



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Rebeca Sosa Theater at the Community Center on Monday, November 14, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:19 p.m.

The following were present:

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

Absent: Councilman Bob Best

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
- Public Works Director Robert T. Williams
- Human Resources Director Loretta M. Boucher
- City Planner James H. Holland
- Golf Director Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Building & Zoning Office Supervisor Harold "Tex" Ziadie
- Grant Writer/Public Information Specialist Carol A. Foster
- Deputy City Clerk Suzanne Hitaffer
- City Clerk Magali Valls

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: Students from Blessed Trinity Catholic School led the audience in the Pledge of Allegiance to the Flag.

3. Awards & Presentations:

3A) Proclamation – “Ray’s Tae Kwon Do Center Day” (Tabled: 10-24-2011)

Mayor Garcia presented a proclamation to Ray Rodriguez in recognition of their 25 year anniversary of teaching the art of Tae Kwon Do.

Mr. Rodriguez thanked the Mayor and Council. He said that it has been an honor and privilege for him to have been able to touch so many lives in the City and have a positive effect on them.

3B) Proclamation – Tom Curtis – Dolphin Digest

The item was pulled from the agenda.

4. Open Forum:

Miami Springs Library

Branch Manager Esther Nibot and Assistant Branch Manager Bryan Capley from the Miami Springs Library introduced themselves to the Mayor and Council. Ms. Nibot said that even though there had been changes to the Library Staff due to the restoration of the library system, they will have the same commitment to serve the community to provide excellent service. She invited everyone to visit the Library.

Mr. Capley stated that he was born and raised in Miami Springs and it is wonderful to be working in and serving in his own community.

To answer Mayor Garcia’s question, Mr. Capley said activities are planned and that on Tuesday, November 15, 2011, the library will sponsor “Reading Ready Story Time” for the kids and another event is planned on Saturday, November 19th related to Thanksgiving.

Mayor Garcia asked Mr. Capley to keep the City Clerk informed of upcoming events so that they can support the Library.

Mr. Capley announced that the Library is open Monday, Wednesday, Thursday and Saturday from 10:00 a.m. to 6:00 p.m. and on Tuesday it is open from 12:00 noon to 8:00 p.m.

Ms. Nibot added that the County is facing budget cuts and the Administration is trying to keep the impact to the community at a minimum by maintaining the same services.

Trick-or-Treat

Michael Gavila of 684 Morningside Drive asked Council to reconsider the Trick or Treat event on Westward Drive that would help to get the community involved.

5. Approval of Council Minutes:

5A) 10-24-2011 – Regular Meeting

Minutes of the October 24, 2011 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 10-25-2011 – Ecology Board – Cancellation Notice

Cancellation Notice of the October 25, 2011 Ecology Board meeting was received for information without comment.

6B) 10-27-2011 – Code Review Board – Cancellation Notice

Cancellation Notice of the October 27, 2011 Code Review Board meeting was received for information without comment.

6C) 11-01-2011 – Code Enforcement Board – Minutes

Minutes of the November 1, 2011 Code Enforcement Board meeting were received for information without comment.

6D) 11-02-2011 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the November 2, 2011 Architectural Review Board meeting was received for information without comment.

6E) 11-07-2011 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the November 7, 2011 Zoning and Planning Board meeting was received for information without comment.

6F) 11-08-2011 – Recreation Commission – Cancellation Notice

Cancellation Notice of the November 8, 2011 Recreation Commission meeting was received for information without comment.

6G) 11-09-2011 – Golf and Country Club Advisory Board – Minutes

Minutes of the November 9, 2011 Golf and Country Club Advisory Board meeting were received for information without comment.

6H) 11-10-2011 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the November 10, 2011 Board of Parks and Parkways meeting was received for information without comment.

6I) 11-15-2011 – Education Advisory Board – Rescheduling Notice

Rescheduling Notice of the November 15, 2011 Education Advisory Board meeting was received for information without comment.

6J) 11-21-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice

Cancellation Notice of the November 21, 2011 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

6K) 11-07-2011 – Board of Adjustment – Approval of Actions Taken at their Meeting of November 7, 2011, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of November 7, 2011 were approved subject to the 10-day appeal period.

Vice Mayor Espino moved the item. Councilman Lob seconded the motion, which carried 4-0 on roll call vote.

7. Public Hearings: None

Council sat as the Board of Appeals at 7:30 p.m.
The Mayor reconvened the City Council meeting at 8:10 p.m.

