified for the position of Mayor or a particular Seat, then the qualifying period for Mayor or for that particular Seat shall be reopened for a period of five business days for qualification in the manner provided in this Section.

Section 2.05. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a Member of the Council shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law, or by forfeiture of his/her office.

(b) *Forfeiture of office.*

(i) *Forfeiture by disqualification.* A Member of the Council shall forfeit his/her office if at any time during his/her term s/he ceases to maintain his/her permanent residence in the City or otherwise ceases to be a qualified elector of the City.

(ii) *Forfeiture by absence.* A Member of the Council shall be subject to forfeiture of his/her office, in the discretion of the remaining Members of the Council, if s/he is absent without good cause from any six regular meetings of the Council during any calendar year, or if s/he is absent without good cause from any four, or three as to the Mayor, consecutive regular meetings of the Council, whether or not during the same calendar year.

(iii) *Procedures.* The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Council office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Member of the Council in question; provided, however, that any Member of the Council may at any time during any duly held meeting move to establish good cause for the absence of himself or any other Member of the Council, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Member of the Council whose qualifications are in question or who is otherwise subject to forfeiture of his/her office shall not vote on any such matters. The Member of the Council in question shall be entitled to a public hearing on their request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Any final determination by the Council that a Member of the Council has forfeited his/her office shall be made by resolution. All votes and other acts of the Member of the Council in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) *Filling of vacancies.* A vacancy on the Council shall be filled as follows:

(i) If the vacancy occurs in a Seat and six months or less remain in the unexpired term, the vacancy shall be filled by vote of the Council. If the vacancy occurs in the office of

Mayor, the vacancy in the Mayor's position and the temporary vacancy on the Council during service by the Vice Mayor as Interim Mayor, shall be filled as provided by subparagraph (iii) below.

(ii) If more than six months remain in the unexpired term of a Councilmember and the vacancy is not the Vice-Mayor's position when the Vice-Mayor is serving as Interim Mayor, the vacancy shall be filled by a special election to be held not sooner than 45 days or more than 90 days following the occurrence of the vacancy, unless there is a City, County, State or a national election scheduled to take place within 150 days, in which case the vacancy shall be filled by special election on the first such election date.

(iii) If the Mayor's position becomes vacant, the Vice-Mayor shall serve as Interim Mayor, with all powers of Mayor, until the next regularly scheduled federal, state, county, or City of Doral election. When the Vice Mayor becomes Interim Mayor, the Council, by majority vote shall appoint an interim Councilmember to fill the Vice Mayor's vacant seat only until the required election of the Mayor. The Council shall then select a new Vice-Mayor within thirty days of the Vice-Mayor becoming Interim Mayor. The Councilmember serving as Interim Mayor shall serve as Mayor until the newly elected Mayor is sworn into office. Should the Interim Mayor seek election as Mayor, he or she shall declare for such and resign his or her Council seat as required for candidacy eligibility requirements of Florida law. Should the Interim Mayor not seek election as Mayor, the Interim Mayor shall return to the position of Councilmember previously held to serve the remainder of his or her unexpired term if any.

(iv) Persons filling vacancies shall meet the qualifications specified in this Article II.

(v) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.

(vi) Notwithstanding any quorum requirements established in this Charter, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection (c).

(vii) In the event that all Members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint an interim Council who shall call a special election within not less than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the initial elections under this Charter; provided, however, that if there are less than six months remaining in any unexpired terms, those particular interim Members of the Council appointed by the Governor shall serve out the unexpired terms. Appointees shall meet the requirements for candidates specified in this Article.

Section 2.06. Compensation; reimbursement for expenses.

Councilmembers shall receive compensation in the amount of \$12,000 per fiscal year. The Mayor shall receive compensation in the amount of \$50,000 per fiscal year. The above

notwithstanding, the compensation for Councilmembers and the Mayor shall be adjusted each calendar year consistent with the Urban Consumer Price Index. The Council shall also receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized expenses incurred in the performance of their official duties.

Section 2.07. Code of Ethics/Rules of Procedure.

The Council shall pass ordinance(s) which address code of ethics and rules of procedures for the City Council and all of the City Boards. These ordinances may be amended from time to time as the Council deems in the best interest of the City.

Section 2.08. Naming of City Property/Facilities.

The City Council shall develop a procedure and criteria to be used in determining whether City property/facilities should be named after an individual and/or organization.

ARTICLE III. ADMINISTRATIVE

Section 3.01. City Manager.

There shall be a City Manager (the "Manager") who shall be the chief administrative officer of the City. The Manager shall be responsible to the Council for the administration of all City affairs.

Section 3.02. Appointment; removal; compensation of the Manager.

The Manager shall be nominated by the Mayor subject to confirmation by a majority of the Council. Once a selection for Manager has been submitted to the Council and rejected, that name may not be resubmitted to the Council by the Mayor without approval by a majority of the Council. The Manager may be removed at any time by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion. The term, conditions of employment, and compensation of the Manager shall be established by the Council.

Section 3.03. Powers and duties of the Manager.

The Manager shall:

- (1) Be responsible for the hiring, supervision and removal of all City employees;
- (2) Direct and supervise the administration of all departments and offices but not City boards or agencies, unless so directed by the Council from time to time;
- (3) Attend all Council meetings and have the right to take part in discussion but not the right to vote;
- (4) Ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;

- (5) Prepare and submit to the Council a proposed annual budget and capital program;
- (6) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Prepare such other reports as the Council may require concerning the operations of City departments, offices, boards and agencies;
- (8) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as s/he deems to be in the best interests of the City;
- (9) Execute contracts, deeds and other documents on behalf of the City as authorized by the Council;
- (10) Pursue the collection of all allowable fees and taxes and maximize financial revenues as necessary to sustain the City and the service levels set by the Council; and
- (11) Perform such other duties as are specified in this Charter or as may be required by the Council.

Section 3.04. Absence or disability of Manager.

To perform his/her duties during his/her temporary absence or disability, the Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of the failure of the Manager to make such designation, or should the person so designated by the Manager be unsatisfactory to the Council, the Council may by resolution appoint an officer of the City to perform the duties of the Manager until s/he shall return or his/her disability shall cease.

Section 3.05. Bond of the Manager.

The Council may provide by ordinance for the Manager to furnish a fidelity bond to be approved by the Council, and in such amount as the Council may fix. The premium of the bond shall be paid by the City.

Section 3.06. City Clerk.

(a) *Duties.* The Council shall appoint a City Clerk (the "Clerk"). The Clerk shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings and shall perform such other duties as the Council may prescribe from time to time. The Clerk shall report to the Council.

(b) *Appointment; removal; compensation.* The Council shall appoint the Clerk for an indefinite term. The Clerk may be removed at any time by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion. The compensation and benefits of the Clerk shall be fixed by the Council.

Section 3.07. City Attorney.

The Mayor shall nominate, subject to approval by a majority of the Council, an individual

attorney or law firm to act as the City Attorney under such terms, conditions, and compensation as may be established by the Council. The City Attorney shall report to the Council. The City Attorney may be removed by the Council at any time.

Section 3.08. Expenditure of City funds.

No funds of the City shall be expended except pursuant to duly approved appropriations.

Section 3.09. Competitive bid requirement/Purchasing.

Contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids or proposals, except as provided by law or in cases where the Council specifically determines that it is impracticable to do so.

Section 3.10. City boards and agencies.

Except as otherwise provided by law, the Council shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council. Members of boards and agencies shall be appointed by the Mayor subject to the approval of the Council. The Council by affirmative vote of a majority of its members may remove members of boards and agencies.

ARTICLE IV. LEGISLATIVE

Section 4.01. Council meeting procedure.

(a) *Meetings.* The Council shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or Manager or upon the call of three Councilmembers and upon no less than 48 hours' notice to each member and the public, or such shorter time as a majority of the Council shall deem necessary in case of an emergency affecting life, health, property or the public peace.

