



REVISION #2 - 03-24-2014 - 10:44 A.M.

**CITY OF MIAMI SPRINGS, FLORIDA**

**Mayor Xavier M. Garcia**

**Vice Mayor Billy Bain  
Councilman George V. Lob**

**Councilman Michael Windrem  
Councilman Jaime A. Petralanda**

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

**AGENDA  
REGULAR MEETING  
Monday, March 24, 2014 - 7:00 p.m.  
Council Chambers - City Hall  
201 Westward Drive - Miami Springs**

1. Call to Order/Roll Call
2. Invocation: Mayor Garcia  
  
Salute to the Flag: Audience participation
3. Awards & Presentations: None
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) 02-24-2014 - Regular Meeting
  - B) 03-10-2014 - Regular Meeting
6. Reports from Boards & Commissions:
  - A) 04-07-2014 - Zoning and Planning Board - Cancellation Notice

7. Public Hearings: None
8. Consent Agenda: (Funded and/or Budgeted)
  - A) Recommendation that Council Waive the Competitive Bid Process and Award an Additional Expense of \$16,086.78 to Computer Electric, Utilizing the Current City of Miami Springs Contract, for Labor and Materials for the Installation of the New Lighting on the Gazebo Circle, Pursuant to Section 31.11 (E) (1) of the City Code, to be Funded from Citizen's Independent Transportation Trust (CITT) Funds
  - B) Recommendation that Council Approve a Change Order to P. O. # 140432 to Triple J. Plumbing in the Amount of \$1,900.00, for Additional Water Piping in City Hall Restrooms Not Identified in the Original Quote Related to Air Conditioning and the Hot Water Heater in the Police Department, Pursuant to Section 31.11 (F)(11)(b) of the City Code
  - C) Recommendation that Council Approve an Expenditure of \$5,000.00 on an "As Needed Basis" to Hector Turf for Parts and Supplies Needed for Maintaining the Golf Course Toro Equipment, as a Sole Source Provider, as Funds were Approved in the FY 2013-2014 Budget, Pursuant to Section 31.11 (E)(6)(c) of the City Code
  - D) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$25,296.00, on an "As Needed Basis" to South Florida Grassing, Inc. for Re-grassing Areas Around the Golf Course as a Sole Source Provider, as Funds were Approved in the FY 2013-2014 Budget, Pursuant to Section 31.11 (E)(6)(c) of the City Code
9. Old Business:
  - A) Appointments to Advisory Boards by the Mayor and Council Members
10. New Business:
  - A) New Aquatic Facility Recommendations – Consultant and LEED
    - A1) Approval of the Aquatic Center Proposed Consultant Contract with Bermello Ajamil & Partners (B&A) in the Amount of \$286,000
    - A2) Determination of Inclusion of Leadership in Energy and Environmental Design (LEED) Accreditation in the Amount of Approximately \$51,000 Out-of-Pocket Cost Plus Potentially \$350,000 in "Soft" Dollar Costs Potentially Recoverable in Future Years
  - B) Vacation of City Alley Behind the Property at 630 Curtiss Parkway
  - C) Coach Background Clearance Expense Billing

11. Other Business: None

12. Reports & Recommendations:

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

13. Adjourn

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 If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.  
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 In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.  
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 Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.  
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**DRAFT**

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

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 24, 2014, at 7:00 p.m.

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

The meeting was called to order at 7:11 p.m.

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- Chief of Police Peter G. Baan
- Golf and Country Club Director Paul O'Dell
- Building & Code Compliance Director H. "Tex" Ziadie
- Professional Services Supervisor Tammy L. Romero
- Assistant City Clerk Elora R. Sakal

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

**Salute to the Flag:** Students from AIE Charter School lead the audience in the Pledge of Allegiance and Salute to the Flag

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

**3. Awards & Presentations: (This item was discussed after Agenda Item 4)**

**3A) Presentation of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending September 30, 2013**

Assistant City Manager/Finance Director William Alonso said that Andrew Fierman of Alberni Caballero would present the report.

Andrew Fierman, Partner of Alberni Caballero referred to the Introductory Section, on page six, which is the Certificate of Achievement for Excellence in Financial Reporting. It is a prestigious award that comes from the Government Finance Officers Association. Pages one and two explain the Financial Section. The first section discusses what has been audited and the second discusses management's responsibilities. There is also a section that explains the auditor's responsibilities and under what standards the audit is performed.

Mr. Fierman stated that the fourth section is the opinion section which is the most important section. Pages three through nineteen discuss the Management's Discussion and Analysis. It provides an overview of the year and compares current year to prior year and gives an explanation. Pages twenty through twenty-eight are the basic financial statements which include the Government wide Statement of Net Position and Statement of Net Assets as well as the fund financial statements for the governmental funds and proprietary funds. Pages twenty-nine through fifty-six are the notes to the basic financial statements.

Mr. Fierman explained that he is pleased to report that they did not note any significant deficiencies or weaknesses in internal control or any instances of non-compliance. They did not encounter any difficulties in performing or completing the audit and there were no disagreements with management. He thanked City Manager Gorland, Mr. Alonso, Controller Alicia Gonzalez and staff for their cooperation and assistance throughout the entire process. It was a very smooth audit and it was due primarily to the professionalism and responsiveness of the Finance team.

Mr. Alonso stated that these reports are usually presented the second meeting in January of each year. The reason it was delayed this year was because this was the first year for implementation of one of the entities for the tax credit transaction with CMI. One of the entities became a component unit for the City and had to be incorporated.

#### 4. Open Forum:

##### **Downtown Casino**

James E. McDonald, Village of Pinecrest Council member voiced his opposition to building a destination casino in the downtown area. The Village of Pinecrest adopted a resolution opposing the casino. He said that the community already has gambling at various locations. Downtown Miami is going through a positive transformation with museums, the Adrienne Arsht Center for the Performing Arts, Midtown and the Port of Miami and he would not want to attract the kind of tourists that will come to a destination casino.

Council member McDonald said that legislators who have been historically opposed to destination gambling have changed their opinions this year because of effective lobbying and there is discussion about allowing destination casinos in Miami-Dade and Broward County, while the entire state will have a vote on the issue.

Council member McDonald asked Council to consider passing a resolution urging the Legislature to not allow destination casinos in Miami.

## **Parking Issues**

Ania Amat of 590 Ragan Drive thanked Council and Councilman Petralanda for responding to her email so quickly. She stated that she is very proud of living in Miami Springs because it is such a small and safe community. Her concern is that she is seeing an influx of people that do not reside in this City and they are using her neighborhood as their personal parking lot. Her neighbor has already been approached and harassed by a stranger. Many people are loitering in the area and she wants to enjoy the feeling of safety in her own home.

Ms. Amat commented that she addressed this issue with Building and Code Compliance Director Tex Ziadie and is aware that he is against signage for non-residents or for certain hours of limitation. There must be something that can be done to prevent loitering and to protect the rights of residents. She also wants to discuss the noise ordinance. She has a certain expectation of privacy. She works odd hours since she is a police officer so if she is sleeping or resting she likes that she can call the police if there is a loud party next door to her.

## **Noise Ordinance**

Deborah Ferrero of 219 Miami Springs Avenue said that she has a hard time sleeping at night and the change of this ordinance will affect her sleeping. The curfew should be at 11:00 p.m.

## **Noise Ordinance**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue explained that her daughter is very involved in the City and understands everything that goes on in the City. She speaks from her heart and a handicapped person does not need any noise bothering them when they are trying to sleep. She has been living in Miami Springs for over 60 years and there has never been a necessity to change the noise ordinance. This ordinance is ridiculous and it will "open a can of worms".

Ms. Gannon said that if the ordinance is changed it will not give the children a chance at life to grow up and become good people. She explained that people will be making a lot of noise with their cars when leaving these parties late at night by speeding away and slamming doors.

## **Police Department**

Ms. Gannon stated that she was in her front yard early one morning and saw a young man walking around and she noticed him looking for a key under a mat of a home. He walked to the side of the house and opened the door and went in the home. She immediately called the police and they surrounded the home within minutes and arrested the boy. He had \$6,000 worth of jewelry that belonged to the woman who lived at the home.

Ms. Gannon believes that this City has the finest Police Department in the United States. For them to have to come to this meeting and hold a sign in front of Council is not right. She urged Council to be right for the City.

## Noise Ordinance

Jorge Valdes of 601 Ludlam Drive commented that he is a property owner of an apartment building across from Woodys and he is concerned with the noise ordinance. There are families and children that live in the apartment building that need to wake up early for school and if this ordinance goes into effect it will be a nuisance. He constantly receives phone calls from the apartment dwellers complaining about the music from Woodys and he advises them to contact the police. The police control the situation but then the noise level goes back up when the police leave.

Mr. Valdes said that he has been the landlord for the apartment building for 18 years and has worked quite hard to coincide with Woodys when it used to be an inside bar. Apparently with time, the business has grown and there are more tables on the outside. A band performs and it is advertised until 1:00 a.m. He asked Council to reconsider the ordinance. He also added that the Police Department has done an excellent job for this City and he would like to keep it that way.

## Noise Ordinance

Olga Valdes of 115 Bentley Drive stated that she supports what Mr. Valdes said in reference to Woodys because of the noise level. She enjoys Woodys and has been there many times but the owner needs to consider those who need to wake up early. She hopes that Council reconsiders this ordinance. She also asked that Council support the Police Department because they are awesome.

## Noise Ordinance

Donna Hernandez of 769 Pinecrest Drive said that she would like to reiterate what she spoke about at the last Council meeting which was the lack of transparency and certain issues. Before all these flyers were passed out this weekend, nobody knew that there was a noise ordinance to be changed. She clarified for Mr. Valdes that the ordinance as it is now states that a person can call the police at any time. She does not think that any child or adult that needs to get up early in the morning during the week is going to be happy with the noise ordinance at 11:00 p.m.

Ms. Hernandez is not asking for the partying to stop by any means. What is being asked is that when it is 9:00 p.m. or 10:00 p.m. that the volume be lowered. She has a vested concern for what happens to the apartment building that Mr. Valdes owns because she owns property right behind the building. If he cannot rent out those apartments due to the noise and the property value goes down then her property value will go down as well. Council did not take into consideration that these businesses are surrounded by residential properties.

Ms. Hernandez read some tips to reduce music which included lowering the base or sub-woofers and turning the speakers to face another way. Councilman Lob was nice enough to show her how to access the ordinances that show the old and new language. She tried to look for the ordinance on her own at home and could not find it.

Ms. Hernandez said that the City should advertise the meetings on the marquee on the Circle and state that a noise ordinance will be discussed. It is such an easy solution and she wishes that Council would take it into consideration.

Mayor Garcia informed those who do not frequent Council meetings that during open forum, residents are welcome to come up and speak but Council does not enter into a debate. When items are discussed during the meeting, there is dialogue that Council enters into with those who sign up to speak on those particular items.

Councilman Lob commented that it is often said that Council does not listen but they do. The website has been changed and the agenda is on the front page.

#### **Noise Ordinance**

Nestor Suarez of 550 Wren Avenue said that this City is a beautiful and quiet town. Everyone wants to keep the quiet community because they pay a lot to live here and they want their property values to continue to rise. He had an issue with a neighbor and his motorcycle and he was able to call the police at 10:00 p.m. sharp and within minutes the noise was gone. He wants to live in the type of community where at 10:00 p.m. it is quiet.

Mr. Suarez said that from Sunday nights to Thursday nights the noise should be cut off at 10:00 p.m. and then weekends can be debated. He gave an example of the River Cities Festival that closes at midnight on Friday and Saturday and then at 8:00 p.m. on Sunday. He added that the police response time is great and this City has the best cops. The City has to keep that core part that makes Miami Springs great.

#### **Golf Course Losses**

Miami Springs Police Officer, Jorge Capote of 201 Westward Drive commented that at the last Council meeting, Council forgot to discuss an agenda item 11A which was the first quarter budget status report. Instead they discussed agenda item 11B which was the red light revenue budget shortfall. He said that the numbers were disturbing. He said that in the first quarter, the Golf Course lost \$257,067 and that is part of a budgeted loss of \$726,993. He filled out a public records request to know how much the golf course lost. He continued by explaining the losses for the golf course from 2000 to 2012.

Officer Capote said that he understands that for those years it was a capital enterprise fund. Starting in 2005 it was changed and the City had numbers they figured they were going to lose and they have been short every year. He continued to breakdown the annual losses from 2005 through September 30, 2013.

Officer Capote stated that the total loss from 2000 to 2013 is \$8,161,856, for the period ending September 30, 2013. When the projected loss of \$726,993 for this year is added to the total loss, the amount is \$8,888,849. The numbers have been short every year since 2000. A month ago when he spoke about his pension, which he is prohibited to do now, he told Council that this information is not new to them. There is something going on at the dais that does not make sense. He questioned how it is okay to average a \$600,000 loss every year for 14 years. It is very upsetting that he cannot discuss his pension.

#### **Noise Ordinance**

Charlie Hernandez of 769 Pinecrest Drive would like to bring a sense of unity, consideration and a neighborly feel to areas that play music and have residences nearby. He is a big music lover and spends a lot of time at the River Cities Festival listening to the bands.



Mr. Hernandez agrees with the open forum speakers and he believes that sometimes it takes an open dialogue between the establishment, the music lovers and the residences. One of his objectives is to try and reach out and come to some type of agreement during an informal meeting.

### **Noise Ordinance**

Fredy Albiza of 1063 Nightingale Avenue stated that he does not think that many people realize the provisions in the current noise ordinance. The current noise ordinance provides for "no noise" whether it is 3:00 p.m. or 12:00 a.m. in the residential area. The 10:00 p.m. curfew is for the businesses. He is glad that it is being changed in some ways but he understands that there needs to be limitations.