8. Consent Agenda:

8A) Approval of the City Attorney’s Invoice for October 2011 in the Amount of \$12,690.00

There was no discussion regarding this item.

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

9. Old Business:

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

No appointments were made to advisory boards.

9B) Selection of Top 3-5 Candidates to be Interviewed for the Position of City Manager

Mayor Garcia asked Council to consider whether or not the decision should wait for Councilman Best. He said that he was ready with his selections and Council agreed to proceed with the item.

City Attorney Jan K. Seiden stated there is an issue to consider in regard to the process. He advised Council of Florida Statute 286.0113 that was passed this year in regard to competitive selection processes that are now exempt from the Sunshine Law.

City Attorney Seiden advised Council that they should decide how they want to conduct the interview process and whether or not they want to hold an open meeting. He explained that in prior years, the candidates could listen to all the interviews because it was mandated by the Sunshine Law, but now it can be restricted to one candidate at a time.

To answer Vice Mayor Espino's question, Attorney Seiden clarified that the one-page document does not define a vendor; it mentions negotiations, oral presentations and questions and answers.

The City Attorney advised Council to submit a list of their top candidates to the City Clerk in order to determine if there is consistency in the selection of top three candidates.

Vice Mayor Espino commented that he would not be inclined to holding an exempt meeting because the selection of the City Manager is an important decision that should be in the Sunshine.

Councilman Lob would like Council to interview each candidate individually.

City Manager Borgmann recalled that the last time Council went through the process, the candidates were narrowed down to three and during each interview the other candidates stayed in the conference room outside of the Council Chambers so that they could not hear the responses.

City Attorney Seiden clarified that the Vice Mayor would like the meeting itself to be open to the public and Councilman Lob was talking about interviewing the candidates individually, which are two different things.

Councilwoman Ator stated that she would like the meeting to be open to the public and she also agrees that the people who are being interviewed should be sequestered.

Vice Mayor Espino selected Kenneth Fields, Daniel Rosemond and Ralph Rosado.

Councilman Lob selected Ron Gorland, Ken Fields and Constantino Purrinos.

Councilwoman Ator's selections were Lawrence Miller, Ron Gorland and Judy Whitis.

Mayor Garcia selected Ron Gorland, Guerlin Escar-Mangos and Ralph Rosado.

City Attorney Seiden said that there is an agreement on Ron Gorland and Ralph Rosado. There are two agreements on Ken Fields and one each for Daniel Rosemond, Constantino Purrinos, Lawrence Miller, Guerlin Escar-Mangos and Judy Whitis for a total of eight people.

Councilman Lob would like to interview all eight people as they were all on the list of qualified candidates.

To answer the Mayor's question, City Attorney Seiden explained that the interview process could be done in a number of ways. Several candidates can be called for the first interview, the number is narrowed down further and a final interview could be held with two or three people.

Mayor Garcia said that he was considering interviewing five candidates as eight would be too many. He asked Council how they felt about the process.

Vice Mayor Espino responded that he would not mind hearing from eight candidates in order to gather information at a Workshop meeting. If there is consensus after that meeting there would be no reason to hold additional interviews.

Councilwoman Ator would not mind interviewing all eight people, but would like Council to set the parameters for the interview process.

Mayor Garcia stated that because the interviews would be open to the public he was hoping to narrow down the number to three or five. He would like for Council to formulate a list of five questions collectively and then each Council member could have one personalized question before narrowing it down to the final three.

Councilwoman Ator clarified that she does not need to know what the questions are right now, but Council could agree to a certain number of questions and determine how much time it would take for the interview process. She said that interviewing all eight candidates would be an onerous process.

Mayor Garcia mentioned that he was thinking of fifteen to twenty minutes per interview.

Vice Mayor Espino commented that based on fifteen to twenty minutes the entire process would take a little more than two hours for eight candidates. He feels that the community should be able to listen to the interviews and the candidates should appear before Council one at a time. He added that the candidates could be given time slots, similar to the selection process for the Downtown Revitalization Consultants.

City Attorney Seiden stated that the Human Resources Director could contact the candidates to inform them that they are one of eight that will be interviewed for approximately fifteen minutes and some might say no.

Mayor Garcia asked Council to consider a time and date for the interviews. He knows that a decision must be made about the November 28th Regular Meeting and perhaps Council could consider this at this time.

City Manager Borgmann said that the City Attorney indicated that he could not be present on December 1st and December 2nd is a Friday night. His recommendation is to hold the Regular Meeting on November 28th with the agenda going out on Wednesday, November 23rd.