(b) *Rules and minutes.* The Council shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.

(c) *Quorum and voting.* Any three Members of the Council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading. Except as otherwise specially provided in this Charter, no action of the Council shall be valid or binding unless adopted by the affirmative votes of at least three Members of the Council. In the event that three or more Members of the Council are ineligible to vote on a particular matter due to required abstention pursuant to

Florida law, then the remaining Members of the Council may vote and approve such matter by unanimous vote.

(d) *Meeting time limits.* No meeting of the Council shall extend later than 11:00 p.m. except upon the affirmative vote of four Members of the Council present at the meeting.

Section 4.02. Prohibitions Authority.

(a) The City Manager may terminate Department Directors except if the Council, by 4/5 majority vote, disapproves said termination.

(b) *Appointments and removals.* Other than as expressly provided for in Section 4.02(a) of this Charter, neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his/her subordinates is empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with administration*

(i) Except for the purpose of inquiries and investigations made in good faith, the Council or its members shall deal with officers and employees of the City who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in City government operations by individual Members of the Council be made solely to and through the Manager. Members of the Council may discuss with the Manager any matter of City business; however, no individual Member of the Council shall give orders to the Manager.

(ii) A criminal conviction for willful violation of this Section shall be grounds for removal from office of any Member of the Council.

(d) *Holding other office.* No elected City official shall hold any appointive City office or employment while in office. No former elected City official shall hold any compensated appointive City office or employment until one year after the expiration of his/her term.

Section 4.03. Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be effected or authorized by ordinance, those acts of the Council shall be by ordinance which:

- (1) Adopt or amend an administrative regulation or establish, alter or abolish any City office, department, board or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;

- (3) Levy taxes or appropriate funds;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or grant administrative authority to set such charges;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands owned by the City; or
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.

Section 4.04. Emergency ordinances.

(a) *Authorization; form.* To address a public emergency affecting life, health, property or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances may not: enact or amend a land use plan or rezone private property; levy taxes; grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) *Procedure.* Upon the affirmative vote of four Members of the Council, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

(c) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) *Repeal.* Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the 61st day following its effective date, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

(e) *Emergency appropriations.* The Council may make emergency appropriations in the manner provided in this Section. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by affirmative vote of four Members of the Council, enact an emergency ordinance authorizing the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

Section 4.05. Annual budget adoption.

- (a) *Balanced budget.* Each annual budget adopted by the Council shall be a balanced budget.
- (b) *Specific appropriation.* The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

Section 4.06. Appropriation amendments during the fiscal year.

- (a) *Supplemental appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Council may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.
- (b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Manager that the revenues available will be insufficient to meet the amounts appropriated, s/he shall report to the Council without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The Council shall then take such action as it deems appropriate to prevent any deficit spending not covered by adequate reserves.

Section 4.07. Authentication, recording and disposition of ordinances; resolutions and Charter amendments.

- (a) *Authentication.* The Mayor or the Clerk shall authenticate by his/her signature all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- (b) *Recording.* The Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Clerk shall also maintain the Charter in current form as to all amendments.
- (c) *Availability of Enactments.* The Council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

Section 4.08. Tax levy and assessments.

The City shall have the right to levy, assess and collect all such taxes and assessments as are permitted by law, including without limitation ad valorem, excise, franchise or privilege taxes and taxes on services and utilities.

Section 4.09. Independent audit.

The Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers and shall be rotated at least every five years to a new certified public accountant or firm of such accountants. Residency in the City per se shall not constitute a direct or indirect interest.

ARTICLE V. ELECTIONS.

Section 5.01. Elections.

- (a) *Electors.* Any person who is a resident of the City, has qualified as an elector of the State and registers to vote in the manner prescribed by law shall be an elector of the City.
- (b) *Nonpartisan elections.* All elections for the offices of Councilmember and Mayor shall be conducted on a nonpartisan basis.
- (c) *Election dates.* An election shall be held in November of each even-numbered year, on the same day U.S. congressional elections are held, or if none are held in any year, on the first Tuesday following the first Monday of November of that year. A run-off election, if necessary, shall be held on the fourth Tuesday in November. The Council shall hold no meetings between the general election and the swearing in of newly elected or re-elected Members of the Council, except in case of an emergency affecting life, health, property, or the public peace.
- (d) *General election.* The ballot for the general election shall contain the names of all qualified candidates for Mayor if the Mayor's term is expiring and for each of the two Council Seats which are to be filled as a result of two Councilmembers' terms expiring, and shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each Seat. If any candidate for Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Mayor, and no run-off election for Mayor shall be required. If any candidate(s) for a Seat receive(s) a number of votes greater than 50% of the total number of ballots cast for that Seat, such candidate(s) shall be duly elected to the Council and no run-off election for that Seat(s) shall be required.
- (e) *Run-off election.* As applicable, the ballot for the run-off election shall contain the names of the two candidates for Mayor and the names of the two candidates for each Seat who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor and to cast one vote for each Seat. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate for each Seat receiving the most votes shall be duly elected to that Seat. If a tie vote occurs in the run-off elections between candidates for the office of Mayor or any Seat, the tie shall be decided by lot under the direction of the Clerk.
- (f) *Special elections.* Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with this Charter.

(g) *Single candidates.* No election for Mayor or any Seat shall be required in any election if there is only one duly qualified candidate for Mayor or for that Seat. The duly qualified candidate shall be deemed elected.

(h) *Absentee votes.* Absentee voting will be permitted as provided by the laws of the State and under such conditions as may be prescribed by ordinance from time to time; provided, however, that no ordinance shall limit the right to vote by absentee ballot available under State law.

(i) *Commencement of terms.* The term of office of any elected official will commence on the day following the general election, or if a run-off election is necessary for the office of Mayor or for any Seat open at that time, on the day following the run-off election.

Section 5.02. Initiative and referendum.

(a) *Power to initiate and reconsider ordinances.*

(i) *Initiative.* The electors of the City shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of officers or employees of the City.

(ii) *Referendum.* The electors of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of officers or employees of the City.

(b) *Commencement of proceedings.* A minimum of 25 electors may commence initiative or referendum proceedings by filing with the Clerk or other official designated by the Council an affidavit stating they will constitute the petitioners' committee (the "Petitioners' Committee") and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. The affidavit of the Petitioners' Committee shall be accompanied by a filing fee in an amount equal to the fee charged by the Circuit Court of Miami-Dade County for the filing of a complaint as of the date the initiative or referendum proceedings are commenced. Promptly after the affidavit of the Petitioners' Committee is filed, the Clerk may, at the Petitioners' Committee's request and expense, issue the appropriate petition blanks to the Petitioners' Committee. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the City Attorney prior to circulation.

(c) *Petitions.*

(i) *Number of signatures.* Initiative and referendum petitions must be signed by at least

10% of the total number of electors registered to vote at the last regular City election.

(ii) *Form and content.* All papers of a petition shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(iii) *Affidavit of circulator.* At the time of filing, each paper of a petition shall include as an attachment an affidavit executed by the circulator thereof stating that s/he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that s/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(iv) *Filing deadline.* All initiative and referendum petitions must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced.

(d) *Procedure for filing*

(i) *Certificate of Clerk; amendment.* Within 20 days after an initiative petition is filed or within five business days after a referendum petition is filed, the Clerk shall complete a certificate as to its sufficiency (the "Certificate"). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the Petitioners' Committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intent to amend the petition with the Clerk or other official designated by the Council within two business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of the Certificate. Such supplementary petition shall comply with the requirements of subsection (c) of this Section. Within five business days after a supplementary petition is filed, the Clerk or other official designated by the Council shall complete a Certificate as to the sufficiency of the petition as amended and promptly send a copy of such Certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under paragraph (ii) of this subsection (d) within the time required, the Clerk or other official designated by the Council shall promptly present the Certificate to the Council and such Certificate shall then be a final determination as to the sufficiency of the petition.

