



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 25, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

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

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director William Alonso
Golf Director Michael W. Aldridge
Golf Superintendent Sandy Pell
Building & Zoning Office Supervisor Harold "Tex" Ziadie
City Clerk Magali Valls

2. Invocation: Vice Mayor Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation from County Commissioner Rebeca Sosa Regarding 36th Street

County Commissioner Rebeca Sosa commended the Mayor and Council on their recent election and said that she is thankful to represent them and that she works hard to live up to the expectations of those who have trusted her for so long.

County Commissioner Rebeca Sosa stated that she was aware of the revitalization project for N. W. 36th Street and there had been discussion about the lighting project. She displayed a photograph of the lights that will decorate the street since they were able to secure the funding for an approximate cost of \$400,892.00. She said that it was her honor, on behalf of the County Public Works Department, who worked very hard, to give the good news to Miami Springs. The project consists of thirty-six street lights.

3B) Certificate of Appreciation to Former Mayor Billy Bain

Former Mayor Billy Bain received a Certificate of Sincere Appreciation plaque from Mayor Garcia in recognition of his dedicated service to the community as Mayor of the City of Miami Springs from April 2003 until April 2011. He thanked Mayor Bain for his service.

On behalf of the Mayor and Council, Councilman Lob presented former Mayor Bain with a leather jacket with the American Flag and City Seal.

3C) Certificate of Appreciation to Lt. Michael Cole for Thirty-One Years of Service to the City in the Police Department

Mayor Garcia presented a Certificate of Sincere Appreciation Plaque to Lt. Michael Cole in recognition of thirty years of dedicated service to the City in the Police Department.

Chief of Police Peter G. Baan stated that he has known and worked with Michael Cole for thirty years and he is one of the most loyal and dedicated police officers he has ever met. He is also the best investigator and everyone is going to miss him. He wished him luck in his retirement.

Sergeant Claire Gurney presented Lt. Cole with a gift card on behalf of the Fraternal Order of Police.

On behalf of the Administration, City Manager Borgmann presented a commemorative clock in recognition of his service to the City from December 1, 1980 to May 1, 2011. He wished him the best in his retirement.

Lt. Cole introduced his wife and thanked her for everything she has done and for her support. He said that he has enjoyed working for the City of Miami Springs and will miss everyone.

4. Open Forum:

Illegal Apartments

Chuck Adams of 101 Palmetto Drive stated that he was happy to see that a citizen found a way to help the City Code Enforcement crack down on an illegal apartment.

Mr. Adams said that it is unfortunate that the complaint had to be made to the federal government and it cannot be enforced by the City. He added that there was a case where someone had filed for two homestead exemptions.

Mr. Adams said that because the Code Compliance Officers live and work in the community it is very sensitive for them to tell their relatives or neighbors that they cannot convert their home and collect illegal rental income. He referred to another case of an illegal apartment in a garage at a house where there was an incident with a dog. Because it is not fair to burden the citizens who are legally paying their taxes and garbage fees, perhaps the Code Compliance officers should live outside the City.

5. Approval of Council Minutes: (approved simultaneously)

5A) 04-11-2011 – Special Meeting

Minutes of the April 11, 2011 Special Meeting were approved as written.

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

5B) 04-12-2011 – Regular Meeting

Minutes of the April 12, 2011 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 04-06-2011 – Architectural Review Board – Minutes

Minutes of the April 6, 2011 Architectural Review Board meeting were received for information without comment.

6B) 04-13-2011 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the April 13, 2011 Golf and Country Club Advisory Board was received for information without comment.

City Attorney Seiden stated that he was copied on an e-mail from Larry Butler who was questioning what Council was going to do about the memorial that was recommended for his mother. He asked if it was Council’s intent to consider both issues for Thelma Butler and Amanda Haworth at the same time.

Council concurred that they would like to consider both memorials at one time.

7. Public Hearings:

Council sat as the Board of Appeals at 7:20 p.m.
The Mayor reconvened the City Council meeting at 7:38 p.m.

Council meeting reconvened at 7:38 p.m.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1015-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-028, Architectural and Design Regulations; By Amending Subsection (F), Architectural and Design Guidelines, to Provide for a New Color Palette for all Commercial Development, Redevelopment, Renovation and Restoration Projects in the City, Except for the Northwest 36th Street District; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that this is the second reading and public hearing and the revisions made to the ordinance were consistent with Council’s direction at the last meeting. He referred to the resolution with the color palette that was placed on the dais.

Councilman Espino commented that the reference to the Pueblo/Mission style was to be stricken from the color palette.

City Clerk Magalí Valls stated that Lorraine Tappen from Calvin, Giordano & Associates, Inc. is going to provide copies of new color palettes for both resolutions.

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 to adopt Ordinance No. 1015-2011. Councilman Espino seconded the motion, which was unanimously carried on roll call vote.

7B) Second Reading – Ordinance No. 1016-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-028, Architectural and Design Regulations; By Amending Subsection (F), Architectural and Design Guidelines, to Provide for a New Color Palette for the Northwest 36th Street District of the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that this is the second reading and public hearing. The ordinance was revised as directed by Council at the prior meeting and a copy of Resolution 2011-3511 provides for the actual color palette for the District.

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 to adopt the ordinance. Councilman Espino seconded the motion, which was unanimously carried on roll call vote.

8. Consent Agenda:

8A) Recommendation that Council Award the Purchase of Fireworks for the July 4th Celebration to Firepower Displays Unlimited, LLC, in the Amount of \$15,000.00, Utilizing the City of Homestead Contract # 10-PR-020, as Provided in Section 31.11 (E) (5) of the City Code

City Manager Borgmann read the title of the award. He said that this is the same company that has been used for many years and they provide a great fireworks show that lasts approximately eighteen to twenty minutes. The number of shells and the dollar amount is the same as last year.

City Manager Borgmann said that the City spends \$15,000 for the fireworks and is reimbursed \$3,000 from the Village of Virginia Gardens.

Vice Mayor Best asked if the City had approached the Town of Medley to see if they would also contribute \$3,000.

The City Manager agreed to contact the new Mayor and Council in the Town of Medley.

Mayor Garcia mentioned that Medley has a small fireworks show.

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

9. Old Business:

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

Councilwoman Ator (Group IV) **confirmed the appointment** of Manuel Pérez-Vichot to the Board of Adjustment/Zoning and Planning Board for a full 3-year term ending on April 30, 2014.

Councilwoman Ator (Group IV) **confirmed the appointment** of Jean Ansbaugh to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2014.