Vice Mayor Espino suggested holding a Workshop Meeting on November 29th or 30th and Council agreed.

Human Resources Director Loretta Boucher will call the candidates to see if they are still interested and ask them to fill out an application and sign a release to allow inquiries. She will have the applications ready for the meeting.

Council agreed to hold a Workshop Meeting either Tuesday, November 29th or Wednesday 30th.

Vice Mayor Espino asked if the start time could be 6:30 p.m. and the Mayor suggested 6:00 p.m.

City Attorney Seiden clarified that the Workshop meeting will be held on November 29th or 30th in accordance to what Mayor Garcia tells the City Clerk tomorrow. The interviews will be 15-minutes each and the Human Resources Director will contact the applicants to see if they are still interested and want to proceed.

Mayor Garcia suggested that Council should hold an Executive Session to determine what the questions will be for the candidates.

City Attorney Seiden said that Council could submit questions to Human Resources Director Boucher who will make a list to bring back on November 28th for a final decision.

Councilwoman Ator commented that the Executive Session to discuss the questions would ensure that the questions are not out in the open before the interviews.

Mayor Garcia stated that the Executive session could be held on November 28th at 6:00 p.m.

City Attorney Seiden added that he will be asking Council to hold an Executive Session to discuss pending litigation since he has answers to questions. He suggested one Executive Session for the limited purpose of questions and the second one to discuss the lawsuit.

Vice Mayor Espino mentioned that he could not meet earlier than 7:00 p.m. on Monday, November 28, 2011.

City Attorney Seiden explained that it has to be that way because a meeting will be called to order and the Executive Session must be part of the meeting, unless the Council meeting is called earlier than the normal 7:00 p.m. meeting.

Mayor Garcia stated that the meeting will be set for 6:30 p.m. on November 28th and as soon as the meeting is called to order Council will go into the Executive Session.

City Attorney Seiden reiterated that there will be two Executive Sessions, one for establishing questions and the second for the litigation. He asked Council to decide if they wanted to call a Special or Workshop meeting for the interview process.

Council agreed to hold a Workshop meeting for the interview process at 6:00 p.m. on either Tuesday, November 29th or Wednesday, November 30th.

(Agenda Item 10H was considered at this time)

9C) Curtiss Mansion, Inc. – Discussion of Legal Opinion from the Dade County Commission on Ethics Regarding the Possibility of the City Council Acting as the Board of Directors for a For-Profit Legal Entity Owned by Miami Springs

City Attorney Jan K. Seiden stated that he requested that this item be included in the agenda. He requested a legal opinion from the Commission on Ethics regarding the historic tax credit proposal in which the City would form an entity where the City Council would act as the Board of Directors. He met with the Commission on Ethics and the base of their opinion is one of the reasons that Councilwoman Ator abstained from voting on the matter involving All Angels Church because she is a board member.

The County ethics provision is very strict and it prohibits any elected officials from participating in any votes involving any entities in which they are involved, such as being on a board, according to Attorney Seiden. The provision does not deal with any pecuniary interest or personal benefit.

Attorney Seiden explained that the Ethics Commission made a strict “Letter of the Law” type decision, however they were very sympathetic to the City’s position, because it was proposed that all members would be on the board and they would be identical in terms of intent and action. The Commission on Ethics offered support for the City’s position to appear before the Miami-Dade County Commission to get an amendment passed for this provision in the County Code, but that would not be helpful since timing is an issue.

City Attorney Seiden commented that the Commission authorized the City to do what they proposed, except that instead of Council being members of the Board of Directors, they could appoint Administrative personnel of the City to act as members of the board. The City Council, as the bosses of the Administrative personnel, would have the same basic control and that would not be a violation of the code since the administrative people are not elected officials.

City Attorney Seiden said that based on the opinion, he would feel safe in advising Council that the City can form a for-profit entity owned by Miami Springs for the historic tax credit (HTC) transaction, but the board cannot consist of the City Council and should only consist of the Administrative officials of the City that are appointed by Council. Council can now consider how they want to further the process.

Councilwoman Ator asked the City Attorney if Council has the authority to change the Administrative personnel appointments, the same as they are allowed to do with advisory board members.

City Attorney Seiden responded affirmatively. He told the Commission on Ethics that he felt they were making a bad decision of a good situation because their decision is that there would be a conflict. He said that with the consistency between Council and the Board of Directors there would be an absence of conflict. He understands that the Commission has to abide by the law and they did give the City some leeway.