(ii) *Council review.* If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intent to amend it or if an amended petition has been

certified insufficient, the Petitioners' Committee may, within two business days after receiving the copy of such Certificate, file a request that it be reviewed by the Council. The Council shall review the Certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(e) *Action on petitions*

(i) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal, all in the manner provided in Article IV. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the City. If the Council fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph (i), the Council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the Council was authorized to act on such matter.

(ii) *Submission to electors.* The vote of the City on a proposed or referred ordinance shall be held not less than 30 or more than 60 days from the date the Council acted or was deemed to have acted pursuant to paragraph (i) of subsection (e) of this Section. If no regular election is to be held within the period described in this paragraph, the Council shall provide for a special election, except that the Council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(iii) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the City by filing with the Clerk or other official designated by the Council a request for withdrawal signed by at least four-fifths of the members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) *Results of election.*

(i) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If the proposed initiative ordinance fails, it or any ordinance that is substantially similar may not be submitted in accordance with this Article for at least one year from the date of election.

(ii) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

Section 5.03. Form of ballots.

A charter amendment, ordinance or other ballot issue to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice in accordance with state law.

ARTICLE VI. CHARTER AMENDMENTS.

Section 6.01. Procedure to Amend.

(a) *Procedure.* This Charter may be amended in accordance with the provisions of Section 5.03 of the Home Rule Charter of Miami-Dade County. The Council shall adopt an ordinance to implement this Article.

(b) *Results of election.* If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 6.02. Charter revision.

(a) *Charter Commission.* At its first regular meeting in November, 2008, and every fifth year thereafter, the Council shall appoint and fund a Charter revision commission (the "Charter Commission"). The Charter Commission shall commence its proceedings within 15 days after appointment by the Council. If the Charter Commission determines that a revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Council not later than April 1st of the year following appointment. The Council shall, not less than 60 days or more than 120 days after submission of the proposed amendments to the Council, submit the proposed amendments to the electors of the City in accordance with the provisions of Section 6.01.

(b) *Composition.* The Charter Commission shall consist of five electors residing in the City, one of whom shall have served as a member of the previous Charter Commission. Each Member of the Council shall appoint one elector to the Charter Commission.

ARTICLE VII. GENERAL PROVISIONS.

Section 7.01. Severability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or

part of section to which such holding shall directly apply.

Section 7.02. Variation of pronouns.

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent or intent of this Charter.

Section 7.03. Style and capitalization.

When a defined word is enclosed in quotes and in parentheses after the definition, that word shall be treated as a defined term in the remainder of this Charter, when capitalized.

Section 7.04. No discrimination.

The City shall not adopt any measure or policy or otherwise discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference or sex. The City shall not adopt any policy regarding the use of City facilities that would discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference or sex.

Section 7.05. Precedence over Related Laws.

In case of a conflict between the provisions of this Charter and the provisions of the City Code to be adopted pursuant thereto, the Charter terms shall control.

Section 7.06. Calendar day.

For the purposes of this Charter, a day shall mean a calendar day, unless otherwise specified.

ARTICLE VIII. TRANSITION PROVISIONS.

Section 8.01. Temporary Nature of Article.

The following sections of this Article are inserted solely for the purpose of effecting the incorporation of the City and the transition to a new municipal government. Each section of this Article shall automatically, and without further vote or act of the electors of the City, become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished. In cases of a conflict between this Article and the remainder of the Charter the provisions of this Article shall govern.

Section 8.02. Interim Governing Body.

After adoption of this Charter but prior to the election and acceptance of office of the first

elected Council, the governing body of the City shall be the Miami-Dade County Board of County Commissioners (the "County Commission"). In acting as the governing body for the City during this interim period, the County Commission shall provide all municipal services to the City but shall not make decisions which could reasonably be postponed until the election of the Council or which would materially alter or affect the status quo within the City boundaries. Once the Council is seated, notwithstanding the delivery of any services provided by virtue of Article IX of the Charter or any interlocal agreement with Miami-Dade County, it is understood that the Council shall make all decisions for the City.

Section 8.03. Interim Adoption of Codes and Ordinances.

Until otherwise modified or replaced by this Charter or the Council, all codes, ordinances and resolutions in effect on the date of adoption of this Charter shall, to the extent applicable to the City, remain in full force and effect as municipal codes, ordinances and resolutions of the City.

Section 8.04. Taxes and Fees.

Unless otherwise modified by the Council, all municipal taxes and fees imposed within City boundaries by Miami-Dade County as the municipal government for unincorporated Miami-Dade County, which taxes and fees are in effect on the date of adoption of this Charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assessed by the City.

Section 8.05. Initial Election of City Council and Mayor; 2003 Election.

(a) *2003 Election.* This Section shall apply to the initial general and run-off elections for the Council. The general and run-off election in 2003 shall be held pursuant to the election procedures set forth in this Charter except as follows:

(i) *Dates.* The general election shall be held on July 22, 2003. The first City run-off election, if necessary, shall be held on August 5, 2003.

(ii) *Qualification.* Candidates must qualify for election by filing a written notice of candidacy for Councilmember or Mayor (but not both) with the Miami-Dade County Elections Department (the "Elections Department"), before 5:00 p.m., June 27, 2003 (the "Notice of Candidacy"). The Notice of Candidacy shall be signed by the candidate and notarized and include the following:

- (A) a statement as to whether the candidate seeks the office of Councilmember or Mayor; if for Councilmember, a Seat 1-4 shall be designated;
- (B) the candidate's certification that s/he is a qualified elector of the State, is registered to vote in the City and that the person has resided continuously within the area comprising the City since June 27, 2001;
- (C) a check payable to the Elections Department in the amount of \$200.00 in

addition to any fees required by Florida Statutes, as a qualifying fee;

- (D) such other information or statement, if any, as may be required by the Election's Department.

(iii) The office of Mayor and four Seats will be filled.

(iv) The Mayor will be elected to a term expiring in November, 2008.

(v) Two Councilmembers shall be elected to terms expiring in November, 2008, as follows ("2008 Seats"):

- (A) In the event two or less candidates run without opposition ("Unopposed Candidate(s)") each Unopposed Candidate shall be elected to a 2008 Seat. In the event that there are more than two Unopposed Candidates, the candidates elected to a 2008 Seat shall be decided by lot at the initial Council meeting.
- (B) In the event that one or both 2008 Seats are not filled by Unopposed Candidates, the remaining 2008 Seat(s) shall be filled by those elected at the general election. In the event that more candidates are elected in the general election than 2008 Seat(s) remain to be filled, the 2008 Seat(s) shall be filled by the candidate(s) receiving the most votes in the general election.
- (C) In the event that the 2008 Seats are not filled by either Unopposed Candidates or in the general election, the remaining 2008 Seat(s) shall be filled by the candidate(s) receiving the most votes in the run-off election.
- (D) Ties shall be decided by lot at the first Council meeting.

(vi) The remaining two Councilmembers shall be elected to terms expiring in November, 2006.

(b) *Induction into Office.* In the event that a run-off election is unnecessary, those candidates elected at the initial election shall take office at the initial Council meeting, which shall be held at 7 p.m. on August 4, 2003 at the Doral Park Country Club, Main Building, 5001 N.W. 104th Avenue. In the event that a run-off election is necessary, those candidates elected at the initial election shall take office at the initial Council meeting, which shall be held at 7 p.m. on August 21, 2003 at the Doral Park Country Club, Main Building, 5001 N.W. 104th Avenue.

Section 8.06 Initial Expenditures.

Upon receipt by the City of its first revenues, the City shall immediately pay the invoices for utilities and for expenses, if any, incurred in the drafting and production of this Charter, including but not limited to invoices for secretarial services, photocopies, mailing and other

services authorized by the City's original Charter Commission.

Section 8.07. Fiscal Year and First Budget.

(a) *First Fiscal Year.* The first fiscal year of the City shall commence on the effective date of this Charter and shall end on September 30, 2003. The first budget shall be adopted on or before a date which is ten days after the date of the initial election of the Council. The first budget shall be adopted by resolution of the Council.