Councilwoman Ator (Group IV) **confirmed the appointment** of Trina Aguila to the Ecology Board for an unexpired term ending on April 30, 2013.

Councilman Lob (Group III) **re-appointed** Irene Priess to the Board of Parks and Parkways for a full 3-year term expiring on April 30, 2014.

9B) Golf Related Items:

9B1) Summer Fees and Charges Recommendation

Golf Director Mike Aldridge stated that the rates were approved by the City Manager and they would go into effect on Saturday April 30th. The rates are identical to last year except for a super twilight rate that begins at 4:00 p.m. for \$18.69 plus tax or \$20.00. He is hoping to generate a little more revenue with the new rate.

Councilwoman Ator moved to approve the Golf Course summer fees as recommended by Mike Aldridge. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

City Manager Borgmann said that the Administration is planning to come back at the May 9th Council meeting with additional marketing questions and answers. He distributed material as a precursor to the proposed agenda item prior to that meeting.

Golf Director Aldridge explained that he would come back in two weeks with a formal plan, including costs.

City Manager Borgmann added that if Council had any questions they should call him and the information will be added to the discussion on May 9th.

(Agenda Item 11A – partially discussed at this time)

Finance Director William Alonso referred to page 17 of the budget report under Agenda Item 11A. The results for six months compared to the same period last year shows that revenues are down and this is partly due to the effect of the irrigation system installation in October, November and December. The year-to-date loss stands at \$150,000 compared to almost \$111,000 for the same period last year.

On a positive note, the driving range revenues significantly increased for the six months, according to Mr. Alonso. He spoke with Mr. Aldridge who said that this is an indication that golfers are starting to come back and eventually it should translate into more greens revenues. The bottom line is that costs are in line, maintenance costs are down, Pro Shop costs are about the same and the biggest hit is revenues. The fact that revenues are down is the reason for the current loss because that is what drives the profitability of the Golf Course.

Mayor Garcia stated that when Council discusses the marketing plan on May 9th he would like ideas on how to improve the memberships.

Mr. Aldridge clarified that memberships for the summer are up almost twice over last year. He is optimistic that it will be a very nice summer and fall memberships will be higher.

Councilman Espino wanted to determine what the situation is now for January, February and March without being affected by the irrigation system and if there is an improvement during those three months.

Finance Director Alonso stated that earlier before the meeting he met with Mr. Aldridge and the numbers for January, February and March were discussed. Unfortunately, revenues were down about \$10,000 compared to last year's revenue for the same period of \$356,000.

Golf Director Aldridge clarified that part of the reason for the reduction is that membership fees are allocated month by month and the loss for last fall was carried forward.

To answer Councilwoman Ator's question, Mr. Alonso said that the revenue for October through December 2010 was \$224,000 compared to \$256,000 for the same period in 2009, or \$32,000 less.

Golf Director Aldridge stated that going into late September and October the membership dollars that were lost will be regained.

Councilman Espino said that hopefully the marketing initiatives will help. He thanked Golf Director Aldridge and Golf Superintendent Sandy Pell.

Vice Mayor Best asked why the costs for the Pro Shop were up \$3,300.

Golf Director Aldridge responded that the credit card charges are up and a ball machine was replaced.

9B2) Golf Professional Consultant Agreement with Scott Jones

City Manager Borgmann stated that the most important part of the agreement is on page 5 where it refers to “Non-Exclusivity of Services”. There was discussion about this provision with Mr. Jones and after further talks with Golf Director Aldridge and Roger Piermarini they agreed on the following:

1. All golf instruction at the Miami Springs Golf and Country Club shall be provided on a non-exclusive basis.
2. Each PGA Professional may continue to provide golf instruction to all current clients at the course.
3. The PGA Professionals will maintain a “free market” environment so as to permit prospective clients to choose whichever professional they may prefer to solicit for service.
4. In accordance with the PGA Code of Ethics and the mutual agreement of the PGA Professionals, solicitation of another professional’s clients will not be permitted at the Miami Springs Golf and Country Club.
5. It is the intent of the City and the PGA Professionals that a respectful non-competitive environment shall exist at the course which will permit each of the professionals to function successfully while providing golfers with alternate options for golf instruction.

City Manager Borgmann stated that the other provisions are relatively standard to these types of agreements and the Administration is recommending approval.

City Manager Borgmann explained that he met with Roger Piermarini last week and he was given a copy of this agreement and was asked to come back with some comments in regard to his own agreement that have not yet been received so he is pulling the next item.

Councilman Espino said that if Mr. Piermarini could provide back up information about his clientele and the revenue that he generates he would appreciate it.

Councilwoman Ator stated that she appreciated the non-exclusivity of services provision. Her only concern is related to number four because she would not want a situation that puts the City in the position of being a referee.

City Attorney Seiden suggested amending the language as follows: “In accordance with the spirit of the PGA Code of Ethics”

Councilwoman Ator agreed.

Councilwoman Ator said that in regard to the notice provision on page 11 “notice” she does not agree that notice should be given at the Miami Springs Golf and Country Club since people are not normally notified at work.

City Attorney Seiden clarified that the notice would be delivered to Scott Jones in person and the agreement includes two address options.

Councilman Espino referred to the Duties and Responsibilities of the City on page 3 that establishes a suitable office at the Golf and Country Club for the Golf Professional. He said that there is not that much space available and he would not want it to be exclusive use of an office.

City Attorney suggested amending the language as follows: “establish a suitable non-exclusive office.”

Councilman Espino agreed to change it to a “shared” office.

To answer Mayor Garcia’s question, Scott Jones of 5714 S. W. 139 Court stated that he reviewed the agreement and is satisfied. He had not considered the viewpoint that Councilwoman Ator mentioned at the previous meeting about Miami Springs’ residents being allowed to use his services without first going to either Mike Aldridge or Roger Piermarini. He was trying to protect everyone involved. He would not deny a resident his services. He likes the Golf Course and the putting greens.

Mayor Garcia commented that Mr. Jones’ reputation precedes him and the City is lucky to have him at the Golf Course.

Mr. Jones mentioned to Sandy Pell that Calusa Country Club has a lot of bunkers with sand that will be sitting there for a long time until the legal issues are finalized. He said that the City might be able to make arrangements to move the sand or soil, except for tainted sand.

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

9B3) Agreement with Roger Piermarini

City Manager Borgmann pulled the item pending additional information from Mr. Piermarini.

9C) Approval of Work Order No. 7 – Airport Golf District Boundary Regulations and Design Guidelines

City Manager Borgmann stated that Council is desirous to continue working forward with the 36th Street project and the next portion is the Airport Golf District. Lorraine Tappen from Calvin, Giordano & Associates, Inc. has prepared a proposal for Professional Planning Services and an associated cost.