The idea is to accomplish a step in the process whereby the citizens feel comfortable that the 56-year situation is not getting out of hand and that the City still maintains control, according to Attorney Seiden. The documents and structuring will still need to be reviewed; nothing has been decided at this point and nothing will be decided until the very last minute, including approval of a potential investor, documentation and final structure.

To answer Councilwoman Ator's question, City Attorney Seiden clarified that the Administrative personnel appointments should not be done on a one-to-one basis; he would recommend the appointments be made on a Council basis, like a slate.

Councilwoman Ator suggested that each Councilmember would appoint one person.

City Attorney Seiden explained that the Board could consist of one, two or three people and that is a decision that can be made down the line.

Vice Mayor Espino mentioned that there were three separate items for consideration. The first was the Commission on Ethics opinion, the second is the evaluation by the tax attorney and the third is the evaluation of the expenditures and whether they would qualify. He asked CMI President Jo Ellen Morgan-Phillips if she received an opinion on the expenditures.

Curtiss Mansion, Inc. (CMI) President Jo Ellen Morgan-Phillips said that she spoke with Mr. Wishneff and was told there are no restrictions on the expenditures, as long as they relate to the entire Mansion. She explained that funds can be spent on landscaping, exhibits and CMI would like to spend the funds on the paving and outside lighting.

Ms. Morgan-Phillips clarified that her past objection to the tax credit was that she wanted the Curtiss Mansion to open on schedule in order to be self-sustaining. Her objection to the tax credits had nothing to do with the 55-year lease; the idea was to open the Mansion so that the community could begin to enjoy it and the construction was delayed due to inclement weather. She said that Mr. Wishneff assured CMI that investors will be easy to find and if they can offer a certificate of completion by the end of the year, it will allow the process to move forward faster.

Ms. Morgan-Phillips added that the State approved what was sent to them by the architects. She said that the tax attorneys and the Commission on Ethics are okay and the National Historic Trust is okay with the process. She is asking Council to let CMI move forward with haste and to instruct the City Attorney to start working on the corporations. She commended City Attorney Seiden for doing a wonderful job in his appearance before the Commission on Ethics and making sure that the City and the Mansion are in good hands.

Ms. Morgan-Phillips stated that the CMI contract was good until September because they thought that they would have to participate in the corporations, but now they do not have to and they will continue the maintenance and the operations. She asked for an extension of the contract because it has expired.

Ms. Morgan-Phillips mentioned that architect Manuel Perez-Vichot and contractor Roy Rodriguez had already started working on the bid specifications for the next phase of the Mansion and CMI would like to work with the City and the Purchasing Department. The paving will be the biggest problem as it must be inspected by the Department of Environmental Resources Management (DERM) for the run-off and it normally takes a long time.

Ms. Morgan-Phillips added that CMI would like City Manager Borgmann to contact Wishneff & Associates to ask them to begin searching for the investors. She urged Council to make a decision now so that there would not be a waiting period, as there has been a delay for almost nine months already.

City Manager Borgmann commented that Phase One was the construction phase and Phase Two is the operation phase. The operations phase is not ready because the building is not habitable and it was put on hold. He understands the need to finish the parking lot and the construction estimate is approximately \$500,000. The City Council could commit to those dollars anticipating the historic tax credit, but if the credits do not go through, the parking lot must be built before CMI can operate the building.

To answer the Mayor's question, City Attorney Seiden said that forming a corporation is easy. In his opinion, there is a process and part of the process is to secure direction and documentation from Wishneff to support what the City does. In regard to other matters, like the credits, there is no problem, but the monies must go through the City first.

City Attorney Seiden stated that he understands that CMI's contract has expired and he would like to see the documentation first that Wishneff prepares because it could make an impact. He said that the City could extend the portion of the CMI contract that deals with construction, but he would wait for Phase Two. He does not know what the transaction entails and he will consult with the City's tax attorney since he is the expert. It could be damaging to rush into something ahead of time and he would rather proceed with caution until Wishneff responds and the documentation is reviewed by the City's tax attorney.

Vice Mayor Espino was of the opinion that Council could grant the authority and latitude for the Administration and the City Attorney to work up to the point before it needs to come back for approval.