Mayor Garcia said that Mr. Albiza is correct. There is no set curfew in the current ordinance. He also agrees with Mr. Hernandez about coming to an agreement with everyone involved. Council only meets twice a month and they do not get the opportunity to discuss items until they are at a Council meeting.

### **5. Approval of Council Minutes: (approved with one motion)**

#### **5A) 02-10-2014 – Regular Meeting**

Minutes of the February 10, 2014 Regular meeting were approved as written.

**Councilman Windrem moved the item. Councilman Petralanda seconded the motion which was carried unanimously on voice vote.**

#### **5B) 02-12-2014 – Special Meeting**

Minutes of the February 12, 2014 Special meeting were approved as written.

**Councilman Windrem moved the item. Councilman Petralanda seconded the motion which was carried unanimously on voice vote.**

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

#### **6A) 01-09-2014 – Architectural Review Board – Minutes**

Minutes of the January 9, 2014 Architectural Review Board meeting were received for information without comment.

#### **6B) 01-21-2014 – Education Advisory Board – Minutes**

Minutes of the January 21, 2014 Education Advisory Board meeting were received for information without comment.

**6C) 01-30-2014 – Historic Preservation Board – Minutes**

Minutes of the January 30, 2014 Historic Preservation Board meeting were received for information without comment.

**6D) 02-06-2014 – Disability Advisory Board – Minutes**

Minutes of the February 6, 2014 Disability Advisory Board meeting were received for information without comment.

**6E) 03-03-2014 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the March 3, 2014 Zoning and Planning Board meeting was received for information without comment.

Council sat as the Board of Appeals at 8:11 p.m.

The Mayor reconvened the City Council meeting at 8:22 p.m.

(Agenda Item 7D was discussed after the Board of Appeals)

**7. Public Hearings:**

**7A) Second Reading - Ordinance No. 1061-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-015, Parking of Commercial Vehicles In City Limits, to Update And Clarify Which Commercial Vehicles May or May Not Be Parked in the Residential, Multi-Family Residential, Business, and Commercial Zoning Districts of The City; Repealing All Ordinances or Parts Of Ordinances In Conflict; Effective Date**

City Manager Gorland read the ordinance by title.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Donna Hernandez of 769 Pinecrest Drive said that at the last meeting she discussed a large commercial vehicle that parked on her street and she has not seen that vehicle in a while. She thanked Council for addressing this issue. She feels that the fine violation process should be corrected. Currently, the property owner is the person who gets fined while other cities fine the vehicle and not the property the vehicle is parked on.

Building and Code Compliance Director Harold "Tex" Ziadie commented that most Code Compliance Departments do not have the authority to fine people while the Police Department does have that authority. Code Compliance only has the authority to deal with the person who owns the property. A ticket is not given until the Code Compliance Officer speaks with the property owner.

Don Riedinger of 991 Hunting Lodge Drive commented that while he understands the intent of the ordinance, he believes that it is very vague. He questioned if the Public Works vehicles and the equipment on the golf course were going to be included in this ordinance.

There were no additional speakers, and the public hearing was closed.

City Manager Gorland clarified that this does not apply to City vehicles.

Vice Mayor Bain commented that this ordinance does not apply to government vehicles either.

Mayor Garcia asked to defer the ordinance and all other ordinances until the City Attorney is present.

Vice Mayor Bain suggested having another Workshop meeting to discuss the ordinances again but there are some ordinances that could be passed tonight.

**Councilman Windrem moved to defer this item. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.**

(Agenda Item 9B was discussed after Agenda Item 7A)

**7B) Second Reading – Ordinance No. 1062-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-030(J) Sign Regulations/Temporary Signs; By Clarifying The Location of Open House and Talking House Signs; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date**

City Manager Gorland read the ordinance by title.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Don Riedinger of 991 Hunting Lodge Drive wondered why the City is giving realtors permission to put signs in the public right-of-way. He agrees with eliminating the signs from every street corner.

There were no additional speakers, and the public hearing was closed.

Councilman Lob commented that the City is specifically stating what right-of-ways are allowed.

**Councilman Windrem moved the item. Councilman Lob seconded the motion.**

Councilman Windrem said that this ordinance is more restrictive but it still allows realtors the chance to market and sell homes.

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

**7C) Second Reading - Ordinance No. 1064-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 99-08, Construction Sounds; By Adding Other Prohibited Sounds and Establishing a New Permitted Sound Period; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date**

City Manager Gorland read the ordinance by title.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Don Riedinger of 991 Hunting Lodge Drive expressed his concern for the provisions of this ordinance. He questioned if the ordinance excludes certain electrical tools.

There were no additional speakers, and the public hearing was closed.

**Vice Mayor Bain moved the item. Councilman Lob seconded the motion.**

Councilman Lob asked if a decibel level would have any benefit of being inserted into the ordinance and Mayor Garcia replied that it was discussed that there was no way to regulate the decibel sound.

Building and Code Compliance Director Ziadie clarified for Mr. Riedinger that this ordinance does include all other home and lawn maintenance machines and equipment as it is stated at the end of the ordinance.

Councilman Petralanda asked if the wording could be changed to add "construction equipment" and Mr. Ziadie responded that originally it said "construction sounds" and it is now being changed to "property maintenance noise". Construction sound is limited in its meaning.

Councilman Petralanda asked if this ordinance was revised by the City Attorney and Mr. Ziadie replied that the City Attorney drafted the ordinance.

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

(Agenda Item 7E was discussed after Agenda Item 7C)

**7D) Second Reading - Ordinance No. 1065-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 99-02, Operation of Radio, Phonographs, or Other Sound Making Devices or Ensembles, and Section 99-03, Hours of Operation of Sound Making Devices; By Changing the Periods in Which the Sounds and Noises Set Forth in Each Ordinance Are Prohibited; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date**

City Manager read the ordinance in its entirety.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Martin Crossland of 900 Plover Avenue expressed his concerns for the noise ordinance. Noise levels have changed over the years and he suggested implementing decibel levels.

Bill Tallman of 901 Falcon Avenue voiced his concern for the noise ordinance. He feels that it is important to know what is and is not permitted under the current law. He noted that there was no review by the Code Review Board of this topic. Miami-Dade County also has a noise ordinance and the City needs to be sensitized to that.

Brian McDonald of 1130 Oriole Avenue expressed his concern for the noise ordinance. Mr. Ziadie had stated at the first reading of this ordinance that the Department has had no issues with this ordinance.

Don Riedinger of 991 Hunting Lodge Drive commented on his concerns for the noise ordinance. He does not see any reason to make the changes being proposed in the ordinance. He lives on the golf course and it is difficult to determine where the noise is coming from. He also owns property on Canal Street and noises from a restaurant were disturbing his tenants.

Donna Hernandez of 769 Pinecrest Drive referred to an article regarding the impact of loud noises and music. If the ordinance is changed, she is afraid that the stress and anxiety amongst the residents may increase. Regulations need to be in place that will protect everyone. She questioned the 25 feet that is in the ordinance.

Michael Gavila of 684 Morningside Drive expressed his concerns for the noise ordinance. He suggested having two different times to prohibit the noise; one for during the week and another for the weekend.

Thomas Huey of 641 Raven Avenue voiced his opinion on the noise ordinance. He agreed with earlier comments about using some type of decibel levels.

Fernando Lumbreras of 1100 Plover Avenue expressed his concern about the noise ordinance. Children and adults need to wake up early to go to school and work during the week.

Ray Martinez of 95 Deer Run had concerns with the noise ordinance. He questioned why this change is necessary and how it will benefit the citizens of Miami Springs.

Mayor Garcia clarified that the ordinance for discussion is only for the residential area and does not benefit any businesses.

Ann Trina Aguila of 901 Oriole Ave voiced her opinion on the noise ordinance because she has children who need to wake up early during the week for school.

Jen Fernandez of 1151 Oriole Ave expressed her concern for the noise ordinance and asked Council to reconsider passing this ordinance.

Jorge Valdes of 601 Ludlam Drive asked if the apartment building he mentioned earlier is considered residential and Mayor Garcia replied that the building he mentioned is a business.

There were no additional speakers, and the public hearing was closed.

Mayor Garcia explained that the change being proposed for Ordinance No. 1065-2014 is within the residential area. The proposed changes will not affect the times and restrictions for businesses; this was not Council's intent.

Mr. Ziadie clarified that Ordinance No. 1065-2014 actually has two components dealing with both the residential and businesses. Section 99-02 does relate to any building or premises. The ordinance will have to be rewritten to separate residential from business.

Mayor Garcia said that if Council agrees, he would like to separate residential from business. This will be discussed again at the next Council meeting.

Vice Mayor Bain appreciated everyone coming to the meeting to voice their opinions. He believes that the ordinance needs to be done all over again.

Mayor Garcia commented that many people who spoke mentioned that they wanted to keep the ordinance at 10:00 p.m. but the ordinance in residential areas is not 10:00 p.m. The existing code says that a person can make a complaint at any time. He commented that the City does have a decibel reader, but it was not effective.

**Councilman Petralanda moved to reject the proposed ordinance and leave the ordinance as it is. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.**

Mayor Garcia clarified for Ms. Hernandez that there will not be a workshop meeting and this item will be discussed again at a Council meeting and it will be a new first reading. The residents will be able to sign up under the agenda item and give their thoughts and opinions.

Discussion ensued regarding the residents being notified of the sound ordinance changes.

**(Agenda Item 7A was discussed after Agenda Item 7D)**

**7E) Second Reading – Ordinance No. 1066-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Residential Plantings, Fences, and Walls; By Permitting of Decorative Gates on Side and Rear Yard Fences and Walls; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date**

City Manager Gorland read the ordinance by title.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Don Riedinger of 991 Hunting Lodge Drive expressed his concern for this ordinance.

There were no additional speakers, and the public hearing was closed.

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

**7F) Second Reading – Ordinance No. 1067-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-10, Location, Accessibility, And Appearance of Multi-Family Residential and Commercial Garbage and Recycling Receptacles; By Removing The Provisions Related To Amortized Compliance; Acknowledging Non-Conforming Sites And Providing Safety Regulations; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date**

City Manager Gorland read the ordinance by title.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Don Riedinger of 991 Hunting Lodge Drive expressed his concern for this ordinance.

There were no additional speakers, and the public hearing was closed.

Building and Code Compliance Director Ziadie explained that this ordinance was drafted years ago and was never enforced as to the notification provisions. If it were to be enforced, there would be a vast majority of the commercial property owners and multi-family property owners who could not comply and would have to apply for a variance. The major reason for not enforcing this is due to the parking issue that the City has. As previously discussed, the property owners will have to provide some method of securing their dumpsters.

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

**7G) Second Reading – Ordinance No. 1068-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-05, Garbage, Garden Trash, and Rubbish; Placement in Receptacles for Collection and Removal; By Providing Additional Regulations for the Placement of Trash and Recycling Materials by Multi-Family Residential and Commercial Sites Adjacent to City Streets and for the Retrieval of Trash and Recycling Receptacles; Establishing Inapplicability to Alley Pickups and Single Family Residential Zoning Districts of City; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date**

City Manager Gorland read the ordinance by title.

Building and Code Compliance Director Ziadie said that there was a mistake in the agenda. The ordinance was read and approved on first reading at the last meeting and it should say "second reading".

City Manager Gorland noted that it will be placed on the next agenda as a second reading and will be re-advertised as a second reading.

Mayor Garcia opened the public hearing to those persons wishing to speak.

Don Riedinger of 991 Hunting Lodge Drive said that commercial properties on Canal Street are not putting their trash receptacles back on their property within 24 hours and City Manager Gorland replied that the City will check the area to ensure that they are complying.

There were no additional speakers, and the public hearing was closed.

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

8. Consent Agenda: None

9. Old Business:

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

There were no appointments to Advisory Boards.

(Agenda Item 7B was discussed after Agenda Item 9A)

**9B) Vacant Land Contract – The City of Miami Springs and Springs on the Green LLC**

City Manager stated that Mr. Perez-Vichot and City Attorney Seiden have signed off on this contract.

Don Riedinger of 991 Hunting Lodge Drive commented that he disagrees with selling any piece of the golf course for any reason. He has not seen any advertisement for this election.

Mayor Garcia clarified for Mr. Riedinger that the City had the property appraised and chose the highest of the appraised values that were brought to the City.

Councilman Windrem stated that there is no connection between the Property Assessor's evaluation and an appraisal.

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

**9C) ConEdison Energy Savings Recommendations for Proposed Project Totaling \$1.6MM and a Payback of 13.07 Years or a Second Option Totaling \$1.3MM and a Payback of 10.54 Years**

City Manager Gorland said that there are two separate transactions that are occurring; one is the purchase of energy savings equipment and the other is taking some of the savings and purchasing light poles with the savings. The benefit is there but Council should understand that there are two separate transactions to vote on and both do not have to be chosen.

Councilman Petralanda asked what would be done with the old equipment and Kevin Farris of ConEdison Solutions replied that the City would decide what they would like to do with the old equipment and it could be worked into the contract.

Councilman Petralanda asked if there would be a savings of approximately \$24,000 a year for ten years if Council chose option two and Doug Henning of ConEdison responded in agreement and said that the lower cost option is only new fixtures.

Mayor Garcia said that if Council chooses to include the lights then this would be the best way to do it because it is coming from the savings.

Professional Services Supervisor Tammy Romero clarified that both options include lights. The discussion is about including the pole fixtures or not.

Discussion ensued regarding the possible savings if option two was chosen.