(b) *First Full Fiscal Year.* The first full fiscal year budget of the City for the fiscal year which commences on October 1, 2003 and ends on September 30, 2004, shall be adopted by resolution of the Council. The annual City budget for subsequent fiscal years shall be adopted by ordinance.

(c) *Contingency.* In the event that the Council is not elected and functioning in time to notify the County Property Appraiser of the proposed ad valorem tax millage rate and of the date, time and place of the first budget hearing of September 2003, for inclusion in the Property Appraiser's Section 200.069, Fla. Stat., notice to taxpayers, the Clerk of the Board of County Commissioners, as the Clerk of the interim governing body of the City, shall timely notify the County Property Appraiser of such information or the County Property Appraiser shall take notice of the provisions hereof. Accordingly, in such event only:

- (i) the proposed municipal millage rate, for consideration at the first budget hearing, shall be the same proposed millage rate which Miami-Dade County utilizes for the unincorporated municipal services area of Miami-Dade County (the "UMSA") for consideration at its first budget hearing of September, 2003; and
- (ii) the first of the two required budget hearings to be held in September, 2003, for the first full fiscal year of the City, shall be held in compliance with the time frames of Section 200.065(2)(c), Fla. Stat., on the first business day of the week commencing Monday, September 8, 2003, which date is not the date of the budget hearing for Miami-Dade County or for the Miami-Dade County School Board, and shall be held at 7:00 p.m. on such date at the Doral Park Country Club, Main Building, 5001 N.W. 104th Avenue.

(d) *Procedure.* The proposed and final ad valorem tax millage levy resolutions of the City, as required by Section 200.065, Fla. Stat., for the September 2003, budget hearings, may be adopted by resolution or by ordinance, as authorized by Section 200.065, Fla. Stat.

(e) *Conflict of provisions.* The provisions of this Section shall prevail over any conflicting provisions of this Charter concerning the levy of taxes or appropriation of funds.

(f) *Conflict with State law.* In the event that any of the procedures provided by this section conflict with the Florida Statutes, the Council is authorized to replace such conflicting procedures by ordinance.

Section 8.08. Transitional Ordinances and Resolutions.

The Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first Council meeting may be passed as emergency ordinances. These transitional ordinances shall be effective for a period of no longer than 180 days and thereafter may be readopted, renewed or otherwise continued only in the manner normally prescribed for ordinances.

Section 8.09. Interim Personnel

(a) The Mayor may, subject to Council approval, appoint an interim Manager and interim staff for a period not to exceed 180 days to serve until such time as a permanent Manager is selected and begins work.

(b) The Council may appoint an interim Clerk for a period not to exceed 180 days from the date of the appointment.

Article IX. Special Conditions

Section 9.1 Interlocal Agreements.

Within 180 days after the election of a municipal council, the City will enter into an interlocal agreement ("Interlocal Agreement") with Miami-Dade County to set forth contractual provisions establishing the municipality's relationship with Miami-Dade County to the extent required by the Charter.

Section 9.2 County Services.

The City shall remain a part of and receive services at least equal to the service level as of the date of approval of this Charter by the electors of the City, in perpetuity, from the:

- (1) Miami-Dade Fire Rescue District,
- (2) Miami-Dade Library System, and
- (3) Miami-Dade Solid Waste Collection Service Area.

Private trash collection in place on the date of incorporation within the residential and commercial areas of Doral will continue. The County's Department of Solid Waste Management will provide services to all new residential customers and continue serving existing customers.

Except as otherwise provided in this Article the County shall not have the right or ability to impair or infringe upon the functions and powers assumed by the City upon incorporation.

Section 9.3 Reserved.

Section 9.4 Local Patrol Police Services.

The City shall exclusively utilize the Miami-Dade Police Department for a specific level of patrol staffing for an initial period of three years. The utilization of the Miami-Dade Police Department for local patrol services may only be terminated for cause during this initial three (3) year period. Payment amounts and other pertinent items relating to the provision of local patrol services shall be set forth in a contract between the City and Miami-Dade County. Such contract shall also provide that "the initial three-year period" shall commence upon the execution of the Local Patrol Contract by all parties. At the end of the three (3) year period the City may elect not to renew the Local Patrol Contract at which point a transition period of no less than twelve (12) months will begin.

Section 9.5 Municipal Service Trust Fund.

The City agrees that Miami-Dade County may retain payments it would otherwise make to the City from fees collected by the County on behalf of the City to offset all or a portion of the amount due from the City to the MSTF.

Provide for payment of mitigation for fiscal year 2008-2009 due on or before September 30, 2009 and fiscal year 2009-2010 due on or before September 30, 2010 consistent with County Resolution 1268-08. No further payment of mitigation will be required after mitigation payment for fiscal year 2009-2010.

Section 9.6 Regulatory Control.

The local government comprehensive plan adopted by the City of Doral pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (the CDMP) as it may be amended from time to time, as applied to the sites listed below:

DEPARTMENT/FACILITY	LOCATION
MIAMI-DADE POLICE DEPARTMENT	
Training Bureau Metro Training Center	9601 NW 58 Street
MDPD Headquarters Complex	9105 NW 25 Street
Doral Station (District 3)	9105 NW 25 Street
MIAMI-DADE FIRE DEPARTMENT	
Training Complex	9300 NW 41 Street
MDFD Headquarters Complex	9300 NW 41 Street
Emergency Operations Center	9300 NW 41 Street
Doral Station	9710 NW 36 Street
Fontainebleau Station	8825 NW 18 Terrace
DEPARTMENT OF SOLID WASTE MANAGEMENT	

Disposal Facility	
Resource Recovery	6990 NW 97 Avenue

The Miami-Dade County Board of County Commissioners may revise this list of facilities from time to time.

Any use or activity allowed by the CDMP over the listed sites may not be limited or impeded in any way by the local government comprehensive plan adopted by the City of Doral. Jurisdiction over the listed sites for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any City of Doral code, charter, or ordinance provision to the contrary. So long as Miami-Dade County maintains jurisdiction over the matters set forth in this paragraph, Miami-Dade County shall pay the costs of providing the services described herein.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the City. The City shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County, any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any listed facility of countywide significance.

These Charter provisions shall be deemed self-executing.

Section 9.7 Continuing Obligations as to County Bonds.

The County has previously issued \$41,580,000.00 Stormwater Utility Revenue Bond Series 1999 (the "Stormwater Bond") of which \$ 38,805,000.00 remains outstanding as of May 1st, 2002, payable from stormwater utility fees collected in the unincorporated area and within a limited number of cities. The County assesses and collects the stormwater utility fee pursuant to Sections 24-61 through 24-61.5 of the County Code, as amended from time to time and Section 403.0893, Florida Statutes, as amended from time to time (the "Stormwater Utility Fees).

The County has issued \$77,640,000 Public Service Tax Revenue Bonds (UMSA Public Improvements) Series 1999 (the "Series 1999 Public Service Bonds") currently outstanding in the principal amount of \$71,295,000 and has issued an additional series of bonds in an amount not to exceed \$60,000,000 (the "Series 2002 Public Service Bonds") prior to the City's incorporation payable from Public Service Taxes (defined below) collected in the unincorporated area. The County receives a public service tax pursuant to Section 166.231, Florida Statutes, as amended from time to time, and as of October 1, 2001, from a discretionary communications tax assessed pursuant to Chapter 202, Florida Statutes and Section 29 of the County Code (collectively, "The Public Service Tax"). If required by the County within 180 days of the

adoption of this Charter, the City agrees to enact an ordinance, pursuant to Section 202.19, Florida Statutes, authorizing the levy of the discretionary services tax at a rate no less than the rate established by the County for communications services prior to the incorporation of the City.