Vice Mayor Espino moved to proceed forward with certain action items required to participate in the historic tax program, including but not limited to creating the entities, drafting the contracts and preparing all the materials necessary to participate in the program with the intent to participate in it, understanding that the Administration officials will be the shareholders, officers and directors of the subordinate entities; that participation is contingent upon Council approval of all the agreements; that the funding come through to the City and that Curtiss Mansion, Inc. will not play a role in the subordinate entity. Councilman Lob seconded the motion.

City Attorney Seiden said that he does not totally disagree, but he disagrees with the first action. The Administration must contact Mr. Wishneff and advise him that the City has basically found a way to protect itself.

Vice Mayor Espino wanted to skip the first step suggested by the City Attorney to contact Mr. Wishneff. He would like to say that Council is willing to move to the next step, which is non-binding whatsoever, giving the City Attorney and the Administration the latitude to work with Mr. Wishneff and the tax attorney to formulate a position that is comprised of the entities, their operating documents and the contracts to come back to Council for evaluation. The entity formation addresses the control issue that was raised before; CMI will not be involved in the process. The funding issue has been addressed as funds will go through the City and the fact that it is subject to approval of the operating documents and contracts should ameliorate any particular issue that could be an issue moving forward.

Vice Mayor Espino emphasized that he would not want to wait for the City Attorney or the Administration to speak with Mr. Wishneff because there is a time limit. The point is there is \$600,000 to \$800,000 to be considered and this would continue the due diligence process at an appropriate pace.

City Attorney Seiden clarified that no organization or documents for Miami Springs will be prepared until there is review and approval of Mr. Wishneff's proposal for the structure. He explained that a corporation can be formed quickly and he would not do anything until everyone is on the same page. Mr. Wishneff received a copy of the opinion from the Commission on Ethics and they can be told to proceed.

Vice Mayor Espino continued to express his desire to move forward.

City Attorney Seiden explained that he would contact Mr. Wishneff to advise him to proceed with the next step in the process and at that point he will send the appropriate documentation that will be sent to the City's tax attorney, Mr. Chaves, for his recommendations. At that point it would come back to Council; there is no extra step.

Councilwoman Ator disagreed with Vice Mayor Espino's wording of the motion. She said that "not limited to" opens up a universe and she is uncomfortable with the language.

Vice Mayor Espino emphasized that all materials would come back to Council and that is why the motion states "including, but not limited to", followed by the conditions; it is only a proviso allowing the latitude to begin work.

Councilwoman Ator explained that the motion was long and the language was at the beginning of the motion. She asked Vice Mayor Espino to restate the motion.

Vice Mayor Espino clarified that his motion is to move forward with certain action items required to participate in the historic tax credit program, including, but not limited to creating the entities, drafting contracts, preparing all other materials necessary to participate in the program, with the intent to participate in the program, with the understanding that the Administration Officials will be the shareholders, officers and directors of all subordinate entities; that participation is contingent upon Council approval of all operating documents and contracts of the program; that funding comes through the City and that CMI does not participate in any subordinate entity.

City Attorney Seiden stated that there must be an understanding that it will be at his discretion as to when the documents are prepared. He will have the latitude; he made it clear from the beginning that he is relying on Mr. Wishneff and Mr. Chaves to respond and he will not do anything until they have completed their responsibilities and they are in agreement that it is the right way to proceed.

Vice Mayor Espino said that everyone will move forward to get this done and that is his amended motion. Councilman Lob seconded the amendment.

The motion carried 3-1 on roll call vote with Councilwoman Ator dissenting.

City Attorney Seiden will prepare an extension agreement for CMI for the next meeting to allow the completion of the construction. He would not advise dealing with issues that could be hurtful or disadvantageous to one or all the parties and drafting agreements in advance is not the right way to proceed.

Ms. Morgan-Phillips commented that the original contract included part of Phase Two because the two phases are overlapping. CMI is preparing exhibits that are covered under Phase Two. She reviewed the contract with the City Manager and the original contract was very basic. CMI is not making commitments or stepping out of line and has done a good job to accomplish the restoration within budget.

City Attorney Seiden assured Ms. Morgan-Phillips that he does not have any negative feelings toward CMI; he is only saying that it was a mistake to draw an agreement with the aviation school in advance of other pending matters. He hopes that this will not have an impact and he would not want to repeat anything that could cause problems. CMI is still operating as the facilitator of the renovation and reconstruction of the Mansion, but Phase Two of the contract clearly deals with the operation and it should wait for Mr. Wishneff's documents.

Ms. Morgan-Phillips said that the tax credit is only one source of revenue and there are other funding sources pending.