City Manager Gorland stated that this is a relatively inexpensive way to return some money to the commercial district with new lighting. It was part of a larger plan that was placed on hold over the last few years.

Councilman Lob asked if the lights on Canal Street are as expensive as the lights being proposed and City Manager Gorland responded that he was uncertain of how much the poles cost on Canal Street.



Mr. Henning explained that ConEdison was given some plans for the poles that were almost twice as expensive as what they are currently proposing. They chose the most cost effective poles that they believed would fit best.

Discussion ensued regarding the light wattage and how advanced it has become.

**Councilman Windrem moved to approve option one. Councilman Lob seconded the motion.**

Councilman Lob appreciated ConEdison's work and he would like to get prices from other companies.

To answer Mayor Garcia's question, Ms. Romero commented that a Request for Proposal (RFP) could be done. In speaking to Mr. Henning, the City could purchase all of the fixtures and fittings as opposed to the fixtures coming from ConEdison.

Mayor Garcia said that the City would have to come up with the funds for those items and it would come from the General Fund as opposed to being paid for through the ConEdison savings proposal.

Ms. Romero commented that ConEdison took the proposal that was given to the City by Calvin Giordano for the downtown revitalization. She was not involved in the research process.

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

(Agenda Item 10D was discussed after Agenda Item 9C)

**10. New Business:**

**10A) Board of Parks and Parkways Recommendation for the Yard of the Month for March, April and May 2014**

The addresses are as follows:

March - 210 Fern Way  
April - 1070 Ibis Avenue  
May - 564 Palmetto Drive

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

**10B) Historic Preservation Board Recommendation to Purchase a Bronze Designation Plaque for the H. O. Goodlett House – 141 Shadow Way**

Mayor Garcia asked if there are funds budgeted for these types of purchases and City Manager Gorland replied "no".

Mayor Garcia said that if there is no urgency in having this plaque done now, he would like to consider this item during the budget process.

**By consensus, Council agreed to consider this item during the budget process.**

**10C) Request to Serve Wine at a Private Performance at the Rebeca Sosa Theatre on Saturday, March 1, 2014, from 5:00 to 8:30 p.m.**

Vice Mayor Bain asked what type of alcoholic beverages will be served and City Manager Gorland replied that the request was to only serve wine.

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

(Agenda Item 9A was discussed after Agenda Item 10C)

**10D) Golf Course DERM/RER 5-Year Capital Expenditure Plan**

City Manager Gorland read the memorandum outlining the Golf Course DERM/RER 5-year Capital Expenditure Plan.

Golf Director Paul O'Dell explained that the City was written up by DERM/RER in September of 2012 for many incidents that the City was not in compliance with. The City met with DERM and they were very accepting of what was discussed. The golf course will comply with the issues in phases. Several steps have already been completed to meet compliance and DERM is very happy with the changes. He expects the changes to be made over the next five years.

City Manager Gorland noted that the City will keep tracking this issue over the next few years from a capital expenditure standpoint.

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

**11. Other Business: None**

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Miami Springs Farmers Market**

City Manager Gorland encouraged everyone to attend the farmers market. It ends on March 29<sup>th</sup>.

**Little League Opening Ceremony**

City Manager Gorland reported that the Little League Opening Ceremony will be held at Prince Field on March 1<sup>st</sup> with a parade starting at 9:00 a.m.

## **12C) City Council**

### **Archery Club**

Councilman Lob commented that the Optimist Archery Club hosted the Florida Archery Association In-Door Championship last weekend. It was a great event in the City and there were shooters from all over South Florida and they enjoyed the hospitality of our City.

### **Archery Club**

Councilman Petralanda echoed what Councilman Lob stated. He added that there was a good turnout and everyone seemed to have fun.

### **Audience Participation**

Councilman Petralanda thanked all of the residents who attended the meeting tonight and voiced their opinions. This is what democracy is about and he encourages more people to attend and participate in the meetings.

### **Audience Participation**

Councilman Windrem thanked everyone who attended tonight's meeting. He appreciated all of the insight. He is having a great time serving on Council and the work is productive and important. Even though Council may not always agree, they will do what is best for the City.

### **Assistant City Clerk**

Councilman Windrem commended and thanked Assistant City Clerk Elora R. Sakal for doing such an excellent job sitting in for Acting City Clerk Suzanne Hitafer tonight.

Councilman Lob agreed with Councilman Windrem's comment.

### **Parking Situation**

Vice Mayor Bain spoke with City Manager Gorland about the parking situation with Ania Amat and was told that it was being dealt with and she came tonight and said otherwise.

Building and Code Compliance Director Ziadie explained that he spoke with Ms. Amat and he wanted to correct something that she said tonight; she said that he was against signs and what he told her was if signs were installed then it would apply to all of the residents in the area, including her. Ms. Amat would like to have specific signs installed for residents and another sign installed for non-residents and he said that cannot be done.

Vice Mayor Bain asked if this issue is the responsibility of the City or the Airport and City Manager Gorland replied that it is Miami Springs' property.

Mr. Ziadie commented that under the code, the Dade County Aviation Department that owns that parking lot has the same preferential use over that swale that a residential property does. The code does not differentiate between commercial and residential properties.

Mr. Ziadie said that the swale in discussion is a public right-of-way. It belongs to the City in a sense but technically the City does not have deed rights to that property. The City has the authority to implement parking regulations or restrictions. He explained to Ms. Amat what his recommendation was going to be to Council which was to not install any signage or restrict parking because it would affect everyone in that area. His secondary recommendation was to ask the City Manager to request that the Police Department strictly enforce any parking safety regulations in regard to people who are parking there and to increase police presence.

Vice Mayor Bain asked if Council will have a report on the next agenda of what the outcome was with this situation and City Manager Gorland replied affirmatively.

Chief of Police Baan commented that the majority of parking in that area is from the people who reside in the apartments across the street. He would not recommend signage prohibiting parking.

Councilman Petralanda asked if signage could be installed on half of the distance instead of the entire block and Chief of Police Baan replied that Council could do whatever they want.

Mayor Garcia spoke with the residents and they do not want the parking to be restricted from their use. He would like for Mr. Ziadie to communicate with Ms. Amat again to clarify the issue.

Mr. Ziadie stated that he is in that area when he puts up the sign for Council meetings and he sees the residents walking to and from their cars to the apartments. He can almost guarantee that they do not want signage. He does not know of another solution besides the increase in police presence that will satisfy the issue.

### 13. Adjournment

There being no further business to be discussed the meeting was adjourned at 10:52 p.m.

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Zavier M. Garcia  
Mayor

ATTEST:

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Elora R. Sakal  
Assistant City Clerk

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

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



DRAFT

*City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 10, 2014, at 7:00 p.m.

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

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

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Building & Code Compliance Director H. "Tex" Ziadie
- Acting City Clerk Suzanne S. Hitaffer
- Assistant City Clerk Elora R. Sakal

**2. Invocation:** There was no invocation.

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

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

**3. Awards & Presentations:**

**A) March Yard of the Month – Karl and Melanie Odin – 210 Fern Way**

Mayor Garcia presented the March Yard of the Month Award to Mr. Odin's daughters on his behalf.

**B) Presentation by Miami-Dade County Fire Rescue Department Regarding the Department's Accomplishments and Services to the City of Miami Springs**

Miami-Dade County Fire Chief Dave Downey thanked Council and Staff for allowing him to make a presentation. He is accompanied by Chief of Operations, Arthur Holmes. He said that it has been a little over a year since he was appointed Fire Chief and he had been in the fire service for 32 years as both a firefighter and paramedic. Miami-Dade Fire Rescue (MDFR) serves the City and is a full service fire rescue department. There are 66 stations and over 140 units that cover the County. Last year, MDFR responded to approximately 240,000 calls for service in Miami-Dade County.

Mr. Downey commented that there are 2,400 full-time employees and 2,000 of those employees are firefighters and paramedics. MDFR is the second largest department in the nation that is fully accredited by the International Accreditation Agency. MDFR was awarded an EMS Excellence Award from the Congressional Fire Service Institute. Despite the budget challenge, there were no layoffs, reductions in service or unit shut downs.

Mr. Downey spoke specifically about Station 35 in Miami Springs. Services have been provided since 1979 and last year, approximately 3,400 calls were responded to and 87% of those were serviced from Station 35. There are seven other stations within 5.5 miles that also serve the City. MDFR has the highest number of crossed trained firefighter/paramedics in the nation. MDFR conducts a customer service feedback; the highest score is a five and MDFR has a 4.8. The average response time County-wide is six minutes and thirty seconds and the average response time within the City is five minutes and forty seconds. He distributed a self-survey card that anyone can request from the City Clerk's office.

Mayor Garcia thanked Mr. Downey and the MDFR for the services that they provide to the City. He mentioned the issue with the rolling brown outs and appreciated that MDFR realizes how important Station 35 is to the City and surrounding municipalities.

**4. Open Forum:**

**Sale of City Property**

Evelio Cabrera of 540 Hunting Lodge Drive asked if the City had ever sold city property before.

Mayor Garcia advised Mr. Cabrera that Council does not enter into a dialogue under open forum. He asked Mr. Cabrera to provide the City Clerk with his telephone number and he will contact him with the information.

Discussion ensued with regards to having the open forum questions and answers available on the City website.

**Noise Ordinance**

Arlene Wildenburg Hawks of 549 Payne Drive addressed her concerns about the noise ordinance and the noise and parking issue with Woodys West End Tavern. She has spoken with the City Manager, the Police Chief and Building and Code Compliance Director. Recently, Mr. Suco was granted a permit to extend the playing of music on Friday and Saturday evenings.

Ms. Hawks said that she cannot sit in her backyard without hearing the music from Woodys and she is farther than 25 feet from the business. She asked that in reference to the permit, Council apply some pressure to the City Manager to revoke it. She believes that Mr. Suco should be the one to solve the issue. She independently contacted Mr. Suco about having a private party at his establishment with 100 people. When she inquired about parking, his email said that he would utilize the surrounding neighborhood to accommodate the parking.

### **Sale of City Property**

John McCarty of 424 Hunting Lodge Drive explained his family's history within the City of Miami Springs. He is opposed to selling any part of the Golf Course. Selling any part of the Golf Course is a very bad precedent and it could be the beginning of selling of the Golf Course for real-estate development. He questioned if the City has ever rezoned a piece of property and sold it to a private development.

### **Police Department**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue is unhappy with the increase of robberies in Miami Springs. She alleged that there was a robbery at the Curtiss Mansion. She spoke in support of the Police Department and asked that Council support the Police Department and come to some type of an agreement. She asked all of the Police Officers who were at the meeting to give their names.

### **Commercial Vehicle Ordinance**

Omar Azze of 333 South Drive is concerned about the commercial vehicle ordinance. He explained a situation with regards to a big-rig being parked in his neighbor's home at his prior house in Hialeah and hopes that will not happen in this City.

Mayor Garcia asked Mr. Azze to provide his phone number to the City Clerk so he can respond to his concern.

### **Noise Ordinance**

Andres Natalino of 601 Ludlam Drive expressed his concern about the noise ordinance. He feels that the noise coming from Woodys on the weekends is getting out of hand.

Mayor Garcia asked Mr. Azze to provide his phone number to the City Clerk so he can respond to his concern.

### **Noise Ordinance**

Maggie Amaya of 185 Flagler Drive expressed her concerns regarding the noise ordinance and the issues occurring with Woodys. She does not mind the occasional party, but Woodys has music events every Friday and Saturday night. She has a two story home and the noise from Woodys goes right into her bedroom. She hates that she has to call the police every weekend to complain about the noise. She distributed petitions with almost fifty signatures from people who have issues with the noise coming from Woodys. She has filled out public records requests asking for multiple documents and she is asking for relief from Council to revoke the permit that Mr. Suco requested.

## **Police Department**

Mayor Garcia explained that as a resident of the City of Miami Springs, he would like to express to everyone that the Police Officers who are present tonight also live in the community and have children who play sports with his kids. Even though Council cannot discuss what goes on behind closed doors in negotiations, he wants everyone to know that it is very important to Council that something fair is done.

Mayor Garcia continued explaining that he wants the Police Officers to know that Council does care about them. Council is working their hardest and he promises that Council is going to do their best. According to the noise ordinance, what was presented to Council was a misunderstanding and it was not Council's intent to make any drastic changes to the ordinance. Determination on what to do with the ordinance will be discussed later on during this meeting.

### **5. Approval of Council Minutes: None**

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

#### **6A) 02-13-2014 – Board of Parks and Parkways – Minutes**

Minutes of the February 13, 2014 Board of Parks and Parkways meeting were received for information without comment.

#### **6B) 02-24-2014 – Board of Appeals – Minutes**

Minutes of the February 24, 2014 Board of Appeals meeting were received for information without comment.

#### **6C) 03-03-2014 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the March 3, 2014 Zoning and Planning Board meeting was received for information without comment.

#### **6D) 03-04-2014 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the March 4, 2014 Code Enforcement Board meeting was received for information without comment.

#### **6E) 03-03-2014 – Board of Adjustment – Approval of Actions Taken at their Meeting of March 3, 2014, Subject to the 10-day Appeal Period**

City Attorney Jan K. Seiden explained that the applicant's attorney withdrew the variance request and there were no actions taken by the Board of Adjustment.



**7. Public Hearings:**

**7A) 2nd Second Reading – Ordinance No. 1068-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-05, Garbage, Garden Trash, and Rubbish; Placement in Receptacles for Collection and Removal; By Providing Additional Regulations for the Placement of Trash and Recycling Materials by Multi-Family Residential and Commercial Sites Adjacent to City Streets and for the Retrieval of Trash and Recycling Receptacles; Establishing Inapplicability to Alley Pickups and Single Family Residential Zoning Districts of City; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date**

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

City Attorney Seiden said that the intent of the ordinance is to require that the trash receptacles not be put out for pick-up until 24 hours before pick-up and then removed no later than 24 hours after pick-up.