Senior Planner Lorraine Tappen with Calvin, Giordano and Associates stated that the work order is specifically for the Airport Golf District along the southern end of the Golf Course and the west end along Curtiss Parkway. It is a gateway area as people come off of N. W. 36th Street and they would like to highlight it for commercial redevelopment. Design guidelines are also included in the work order and they would like to look at the existing buildings to determine what would work with the neighborhood and the adjoining hotels along the airport.

Councilwoman Ator commented that the Architectural Review Board would like to see the design guidelines.

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

Councilman Espino spoke with Richard Sala and he advised that at the request of the City Planner a work order for updating the zoning map was requested of Calvin, Giordano. It was submitted more than thirty-five days ago and Council has not yet received it. He would like to know the status of the work order and discuss it at the next meeting.

Councilwoman Ator attended the last Revitalization and Redevelopment Ad-Hoc Committee meeting and they were discussing the need to have developer tools.

Councilman Espino said that apparently the City Planner has the information. He asked the City Manager to let Council know the status.

9D) Status of Annexation Application with the County

City Manager Borgmann stated that for those that could not attend the County Commission meeting, the good news is that the annexation applications for all four cities were deferred indefinitely. There was some confusion as they were ready to vote for the deferrals and rescinded that motion to allow speakers against annexation. Once the speakers had their say, the motion was offered to defer the applications to an indefinite time in the future and the vote was unanimous. The speakers were an organized group of property owners from the various areas in line to be annexed by the four cities.

Previous correspondence and recommendations from the County Staff have spoken to the current economic crisis as a reason not to allow cities to annex at this time, according to Mr. Borgmann. He said that a lot of the recent annexation by the City of Sweetwater, including the Dolphin Mall, included a caveat from the City that they would keep the tax millage rate at the current UMSA levels (2+ mills) and the City of Miami Springs would not be able to do that. The analysis performed over the last eight years might get the millage rate down to 4.9, but that was based on higher assessed values that have gone down drastically.

The City Manager was of the opinion that it will be at least two more fiscal years before the County is in any financial position to release any of the areas and this could change if they decide to make all unincorporated areas become part of an abutting city.

Vice Mayor Best commented that he read a recent opinion from an official who said that the County is very much in favor of doing something with the unincorporated areas in order to discontinue service to those areas.

Councilman Espino stated that Senator Soto had proposed going to 100% incorporation of Miami-Dade County, similar to Broward County that is 99% incorporated. He thinks there are mixed feelings about this and that it is not being pursued because of the more pressing political charter reform concerns.

City Manager Borgmann said that the biggest factor is the millage rate and if the City were to set it at 4.9 mills, according to the old analysis, that is still more than double what the current property owners are paying.

9E) Code Compliance and Building Specialist Staffing

City Manager Borgmann stated that Council had asked for information on whether the City should hire a full-time or part-time Code Compliance Officer. This was considered along with another problem in that office when Building Specialists are off and the current Code Compliance Officers have to cover the service desk.

Assistant City Manager Ronald K. Gorland explained that the recommendation of the Administration is to fill the open, but unfunded Code Compliance position with two part-time Code Compliance Officers working an estimated twenty-nine hours per week for a total cost for both of approximately \$25,000 for the remainder of the Fiscal Year. The cost is based on \$20.00 per hour for twenty-nine hours per week. An additional \$4,500 will be needed for support requirements such as uniforms, laptop computers, vehicle, etc.

The second recommendation is to fill the open but unfunded fulltime Building Specialist position at a cost of \$13,100 plus benefits for the remainder of the Fiscal Year (\$26,845 plus benefits annually), according to Mr. Gorland. The combination of the two recommendations is approximately \$38,100.

Assistant City Manager Gorland stated that in the short term it is believed that part-time positions focused primarily on the commercial properties will provide the best and fastest return. Both part-time Code Compliance Officers will be hired with the understanding that they will have varying schedules that will include weekends, early start times and late hours. Initial efforts will cover all commercial areas to get the word to both businesses and property owners regarding the need to change commercial area appearance focusing on all "appearance" and safety related codes.

Assistant City Manager Gorland explained that the Administration feels that there will be more coverage using part-time positions for approximately the same cost as one fulltime position. If over time, part-time Code Compliance positions prove to be a problem, it is far easier to switch to a full-time position than the reverse. The efforts will be geared toward working with the commercial and business owners and citation revenues are not expected to be a material offset to the increased budget requirements. However, if Council prefers a much faster response, at some point in the future they can switch to the “warning and then citation” approach.

Assistant City Manager Gorland stated that part-time employees are much less expensive and support more extensive coverage for the same cost as one full-time employee. It would allow greater assignment flexibility, quicker initial coverage and greater backup support during absences. On the negative side, part-time employees have less job commitment, confront City Hall space limitations, require longer training time and present more consistency issues.

Assistant City Manager Gorland stated that because of the technical qualifications of the Building Department Specialist, an absence of either or both requires qualified Code Compliance personnel backup. Filling this open position with a full-time employee is a more cost-effective solution than continuing to rely on Code backup. Additionally, because revenues for building functions cannot exceed the costs per Florida Statute, the City is in a very good position to fill this vacancy because there is currently an excess of \$200,000 in revenues over allowed costs.

Assistant City Manager Gorland explained that they would try to hire experienced code enforcement officers that would expand the ability to respond on the building side. The strong revenues come from permitting and business licenses.

To answer Vice Mayor Best’s question, Mr. Gorland clarified that the recommendation is for two part-time employees instead of one full-time in order to satisfy the immediate requirement.

Vice Mayor Best asked how long it would take to train two part-time employees once they are hired.

Assistant City Manager Gorland stated that certain codes related to appearance could be done very quickly once the training is implemented. He added that Mr. Ziadie would be conducting the training; they will make sure there is a great deal of consistency and concentrating code by code they will make progress.

Councilwoman Ator was concerned because it is not only commercial business owners; it is the property owners that are responsible. In the notice and due process, the business owner may not be the right person to contact. She would recommend being more aggressive with a plan for correcting the violations.

Councilman Espino would like to know the approach currently being used for code compliance and if everyone can be placed on notice at the same time.

Councilman Lob stated that currently no enforcement is taking place and that is why Council is having this discussion.

Building and Zoning Office Supervisor Harold “Tex” Ziadie clarified that the department only deals with property owners and not the business owners. If the property records do not show the contact information a letter is sent to the property owner or they may talk to the business owner to acquire the landlord information.