City Attorney Seiden clarified that Phase One deals with fundraising and the second phase is operational; it would not do any harm to extend the contract for Phase One.

Councilwoman Ator understood that the City Attorney would not want to do anything to jeopardize the tax credit by creating a document granting certain rights that Mr. Wishneff might not agree with. She suggested that the City Attorney could come back with a proposal for the contract extension.

Ms. Morgan-Phillips would like to get the process moving and keep it on track. The contractor will be finished very soon within the next two weeks and then it is CMI's responsibility for security, etc.

Mayor Garcia asked if the initial contract could be continued with a timeline extension.

City Attorney Seiden said that the problem is that the contract that has expired included a Phase One and Phase Two for the operation. He does not know how the Phase Two part of the contract impacts or does not impact the documents that are involved with the historic tax credit process. It would be foolish to spend the time and then find out that it created a conflict with the other documentation. The Phase One part of the contract could be extended for the restoration and the continuation of the fundraising.

Vice Mayor Espino was of the opinion that the CMI contract could be contingent upon compliance with the historic tax credit program and it could be amended or terminated at a later date if there is non-compliance with the historic tax credit.

Ms. Morgan-Phillips said that CMI had operated without a contract before, but they would really like to begin the Mansion. It is unfortunate that the process has been delayed for nine months and if they do not continue the process the Mansion will not open until next summer. CMI will need a contract in order to move forward with other potential revenue sources.

City Manager Borgmann asked how long it would be before CMI is ready with the bid documents for the parking lot.

Architect Manny Perez-Vichot stated that he is revising the drawings to include energy saving light fixtures and then they will be ready to move forward. The drawings include paving, drainage and the basic landscaping.

Ms. Morgan-Phillips emphasized that they are ready to move forward because CMI cannot make any money until they are able to open the Mansion.

Mayor Garcia hopes that Mr. Wishneff will complete the process before the next Council meeting when Council considers the extension to the contract.

City Attorney Seiden reiterated that he could prepare an extension for Phase One of the contract and once Mr. Wishneff comes back with the other documents he will proceed with Phase Two.

(Mayor Garcia called for a five minute recess)

9D) Discussion Regarding the Rebeca Sosa Theater Rental Application

City Manager Borgmann stated that Council asked to revisit this item and the Administration provided the current theater rental application for Council's review.

City Attorney Seiden commented that he did not approve of the language stating "Please speak with Ralph Wakefield regarding the process." He felt that it should be the City Clerk or the City Manager.

Councilwoman Ator referred to an e-mail she received regarding the application. She noted that Mr. Wakefield suggested language and the City Attorney responded that he would prefer a provision stating that there would be thirty-days from denial for use of the theatre to have the decision reviewed by Council and they would not speak with Mr. Wakefield. She expressed her concern about the thirty-day provision.

City Attorney Seiden suggested eliminating the 30-day provision. The language could state that the Miami Springs City Council invites them to apply for approval to perform any production that does not comply with the "G" rating and to please contact the City Manager's Office regarding the process. He reiterated that Mr. Wakefield should not be involved in the process.

Mayor Garcia said that he approved of language advising the person to contact the City Manager's Office.

Councilwoman Ator commented that in the past there had been a problem with people requesting permission or funding at the very last minute. By including a time limit it would encourage people to make the request ahead of time to allow for Council review.

Further discussion ensued about a time frame for approval of a request.

Councilman Lob suggested that Council could consider the request at the next available Council meeting.

Mayor Garcia stated that the language could simply state that the request will be reviewed by Council.

City Attorney Seiden commented that most of the time there would be a problem with timing. It is the responsibility of the person or the group who wants to use the theatre to be able to schedule their appearance before Council within their timeframe. He suggested the following language: "However, the City Council invites you to apply for their approval to perform any productions that do not comply with the "G" rating. Please contact the City Manager's Office to be placed on the next available agenda."

City Attorney Seiden added that Council would have the final decision since they set the standards for the community. He will make the necessary change and send the revised document to Mr. Wakefield.

9E) Discussion Regarding the Youth Advisory Board

City Manager Borgmann said that the Resolution establishing the Youth Advisory Board was adopted and the question is who is responsible for certain tasks.

Mr. Borgmann explained that Section 3 states that a membership application shall be completed and the applicant should comply with any other conditions or requirements that may be imposed by the prospective members' school. Each of the seven listed schools shall nominate one student for membership on the Youth Advisory Council. The City Council will review the information and documentation submitted by each school in support of its nominated member and the City Council will be required to ratify each membership nomination by a majority vote.