The Stormwater Bonds, the Series 1996 Public Service Bonds, the Series 1999 Public Service Bonds, the Series 2002 Public Service Bonds, and any bonds issued in the future, provided that the City remains a part of the Stormwater utility system, that are secured either through Stormwater Utility Fees or Public Service Taxes ("Fees and Taxes") are referred to collectively in this Section as the "Bonds".

The City agrees that until the Bonds are retired the County shall have the right to receive and apply to debt service on the Bonds all of the Fees and Taxes collected within the unincorporated area and within the boundaries of the City. After the County has paid or satisfied the monthly debt service requirements on the Bonds, the County shall make a payment to the City, equal to its share of the remaining Fees and Taxes on deposit with the County. The City's share shall be all Fees and Taxes collected within the City annually minus its Debt Service Share. The City's Debt Service Share is determined by expressing the Fees and Taxes collected within the City at the time of incorporation as a percentage of the total Fees and Taxes collected within the unincorporated area at the time of incorporation and any municipalities incorporated after 1998 and apply that percentage to the total annual debt service on the Bonds. The City may prepay its proportionate share of the aforementioned bonds at any time during the life of the bonds with out penalty.

The intent of this section is to ensure that the City continues to collect revenues on behalf of the County which were collected by the County prior to the incorporation of the City and which were pledged and relied upon to pay for capital improvements provided by the County to the then existing unincorporated area to the benefit of the City.

Section 9.8 Favored Nation Status.

County Services

If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol police services, the City will be entitled to modify its relationship with the County, so that the city will not be required to receive that particular service from the County. Both parties also agree that if a subsequent incorporation of any area is approved without conditions outlined in this agreement, and those terms would be beneficial to the City of Doral, the terms under this Charter will immediately be replaced with the terms granted to the subsequent, new, municipality (the "Most Favored Nation Status"). It is provided, however, that the Most Favored Nation Status shall not apply to mitigation payments into the Municipal Services Trust Fund, nor apply to any requirement to separately contract or pay for the provision of specialized police services.

The provisions of this section, apply only to the service or services modified, and in no way alter

the agreement regarding the remaining services.

Section 9.9 Rights of the City.

The City will be granted all rights powers and privileges afforded to all municipalities and provided under the general laws of the State of Florida subject only to the restrictions placed upon it by this Charter. The City will receive all other municipal revenue sources such as utility taxes including those that the County by right or may otherwise retain, such as the franchise fees, and will continue to receive all services that are provided to cities under the countywide budget.

Section 9.10 Modifications.

Any modifications to Article IX will require:

- (1) All approvals normally required by the municipal charter, and
- (2) Approval by 2/3rds of the total membership of the Miami-Dade County Board of County Commissioners.

Ron Gorland

~~City Council Meeting of:~~

12-10-2012

From: Susan's Email [widgetb@aol.com]
Sent: Wednesday, November 28, 2012 9:52 PM
To: Ron Gorland
Subject: Re: Request to be put on the Dec.10 Agenda

I'm sorry that wasn't very clear the way it reads. I'm requesting a total \$300.00. It's approximately \$154 for the mulch and \$149 for the sand.

Thank you,
Susan Baan

Sent from my iPad

On Nov 28, 2012, at 3:58 PM, Ron Gorland <gorlandr@miamisprings-fl.gov> wrote:

Will do. BTW, is your request for a total \$300 or total \$600?

Thanks,

Ron

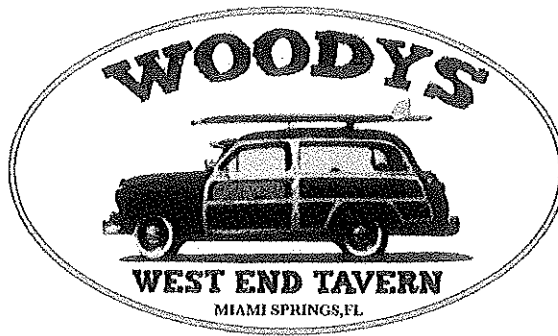
From: WidgetB@aol.com [mailto:WidgetB@aol.com]
Sent: Wednesday, November 28, 2012 3:47 PM
To: Ron Gorland
Subject: Request to be put on the Dec.10 Agenda

Mr. Gorland,

I am requested to be placed on the Council Meetings Agenda for December 10th. I am the PTSA President of the Miami Springs Middle School and would be requesting \$300 for 3 cu. yds. each of mulch and sand for our "Art for the Sky" project that will be taking place on Dec. 11-13th.
Thank you,

Susan Baan
Miami Springs Middle School PTSA President
(305)-302-0546
MSMSPTSA@Ymail.com
[Miami Springs Middle PTSA](#)

Miami-Dade County Council
PTA/PTSA
Membership Chair
everychild.onevoice.org
www.dccptaptsa.org



November 20, 2012

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

Agenda Item No.
City Council Meeting of:
DEC 10, 2012

RE: NEW YEARS EVE

Dear Mr. Gorland,

Woodys West End Tavern is formally requesting the City of Miami Springs close Flager Drive from Payne Drive on the north to Linwood Drive on the south on Monday, December 31, 2012.

We have been approached by the Miami Springs Historical Society President Tom Snook in order to produce a fundraiser benefitting the Miami Springs Historical Society. We believe that currently there is not an official Miami Springs/ Virginia Gardens New Years Eve Celebration. We would like to produce an event where the local residents can come and celebrate the New Year in a local environment.

The outdoor event would begin at approximately 6PM and end at 1AM. As usual we will have music playing from a stage and we would like to have a small fireworks display at midnight. The two special requests would be to allow for a small fireworks display at midnight and allow the music to be played until at least 12:30 AM in order for the residents attending to celebrate the New Year.

As usual we will have portable toilets and the area will be cleaned after the event. Should there be any further questions please feel free to contact me so that we can further discuss.

As usual I thank you in advance for your assistance in this matter.

Sincerely,

Fernando Suco
Woodys West End Tavern

600 PAYNE DRIVE MIAMI SPRINGS, FLORIDA 33166
TEL: (305) 882-1170 FAX: (305) 889-1812

CITY OF MIAMI SPRINGS



City Manager's Office
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5010
Fax: (305) 805-5040

SPECIAL EVENTS APPLICATION

(TO CONDUCT A SPECIAL EVENT ON CITY PROPERTY OR OTHER PUBLIC PROPERTY)

- APPLICANT:** FERNANDO J. SUCCO
Name of Organization: WOODY'S WEST END TAVERN
Address: 600 PAYNE DR. MIAMI SPRINGS, FL. 33166
Phone: 305 903 1601 Fax: 305 889-1812
- EVENT:** NEW YEARS EVE.
Purpose: CELEBRATE THE NEW YEAR / FUNDRAISE MIAMI SPRINGS HISTORICAL Soc.
Profit: Non-Profit:
Date: 12-31-2012
Time Start: 12 AM End: 1 AM.
Estimated # of participants: 10 Estimated # of spectators: 500
Location of event: 600 PAYNE DR. MIAMI SPRINGS, FL. 33166
(Attach map to show route, if applicable)
- INSURANCE:** Attach Certificate of Insurance naming City of Miami Springs as an additional insured: Limits \$1 Million each person; \$2 Million each occurrence for bodily injury liability; \$100,000 each occurrence on property damage liability.
- FACILITY CLEAN-UP/DAMAGE REPAIR:** There is a deposit required of \$100 to cover cost of applicant litter clean-up and facility repair. Applicant agrees to reimburse the City if its clean-up/damage repair costs exceed the \$100 deposit. If no clean-up/damage repair is required, the deposit will be returned. **NOTE:** Applicant is responsible for providing adequate "recycling" containers to dispose of recyclable material.
- SPECIAL SERVICE:** Police: Traffic control and/or crowd control will be determined by the Miami Springs Police Department. Any police personnel costs incurred in addition to normal operating expenses will be provided by off-duty police officers and must be arranged with the Chief of Police or his designee.
- CODE COMPLIANCE:** Any placement of placards, banners, signs, etc., must be cleared with the Code Compliance Officer in compliance with the City Code.
- NOISE AND MUSIC PERMITS:** Permits may be issued upon the completion of the application, investigation, and decision making processes set forth in Code of Ordinance sections 99-20 through 99-25.