In regard to the current process, Mr. Ziadie explained that it depends on the type of violation; a normal violation is dealt with by the Code Enforcement Board and a civil infraction is an offense that is ticketed. Normal violations have a three-step process as follows: courtesy notice, formal notice of violation letter and Code Enforcement Board. Civil infractions include a civil infraction violation notice and a ticket.

Councilwoman Ator asked if the violation notices are standard forms.

Mr. Ziadie explained that a system of notifications was developed over the last six years and every Code Compliance Officer has a file box including a folder for every possible violation and a print-out violation notice, copy of the code, time for compliance and all they have to do is sign it. There are only a few codes to deal with on a regular basis and the procedure is simple.

Vice Mayor Best commented that there must be a successful program in place because the Code Enforcement Board has not met in months.

Mr. Ziadie stated that there are good results with compliance and unfortunately a lot is not being done in the field because most of the work is complaint driven; they do not have the personnel to conduct the sweeps of the City. There is currently only one full-time Code Compliance Officer and in the past there were three. The sweeps take longer and the time frame for maintenance of property issues requires 30-days.

Councilwoman Ator commented that she is aware of the Code Enforcement Board proceedings and their efforts to work with the business or home owners in order for them to comply.

At Councilman Espino’s request, Mr. Ziadie gave examples of the different violations. He said that maintenance of property for scaling paint or mildew on a house is a normal violation and a courtesy notice is given that informs the property owner that they have 30-days to paint their house. After 30-days the property owner is given a formal notice of violation letter, allowing another thirty days to comply. After that time, if the person still does not comply, they are sent a subpoena to appear before the Code Enforcement Board that has the authority to levy fines and lien the property, allowing additional time for compliance.

Civil infractions are very specific violations listed in the Code that are ticketed, according to Mr. Ziadie. For work done without a permit, the property owner receives a notice allowing seven days to apply for the permit and if they do not comply they are issued a ticket for \$100.00. The property owner can appeal to the Code Enforcement Board who has the authority to overturn or uphold the ticket.

Councilman Espino stated that complaints have been made about deteriorating conditions and the process allows a significant amount of procedures that could take up to six months.

City Attorney Seiden clarified that the original system is the same system that was handled by the County Court and when the authority was given to the municipalities it was the only system that existed. After a number of years, the State Legislature authorized the supplemental ticket system that is covered in Chapter 101 of the City Code and applies to certain violations. He said that the policy on Code Enforcement in the City has been to allow a lot of notice and opportunity to comply.

City Attorney Seiden explained that it is a good system and it could be more restrictive with Council's direction.

Councilman Lob said that he is fine with allowing residents more time due to financial constraints. A property owner that runs a business should have the funds set aside for maintenance of their building and this should be addressed in the commercial areas.

Councilwoman Ator asked if thirty days notice is a state requirement. She suggested allowing fifteen days instead to cut the time in half.

City Attorney Seiden stated that the thirty day provision is not the problem; the problem is all the extensions that are granted.

Mr. Ziadie continued to explain the enforcement process for code violations.

Councilman Espino agreed with Councilman Lob that there is a difference between commercial and residential properties and perhaps different standards should apply. Complaints have been made about violations in the neighborhood from people who are trying to sell their home. From his perspective, he wants to begin enforcement as soon as possible. He mentioned work that was being done on Westward Drive and hoped that it was a result of the Revitalization and Redevelopment Ad-Hoc Committee discussions that motivated the property owner to paint their building.

City Attorney Seiden explained that the goal is to have people comply; sometimes there are economic issues and other times people are defensive and refuse to do anything. There are many legitimate complaints that need to be addressed and Council can direct Staff to get the City into shape both residentially and commercially.

Councilman Espino suggested a flyer with the most common violations, what needs to be addressed with an explanation that the City will be enforcing those violations and everyone is on notice.

City Manager Borgmann said that in the past several brochures were developed; one outlined the top ten code enforcement violations and it was mailed out with the water bills.

Assistant City Manager Gorland added that advertisements were placed in the River Cities Gazette and the brochure has been revised for future distribution.

Councilman Lob would like to be specific to each building to let the owner know what is wrong and needs to be corrected. He said that it is time to make Westward Drive look nicer.

To answer Councilwoman Ator's question, Mr. Ziadie explained how the time frame for compliance was established depending on the type of violation. The Code does not specify the requirement for a courtesy notice but it does specify notice of violation.

City Attorney Seiden clarified that Chapter 162 of the Florida Statutes does require a certain amount of early notice.

Mayor Garcia asked to place an item on the next agenda to discuss the amount of time to give as courtesy notices.

Councilman Lob asked how many calls Code Compliance responds to on a single day.

Mr. Ziadie responded that this year the monthly average is 96 cases and each one involves two inspections. In Fiscal Year 2007, the department was handling 195 cases.

Vice Mayor Best moved to give authority to the Administration to hire two part-time employees. Councilman Lob seconded the motion.

Mayor Garcia clarified that the motion was related to two part-time Code Compliance Officers only.

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

To answer Councilman Espino's question, Assistant City Manager Gorland explained that the Building Specialist would be an entry level Administrative Assistant I position. It is an important position because there is expected to be an opening in the Building Department next February.

Councilwoman Ator added that people are frustrated with the Building Department because they are given conflicting information and the employees need to be trained.

Mayor Garcia stated that he has heard similar issues and they were rectified immediately and he credits the Building Department. He does see a need for the position.

Vice Mayor Best moved to approve the recommendation to fill the open unfunded full-time Building Specialist position. Councilwoman Ator seconded the motion.

Mayor Garcia asked how much the annual benefits would be.

Assistant City Manager Gorland responded that the annual benefits are approximately 30%.

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

Councilman Espino asked the Administration to place the apartment efficiency issue on the May 9th Council agenda for discussion.

Councilman Lob stated that Council had approved a full-time Building Official position and he would like to know the status of that recommendation.

Vice Mayor Ator said that moving forward with all the changes in the Code for N. W. 36th Street, the Abraham Tract and the Airport/Golf District and the anticipation of more activity in the Building Department she would also recommend improving the technology in the Building Department.

Councilman Espino thanked the Revitalization and Redevelopment Ad-Hoc Committee members for sparking the issue regarding code enforcement.