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

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

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

**8A) Approval of City Attorney's Invoice for February 2014 in the Amount of \$10,165.50, as Funds were Approved in the FY 13/14 Budget**

There was no discussion regarding this item.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

**8B) Recommendation that Council Approve an Expenditure in an Amount Not to Exceed \$8,000.00, on an "As Needed Basis" to The Miami Herald Publishing for Marketing and Advertising the Golf Course as Funds were Approved in the FY 13/14 Budget, as a Sole Source Provider for Larger Circulation Notifications of Advertising, Pursuant to Section 31.11 (E)(6)(c) of the City Code**

City Manager Ronald K. Gorland distributed an example of the advertisement that was in the paper and said that it was well received.

There was no discussion regarding this item.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

**8C) Recommendation that Council Award a Bid to Neff Rental, Utilizing Miami-Dade County Bid # 8446-5/17-1, in the Amount Not to Exceed \$8,000.00, on an "As Needed Basis", for Rental of Tractor and Lift Equipment as Funds were Approved in the FY 13/14 Budget, Pursuant to Section 31.11 (E)(5) of the City Code**

There was no discussion regarding this item.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote, with Mayor Garcia casting the dissenting vote.

**8D) Recommendation that Council Award a Bid to Sullivan Electric & Pump Inc., Utilizing Miami-Dade County Bid # 6819-5/17-1, in the Amount of \$22,000.00 to Rebuild the West Pump Station at the Miami Springs Golf Course, for Fiscal Year 2013-2014, Pursuant to Section 31.11 (E)(5) of the City Code**

There was no discussion regarding this item.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

**8E) Recommendation that Council Award a Bid to Florida Superior Sand, Utilizing the Miami-Dade County Contract # 9408-1/14-1 in the Amount of \$35,000.00 on an "As Needed Basis" to Purchase Medium Grade Particle Sand, for the Fiscal Year 2013-2014, Pursuant to Section 31.11 (E)(5) of the City Code**

There was no discussion regarding this item.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

**8F) Recommendation that Council Award a Bid to Howard Fertilizer & Chemical Company Inc., Utilizing the Town of Davie Bid # B-12-34-3, in the Amount of \$20,000.00, on an "As Needed Basis", for Custom Blended Fertilizers, for the Fiscal year 2013-2014, Pursuant to Section 31.11 (E)(5) of the City Code**

There was no discussion regarding this item.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.

**9. Old Business:**

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

No appointments were made.

**9B) Determination of Next Steps Regarding the Commercial Vehicle and Noise Ordinances**

By consensus, Council agreed to hold a Special meeting on April 9<sup>th</sup> at 7:00 p.m. to discuss Ordinance No. 1061-2014. They will leave the noise ordinance on the table and re-entertain it at another time.

**10. New Business:**

**10A) Resolution No. 2014-3614 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of City Recreation Facilities and Related Services; Effective Date**

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

Councilman Windrem moved the item. Councilman Lob seconded the motion.

City Manager Gorland read the memo in its entirety.

Mayor Garcia said that there were many residents that raised this issue.

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

**10B) Recommendation from the Board of Parks and Parkways Regarding the Proposed Sign Wall for Curtiss Parkway**

City Manager Gorland read the recommendation memo from the Board of Parks and Parkways regarding the construction of a sign wall on Curtiss Parkway.

To answer Councilman Lob's question, City Manager Gorland clarified that the work would be done in-house.

The drawings for the sign wall and the cost will be brought back to Council.

Councilman Lob approved the recommendation in concept. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

**11. Other Business:**

**11A) Update to Proposed Fund Balance Designations**

Assistant City Manager/Finance Director William Alonso presented an update on the proposed fund balance designations. He explained that the remaining fund balance this year is \$292,341 that can be designated. The City already has \$77,360 for the pool shoring project. The hurricane contingency fund would have to be reduced from \$500,000 to \$215,025 in order to maintain the 25% fund balance requirement.

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

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

### **12A) City Attorney**

#### **Apology for Absence**

City Attorney Seiden apologized for not being present at the last meeting. He hopes to not miss anymore meetings.

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

#### **City Events**

City Manager Gorland commented that there are many events going on in the City and he encouraged everyone to visit the City website to know what those events are.

### **12C) City Council**

#### **Optimist Club Mulch Drive Fundraiser**

Vice Mayor Bain had a nice weekend working at the mulch drive and there were many young gentlemen who helped. He had the opportunity to go hunting with one of them and on the way home the young gentleman bought him lunch.

#### **Optimist Club Mulch Drive Fundraiser**

Councilman Windrem commented that he bought 10 bags of mulch and will be starting that project this weekend.

#### **Audience Participation**

Mayor Garcia thanked everyone who attended the meeting tonight and hopes that the residents continue to attend the meetings to become more informed of what is going on throughout the City.

#### **Optimist Club Mulch Drive Fundraiser**

Mayor Garcia congratulated the Optimist Club for a great success with the mulch drive. He encouraged people to sign up and become members of the Optimist Club.

13. Adjournment

There being no further business to be discussed the meeting was adjourned at 8:10 p.m.

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Zavier M. Garcia  
Mayor

ATTEST:

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Suzanne S. Hitaffer, CMC  
Acting City Clerk

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

Transcription 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*

*Zoning and Planning Board*

CANCELLATION NOTICE

The Zoning and Planning Board meeting of Monday, April 7, 2014 has been canceled since there are no new cases to be heard by the Board.

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Elora R. Sakal  
Board Secretary

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



**CITY OF MIAMI SPRINGS**  
Public Works  
345 N Royal Poinciana Blvd  
Miami Springs, FL 33166-5259  
Phone: (305) 805-5170  
Fax: (305) 805-5195

Agenda Item No.

City Council Meeting of:

3-24-14  
*WJ*

**TO:** Honorable Mayor Garcia and Members of the City Council  
**VIA:** Ronald Gorland, City Manager *Ron*  
**FROM:** Thomas Nash, Public Works Director *TN*  
**DATE:** March 18, 2014

**RECOMMENDATION:**

Recommendation that Council waive the competitive bid process and award an additional expense of \$16,086.78 to Computer Electric, utilizing the current City of Miami Springs Contract, for labor and materials for the installation of the new lighting on the Gazebo circle, pursuant to Section §31.11 (E)(1) of the City Code.

**DISCUSSION:**

Computer Electric is the City's Electrical Contractor with Bid# 03-11/12. The installation cost were \$16,086.78 as field conditions were not adequate and required being bought to current code specifications. See attachment A & attachment B. The FY2013-14 budget included \$15,000 for the purchase of the light poles at the circle, this amount will also be reclassified from the General Fund to the Road and Transportation fund since the entire project is being funded by CITT.

**REQUEST:** \$16,086.78 (CITT Funding)

**FUNDING:** Department/ Description: Citizens Independent Transportation Trust  
Account Number: 135-0902-541-4600

**PROFESSIONAL SERVICES APPROVAL:** *TR* *WJ*



**CITY OF MIAMI SPRINGS**  
Public Works  
345 N Royal Poinciana Blvd  
Miami Springs, FL 33166-5259  
Phone: (305) 805-5170  
Fax: (305) 805-5195

Agenda Item No.

City Council Meeting of:

3-24-2014

**TO:** Honorable Mayor Garcia and Members of the City Council

**VIA:** Ronald Gorland, City Manager

**FROM:** Thomas Nash, Public Works Director

**DATE:** March 19, 2014

**RECOMMENDATION:**

Recommendation that Council approve a change order to PO 140432 to Triple J Plumbing in the amount of \$1,900.00, for additional water piping in city hall restrooms not identified in the original quote related to air conditioning and the hot water heater in the police department, pursuant to Section §31.11 (F)(11)(b) of the City Code.

**REASON:** Council approved \$30,550.00 for the water line replacement pertaining to the restroom renovations in city hall on January 13, 2014.

**COST:**

Current Request:	\$ 1,900.00
Previously approved:	<u>\$30,550.00</u>
<b>Total:</b>	<b>\$32,450.00</b>

**FUNDING:** **Department/ Description:** Building Maintenance Improvements  
**Account Number:** 001-5405-541-6300

**PROFESSIONAL SERVICES APPROVAL:**





**CITY OF MIAMI SPRINGS**  
Miami Springs Country Club  
650 Curtiss Parkway  
Miami Springs, FL 33166-5259  
Phone: (305) 805-5180  
Fax: (305) 805-5192

Agenda Item No.

City Council Meeting of:

3-24-14

**TO:** Honorable Mayor Garcia and Members of the City Council

**VIA:** Ronald Gorland, City Manager  
Paul O'Dell, Golf Director

**FROM:** Laurie Bland, Golf Course Superintendent

**DATE:** March 13, 2014

**RECOMMENDATION:**

Recommendation that Council approve an expenditure of \$5,000.00 on an "as needed basis" to Hector Turf for parts and supplies needed for maintaining the Toro equipment for Fiscal Year 2013-2014, as a sole source provider, pursuant to Section §31.11 (E)(6)(c) of the City Code.

**DISCUSSION:** To purchase parts and supplies needed to maintain the Toro equipment.

**REQUEST:**

Previous Approved amount	\$15,000.00
Current request:	<u>\$ 5,000.00 (Funds available)</u>
Total vendor amount:	\$ 20,000.00

**FUNDING:**

**Department/ Description: Golf Course Repairs and Maintenance**  
**Account Number: 001-5708-572-5200**

**PROFESSIONAL SERVICES APPROVAL:** \_\_\_\_\_



**CITY OF MIAMI SPRINGS**  
Miami Springs Country Club  
650 Curtiss Parkway  
Miami Springs, FL 33166-5259  
Phone: (305) 805-5180  
Fax: (305) 805-5192

Agenda Item No.

City Council Meeting of:

3-24-14

**TO:** Honorable Mayor Garcia and Members of the City Council

**VIA:** Ronald Gorland, City Manager  
Paul O'Dell, Director of Golf

**FROM:** Laurie Bland, Golf Course Superintendent

**DATE:** March 17, 2014

**RECOMMENDATION:**

Recommendation that Council approve an expenditure in an amount not to exceed \$25,296.00, on an "as needed basis" to South Florida Grassing, Inc. for re-grassing areas around the golf course as a sole source provider, funds were approved in the FY 13/14 Budget, pursuant to Section §31.11 (E)(6)(c) of the City Code.

**DISCUSSION:** To continue re-grassing playing areas around the golf course. South Florida Grassing is only provider at this time that has 419 Bermuda available.

**REQUEST:**

Previously Approved	\$	10,000.00	Oct. 28, 2013
Current request:	\$	25,296.00	Funds available
Total vendor amount:	\$	35,296.00	

**FUNDING:**

Funds were approved during Budget Hearings  
**Department/ Description: Golf Department/Seed and Sod**  
**Account Number: 001-5708-572-52-33**

**PROFESSIONAL SERVICES APPROVAL:**



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: Suzanne S. Hitaffer, Acting City Clerk *S. Hitaffer*  
DATE: March 20, 2014  
SUBJECT: PENDING BOARD APPOINTMENTS

\*\*\*\*\*

The following appointments are pending:


<u>APPOINTMENT COUNCILMEMBER</u>	<u>CURRENT MEMBER</u>	<u>NEW TERM EXPIRES</u>	<u>ORIGINAL APPOINTMENT DATE</u>	<u>LAST APPOINTMENT DATE</u>
<u>Board of Adjustment/Zoning and Planning Board</u>				
Mayor Xavier Garcia	Francisco Fernández	04-30-2015	10-14-1991	11-28-2011
Vice Mayor Bain – Group 2	Ernie Aloma	04-30-2016	04-13-2009	01-11-2011
Councilman Lob – Group 3	Bill Tallman	04-30-2016	01-11-2010	05-14-2012
<u>Architectural Review Board</u>				
Vice Mayor Bain – Group 2	Joe Valencia	10-31-2014	02-27-2012	02-27-2012
<u>Code Enforcement Board</u>				
Mayor Xavier Garcia	Walter Dworak	09-30-2016	11-14-2005	09-14-2010
Councilman Petralanda-Group 4	Robert Williams	09-30-2016	03-10-2008	10-25-2010
<u>Civil Service Board</u>				
Councilman Windrem – Group 1	Rob Youngs	06-30-2015	01-11-2010	01-11-2010
Vice Mayor Bain – Group 2	Carrie Figueredo	06-30-2015	08-24-2009	08-24-2009
<u>Code Review Board</u>				
Mayor Xavier Garcia	Connie Kostyra*	04-30-2015	VACANT	VACANT
Councilman Lob – Group 3	Dan Dorrego	04-30-2016	08-11-2003	05-24-2010
Councilman Petralanda-Group 4	Jana Armstrong	04-30-2016	06-11-2001	05-10-2010
<u>Disability Advisory Board</u>				
Mayor Xavier Garcia	Charlene Anderson*	12-31-2016	VACANT	VACANT
Councilman Windrem – Group 1	Catherine Stadnik	12-31-2016	12-14-1998	02-14-2011
Councilman Lob – Group 3	Richard Barnes	12-31-2016	05-11-2009	01-24-2011
Councilman Petralanda Group 4	Roslyn Buckner	12-31-2016	03-26-2012	03-26-2012

<u>APPOINTMENT COUNCILMEMBER</u>	<u>CURRENT MEMBER</u>	<u>NEW TERM EXPIRES</u>	<u>ORIGINAL APPOINTMENT DATE</u>	<u>LAST APPOINTMENT DATE</u>
<u>Education Advisory Board</u>				
Mayor Zavier Garcia	Caridad Hidalgo	05-31-2015	01-28-2013	01-28-2013
Vice Mayor Bain – Group 2	Dr. Mara Zapata	05-31-2015	06-13-2011	06-13-2011
Councilman Lob – Group 3	Dr. John Salomon	05-31-2015	12-14-2009	06-13-2011
<u>Golf and Country Club Advisory Board</u>				
Mayor Zavier Garcia	Michael Domínguez	07-31-2013	04-12-2010	09-26-2011
Councilman Windrem – Group 1	Mark Safreed	07-31-2013	08-08-2005	06-27-2011
Vice Mayor Bain – Group 2	George Heider	07-31-2013	08-13-2001	06-27-2011
Councilman Lob – Group 3	Ken Amendola	07-31-2013	10-10-2011	10-10-2011
Councilman Petralanda-Group 4	Art Rabade	07-31-2013	03-11-2013	03-11-2013
<u>Historic Preservation Board</u>				
Mayor Zavier Garcia	Sydney Garton**	01-31-2016	11-08-1993	02-08-2010
Vice Mayor Bain – Group 2	Yvonne Shonberger**	02-28-2017	06-13-2005	09-10-2012
<u>Recreation Commission</u>				
Mayor Zavier Garcia	E. Jorge Santin	04-30-2016	04-14-2008	12-13-2010

\* Connie Kostyra resigned on April 28, 2011.  
 Charlene Anderson resigned on June 6, 2011.