City Manager Borgmann explained that the Education Advisory Board questioned whether it is their responsibility to contact the schools or if the City Administration should be responsible.

Councilman Lob felt that it should be the City's responsibility to contact the schools.

City Manager Borgmann mentioned that Education Advisory Board member Libby Manning offered to make the contact with the schools.

Mayor Garcia approved of either the City or Board member Manning contacting the schools. He understands that the Police Department reaches out to the schools in regard to the "I Led the Pledge" Program.

Councilwoman Ator commented that the Education Advisory Board already has representation from each of the schools at their meetings and they have already established a relationship. She added that the membership application must be formulated and someone should be tasked with the implementation of the resolution. She was of the opinion that the Education Advisory Board would do a fine job.

By consensus, Council agreed that the Education Advisory Board should be responsible for contacting the schools and following the provisions of the resolution.

10. New Business:

10A) Confirmation of the Fifth Member of the Police and Firefighters Retirement System Board as Required by Code of Ordinance Section 35.56 (A) (3), as a Ministerial Duty

Chief of Police Peter G. Baan stated that Chapter 185 of the Florida Statutes designates the make-up of the Police and Firefighters Retirement Board; two members are appointed by the City; two members are elected by the members of the Plan and the fifth member is selected by the other four members. At the last meeting Captain Jon Kahn was selected and he has served on the Board in the same position prior to this appointment.

Councilwoman Ator moved the confirmation of the appointment of Captain Jon Kahn. Councilman Lob seconded the motion.

Mayor Garcia commented that the confirmation is only a ministerial duty.

Vice Mayor Espino mentioned that legislation is pending that could change the future make-up of the Pension Boards.

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

10B) Consideration of Copywriting/Registering the City's New Logo and Tag Line

City Manager Borgmann stated that this item was looked into further. He commented that the trademark should be registered so that others cannot utilize the logo and have it appear as though the City is sponsoring their activity.

City Attorney Seiden said that others can use the logo if they get permission from Council but the only way to enforce it is if the logo is registered.

Mayor Garcia commented that he is okay with going through the process. It is the branding of the City and a lot of time and effort was spent by the previous and current Council and he would not want to see anybody using the logo without Council's approval.

City Manager Borgmann clarified for Councilwoman Ator that the first part is \$980.00 and then if two "classes" also have to be registered it would be another \$1,000.00 leaving the total to approximately \$2,000.00.

Discussion ensued regarding what logo and phrase could possibly be trademarked depending whether it is taken or not, or if the phrase is too commonly used.

To answer Councilman Lob's question, City Manager Borgmann said that they are going for two classes at a minimum.

City Attorney Seiden stated that the gentlemen working on this item are one of the top firm's in the community and travel all over the world doing this type of work. He asked that Council give City Manager Borgmann some discretion to register what it needs to, even if it slightly exceeds the \$2,000.00.

Councilwoman Ator moved to give the City Manager the authority to register the trademark in accordance with the recommendation by the trademark attorney up to \$10,000. Councilman Lob seconded the motion which was carried 4-0 on roll call vote.

Vice Mayor Espino commented that if and when Council is ready to create a package they should look at it as a whole in terms of marketing and branding. Towards the end of the meeting he would be distributing what was discussed at the Community Summit.

City Attorney Seiden noted that the gentlemen offered to look at any kind of agreements that the City has used in the past and give Council some ideas as to doing it the correct way.

10C) Resolution No. 2011-3530 –A Resolution of the City Council of the City of Miami Springs Authorizing the City Manager to Apply for a 2012 Edward Byrne Memorial Justice Assistance Grant from the Federal Drug Control and System Improvement Program, through the Office of Grants Coordination Justice Assistance Grant Administration for Miami-Dade County; Authorizing the City Manager to Execute Grant Contracts and Agreements, Execute Contracts and Agreements to Accomplish Grant Funding Purposes, Expend Funding for Established and Authorized Purposes, Receive and Expend Additional Funding that Might Become Available, Execute Amendatory Application Documentation, and to Exercise all Contractual Rights, Authorizations and Privileges Available to the City; Effective Date

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

Councilman Lob moved to approve Resolution 2011-3530. Vice Mayor Espino seconded the motion which was carried 4-0 on roll call vote.