9F) Establishment of a Youth Advisory Board

City Manager Borgmann stated that he put a supplementary document on the dais that includes information from Education Advisory Board member Libby Manning regarding other cities and counties that have a Youth Advisory Board. Most cities establish the Board by ordinance with members in grades 8-12. Some have application forms and most meet on a quarterly basis. The last time this topic was discussed the question was raised about the Sunshine Law and the information shows that the Miami-Dade County Youth Commission is subject to the Government in the Sunshine and public records requirements.

City Manager Borgmann asked for feedback from Council as to the age requirement, number of members, meeting frequency, etc. An application can be set for the process and the City Attorney can draft the appropriate ordinance or resolution.

Councilman Lob recalled that the Education Advisory Board had suggested that each Council member have one appointee and based on the information provided it seems that each should appoint two.

Councilman Espino suggested putting the burden on the schools to select the members based on certain criteria because the schools are best equipped to know which student is responsible and committed to represent the school and the community at large. His thought was that members should be in the fifth grade or higher and from each school in the City and the members would sit for one term.

Councilman Lob commented that his idea was one member from each of the elementary schools, one from the Middle School and two from the High School.

Councilman Espino said that the High School student should chair the meeting and when the student graduates the school would recommend another student.

Councilman Lob explained that the schools could submit a list of viable candidates that are narrowed down by the Education Advisory Board before recommending one or two candidates from each school.

City Attorney Seiden stated that the Village of Pinecrest resolution is very well done, clear and concise. The final decision as to who is appointed comes to Council and they could have the authorization of the school principal.

Councilwoman Ator referred to the County ordinance and criteria for membership of a minimum grade point average and participation by public and private schools. She said that certain kids are the ones that always are selected to participate in all the activities.

Councilman Espino stated that looking at the County ordinance a significant amount of vetting has to occur for the Youth Commission to happen, which schools already do as part of allowing kids to participate in extracurricular activities. The student government students will be responsible and committed. His concern is that every school is represented, including the private schools. He questioned whether or not Council wanted to undertake the selection process.

Councilman Lob felt that the schools should vet the selection and the Education Advisory Board should be involved in the process before the recommendations are made to Council.

Mayor Garcia does not want the Education Advisory Board to be involved. He likes Councilwoman Ator's idea and the school should give at least three to five recommendations for Council to choose from even though it might be the same kids that are always involved. He suggested that Council could interview three to five kids from each of the schools before making the selection.

City Attorney Seiden asked Council for their ideas on how many members should be on the Board.

Vice Mayor Best suggested representatives from the High School, Middle School, Springview and Miami Springs Elementary, Blessed Trinity and All Angels' Academy.

Councilwoman Ator stated that the Seventh Day Adventist School has middle school students.

There would have to be a Miami Springs residency requirement according to Mayor Garcia. There are seven schools who could recommend a total of twenty-one kids and each Councilmember would select one member for a total of seven on the Board.

Councilwoman Ator said that if the schools are asked to submit three names and Council has to vote for one member she would highly be opposed to that. She would agree for the schools to select one kid.

Councilman Espino said that each school could send one kid and if a kid does not work out then another could be selected.

City Attorney Seiden stated that his understanding is that there are seven members from seven schools who are Miami Springs' residents, authorized by the schools in the fifth grade or higher for one year terms.

Councilman Espino reiterated that the high school students should chair the meeting.

City Attorney Seiden said that instead of choosing the members, Council would ratify the school appointments. Meetings would be held on a quarterly basis and the three absence rule would apply.

Councilwoman Ator added that the Village of Pinecrest resolution provides that they meet on a quarterly basis, no more than three absences and the duties and responsibilities are also appropriate.

Councilwoman Ator felt that the adult advisor should be a Staff person or a clerk.

City Attorney Seiden said that the City could ask for an adult advisor from the schools that is rotated on an annual basis. A school counselor would have the skills to be the advisor. The Clerk would take minutes and the Sunshine Law would be applicable. He said that the school year would end about the same time the resolution would be ready. He asked when it would go into effect.

Mayor Garcia said that the school year begins the end of August and the first meeting could be in October.

City Attorney Seiden said that the Village of Pinecrest Board meets quarterly and it is done on May 31st.

Council **agreed** by consensus to direct the City Attorney to draft a resolution establishing a Youth Advisory Board consisting of seven members, fifth grade or higher, who are Miami Springs residents, chosen by the schools (Miami Springs Senior High School, Miami Springs Middle School, Miami Springs Elementary School, Springview Elementary School, All Angels Academy, Blessed Trinity Catholic School, Seventh Day Adventist School) and ratified by Council, that will meet quarterly and serve one-year terms.

5 minute recess at 9:11 p.m.

9G) Discussion of Status of Westward Drive Charter Amendment Petitions

City Clerk Magali Valls read her memorandum into the record explaining that the petitions were returned to the Elections Department following the signature verification process, so that the Elections Department could review the petitions for sufficiency in the five other categories specified in the correspondence to the City. Subsequent correspondence received from the Elections Department noted certain potentially disqualifying violations related to the reviewed petitions. Unfortunately, despite calls to the County Attorney and the Elections Department they have not provided the City with more detailed information in regard to why "... 26 petitions would not meet requirements numbers 2 through 5".

City Attorney Jan K. Seiden stated that the question is whether or not the signatures are at a point of certification. One document is titled certification but the certification of 1,064 signatures came with a letter that qualified it except for the review of the other five categories. The Elections Department was asked to review the five categories to make sure it was certified. The response in the letter of April 6th said that the review was completed and based upon the request of the letter, none of the petitions meet the requirements of number one and in addition, twenty-six petitions would not meet the requirements of two through five.

To answer Councilman Espino's question, City Attorney Seiden clarified that number one is related to the title being in three languages.

City Manager Borgmann added that the signature section showed that it could be read in English, Spanish or Creole, but the actual verbiage in the question was only in English.

City Attorney Seiden said that the City is bound by the County Code and procedures. At the point of certification an election is required no sooner than 60 days and no later than 120 days. The question is whether they are certified at this point. There are three alternatives:

- 1) Determine that they are not certified and direct the City Clerk and City Attorney to deal with the County Elections Department or County Attorney and try to get further and final clarification of the provisions of the April 6th letter.
- 2) Determine, based upon the record, that it is certified and based upon the determination of the letters Council can place the question on the ballot and waive the disqualifying characteristics that were pointed out by the County Elections Department.
- 3) Determine that it is certified but that it will not be placed on the ballot because the disqualifying characteristics are substantial enough to have impacted the validity of the petitions.

To answer Mayor Garcia's question, the City Attorney explained that number one is for Council to make a determination, based upon the letter and the memo from the Clerk, that there is not enough information based upon the sentence that says: "In addition, 26 petitions would not meet the requirements of two through five." The assumption is that there were other disqualifications implied and he does not know why the Elections Department is withholding that information.