\*\* Historic Preservation Board – Council confirmation required per §153.11 of the City Code of Ordinances: “..... No board member who shall have served three consecutive terms of office shall be eligible to serve an additional term of office for 2 years thereafter, unless the appointment for any additional term shall be confirmed by a majority of the council.....”

cc: City Manager  
 Assistant City Manager/Finance Director  
 City Attorney


3-24-2014 

# CITY OF MIAMI SPRINGS



City Manager's Department  
201 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5010  
Fax: (305) 805-5040

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Ron Gorland   
City Manager

SUBJECT: New Aquatic Facility Recommendations - Consultant & LEED

DATE: March 19, 2014

## CONSULTANT RECOMMENDATION:

At a previous meeting Council directed that the Administration meet with Bermello Ajamil & Partners (B&A) to negotiate a contract for recommendation to Mayor & Council. The Aquatic Facility project management team - Jan Seiden, William Alonso, Tammy Romero, Karen Rosson, Omar Luna, Caro Villaverde, and myself met two times with B&A to negotiate the attached contract (Attachment "A") which the entire management team strongly recommends to Council for approval. We were all pleasantly surprised by how reasonable the below proposed fee structure is in view of the premium reputation of B&A. Incidentally, all of our contacts (meetings, phone, email, etc) to date well support the professional industry reputation of B&A.

The attached recommended contract has three phases as follows:

1. Phase 1) Programming and Master Planning - \$70,000 lump sum
2. Phase 2) Design Criteria Package & Selection of Design Build (DB) contractor - \$108,000
3. Phase 3) Owner's Representative during Permitting and Construction - not to exceed \$9,000 monthly or \$108,000 during the 12 month expected construction period

Total cost of all 3 phases is estimated to be \$286,000 (without formal LEED accreditation)

## LEED RECCOMENDATION:

LEED (Leadership in Energy and Environmental Design) was developed by the U.S. Green Building Council (USGBC). **LEED Certification** provides independent, third-party verification that a building, home, or community was designed and built using strategies aimed at achieving high performance in key areas of human and environmental health:

sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. While B&A recommends consideration be given to LEED accreditation, it is not in the contract (note B&A contract "EXCLUSIONS"). The additional cost for LEED consulting services should not exceed \$45,000. However this does not include the undefined additional cost of materials, processes, project time extension (if any) and the contract provision does not guarantee the level of LEED accreditation that will actually be achieved. B&A's fee for LEED inclusion is \$5,750. The increase cost to the project is estimated to be in the 5-7% range of the total project. If the decision regarding LEED is made quickly there should be no project timeline delay. Based on an estimated \$3-5 million total project cost, the total LEED cost is estimated to be a maximum of \$400,000 which the City should recoup in all or part in future years.

Options for Council consideration:

1. LEED Accreditation (not guaranteed by LEED consultant)
2. Non-certified LEED process similar to what we did at the Community Center (ex. room motion-activated light switches) - recommended by the Administration
3. Little to no LEED consideration

### **PUBLIC INVOLVEMENT:**

Assuming Council approval of the preceding proposed contract, Council should approve the public involvement process recommendations which includes their hosting community communications "SAVE THE DATE" mailer poster card for 3 public input meetings hosted by B&A per attachment "B." These meetings are to determine what the residents would like. In addition a tri-fold color printed survey will be at each of the meeting and one will be mailed Every Door Direct Mailing (EDDM) to each household and business in Miami Springs. A survey response link will be available through the City website.



Bermello Ajamil &amp; Partners, Inc.

## PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT is made and entered on March 24<sup>th</sup>, 2014 by and between BERMELLO, AJAMIL & PARTNERS, INC. a Florida Corporation (B&A) and The City of Miami Springs (Client). In consideration of the mutual covenants contained herein, the parties agree as follows:

1. DESCRIPTION OF PROJECT SITE:

Existing city block located between Westward Drive, Swan Avenue, Apache Street and Chippewa Street that includes the city's Community Center, existing pool facility and surface parking. The new Aquatic Facility will be accommodated within the 3.6 acre property.

2. DESCRIPTION OF PROFESSIONAL SERVICES AND SCHEDULE TO BE PROVIDED BY B&A: *(If additional pages are necessary, they are identified as Attachment A)*

As defined in the project scope of work attached, professional services are divided into (3) three phases:

- Phase 1: Programming and Master Planning
- Phase 2: Design Criteria Package & Selection of DB Team
- Phase 3: Owner's Representative during Permitting and Construction

See the attached scope of work for additional information.

3. THE COMPENSATION TO BE PAID B&A for providing the requested services shall be: *(If additional pages are necessary, they are identified as Attachment B):*

As defined in the project scope of work attached, fees are divided into (3) three phases:

Phase 1:	\$ 70,000 Lump Sum
Phase 2:	\$ 108,000 Lump Sum
Total:	\$ 178,000 Lump Sum

Phase 3: Allowance - Time and Materials with a not to exceed per month of \$9,000

See the attached scope of work for additional information.

IN WITNESS WHEREOF, this Agreement is accepted on the date written above, subject to the terms and conditions above stated and the provisions set forth on the reverse side.

CLIENT: \_\_\_\_\_

BERMELLO, AJAMIL & PARTNERS, INC.

SIGNED: \_\_\_\_\_

SIGNED: 

TYPED NAME: \_\_\_\_\_

TYPED NAME Willy Bermello

TITLE: \_\_\_\_\_

TITLE: President

DATE: \_\_\_\_\_

DATE: March 24, 2014

*Client to return one fully executed original to B&A*

4. **COMPENSATION, INVOICES AND PAYMENT:** B&A shall submit invoices to the Client for work accomplished during each calendar month. Invoices shall be due and payable by the client upon receipt. If the Client defaults of such payment, the Client agrees to pay all costs of collection, including reasonable attorney's fees. The Client hereby acknowledges that unpaid invoices shall accrue interest at 18% per annum after they have been unpaid 45 days after client receives the invoice. Work on the project shall be suspended until all unpaid invoices are paid in full.
  - 4.1 **Lump sum contracts** - For services provided on a Lump Sum basis, the amount of each monthly invoice shall be determined on the "percentage of completion method" whereby B&A will estimate the percentage of the total work accomplished during the invoicing period.
  - 4.2 **Time and material contracts** - For work accomplished on a time and materials basis, hourly charges shall be billed using cost of salaries for the time of personnel engaged directly in the work times a 3.1 multiplier unless specific rates are agreed to and established in the Attachments to this Agreement. B&A invoices shall include, separately listed, charges for labor spent on the contract and reimbursable costs. Reimbursable expenses include professional associates and out-of-pocket expenses, the cost of which shall be charged at actual costs plus a 10% administrative charge.
5. **COST ESTIMATES:** Client hereby acknowledges that B&A cannot warrant that estimates of probable construction or operating costs provided by B&A will not vary from actual costs incurred by the Client.
6. **LIMIT OF LIABILITY:** The Client agrees that the total aggregate of liability of B&A, its employees and professionals assigned to this project due to the errors, omissions, or negligent acts shall not exceed the total fee for services rendered by B&A for this project. Should the Client find the above terms unacceptable, then, prior to undertaking the work, an equitable surcharge to absorb B&A's increase in insurance premiums will be negotiated. In the event that the Services provided entails B&A subcontracting or acting as coordinator with third parties brought in by the client B&A will not liable in respect of any shortcomings of these third parties unless B&A has expressly accepted liability in this regard.  
For contracts Governed by the Laws of the State of Florida, PURSUANT TO FLORIDA STATUTE 558.0035-1-(C), AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE. B&A agrees to allow its E/O policy to be available for coverage under this agreement without any liability limitation, notwithstanding the language previously provided in this provision of the contract.
7. **CONSTRUCTION SERVICES:** B&A shall not be responsible for or have control over means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the construction of the project; nor shall B&A be responsible for the Contractor's failure to carry out the Work in accordance with the Contract Documents or for Contractor's failure to comply with applicable laws, ordinances, rules or regulations, except to advise the city of problems that are observed.
8. **INSURANCE:** B&A shall at all times carry, on all operations hereunder, worker's compensation insurance, public liability and property damage insurance, and automotive public liability and property damage insurance.
9. **ASSIGNMENT:** Neither party will assign or transfer its interest in this Agreement without the written consent of the other.
10. **SUSPENSION, TERMINATION, CANCELLATION OR ABANDONMENT:** Both parties may suspend, cancel, terminate or abandon this Agreement. The parties shall be given seven (7) days' prior written notice of such action. B&A shall be compensated for the professional services provided up to the date of such action in accordance with the provisions of this Agreement for all work performed up to the date of suspension, termination, cancellation or abandonment, including reimbursable expenses. B&A's ability to terminate this agreement is subject only to non payment by the City.
11. **ENTIRETY OF AGREEMENT:** This Agreement embodies the entire understanding between the parties. There are no other agreements and understandings, oral or written, with reference to the subject matter hereto that are not merged herein and superseded hereby. No change or modification of the terms of this Agreement shall be valid unless made in writing and signed by both parties hereto.
12. **DOCUMENTS:** Any reuse by the client or others of documents and plans that result from B&A's services under this Agreement shall be at CLIENT'S or others' sole risk without liability to B&A.
13. **ELECTRONIC TRANSMISSION:** Should information be transmitted electronically, B&A cannot guarantee that changes or alterations will not be made by other persons after the documents leave the possession of B&A, as such, B&A makes no warranties, express or implied, concerning the accuracy of the information contained in any documents transmitted or reviewed by computer or other electronic means. Only original signed and sealed drawings approved by B&A can be used in their intended purpose. Any document must be compared to the original hard copy with certified raised seal, if applicable, in order to insure the accuracy of the information contained therein and to further insure that no changes, alterations or modifications have been made to the document transmitted.
14. **CONFIDENTIALITY/PROMOTIONS:** B&A shall have the right to include representations of the design of the Project, including photographs among its promotional and professional materials. B&A's materials shall not include the Client's confidential or proprietary information if the Client has previously advised B&A in writing of the specific information considered by the Client to be confidential or proprietary.
15. **STAFFING:** The Client agrees not to solicit or hire employees from B&A during the term of the Agreement and for a period of no less than one (1) year after the termination of the services provided herein.
16. **STANDARD OF PERFORMANCE:** Services performed by B&A and its employees under this Agreement will be the care and skill ordinarily used by members of the profession practicing under the same or similar circumstances at the same time in the same locality. B&A makes no warranties, expressed or implied, under this Agreement or otherwise, in connection with B&A's services.
17. **ARBITRATION:** Claims, disputes or other matters in question between the parties to this Agreement arising out of or relating to this Agreements or breach thereof shall be subject to and decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect unless the parties mutually agree otherwise.
18. **CONTROLLING LAW:** This Agreement is to be governed by the Laws of the jurisdiction where the services are performed.





**Attachment "A"**  
**CITY OF MIAMI SPRINGS**  
**AQUATIC FACILITY DESIGN CRITERIA**  
**SCOPE OF SERVICES**

**PHASE 1 – PROGRAMMING AND MASTER PLANNING - \$70,000**

**Kick-Off Meeting**

A project kick-off meeting will be held with the City of Miami Springs' staff to go over project goals and objectives, project approach, project delivery timeline and project deliverables. If required by staff and is decided that community involvement will be required as part of this process, we can also coordinate the outreach for community meetings. Outreach will include a formal meeting announcement, meeting location and other pertinent actions that may be necessary to obtain neighborhood attendance at said meetings.

**Site and Code Analysis**

**Site Conditions** - Review of existing site conditions, surrounding urban context, existing vegetation and any other onsite or offsite condition that may impact the location and building design of the Aquatic Facility. A review of existing infrastructure availability, in particular water and sewer, will be carried out. A site visit will be organized. City staff will provide the necessary supplemental information for said evaluation, as well as site surveys, soils analyses or any other specific site tests that may be required for the preparation of the Design Documents.

**Zoning and Building Code Analysis** - B&A will review and outline the requisites of the present property zoning and will become familiar with the City of Miami Springs codes and ordinances requisites and requirements. We will also perform an in-depth analysis of the pertinent building codes applicable to this type of facility and the agencies that will have jurisdiction on the project.