Applicant hereby affirms that none of the activities involved in this request involve any nudity or acts which could be construed as lewd, offensive to the senses, or offensive to the decency of an individual or the City.

Applicant: FERNANDO J. SUCCO [Signature] 11.20.2012
(Print Name/Title) (Signature) (Date)

1. Risk Manager _____ Date _____
2. Chief of Police [Signature] Date 11/26/2012
3. Code Compliance _____ Date _____
4. City Manager [Signature] Date 11.26.2012



POTABLE
TOILETS

LUDLAM DR.

PAYNE DR.



WOODS

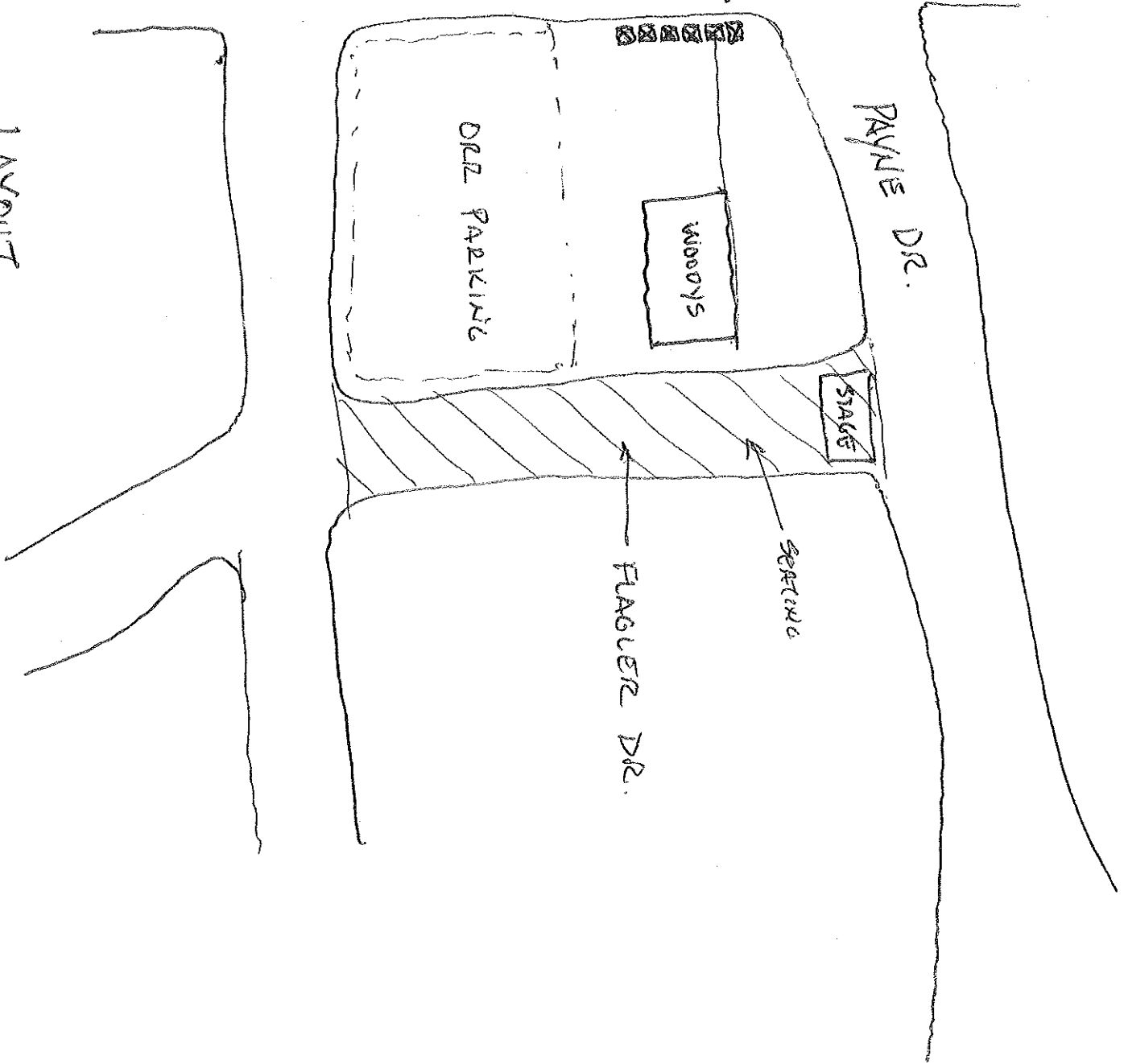
DR. PARKING

STAKE

SECTION

FLAGLER DR.

LAYOUT





Agenda Item No. 100

City Council Meeting of:

12-10-2012 (W)

City Manager Department
201 Westward Drive
Miami Springs FL 33166
305-805-5010

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Ron Gorland, City Manager *Ron*

DATE: December 4, 2012

SUBJECT: Consideration of the Woman's Club Request to Waive Approx. \$710.10 in Permit Fees Associated with the Remodeling of their Facility's Kitchen and Bathroom

Attached is both an email and letter from Ms. Jester, Woman's Club Ways and Means Chairperson, requesting the City waive the permit fees in the amount of approximately \$710.10 as determined by the City's Building Department (also attached) which is required as part of their estimated \$54,000 facility's kitchen and bathroom remodeling.

Ron Gorland

Subject: FW: Miami Springs Woman's Club request to be placed on Agenda 12-10-12


From: Angeline Jester [mailto:nikkinlaw@bellsouth.net]

Sent: Thursday, November 29, 2012 1:47 PM

To: Ron Gorland

Cc: zavier Garcia; Councilwoman Jennifer Ator; Robert Best; Councilman George V. Lob; Grace Bain; nancyvoye@att.net

Subject: Miami Springs Woman's Club request to be placed on Agenda 12-10-12

Agenda Item No. 
City Council Meeting of:

Dear Ron,

This Email serves to request a follow up from August 3, 2012 to be placed on the Agenda at the next Council Meeting to be held on Monday, December 10, 2012.

Reference: Attached letter

We are now ready to proceed with Florida Construction & Engineering, Inc.,

Mr. Hamid Djahanshahl has quoted the amount to be \$54K and we will be asking once again for support from the council for a waiver to the Miami Springs permit fees.

Our Chairman on this project is Nancy Voye and we look forward to coming before Council at the next meeting.

Thank You for your assistance in finally getting this project off the ground.

Sincerely,
Nikki Jester,
Ways & Means Chairman

GFWC Miami Springs Woman's Club
200 Westward Drive
P O Box 660-396
Miami Springs, Florida 33266

August 3, 2012

The Honorable Mayor Xavier Garcia,
and Honorable Miami Springs Council Members
Bob Best, Jennifer Ator, George Lob and Grace Bain

Dear Mayor and Council,

On behalf of our membership this letter serves to request that we please be placed on the Agenda at the next Council Meeting on Monday, August 13, 2012 and to ask for your favorable consideration in waiving costs of permit fees as needed for following clubhouse renovations.

A donation has been made to our 501 (c) (3) organization to update our kitchen and required ADA compliance bathrooms. The donation included that we employ the Architect, Mr. Manny Perez.

Mr. Perez has met with our Chairman, Nancy Voye and committee members on this project and has been very helpful in our necessary codes, directions, etc. We further learned that we will have to provide and comply with TWO ADA HANDICAPPED BATHROOMS.

At our last meeting with Mr. Perez at the clubhouse we experienced the demise of our Air Conditioning system which is no longer worthy of repair. As a fifty year member of this club, I can attest to the fact it is the same A/C system we had when I joined in 1962.

The unexpected turn of events regarding a new A/C system must be addressed first and also resulted in an increase of needed plans/drawings for Architectural fees to just under \$8K.