Council can make a determination, based on the information, that they do not feel "certification" has been met at this point. If Council feels they have enough information by reviewing the documentation submitted that in fact "certification" has been met they can ignore the disqualifying characteristic as to the title not being in English, Spanish and Creole and the additional language, although it is not specific. Council can ignore it and say that they are not substantial enough to disqualify the petitions and agree to place the question on the ballot. All this may be subject to legal action by those who are for and against the petitions since it is not the normal process.

Councilwoman Ator said that since the signatures are not certified, Council would be saying that it does not matter and they are willing to place the question on the ballot.

The City Attorney agreed that Council would have to waive the requirement of number one.

Mayor Garcia stated that he would like to know beyond all certainty that the signatures are certified by the County. Council cannot place the question on a ballot having any doubt that the County is not 100% certifying the petitions giving the go ahead for an election. If it is the will of the people who have circulated the petitions and they have done their due diligence then Council should set an election, but the County must provide a definite answer. He asked when the last letter was sent to the County.

City Attorney Seiden explained that the City Clerk spoke with the Elections Department after receipt of their letter and he called the County Attorney approximately one week ago and has not received a response. He could write to the County Attorney if directed by Council.

Mayor Garcia reiterated that he would like a solid answer from the County Elections Department stating that the signatures are certified and Council is approved to move forward with an election before incurring in the cost of an election and finding out that the signature petitions were not certified correctly. Since this is very important and it could be very costly, he would like consensus from Council to direct the City Attorney to send a letter.

The City Attorney offered to send a letter to the County Attorney who handles these types of cases for the County and send a copy to the Miami-Dade County Supervisor of Elections Lester Sola asking for an explanation as to what was meant by the phrase "and/or" a final determination in their minds that they are either not going to answer or that this is the best answer that they can provide.

Councilwoman Ator asked where the "and/or" reference is included in the documentation.

The City Attorney responded: April 6, 2011.

Councilman Lob said that it could mean that 26 pages did not meet all four of the requirements besides the title. There is not enough information.

City Attorney Seiden stated that the County's thinking might be that since none of the petitions met number one, there is no need to review two through five. They said in addition, 26 petitions would not meet the requirement of numbers two through five.

Councilman Espino asked what record would be set for future petition drives if one of the requirements is not met and if it would cause problems.

The City Attorney explained that the difficulty with charter amendment processes is that they are not spelled out clearly and they follow the initiative process. The County is considering many charter amendments and they should clarify their process. They have said that the petition form that will be used from now on is one signature per page in order to include all pertinent information. There have been many problems with elections issues and the petitions so they are trying to resolve them.

City Attorney Seiden said that the new form will specifically provide all the information and it should take care of the problems in the future. If Council were to approve and waive the language requirement part of the motion would be that it is only being done this one time in light of the fact that the process is changing. The new form is designed so that there is nothing to doubt. He was told in a prior conversation with the County Attorney's Office that the failure to have the question in three languages was sufficient enough for them to disqualify.

Vice Mayor Best said that a total of 1,240 petitions were submitted and 1,054 were certified and 26 pages are being questioned.

City Attorney Seiden said that there has never been an issue when the City received a certification and the accompanying letter said that for purposes of verification the Code of Miami-Dade County states that a petition should be disqualified for the following reasons one through five. However, for municipal petitions, his office does not review the information and they encourage the municipality to ensure compliance with municipal charter. The bottom line is that the City must abide the prior case; he agrees with the opinion that the 10% is standard and he also agrees that once the City has approved the form, the burden falls on the person or the group who circulates the petition to do it in accordance with the County standards.

The City Attorney said that the City needs to do the best job possible to get as much information as possible. If it turns out in the final analysis that the County is unwilling or unable to provide further information, Council will have to make a determination based upon the information they have.

Council **directed** the City Attorney to send a letter to the County Attorney with a copy to Miami-Dade County Elections Supervisor Lester Sola asking for an explanation about the twenty-six petitions that do not meet requirements two through five.

10. New Business:

10A) Discussion Regarding Chapter 33 of the Code of Ordinances

City Attorney Jan K. Seiden referred to the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County. During the recent election, he received a call from a Washington, D.C. law firm, Greenberg Traurig. The attorney he spoke to asked about Section 33-06 of the City of Miami Springs Code that reads: "No person shall accept as a political contribution a sum in excess of \$50.00 from any person or organization." This provision has been in the Code since 1973.

City Attorney Seiden spoke with the City Clerk who said that the provision had never applied during her entire tenure in office as the Supervisor of Elections and the standard for all candidates is to file reporting with the State of Florida. Chapter 33 was probably something that did not exist in the County or elsewhere when it was adopted thirty-eight years ago. It provides for conflict of interest and ethics laws that would be applicable to local officials, although it does not have any enforcement provisions.

City Attorney Seiden explained that a few years ago the City adopted one section of the Miami-Dade County Code of Ethics that dealt with lobbying. Council is under the State of Florida ethics statutes to the extent that they are prosecutable by the State or the County. Some of the provisions apply, and it would be in everyone's best interest to clarify the situation, repeal the section and adopt the Miami-Dade County Commission on Ethics rules. He said that the City of Miami Springs was recently reported in regard to a code enforcement issue, and it was determined to be a "no cause" finding. No one knew about it because the County processes deal with intervention investigation first and it does not become a public matter until they find probable cause.

City Attorney Seiden said that the County does a very good job, the Commission on Ethics is one of the best run County Departments. The City can be more stringent than the County and a lot of municipalities use the County Code as their basis; there are alternatives for violations and his recommendation would be to repeal Chapter 33 and adopt the provisions in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and all future amendments.

Vice Mayor Best suggested giving Council time to review the County ordinance before making a decision.

The City Attorney explained that he was bringing this to Council's attention. To the best of his knowledge the provision in the City Code had not been used. It includes some penalties, but there are no enforcement powers or due process.

Mayor Garcia suggested and Council agreed to schedule the item for the first meeting in June.

10B) Resolution No. 2011-3512 – A Resolution of the City Council of the City of Miami Springs Providing for the Third Amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Unappropriated Reserves to Cover Authorized and Approved General Fund Expenditures; by Increasing the Law Enforcement Trust Fund Budget from Law Enforcement Trust Funds to Cover the Costs of Training Certification for Two New Officers; Providing Intent; Specifying Compliance with Accepted Budgetary Processes and Procedures; Effective Date

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

Attorney Seiden stated that the second “Whereas” clause answers all questions regarding the items dealt with in the General Fund, including the webcasting, acoustical work, playground and bleacher repairs and City fire alarm system improvements.