**Programming**

B&A will meet with City staff to determine the programmatic requirements for the project. The City will communicate to B&A the needs and wants of the project and the B&A Team will assist the City in prioritizing these requirements. B&A will then prepare a summary of the requirements from the City and generate a final program showing all of the required spaces along with accompanying square footage. This program will be the basis for the development of the project.

**Public Presentations (3)**

B&A work with the city to organize a total of (3) three public presentations. Time, days and dates will be determined to make the best effort to accommodate convenient hours for the community to participate. In addition, B&A will work with the city to prepare a survey that can be accessed from the city's web-site, printed and handed out during the (3) three presentations and a location at city hall during phase 1.



### **Master Plan Options**

Based on the established program, B&A will prepare a minimum of two (2) and a maximum of three (3) (if feasible) site plan/design options. These Master Plan options will be accurately drawn in site plan form and rendered. The site plan options will clearly outline the Aquatic Facility building and pool location, adjacent building, site access, parking areas, landscape areas and any other element or feature that may need to be included to portray the design intent of each option. Site development data (area, parking count, etc.) will be included with each option. B&A will present all options to City staff along with a construction cost estimate for each option. A final option will be selected by the City and B&A will proceed to prepare the Final Master Plan based on the selected option.

### **Final Master Plan**

B&A will prepare the Final Master Plan which will contain the following products and deliverables:

1. Illustrative Site Plan - Identifying the Aquatic Facility, parking layout, landscape areas, recreational areas and other project elements. The drawing will be prepared in AutoCAD and color rendered in M-Color. The physical copy will be presented at an appropriate scale.
2. Site Development Data – Tables outlining the project's components including building area, parking spaces, etc.
3. Preliminary Landscape Plan – Outlining the preliminary landscape design and establishing landscape plant quantities required to meet the City's Landscape Code.
4. Conceptual Floor Plan – Showing the layout of the building and location of the pool area.
5. Concept Building Elevation - A conceptual building elevation outlining the building style, concept fenestration and other concept elevation elements will be prepared.
6. Conceptual Project Perspective Rendering - A computer-generated perspective rendering of the project will be prepared from the available concept design information. The rendering will illustrate, as truly as possible, the design intent of the project.
7. Design/Build Specification Documents - All the information gathered will be included in a document containing written text and drawings, which will provide the necessary design information for the City to include in a Design/Build specification document for said project.
8. Estimate of Probable Construction Cost – The B&A Team will provide an engineer's estimate of probable construction cost for all 3 options presented to the City.

### **Final Presentation**

B&A will organize and prepare the necessary documentation to participate in presentations to City Council meetings to help determine the final Master Plan for the RFP. B&A will assist the Council and City staff in finalizing the Final Master Plan. After reaching consensus by the City Council and City staff on the Final Master Plan, B&A will proceed with the preparation of the Design Criteria Package necessary to issue the RFP.

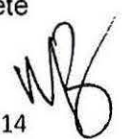


## **PHASE 2 – DESIGN CRITERIA PACKAGE AND SELECTION OF D/B TEAM - \$108,000**

### **Design Criteria Package**

After approval of the Final Master Plan, B&A will begin the preparation of the Design Criteria package that will be used as part of an RFP to procure the services of a Design/Build team to the Aquatic Facility project. The following is a detailed description of the components that will be included in this package.

1. Preparation of Preliminary Design drawings for the proposed project establishing a visual/graphic representation which will describe the design intent of the project. B&A will prepare all of the necessary documentation including, but not limited to:
  - a. Overall project site plan and context map showing surrounding buildings, streets, structures, etc.
  - b. Site plan indicating all proposed site and building demolition which will be part of the project scope.
  - c. Rendered site plan, illustrating the Aquatic Facility including pool and building, parking areas, landscaping and relationship to the existing Community Center.
  - d. Floor plans to scale, illustrating all functional program elements, showing adjacencies to other spaces and indicating room sizes.
  - e. Rendered building elevations indicating materials, wall openings, and overall building height.
  - f. Project sections showing the relationship between the pool area, the building and the surrounding site.
  - g. Rendered 3D perspectives as required to show an aerial view of the project. Interior perspectives can also be generated to help establish the design intent of the project.
  
2. Preparation of project outline specifications indicating and defining major project components as required for the preparation of the RFP. The specifications will define the following systems and building components:
  - a. Site and Civil features, fixtures and amenities.
  - b. Architectural materials, finishes and building assemblies.
  - c. Structural elements
  - d. HVAC air handling equipment and distribution system,
  - e. Electrical panels, distribution and lighting.
  - f. Plumbing fixtures and systems.
  - g. Fire protection systems.
  - h. Pool related equipment and systems.
  - i. Landscaping and irrigation systems.
  
3. Preparation of a descriptive narrative identifying all project components. This narrative will describe in great detail all of the project components required for the delivery of a complete



project by the Design/Build team to the City of Miami Springs. The narrative will describe all of the project components including but not limited to: architectural, structural, mechanical, electrical, plumbing, pool equipment, civil, site, landscaping, etc., as listed in paragraph above.

4. As part of the Design Criteria Package, the B&A Team will also provide an engineer's estimate of probable construction cost. This estimated cost can be used by the City as a tool for establishing/obtaining project funding and also evaluating the Design/Build proposals.
5. B&A will also provide the City with a probable construction schedule to be included as part of the RFP documents.

### **Bidding**

B&A will assist the City as needed during the Bidding process. B&A will respond as needed to any Requests for Information (RFI's) from the potential bidders regarding technical information on the project. B&A will also attend the Pre-Bid meeting and assist the City as needed during this meeting.

### **Evaluation of Design/Build Packages**

After the bids have been received, B&A will assist the City of Miami Springs with the evaluation of the Design/Build packages for compliance with the established Design Criteria documents. We will evaluate each submitted proposal and prepare a report of our findings indicating areas of compliance and non-compliance, along with a final recommendation if required by the City.



**Attachment "B"**

**Hourly Billing Rates – Construction Administration Phase  
Bermello, Ajamil & Partners, Inc. (B&A)**

1. Principal - Willy A. Bermello.....	\$515.00
2. Project Manager - Scott Bakos.....	\$210.00
3. Project Architect – Saul Suarez .....	\$200.00
4. Director of Landscape Architecture - Randy Hollingworth.....	\$165.00
5. Dep. Project Manager/QC – Jorge Ferrer.....	\$160.00
6. Senior Engineer - Bill Barbaro.....	\$150.00
7. Architect - Raul Carreras.....	\$110.00
8. Cadd Tech - Daniel Pearson.....	\$ 85.00

**Hourly Billing Rates – Construction Administration Phase  
Aquatic Design Group (ADG)**

1. Principal – Scott Ferrell.....	\$195.00
2. Project Architect / Engineer – Doug Ferrell .....	\$165.00
3. Project Manager – Justin Caron .....	\$135.00
4. Construction Manager – Joe Bailey .....	\$125.00
5. CAD Technician – Noel Castillo.....	\$100.00
6. Clerical – Tamara Thomas .....	\$ 50.00



## **PHASE 3 – OWNER’S REP. DURING PERMITTING AND CONSTRUCTION - \$9,000/mo**

### **Design and Construction Phases**

After the project has been awarded to a Design/Build team, B&A will serve as an extension of the City's office and represent them as required throughout the duration of the design and construction phases of the project.

Design Phase – During the Design Phase, B&A will perform the following services:

1. Review the Design/Build professional's construction documents and specifications at significant stages during the development of the construction documents for the project. These stages are typically: 30%, 60%, 90% and 100%.
2. Attend progress meetings as required.
3. Evaluate requests for design changes (variances from design criteria).
4. Track design project schedule.

Construction Phase – During the Construction Phase, B&A will perform the following services:

1. Attend construction meetings as requested by the City in order to inform the City of project progress.
2. Track construction project schedule.
3. Evaluate change orders as requested by the City.
4. Perform site visits as required to continue flow of project. Site visits will be for the sole purpose of evaluating Design/Build professional's compliance with Design Criteria standards.
5. Evaluate pay applications as requested by the City.
6. Assist the City with punch lists as requested by the City.
7. Assist the City in ensuring that all final documentation (as-builts, close-out documents, etc.) is turned over to the City by the Design/Build team.

### **EXCLUSIONS**

The following services are not included in this scope and fee proposal:

1. Boundary or topographic surveying
2. Soils / Geo-Technical Engineering
3. Special Inspections
4. LEED / Green Building Design Certification
5. Marketing material
6. Design / Architectural Review Board Process / Presentations





# Miami Springs Aquatic Facility

Bermello, Ajamil & Partners

Date:

3/4/2014

## Summary of fees

Phase	Total Fee	B&A	Consultants
<b>Phase 1</b> - Programming and Master Planning	\$70,000	\$45,000	\$25,000
<b>Phase 2</b> - Design Criteria Package and Selection of Design Build Team	\$108,000	\$61,000	\$47,000

<b>Total</b>	<b>\$178,000</b>	<b>\$106,000</b>	<b>\$72,000</b>
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<b>Phase 3</b> - Owner's Representative During Permitting and Construction. Allowance Time and Materials per Month.	\$9,000	\$7,500	\$1,500
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CITY OF MIAMI SPRINGS AQUATIC FACILITY

PROJECT SCHEDULE

NO.	TASK	PHASE 1				PHASE 2			
		1 MONTH	1 MONTH	2 MONTHS	1 MONTH	1 MONTH			
1	PROGRAMMING								
2	1ST PUBLIC MEETING - CITIZENS	█							
3	COMMUNITY INVOLVEMENT	█	█						
4	MASTER PLAN OPTIONS		█						
5	2ND PUBLIC MEETING - CITIZENS			█					
6	FINAL MASTER PLAN			█					
7	3RD PUBLIC MEETING - CITIZENS AND COUNCIL				█				
8	DESIGN CRITERIA PACKAGE					█	█		
9	PRESENTATION TO COUNCIL							█	
10	RFP PROCESS							█	
11	BID REVIEW PROCESS								█
12	COUNCIL MEETING TO AWARD PROJECT								█





**MAYOR ZAVIER GARCIA AND COUNCIL INVITE YOU TO**

# **SAVE THE DATE**

## **NEW MIAMI SPRINGS AQUATIC CENTER COMMUNITY FORUMS**

**FRIDAY, APRIL 25, 2014 - 12 P.M. - SENIOR CENTER**

**FRIDAY, APRIL 25, 2014 - 7 P.M. - COMMUNITY CENTER**

**SATURDAY, APRIL 26, 2014 - 3 P.M. - COMMUNITY CENTER**

***Please plan to attend one of them! Your input is important!***



**MAYOR ZAVIER GARCIA AND COUNCIL INVITE YOU TO**

# **SAVE THE DATE**

## **NEW MIAMI SPRINGS AQUATIC CENTER COMMUNITY FORUMS**

**FRIDAY, APRIL 25, 2014 - 12 P.M. - SENIOR CENTER**

**FRIDAY, APRIL 25, 2014 - 7 P.M. - COMMUNITY CENTER**

**SATURDAY, APRIL 26, 2014 - 3 P.M. - COMMUNITY CENTER**

***Please plan to attend one of them! Your input is important!***



**ALCALDE ZAVIER GARCIA Y CONSEJO DE  
LA CIUDAD TE INVITAN A**

**RESERVA LA FECHA  
NUEVO CENTRO ACUÁTICO  
DE MIAMI SPRINGS  
FOROS COMUNITARIOS**

**VIERNES, 25 DE ABRIL, 2014  
12 P.M. - SENIOR CENTER  
VIERNES, 25 DE ABRIL, 2014  
7 P.M. - COMMUNITY CENTER  
SÁBADO, 26 DE ABRIL, 2014  
3 P.M. - COMMUNITY CENTER**

*Por favor haga planes para asistir a uno de ellos!  
Dus sugerencias son importantes!*

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CITY OF MIAMI SPRINGS  
OFFICE OF THE CITY ATTORNEY  
201 Westward Drive  
Miami Springs, FL 33166-5259  
Phone: 305.858-0220  
Fax: 305.854-6810

TO: Honorable Mayor Garcia and Members of the City Council  
FROM: Jan K. Seiden, City Attorney  
DATE: March 18, 2014  
SUBJECT: Vacation of City Alley

\*\*\*\*\*

The City Council recently vacated the unused grassed alley between 640 Curtiss Parkway and 157 Deer Run (see attached diagram and copy of plat for the location of the subject alley).

Following City Council approval, the City was contacted by the owner of 630 Curtiss Parkway to inquire about the vacation of the alley adjacent to her property.

At first, upon the investigation of this request by the City's staff and me, we were having difficulty determining the alley which was being requested for vacation since it was clear that the major alley to the west of her property was a fully functioning City alley and the property located behind her property was fenced to her fence.

Upon further investigation, it appears that the City alley that should exist between 630 and 600 Curtiss Parkway and 198 Pinecrest did not exist because the properties (except 630) had fences or otherwise exercised control of the alley.