A Clubhouse worthy of this community and very much a focal point of Miami Springs is costly to our Not for Profit organization, whose only income is membership dues, fund raisers and rentals.

Appearances outside as well as inside the building must abide with City and County codes. We must provide grounds care and the bare necessity of Insurance Coverage for Liability and Fire which has us continually trying to meet these financial needs.

Notably you have all been to our Clubhouse on numerous occasions. You have seen the condition of our flooring, window treatments and been aware of roofing problems including our Medical Loan Closet which provides medical equipment year round, gratis.

Through the dedication of the women in Miami Springs who rose to the occasion to save our organization and our clubhouse, we have doubled our membership and continue to serve this community with honor as the pioneer women did in our Town 73 years ago when the remarkable ladies started our Town's library.

In 1945 Lena Pearl Wheeler, widow of City founder Glenn Curtiss, deeded the property to the organization with the stipulation a building be erected in five years. Once completed the Clubhouse served as the Town's library for several years prior to its present location.

Clearly, we have to raise more funds to accomplish the work that needs to be done to provide a Clubhouse we can all be proud of and have taken steps to do just that. Although progress has been slow, having lost June and July we are ready to send out bids to the appropriate contractors ASAP.

As Ways and Means chairman, I implore you to favorably consider our request to waive the cost of the permits needed to make these three renovations as presented before us by our distinguished Architect.

Respectfully and Most Sincerely,

Nikki Jester, Ways and Means Chairman
GFWC Miami Springs Woman's Club Board of Directors

cc: City Manager, Mr. Ron Gorland
Mr. Manny Perez

Property Information

Address: 200 WESTWARD DRIVE
 MIAMI SPRINGS, FL 33166
 Location ID: 305129
 Owner name: MIAMI SPRINGS WOMEN'S CLUB
 Folio Number: 05-3024-006-1780
 Old Customer Account No.: 1064130007/6001002205
 Zoning: NA UDATE
 Subdivision:

Application Information

Application desc: REPLACE A/C UNITS + KIT & BATH REMODELING
 Application status: IN PLAN CHECK
 Status Date: 11/20/2012
 Application type: ADD/ALTER COMMERCIAL NON HOUSEKEEPING
 Application date: 11/20/2012
 Valuation: 23670
 Square footage: 0
 Public building: NO
 Reviewed by:
 Pin number: 645812
 Entered by: MIALSLIT

Contractor Information

Contractor Name: FLORIDA CONSTR. & ENG., INC.
 Contractor Number: 155
 Type: BUILDING
 Status: ACTIVE
 Contractor Requirements: Doc Number Exp Date
 WORKMANS COMPENSATION INS WCO07064584 5/25/2013
 GENERAL LIABILITY INSURANCE PC260580700 9/27/2013
 CERTIFICATE OF COMPETENCY CGC038438 8/31/2014
 COUNTY OR MUNICIPAL OCC LIC 168557-8 9/30/2012

Outstanding Inspections

Type	Insp ID	Schedule Date	Confirmation Number	Permit Description	Zmt Seq	Min	Max
BLDG FOUNDATION				BUILDING PERMIT	00	10	
ELEC GROUND ROU				BUILDING PERMIT	00	10	
PLMB ROUGH				BUILDING PERMIT	00	10	
MECH ROUGH SLAB				BUILDING PERMIT	00	10	
BLDG SLAB				BUILDING PERMIT	00	10	
BLDG TIE BEAM/C				BUILDING PERMIT	00	10	
BLDG TIE BEAM/C				BUILDING PERMIT	00	10	
BLDG RAKE BEAM				BUILDING PERMIT	00	10	
BLDG SHEATHING				BUILDING PERMIT	00	10	
ROOF TIN CAP				BUILDING PERMIT	00	10	
ELEC ROUGH				BUILDING PERMIT	00	10	
MECH ROUGH DUCT				BUILDING PERMIT	00	10	
PLMB TOP OUT				BUILDING PERMIT	00	10	
PLMB TIE & WATE				BUILDING PERMIT	00	10	
ROOF WOP ON IN				BUILDING PERMIT	00	10	
ELEC ALARM ROUG				BUILDING PERMIT	00	10	

(Continued)

Work Description	Code	Description	Quantity
BIDG FRAMING/PI		BUILDING PERMIT	00
BIDG INSULATION		BUILDING PERMIT	10
BIDG DRYWALL SC		BUILDING PERMIT	10
BIDG TRUSSES		BUILDING PERMIT	30
ROOF TILE PLACI		BUILDING PERMIT	40
ROOF PEEL AND S		BUILDING PERMIT	50
ROOF ROOFING FI		BUILDING PERMIT	70
ELEC FINAL		BUILDING PERMIT	70
MECH FINAL		BUILDING PERMIT	70
PUMS FIRE SPRIN		BUILDING PERMIT	70
MISC TEMP CO/CC		BUILDING PERMIT	80
BIDG FINAL		BUILDING PERMIT	90
		BUILDING PERMIT	100

CO Information

CO Issue	Status	Description
Str/seq	Date	

Class Type	Description	Transaction amount	Amount due	Amount billed	Struct Permit	Insp	Custom
A	BIDG SUPCHARGE - DCA	10.65	10.65	.00			
A	BIDG SUPCHARGE - DBPR	10.65	10.65	.00			
A	CODE COMPLIANCE FEE	14.40	14.40	.00			
P	PERMIT FEES	710.10	710.10	.00	000000	BID200	
Totals		745.80	745.80	.00			

RESOLUTION NO. 2012-3567

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AUTHORIZING THE CITY MANAGER TO APPLY FOR A FY 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM, THROUGH THE OFFICE OF GRANTS COORDINATION, JUSTICE ASSISTANCE GRANT ADMINISTRATION FOR MIAMI-DADE COUNTY; AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT CONTRACTS AND AGREEMENTS, EXECUTE CONTRACTS AND AGREEMENTS TO ACCOMPLISH GRANT FUNDING PURPOSES, EXPEND FUNDING FOR ESTABLISHED AND AUTHORIZED PURPOSES, RECEIVE AND EXPEND ADDITIONAL FUNDING THAT MIGHT BECOME AVAILABLE, EXECUTE AMENDATORY APPLICATION DOCUMENTATION, AND TO EXERCISE ALL CONTRACTUAL RIGHTS, AUTHORIZATIONS AND PRIVILEGES AVAILABLE TO THE CITY; EFFECTIVE DATE.

WHEREAS, the Police Department has been advised that it is eligible to apply for a FY 2013 Edward Byrne Memorial Justice Assistance Grant from the Federal Drug Control and System Improvement Program; and,

WHEREAS, the Office of Grants Coordination, Justice Assistance Grant Administration for Miami-Dade County is the agency that is responsible for receiving and processing such Grant applications; and,

WHEREAS, the City Police Department has determined that it is eligible for applying to the County for Grant funding in the approximate amount of \$2,803.00; and,

WHEREAS, the Grant funding will be used by the City Police Department to continue the improvement of departmental records management and data migration by purchasing two additional scanners; and,

WHEREAS, the City Police Department, City Administration, and City Council have determined that it is both proper and appropriate to apply for the subject Grant Funds:

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

Section 1: That the City Council of the City of Miami Springs hereby authorizes the City Manager to apply to the Office of Grants Coordination, Justice Assistance Grant Administration for Miami-Dade County, for a FY 2013 Edward Byrne Memorial Justice Assistance Grant from the Federal Drug Control and System Improvement Program in the approximate amount of \$2,803.00.

Section 2: That the City Council of the City of Miami Springs hereby further authorizes the City Manager to execute all contracts and agreements required to secure said grant funds, execute such other documents/contracts and agreements as will effectuate the purposes of the grant, expend the grant funds for the purposes set forth in the grant, receive and expend such other additional funding that might become available in coordination with the expenditure of the grant funds, execute and file any amendatory grant application documents required, and to appropriately exercise any and all rights, authorizations, and privileges contained in any contracts or agreements related to the grant funds.