To answer Councilman Espino’s question, Finance Director William Alonso clarified that funds for the elevator were removed from the budget. There will be a recommendation forthcoming once the City receives new quotes for the elevator and that will require another budget amendment.

City Manager Borgmann stated that the elevator was repaired and the Administration is still looking to replace the elevator.

Vice Mayor Best moved to adopt resolution No. 2011-3512. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

10C) First Reading – Ordinance No. 1017-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-046, Home/Business Occupational Use, Establishing Conditions of Eligibility; Specifying Operators; Permitting Limited Signage, Storage and Parking; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that his memorandum references Code Section 150-046 that was enacted in 2003, to allow homeowners to operate small and inoffensive businesses from their homes. Many municipalities have permitted neighborhood type businesses to use residential structures as business offices in areas adjacent to major roadways or business districts. While such uses may not be practical or appropriate for Miami Springs, it has been suggested that a minor expansion and liberalization of the existing code section might be beneficial to the City.

The proposed amendment to the Code Section would allow a more “business like” use of a limited number of qualifying properties that physically adjoin a business district of the City and would likely increase the real property taxes that the City would receive from the properties, according to the City Attorney.

City Attorney Seiden explained that in an abundance of caution, and to avoid any appearance of securing personal gain from her position, Councilwoman Ator who discussed this matter with him and worked on the proposed amendment, will not be participating in any debate or discussion of the ordinance amendment.

The second page of the ordinance provides a business use that is a little more liberal than the home business occupation use that will still apply. He read the compliance provisions in Section (H) 1 through 5 of the proposed ordinance. The idea is to allow properties adjoining a business district to use homes for business occupational use and it could create more revenue and encourage revitalization.

Vice Mayor Best thanked Councilwoman Ator for assisting with the proposed ordinance and he congratulated her for joining the business area.

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

Councilman Lob commented that he has an issue with the provision for a 50 square foot monument sign that is huge.

Councilman Espino stated that a 24 square foot sign is 4' x 6' and 50 square feet is 5' x 10'. He knows that in some places the signs are letters and they are not obstructive. He would also like to change the sign provision to allow for smaller signs.

Vice Mayor Best amended his motion to allow for six square foot signs.

Vice Mayor Best moved to approve, as amended, the ordinance on first reading. Councilman Lob seconded the motion, which carried 4-0 on roll call vote, with Councilwoman Ator abstaining.

(Conflict of Interest form attached)

10D) Consideration of Advertising in Conference Issue of Quality Cities Magazine

City Manager Borgmann stated that the Florida League of Cities is requesting that the City advertise in the conference issue of the Quality Cities Magazine. He referred to the ad that ran last year; a one page black and white ad is \$500.00; a one page four-color ad is \$1,000.

Councilman Espino explained that the publication is distributed to elected officials throughout the State and some cities take the opportunity to promote or market their city.

Mayor Garcia said that he was not thinking of spending \$1,000, but he would like a presence in the magazine. He suggested a full-page black and white ad with creative marketing.

Councilman Espino said that he would like to see what other cities have done.

The item was tabled for further consideration.

11. Other Business:

11A) FY 2010-2011 Second Quarter Budget Status Report (Unaudited)

Finance Director William Alonso stated that this is the financial report for the first half of Fiscal Year 2010-2011 and he does not like to make predictions until nine months into the fiscal year. The financial dashboard indicates that revenues are in line with last year and all departments are within budget. One key point is that the State Board of Administration (SBA) account is improving with an unrealized loss of less than \$23,000.

Finance Director Alonso said that March 31st is the last day to pay the property tax bill without a discount and normally 100% of people pay their bills before that time in order to avoid the tax certificate sales that happen in May and June. He said that there is still more than \$800,000 in uncollected property tax bills in the City of Miami Springs.

City Attorney Seiden stated that the County is just beginning to consider the 2010 tax appeals.

Finance Director Alonso explained that sometime in May there will be a published list of tax certificate sales for every city in the county and that will show how many homes there are in Miami Springs and how much they owe.

Councilman Espino referred to proposed legislation of the Miami-Dade County School Board to collect school taxes on properties that file an appeal.

City Manager Borgmann said that the delinquent ad valorem taxes collected total \$122,000 as shown on the revenue sheet.

12. Reports & Recommendations:

12A) City Attorney

Notice of Voluntary Dismissal – Petition for Writ of Mandamus: Westward Drive Charter Amendment

Attorney Seiden stated that he received a Notice of Voluntary Dismissal of the Petition for Writ of Mandamus that is now officially closed.

Architectural Review Board

Attorney Seiden stated that the Architectural Review Board has requested his presence to attend their meeting to discuss development review procedures with them. His response was that he cannot attend their meeting in May, but is able to do so in June or they can send their questions in writing and he would be glad to answer them. He requested Council authorization.

By consensus, Council **authorized** the City Attorney to discuss the development review procedures with the Architectural Review Board.

12B) City Manager

Dog Park

City Manager Borgmann stated that the Dog Park will be closed until Friday afternoon for the installation of the new water fountain for the dogs.

The Wrecking Crew

City Manager Borgmann commented that the Wrecking Crew movie was very well received by those that attended.

Civics Week

City Manager Borgmann reminded everyone that Civics Week starts tomorrow with Miami Springs Elementary beginning at 9:45 a.m. in the Council Chambers. Department Heads will give brief overviews of their departments and the children will be taken in the bus to either the Community Center or the historic sites in the City. Council is invited to attend any day if they want to speak.

Painting on Westward Drive

City Manager Borgmann said that the building down the street on Westward Drive that was shown in the code violations is being painted.

Arbor Day

City Manager Borgmann reminded Council that Arbor Day will be celebrated on Thursday, April 28th at 10:00 a.m. at the George Washington Park in front of the library.

Prescription Drug Turn-in

City Manager Borgmann said that the Police department is sponsoring a prescription drug turn-in for unwanted or expired medications on Saturday, April 30th from 10:00 a.m. to 2:00 p.m.

Mother/Son Date Night

City Manager Borgmann announced that the Mother/Son Date Night would be held on Saturday, May 7th at the Optimist Club.

Hialeah-Miami Springs Rotary Golf Tournament

City Manager Borgmann stated that the Hialeah-Miami Springs Rotary Club will hold their golf tournament on Saturday, April 30th. Anyone interested can call Bob Schwinger or Dr. Tom Campbell for more information.