The nature of the current request is for vacation of the City alley by the City Council (even though non-existing), so that the property owner at 630 Curtiss Parkway can assert her rights to the south eight feet of the vacated alley behind her property.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

  
Jan K. Seiden  
City Attorney

cc: City Manager  
Assistant City Manager/Finance Director

140

DADE COUNTY  
FLORIDA

TWP. 53

RNG. 41

SEC. 19

SPECIAL INTEREST  
SYMBOLS

- ★ FIRE STATIONS
- ▲ POLICE STATIONS
- HOSPITALS
- CHURCHES

CINEMA PARK ADD. TO COUNTRY CLUB E-5  
(P-2)(31-a) BLKS. 50-52, 58, 59

121

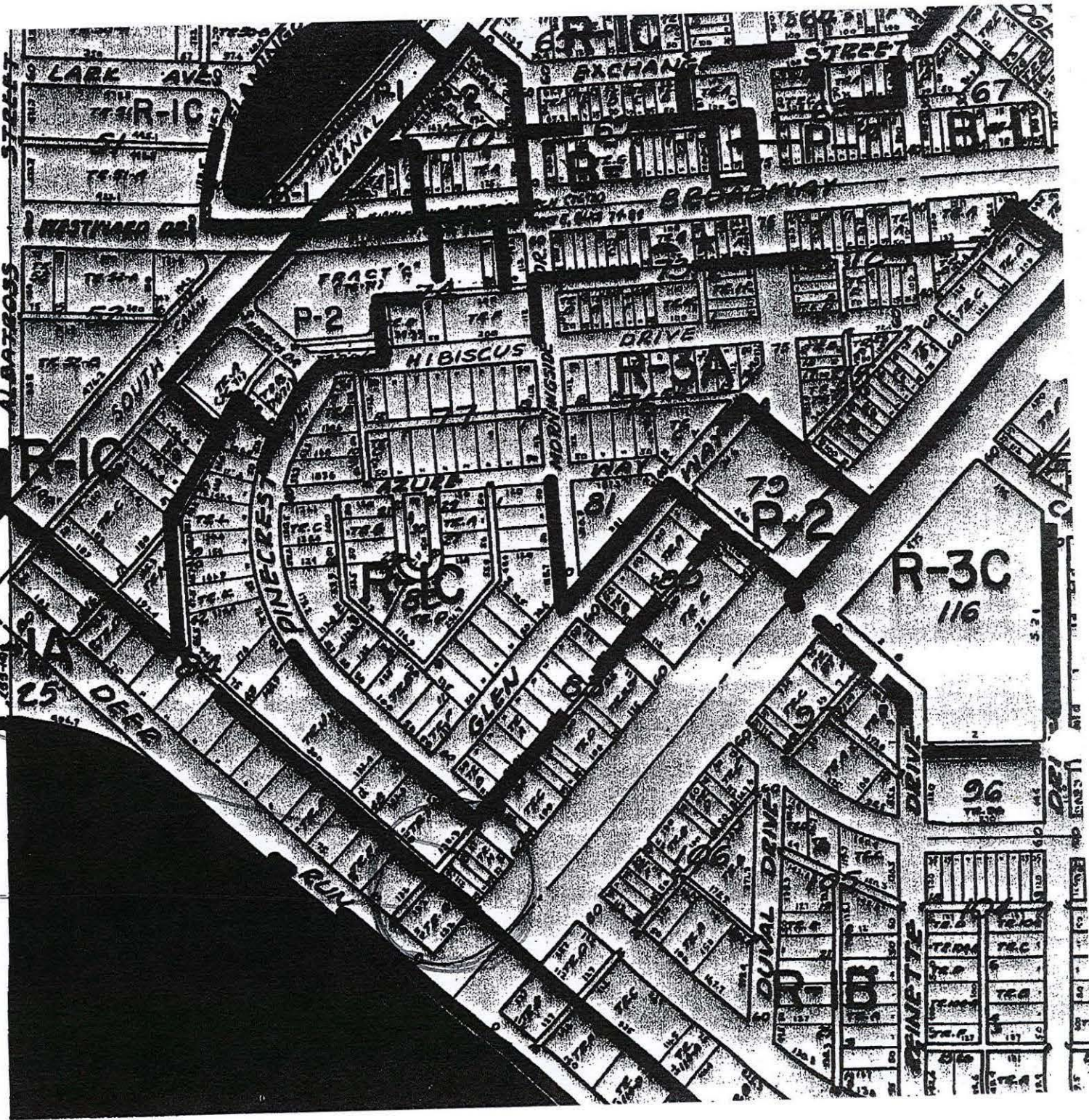
R-1A

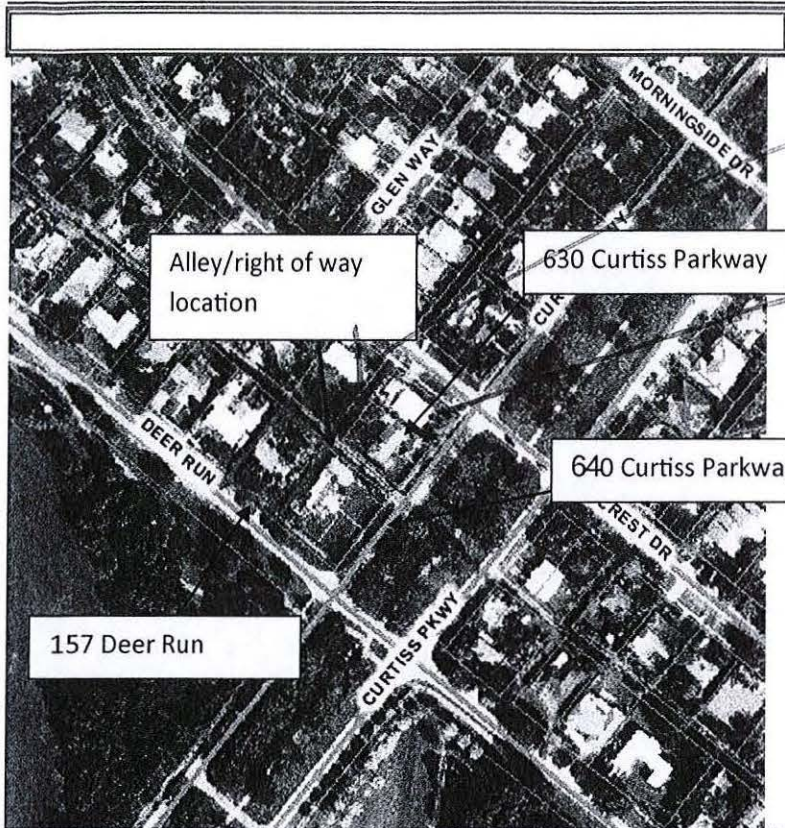
R-3C  
116

96

*Public  
Requests  
for  
Vicman*

*Public  
Requests  
for  
Vicman*





198 PINECREST

600 CURTISS PARKWAY

Agenda Item No.

# CITY OF MIAMI SPRINGS

City Council Meeting of:



Recreation Department  
1401 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5075  
Fax: (305) 805-5077

TO: Honorable Mayor Garcia and Members of the City Council  
VIA: Ron Gorland, City Manager *Ron*  
FROM: Omar Luna, Recreation Director  
DATE: March 17, 2014  
SUBJECT: Coach Background Clearance Expense Billing

As you are aware, in January 2012 Council determined that the City would conduct coach background checks for all coaching staff associated with each youth program that uses City facilities (see attached resolution and minutes). Further, because the major youth sports organizations (FIFA, Little League, etc.) could not or would not provide the level of background checks they were conducting, it was decided that the City would conduct its own background checks of all coaches and/or coach-like personnel (art instructors using City facilities), and to recapture approximately 50% of the City's costs by charging \$5.00 to each organization per the number of youth participants.

The \$5.00 background check fee that has recently been billed calculated on the number of registered youth participants rather than by billing each organization for the average cost for the actual number of background checks performed (not all checks cost the same amount), or the actual cost of the specific background checks performed. Billing by youth participation was determined at that time to be by far the easiest way for the youth organization to budget (City collection is done annually after program-end), and to explain to the youth participants' parents during sign-up that the City charges \$5.00 which is 50% of the actual cost to the City. It was thought that by highlighting the City's active involvement that it would not only be easier to administer by number of participants, it gives the parents a strong feeling of child safety by a committed Council/Administration.

Because the current method of billing by youth participant is being questioned, Council is being asked to determine if the City is to continue billing by (A) participant; (B) number of coaches per youth organization (average cost of a background check); or (C) actual cost of each background check. Any of the three will work and the City will still endeavor to recapture 50% of its background check costs.

Following is a breakdown of the cost of processing background checks to include fingerprinting for all coaches involved in soccer, football, and little league.

- a) The following is what Omar Luna reported for each program:
- Optimist football had 13 coaches and 59 participants
  - Little League had 75 coaches and 310 participants
  - Soccer had 38 coaches and 569 participants
  - **Total is 126 coaches and 938 participants**
- b) The following is what each department provided as their cost to process these checks:
- Recreation -192 hours at \$24.58 per hour total \$4,719.36
  - CPO Office- \$12.41 per person processed times 126 coaches totals \$1,563.66
  - Human Resources \$3.31 per person processed times 126 coaches totals \$417.06
  - Human Resources= \$25 fee for internet background check times 126 coaches totals \$3,150
  - **Total cost to process 126 coaches \$9,850.08 or \$78.17 per coach**
  - **Total cost per participant (\$9,850.08 divided by 938 participants) totals \$10.50 per participant. The City is charging \$5 per participant**

RESOLUTION NO. 2012-3535

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS APPROVING AND ADOPTING CITY OF MIAMI SPRINGS BACKGROUND INVESTIGATION AND FINGERPRINTING RULES AND REGULATIONS FOR ALL YOUTH SPORTS ORGANIZATIONS UTILIZING CITY FIELDS OR FACILITIES; PROVIDING FOR LONGEVITY OF THE RULES AND REGULATIONS; ESTABLISHING NOTIFICATION RESPONSIBILITY OF THE RULES AND REGULATIONS; AUTHORIZING ENFORCEMENT OF THE RULES AND REGULATIONS; EFFECTIVE DATE.

WHEREAS, Ordinance No. 955-2007 was enacted in 2007 and codified as Section 95-06, Rules and Regulations for City Parks and Recreational Facilities; and,

WHEREAS, the intent of the aforesaid Ordinance and Code Section was to provide the City with legislation enabling the City Administration and City Council to establish Rules and Regulations for City Parks and Recreational facilities by Resolution; and,

WHEREAS, although enforced pursuant to the authority of Code Section 95-06, the Rules and Regulations for each park or recreational facility are established, deleted, amended or clarified by the adoption of appropriate City Council Resolutions; and,

WHEREAS, in 2007, the initial Rules and Regulations for parks and recreational facilities in the City were approved and authorized by the City Council adoption of Resolution No. 2007-3359; and,

WHEREAS, the Recreation Department Staff has recently reviewed the previously adopted Rules and Regulations and determined that there is a present need for more specific Rules and Regulations governing background investigations and fingerprinting of all parties involved with youth sports organizations utilizing city fields or facilities; and,

WHEREAS, pursuant to Code Section 95-06, the Recreation Department Staff has promulgated and submitted the required new Rules and Regulations to the City Manager for approval and transmission to the City Council for adoption; and,

WHEREAS, the City Council has received and reviewed the proposed Rules and Regulations from the City Manager for official adoption; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to adopt the Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities, as has been proposed to, and approved by, the City Administrative Staff and City Manager:

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

Section 1: That the City Council of the City of Miami Springs hereby approves and adopts the Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities as provided in Exhibit No. 1 attached hereto and by this reference made a part hereof.

Section 2: That the aforesaid Background Investigation and Fingerprinting Rules



and Regulations supersede the existing Rules and Regulations adopted by prior City Resolution No. 2007-3359, and shall remain in full force and effect until supplemented, deleted, amended or clarified by subsequent City Council Resolution in accordance with the provisions of Code of Ordinance Section 95-06(C).

**Section 3:** That the City's Recreation Department and Police Department shall have the joint duty and responsibility to notify all persons of the aforesaid Rules and Regulations in accordance with the provisions of Code of Ordinance Section 95-06(D).

**Section 4:** That the Rules and Regulations approved and adopted by this Resolution shall be enforced pursuant to the provisions of Code of Ordinance Section 95-06(E).

**Section 5:** That the provisions of this Resolution 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 9<sup>th</sup> day of January, 2012.


The motion to adopt the foregoing resolution was offered by Vice Mayor Espino, seconded by Councilman Best, and on roll call the following vote ensued:

Vice Mayor Espino	"aye"
Councilman Best	"aye"
Councilman Lob	"abstained"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"

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

**ATTEST:**

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

APPRC  AND FORM:  
Jan K. Seiden, City Attorney

## Exhibit No. 1

### City of Miami Springs Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities.

- All persons eighteen (18) years of age or older including, but not limited to, all coaches, umpires, managers, officials, members, employees, volunteers or assistants ("Sports Program Participants") associated in any manner with the operation of programs and/or activities of any Youth Sports Organization utilizing City-owned properties or facilities shall be required to comply with the City's Youth Sports Organization Program policy and maintain certification from the City in accordance with this policy.
- All YSO participating parties previously identified herein shall be required to attend and complete the City of Miami Springs Sports Program Participation Course and shall comply with, and satisfy all, criminal background investigation and fingerprinting requirements as set forth in the City's policy (I have the Coaches Clinic Booklet).
- The City of Miami Springs Sports Program Participation Course will cover topics such as codes of conduct, sportsmanship, safety rules, Thorgard and the purpose of involvement with the respective programs. The Sports Program Participation Course shall be offered on dates to be determined and all persons desiring to participate in activities associated with their respective YSO shall be required to attend and complete the Sports Program Participation Course.
- Upon completion of the Sports Program Participation Course, the City shall issue to all Sports Program Participants an attendance certificate which shall remain valid for one year from the issuance date.
- In addition, Sports Program Participants are required to undergo criminal background investigations and fingerprinting mandated by the Florida Department of Children and Families. Background investigations shall be conducted on an annual basis and shall be completed prior to the start of seasonal play and/or practice for the same. Fingerprinting is also required by the State of Florida Department of Children and Families. Fingerprinting remains valid for a period of five (5) years.