Section 3: That the City Council of the City of Miami Springs hereby approves and authorizes the “Program Narrative”, attached hereto as Attachment “A”, which describes the Police Department activities related to the subject grant.

Section 4: That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 10th day of December, 2012.

The motion to adopt the foregoing resolution was offered by _____, seconded by _____, and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:



Jan K. Seiden, City Attorney

ORDINANCE NO. 1048-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 35.53, BENEFIT AMOUNTS AND ELIGIBILITY; BY PROVIDING ADDITIONAL PROVISIONS TO SUBSECTION (K), DEFERRED RETIREMENT OPTION PLAN (“DROP”), TO EXPAND AND FURTHER CLARIFY AND EXPLAIN PLAN ELIGIBILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, recent proposals made by the City during collective bargaining with the Dade County Police Benevolent Association (“PBA”) for increased eligibility to the City’s Deferred Retirement Option Plan (“DROP”) have been rejected and unadopted; and,

WHEREAS, during the same negotiations, the PBA has proposed that the annual retirement plan contributions of plan participants be reduced; and,

WHEREAS, the aforesaid proposals by the PBA were likewise rejected and unadopted by the City; and,

WHEREAS, although a final and complete solution to the retirement plan annual contribution escalations remains currently unattainable, the City, as part of collective bargaining, has proposed to the PBA that the accumulated excess Chapter 185 Premium Tax Monies now available to it be used over the next two (2) City fiscal years (2012-2013 and 2013-2014) to provide “contribution relief”, on an interim basis, to the members of the police retirement system; and,

WHEREAS, the City's proposal to reduce police contributions over the next two (2) City fiscal years (2012-2013 and 2013-2014) was specifically conditioned upon the agreement of the PBA to certain amendments to the City's DROP Plan; and,

WHEREAS, on December 5, 2012, the PBA voted to ratify the City's proposal to provide police "contribution relief", on an interim basis, for the next two (2) City fiscal years (2012-2013 and 2013-2014) in exchange for the agreement of the Police Union to certain proposed amendments to the City's DROP Plan; and,

WHEREAS, upon notification of the ratification vote of the aforesaid City proposal by the PBA, the City Council considered the instant ordinance and an accompanying ordinance amending police participants annual contributions to their retirement plan for the next two (2) City fiscal years (2012-2013 and 2013-2014) and determined that the City's proposal to the PBA, the ordinance amending the annual contributions of police retirement plan participants, on an interim basis, and the instant ordinance were both proper and appropriate and in the best interests of the City and its citizens:

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

Section 1: That Code of Ordinance Section 35.53, Benefit Amounts and Eligibility, and specifically Subsection (K), Deferred Retirement Option Plan, is hereby amended as follows:

Sec. 35-53 . Benefit amounts and eligibility.

- (A)
- (B)
- (C)
- (D)
- (E)
- (F)
- (G)
- (H)
- (I)
- (J)

(K) *Deferred retirement option plan ("DROP")*

(1) Eligibility to participate in the DROP.

(a) Any member who is eligible to receive a normal retirement benefit and who has either attained age 55 with ten years of continuous service, or completed 20 years of continuous service, may participate in the DROP. Members shall elect to participate by applying to the board on a form provided for that purpose.

~~(b) Eligibility to participate shall be forfeited if not exercised prior to the completion of 30 years of continuous service.~~

~~(c) A member shall not participate in the DROP beyond the completion of 30 years of continuous service and the total years of participation in the DROP shall not exceed five years. For example:~~

~~1. Members entering the DROP on or after 20 years of continuous service, and prior to or upon the completion of 25 years of continuous service at time of entry in the DROP, may participate in the DROP for no more than five years.~~

~~2. Members entering the DROP on or after the completion of 25 years of continuous service at time of entry into the DROP may participate in the DROP until the member completes 30 years of continuous service.~~

(b) Plan members with at least twenty (20) but less than twenty-seven (27) years of service may participate in the DROP for up to five (5) years.

(c) Plan members with twenty-seven (27) or more years of service, but less than thirty-five (35) years of service may enter the DROP and participate for up to three (3) years.

(d) Plan members with thirty-five (35) or more years of service may enter the DROP at any time and participate for up to two (2) years.

(e) The following examples are provided for further explanation of the foregoing provisions.

- 20 years of service – 5 years of DROP participation
- 23 years of service – 5 years of DROP participation
- 25 years of service – 5 years of DROP participation
- 26 years of service – 5 years of DROP participation
- 27 years of service – 3 years of DROP participation
- 30 years of service – 3 years of DROP participation
- 35 years of service – 2 years of DROP participation

d (f) Upon a member's election to participate in the DROP, he or she shall cease to be a member and shall be precluded from accruing any additional benefits under the pension plan. For all pension plan purposes, the DROP participant shall be considered to be retired. The amount of continuous service and average monthly earnings freeze as of the date of entry into the DROP.

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

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

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 12-10-2012
Second reading: 00-00-2012

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

City Clerk's Office
Revised: 5-Dec-12

ORDINANCE NO. 1049-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 35-55, CONTRIBUTIONS; BY PROVIDING A TWO YEAR PLAN FOR THE CITY TO REDUCE REQUIRED POLICE RETIREMENT PLAN CONTRIBUTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, the annual contributions required to be made to the Police Retirement System over the past few years by the City and the Police have increased dramatically; and,

WHEREAS, the amount of the annual contributions required by the City and Police to the Retirement System has become an issue for collective bargaining with the City; and,

WHEREAS, although no negotiated relief has been achieved by the parties, the City has continued to explore any and all alternatives to provide “contribution relief” to the Police and the City; and,

WHEREAS, as part of collective bargaining, the City has proposed that the accumulated excess Chapter 185 Premium Tax Monies now available to it be used over the next two (2) City fiscal years (2012-2013 and 2013-2014) to provide “contribution relief”, on an interim basis, to the members of the police retirement system; and,

WHEREAS, the City’s proposal to reduce police contributions over the next two (2) City fiscal years (2012-2013 and 2013-2014) was specifically conditioned upon the agreement of the Dade County Police Benevolent Association (“PBA”) to agree to certain amendments to the City’s Deferred Retirement Option Plan (“DROP”); and,

WHEREAS, on December 5, 2012, the PBA voted to ratify the City’s proposal to provide police “contribution relief”, on an interim basis, for the next two (2) City fiscal years (2012-2013 and 2013-2014) in exchange for the agreement of the Police Union to certain proposed amendments to the City’s DROP Plan; and,

WHEREAS, upon notification of the ratification vote of the aforesaid City proposal by the Police Union of the City, the City Council considered the instant ordinance and an accompanying ordinance amending the City’s DROP Plan and determined that the City’s proposal to the PBA, the ordinance amending the City’s DROP Plan, and the instant ordinance were both proper and appropriate and in the best interests of the City and its citizens:

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

Section 1: That Code of Ordinance Section 35-55, Contributions, is hereby amended as follows:

Section 35-55. Contributions.

- (A) *Member contributions.....*
- (B) *State contributions.....*

(C) *City contributions*.....

(1)

(2)

(3) Notwithstanding paragraphs (1) and (2) above, for the plan year beginning October 1, 2012, the employee contribution calculated in accordance with paragraphs (1) and (2) above shall be reduced to 16 percent, using accumulated excess Chapter 185 premium tax monies to fund the reduction; and for the plan year beginning October 1, 2013, the employee contribution calculated in accordance with paragraphs (1) and (2) shall be reduced to 16 percent, using accumulated excess Chapter 185 premium tax monies to fund the reduction. If the total amount of accumulated excess premium tax monies available on October 1, 2013 is not sufficient to fund the reduction in the employee contribution to 16%, then the employee contribution shall be reduced to the lowest level that the total amount of accumulated excess premium tax monies available on October 1, 2013 are sufficient to fund.

(D) *Other*.....

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

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

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 12-10-2012
Second reading: 00-00-2012

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

City Clerk's Office
Revised: 5-Dec-12