North Royal Poinciana Lane Closure

City Manager Borgmann reported that from May 6th through May 20th at the intersection at Crane and North Royal Poinciana Boulevard there will be underground repairs.

City Manager's Retirement

City Manager Borgmann read a letter announcing his retirement effective on January 2, 2012.

12C) City Council

Happy Easter

Councilwoman Ator wished everyone a Happy Easter and Passover.

Invitation

Councilwoman Ator announced that she received a lovely invitation to Laced with Charm Boutique's grand opening on Friday, April 29th at 6:30 p.m.

Pizza Restaurant

Councilwoman Ator mentioned that the new pizza restaurant on North Royal Poinciana opened recently and she has heard many good things about it.

Out of Town

Councilwoman Ator announced that she will be out of town and unavailable the first week of May. She will handle her correspondence when she returns.

Happy Easter

Councilman Espino wished everyone a Happy Easter and Passover.

Read to the Kids

Councilman Espino reported that he had the pleasure of reading to a group of kids from the Baptist Church pre-school during National Library Week in the newly renovated library.

CMI Meeting

Councilman Espino stated that CMI recently met and work is proceeding at the Curtiss Mansion.

Relay for Life

Councilman Espino announced that Relay for Life held their wrap-up party for the season at the Optimist Club. He said that the Relay for Life Committee thanks the Optimist Club for their generosity. There were more than 100 people in attendance and they are already geared up for next season. His wife will be serving as Chairwoman for the second year.

Strategic Planning Retreat

Councilman Espino mentioned holding a strategic planning meeting or retreat and conducted some research for information. He explained that it would be a general planning session meeting and he is proposing for Council to develop a series of topics, a date and meeting location outside of City Hall. Committees would discuss various topics in a broad scope planning capacity in order to have equal representation. The meeting would be open to the public, noticed and recorded. This would allow discussion in greater volume and marshal together with the help of Staff, the Administration and the residents to come up with either detailed or loose plans. He is asking Council to consider this as an agenda item for the next agenda.

City Manager's Resignation

Councilman Lob referred to the manager's resignation, thanking him for his years of service and giving him credit for turning the City's financial situation around.

Pizza Restaurant

Councilman Lob stated that the pizza at the new restaurant is good and he highly recommends the restaurant.

City Manager's Resignation

Vice Mayor Best referred to the City Manager's resignation letter. He said that the City Manager is resigning with class, offering to go through another budget session and not leaving until the first of the year. He thanked him for everything he has accomplished.

Ludlam Paving

Vice Mayor Best said that the Ludlam re-paving job is very good.

Vice Mayor Best wrote a letter to the County regarding East Drive between La Baron and 36th Street and they came back and did the work over and it seems to be in order.

Commissioner Sosa

Councilman Lob thanked Commissioner Sosa for all she has done for the City. He really appreciates her help with the lighting project on N. W. 36th Street that is going to look great.

City Manager's Resignation

Mayor Garcia referred to the City Manager's resignation. It seems to be a somber tone when considering retirement, but some of his friends have retired and they are having a blast and are not looking back. He is sure the City Manager will be enjoying his daughter's marriage, future grandchildren and he will enjoy his life outside of government and politics. He thanked the City Manager for his professionalism.

Mayor Garcia said that he will call upon the City Attorney to let Council know the correct process and procedure for replacing the City Manager to ensure due diligence and put the right person in his place. He credited the Assistant City Manager for his qualifications, but wants the public to know that Council will perform due diligence.

City Attorney Jan K. Seiden said that he visited the Human Resources Director in the hospital, she is doing much better and will be able to give Council the answers they want when she returns.

Councilman Espino expressed his discomfort about waiting until January. He wants to begin the search to fill the position as soon as possible. Since the Assistant City Manager seems to be a potential candidate for the job, he wants to facilitate a transparent search without conflict.

City Attorney Jan K. Seiden said that Council would have to determine the scope. The State of Florida might be enough, but there are also national searches. He will get the information from the Human Resources Director when she returns.

Commissioner Sosa

Mayor Garcia thanked Commissioner Sosa for her help with the lighting project. He said that it was a coordinated effort based on telephone calls that Council received from residents and business owners that were concerned about the placement of the light poles in the N. W. 36th Street area. He likes the fact that the residents reached out to Council and they called the necessary elected officials.

Easter Egg Hunt

Mayor Garcia said that he attended the Easter Egg Hunt. The City is becoming a popular destination for the holiday celebrations. He has confidence in Staff that they will take appropriate measures to curtail the amount of people that attend. The attendance has a lot to do with the fact that the River Cities Gazette is posted on www.miamiherald.com and it is a matter of proper management and details. His kids had a great time and he credited Programs Supervisor Patti Bradley and Parks and Recreation Director Omar Luna for a good job.

Career Day

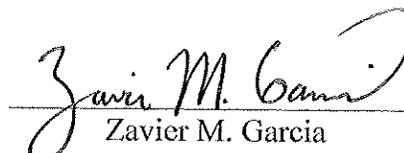
Mayor Garcia will be speaking to the students at Springview Elementary School on Wednesday, April 27th. He would like to attend the various Civic Week events if the information is provided to the City Clerk.

Read to the Kids

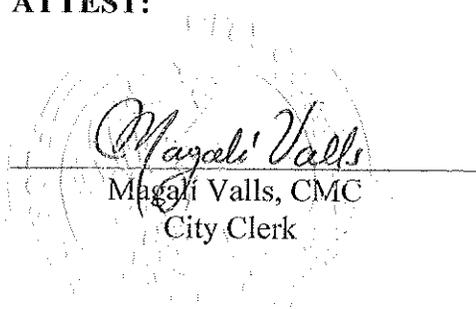
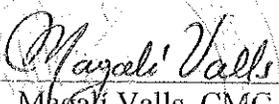
Mayor Garcia read to the kids from the Kid's Kollege and had a great time at the Library.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:32 p.m.


Zavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk



Approved as written during meeting of: 05-09-2011

Transcription assistance provided by Suzanne S. Hitaffer.

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

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Ator Jennifer Jean</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Miami Springs City Council</i>
MAILING ADDRESS <i>901 Falcon Avenue</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Miami Springs FL Miami-Dade</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jennifer Atok, hereby disclose that on April 25, 20 11:

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

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

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

Item 10C proposed an amendment to the code of Ordinances, Sec. 150-046, which would provide for operating a business in a residence under limited circumstances. My husband and I own a property that is subject to this ordinance.

May 6, 2011

Date Filed

Jennifer J Atok

Signature

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