- The City in its sole and exclusive discretion, shall annually determine the amount each YSO shall be required to charge each program participant to help the City defray the costs of conducting the required background investigations and fingerprinting.
- Each YSO shall be responsible for conducting whatever annual background investigations are required by their national sponsoring organizations and to submit the results of each background investigation to the City in accordance with this policy. In addition, compliance with the mandated background investigations required herein by the City shall be conducted by the City of Miami Springs Police Department. Upon receiving advance approval from the City, any YSO may have their criminal background investigations processed by their national sponsoring organizations if such investigations comply with the standards and requirements of the Florida Department of Children and Families, include a national criminal background investigation (including a search of the Sexual Predator/Offender database maintained by the Florida Department of Law Enforcement ("FDLE")), and requires fingerprinting of each Sports Program Participant.
- Background investigations shall include the following:
  - Statewide investigation includes, but is not limited to, criminal and juvenile background investigations, as provided in Exhibit "A" attached hereto (the Florida Department of Children and Families background check policy adopted by the City).
  - Federal criminal investigations.
  - Social Security verification.
  - Search of Sexual Predator/Offender database maintained by the FDLE.
- Based upon the results of individual background investigations, the City shall make determinations as to the eligibility of each proposed Sports Program Participant. The City shall notify all of the YSO Sports Program Participants of the City's determination of eligibility within five (5) days of completion of the background investigations. It should be noted, however, that any conviction of a criminal offense will automatically exclude the proposed participant.

- The City shall issue all Sports Program Participants a picture identification card verifying eligibility for participation for the upcoming YSO season, subject to the following conditions:
  - Sports Program Participation Cards shall be valid for twelve (12) months from the date of issuance.
  - Background investigations shall be conducted yearly.
  - The City reserves the right to revoke individual certifications based upon further or additional investigations and reviews of conduct deemed inappropriate for Sports Program Participants.
  - Identification cards shall be carried at all times while participating in all YSO activities, and participants shall, upon request, present their identification cards to any City or YSO official.
  - Should any Sports Program Participant be confirmed as eligible for participation and later be arrested of any crime or violation, the participant shall immediately notify their respective YSO, who shall immediately remove said participant from its eligibility list until the case against the participant is formally adjudicated. Any participant's failure to notify the YSO shall result in the automatic revocation of certification and eligibility, regardless of the legal outcome of the pending case against the participant.
  - The City may, at any time, conduct random certification checks. If at any time a team/activity is found to be without a certified Sports Program Participant, said activity will immediately be terminated and may only resume once a certified Sports Program Participant is present to assume responsibility for the activity. In the event an activity is found to be without a Certified Volunteer, the YSO will be notified in writing of the violation.
  - If the YSO is found to be in violation of this policy in excess of three (3) times during any season, the City may suspend the YSO from using City facilities. Additionally, the City may, in its sole discretion, require that any future agreements or arrangements with said YSO be issued on a probationary status. If said YSO is involved in any violations during their probationary period, said YSO authorization for use of City facilities shall be terminated. If the YSO successfully completes a year of probation without any violations, said YSO may be returned to normal status for the next league season.

- Prior to the first game of the season, each YSO shall provide the City with a copy of each team roster specifying the team name, uniform color, and the names, addresses and phone numbers of all team Sports Program Participants. The City shall also provide copies of the identification cards for each Sports Program Participant to each YSO. Each YSO shall maintain a current and accurate roster of all authorized and eligible participants and shall notify the City immediately upon any change in the roster or change in status of any participant.
  
- The City shall continually monitor the operation of each YSO and maintain authority over each YSO to insure that each program is in compliance and operated properly.

**EXCERPTS - CITY COUNCIL REGULAR MEETING OF JANUARY 9, 2012**

**9C) Resolution No. 2012-3535 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting City of Miami Springs Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities; Providing for Longevity of the Rules and Regulations; Establishing Notification Responsibility of the Rules and Regulations; Authorizing Enforcement of the Rules and Regulations; Effective Date (Tabled: 12-12-2011)**

City Manager Ronald K. Gorland stated that a resolution was proposed at the last Council meeting when a question was raised about the cost of implementing the background check and fingerprinting program.

City Attorney Seiden announced that Councilman Lob would not participate in the discussion or the vote on this item due to his continuing membership on the Optimist Club Board.

City Manager Gorland read a response from Recreation Director Omar Luna regarding the fingerprinting and background check analysis. The annual cost to the City for each background check is \$40.00 and \$25.00 for each fingerprinting. The background checks must be done on a yearly basis and the fingerprinting is good for five years. The projected cost for the first year based on sixty-five coaches per league or a total of 195 coaches, which could be reduced to 170 coaches if they overlap from league to league, is \$11,432.50. This covers all the out-of-pocket costs for Little League, Optimist football and Miami-Springs/Virginia Gardens soccer. It does not include the in-house basketball program and management personnel costs.

City Manager Gorland explained that the second year, based on background checks for 170 coaches, the cost would be \$6,800.00 and fingerprinting for an additional fifteen coaches would be \$408.75 for a total of \$7,208.75 per year until the five-year mark. It is recommended that the City cover all costs associated with the background checks and fingerprinting. However, some of the cost could be recaptured by charging each participant registered in the league \$5.00. The additional \$5.00 would be added to the registration fee and the City will be reimbursed for the amount of participants registered in the programs.

An example was presented for each of the sports showing a possible reimbursement totaling \$4,600.00 per year, reducing the total estimated cost for the first year from \$11,432.50 to \$6,832.50; and the following four subsequent years to \$2,608.75. The estimated net cost of the program for this partial fiscal year is estimated to be \$11,432.50, according to City Manager Gorland. There is no additional funding in the current budget and a budget amendment would be needed in order to utilize funds from the Fund Balance.

City Manager Gorland explained that the Administration is requesting Council approval for the additional charge of \$5.00 for each registration and the budget amendment, as well as adoption of the resolution.

Recreation Director Omar Luna stated that many cities impose an additional charge for the background checks. He added that the youth leagues would meet with the Administration in order to determine what they need to charge to cover their expenses. The various registration forms could also include the information that the additional \$5.00 would go to the City for the fingerprinting and background checks so that the children are safe within the programs. He commented that the City increased the basketball registration from \$75.00 to \$80.00 this year to help cover the cost and there were no complaints.

To answer the Mayor's question, Mr. Luna said that in his opinion this is the best policy that makes the most sense and is cost efficient. The parents would be charged an additional \$5.00 in order to ensure the safety of their children.

Mayor Garcia suggested that it should be mandatory for the registration forms to include information about the additional fee so that the parents are aware that the funds would go to the City for the fingerprinting and background checks.

City Manager Gorland commented that the City works closely with the youth leagues and they should agree to the request for including the information on the registration forms.

Councilman Best knows that the registration fees for the various programs have steadily risen over the past years due to the value of the dollar. He feels that \$5.00 would be well-spent to ensure the safety of the kids.

Vice Mayor Espino asked if the other municipalities conducted their background checks every year.

Recreation Director Luna estimated that 60% to 70% of the municipalities conducted the background checks every year and a few cities that extended the time to every two years told him that they preferred they be done every year.

Mayor Garcia mentioned that some of the youth leagues were already conducting the background checks, although it did not meet the City's requirements, but they were already paying for some of the expense as part of the registration. It seems the burden would be 100% removed from the organizations and placed upon the parents and the City.

City Attorney Jan K. Seiden said that there was discussion in some of the meetings that were held and it is an issue for the national organization. If the national organization accepts the City's processes for their own they have the complete discretion to reduce the amount of funding required for registration on a national level. This is not something the City can require or mandate and each league could try to work with the national organization in order to reduce the cost of the registration per player. The resolution was drafted with certain language because the City has no control over the situation and it is important to guarantee the safety of the children based upon the program.

Councilwoman Ator commented that the coaches would most likely be double checked.

City Attorney Seiden explained that the City requirements would be more extensive than the national requirement and there is no need for duplication, but the City cannot ask the national organizations not to conduct their background checks.

Councilwoman Ator did not realize that there were so many participants in the Miami Springs/Virginia Gardens soccer program. She asked if Virginia Gardens had been contacted about the proposed background check and the additional \$5.00 payment for their registrations.

Mr. Luna responded that the various Youth League Presidents are aware of the process; they understand that they will not have to pay for the fee and it will be added to the registration. He assured Councilwoman Ator that Virginia Gardens is aware of the plan and the process.

Councilwoman Ator noted that the resolution in the agenda packet did not include the Exhibit that was attached for the previous meeting. She would like the resolution to include language for the concept of charging \$5.00.



City Attorney Seiden replied that the fee might change and it is not necessary to include the amount in the resolution. He referred to the Exhibit, explaining that each Youth Sports Organization (YSO) shall be responsible for conducting whatever annual background investigations are required by their national sponsoring organizations and to submit the results of each background investigation to the City in accordance with its policy. In addition, compliance with the mandated background investigation required herein by the City shall be conducted by the City Police Department upon receiving advanced approval.

Councilwoman Ator reiterated her concern about not including the fee information in the Exhibit for research purposes in the future. She emphasized that the record and the documentation must be clear.

City Attorney Seiden suggested adding language to the Exhibit that states that the YSO shall be responsible for covering whatever costs the City determines is necessary for the background investigations, without mentioning a dollar amount.

Councilwoman Ator asked the City Attorney to make sure the City Clerk receives a copy of the new Exhibit as an attachment to the resolution.

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

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

Vice Mayor Espino clarified that the budget amendment for the \$11,000 expense would be a separate agenda item at a future meeting.

City Attorney Seiden agreed that Council is approving the budget amendment in concept and an agenda item will come back for final approval.

**EXCERPTS - CITY COUNCIL REGULAR MEETING OF DECEMBER 12, 2011**

**10E) Resolution No. 2011-3531 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting City of Miami Springs Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities; Providing for Longevity of the Rules and Regulations; Establishing Notification Responsibility of the Rules and Regulations; Authorizing Enforcement of the Rules and Regulations; Effective Date**

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

Attorney Seiden stated that in keeping with the opinion received from the Commission on Ethics regarding voting on matters that deal with Council members who sit on boards or organizations that are impacted by the action of the City, Councilman Lob will abstain from voting as he is a member of the Optimist Club board and this resolution will have a fiscal impact.

Optimist Club President Bill Tallman thanked the Mayor and Council as a resident, coach and parent for their ongoing commitment to youth programming. He said that this an important resolution with good content. He noticed that the State Legislature is more stringent with respect to the conduct of coaches.

Mr. Tallman stated that the Optimist Club must be cognizant of resources and the resolution does not address the cost of the process and how it would be implemented. He would like Council to address those questions with some specificity. The Club conducted 68 background investigations for various coaches strictly for football and cheerleading. He could not find specific information on what the fingerprint background check would cost and it would be a significant part of the budget. Football and cheerleading is based on a certain amount of fundraising revenue that the Optimist Club is able to contribute in order to keep it affordable.

To answer the Mayor's question, Mr. Tallman stated that his recommendation would be to identify the costs involved and to see if there is a way to rely on the services of the Community Policing Office or if there are funds to subsidize the cost. Some communities or organizations ask the coaches to pick up the cost and while that is an option, it could be a barrier for attracting coaches.

Parks and Recreation Director Omar Luna said that one option is for the coaches to pay for the background check and fingerprinting, but it does discourage people from coaching. Some cities ask the youth leagues to add \$5.00 to \$10.00 to their registration to balance out the cost. The cost of the background check is \$40.00 and it is \$27.25 for fingerprinting for a total of \$67.25. For 68 people the total would be \$4,573.00, while each youth league has approximately 70 volunteers for an approximate total of \$15,000. The fingerprinting is covered for five years.

Mayor Garcia felt that the cost is a small amount to pay for the safety of the children. He noted that many volunteers are involved in more than one youth sport.

Councilman Best asked if it is going be difficult to administer the program effectively.

Mr. Luna responded that initially the program will take a lot of hard work on the part of the youth league presidents and everyone must be on the same page. The most important aspect is communication and it takes time, but as soon as everyone understands the concept it becomes very easy. The presidents of the youth leagues must work and communicate with the City Staff in regard to their volunteers. He has never had any problems with the volunteers and they have provided the information he needs.

Mayor Garcia was shocked to find out that the City did not have a program in place and even though there is an initial cost and there have not been any issues in the past, it only takes one issue to wish it had been done a long time ago. He understands there are financial implications, but it is a priority.

Vice Mayor Espino would like to reach some accord with the youth organizations to help lessen the burden of the cost. He explained that this is for the personal safety of the children, but it is an unfunded mandate to the organizations and he sees it as a public safety issue. He would like a breakdown of the cost.

Vice Mayor Espino knows it is hard to get volunteers and to give more when they are already giving so much of their time and money. It is always the same people who help pay for various items like uniforms, food or equipment and if the City can help out it will go a long way to lessen the impact.

Mayor Garcia said that football season just ended, basketball has begun and the next season is baseball. He explained that if this program is implemented now, it will make 50% of the cost fall on baseball, while the other sports would have less of an impact.

Mr. Luna offered to come back with different options.

Councilwoman Ator agreed with many of the comments that were made. She said that it is unfair for baseball to bear the brunt of the cost because the coaches also volunteer for basketball and soccer. She agrees that it is unfair and there could be some amount of time so that all sports are included. She suggested that the item could be tabled for the next meeting.

Councilman Best commented that the issue is more encompassing because there are many activities that involve adults and children that have not been discussed. He would agree to table the item for a full discussion at the next meeting.

City Attorney Seiden complimented Mr. Luna for an excellent job in preparing the language since it covers all areas.