10D) First Reading – Ordinance No. 1028-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 96.05, Street Numbers; Display; to Provide Clarified Provisions and Requirements Related to the Display of Street Numbers on Structures in 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 first reading of the ordinance that was drafted to include all the provisions, comments and requirements that were discussed at the last meeting. He spoke with Building & Zoning Office Supervisor Harold “Tex” Ziadie and he agreed that the language was fine.

Councilwoman Ator moved to approve Ordinance 1028-2011. Vice Mayor Espino seconded the motion.

Councilman Lob was under the impression that as long as the street number is visible that Code Compliance would not make the property owner change the numbers to 3-inches. The proposed ordinance has a provision for replacement within two years.

City Attorney Seiden thought that the idea was to have consistency.

Councilwoman Ator said that the minutes indicate that notices would be mailed to people and Chief Baan recommended 3-inches based on his experience. The Mayor asked to notify residents of the minimum size for house numbers.

Mr. Ziadie assured Council that the only concern for Code Compliance is being able to read the house number from the street; there is no interest in informing all residents of the 3-inch regulation.

Mayor Garcia agreed that it will be an educational process to inform the residents, including information on the website.

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

10E) First Reading – Ordinance No. 1029-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 70-10, Parking Restricted in Certain Areas; to Provide Clarified Provisions on Permitted Parkway Parking, Prohibited Parkway Use; Prohibited Parkway Parking Exceptions, Enforcement and Signage; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that he re-drafted this ordinance and believes that he put the language in a matter where it is easily interpreted as to what is permissible and what is not. The discussion was that Council does not want signage just so there would be no provision against it.

Councilwoman Ator moved the item. Vice Mayor Espino seconded the motion.

Vice Mayor Espino said that there will be issues when it comes to special events such as the Fourth of July parade because people park perpendicular on Westward Drive and not parallel to maximize space.

Vice Mayor Espino stated that as far as provision (C) is concerned he believes that it is going to make lives a little more difficult for citizens because for special events they will have to be authorized in writing from the City to be allowed to park on Westward Drive. He questioned if it would be easier to say that parking lot parking is allowed but overnight parking will not be permitted.

Councilman Lob agreed with Vice Mayor Espino's comments.

City Attorney Seiden explained that this is a positive provision because what Council wants to change is (C) because theoretically the general rule of the City is that nobody can park on the parkways. He commented that (C) is the issue not the exception and numbers one and two are actually helpful.

Councilwoman Ator said that instead of saying parking, it should be changed specifically to overnight parking. She asked City Attorney Seiden if he would want to remove number two if they changed the wording to overnight parking.

City Attorney Seiden replied that he does not want to remove number two because he believes it is the way it should be. He stated that he was told what the rules were for parkway parking and that is what he put into the ordinance. He questioned if Council would like to add the new exception or remove the exceptions which would make it worse.

Vice Mayor Espino clarified that he would like to change the fact that citizens are parking on Westward Drive overnight and using it as additional parking and ruining the grass. He explained that he does not mind if citizens park on Westward Drive as long as it is not overnight.

City Attorney Seiden asked if Council would want to add Westward Drive to Provision (A) and add a number four that says no overnight.

Chief Baan explained that overnight should be specified because if a car leaves before daylight it is technically not overnight.

Councilwoman Ator suggested that there be no parking between the hours of midnight and five in the morning.

Building and Zoning Office Supervisor Harold "Tex" Ziadie commented that there are a lot of violations during the day with this ordinance and it does not only occur at night. There are ways that people could work around the hours.

Mayor Garcia stated that there are a few citizens who are abusing and habitually parking on Westward Drive. He said that he does not see a problem with people parking on Westward Drive. As of right now there is no parking allowed on Westward Drive at all but Council cannot enforce it. He explained that if someone parks on Westward Drive, Code Compliance is who enforces it.

Mayor Garcia asked if the citizens who are in violation now and have been approached are still continuing to park on Westward Drive and Mr. Ziadie replied that it is a problem that comes and goes. There have not been any tickets actually issued.

City Attorney Seiden asked if Council agreed to add the Westward Drive median.

Mayor Garcia replied that he would like to allow citizens to park on Westward Drive but not use it as their parking lot. Mayor Garcia asked Mr. Ziadie what the issue was with the citizens who are habitually using the Westward median.

Mr. Ziadie replied that it is simply that they are parking on Westward Drive because right now nobody is allowed to park there. He noted that he sees the issue occurring mostly during the day.

Councilwoman Ator asked if this item could be tabled so that Mr. Ziadie could talk to the Chief of Police and City Attorney and attempt to come up with a suggested solution.

Mr. Ziadie stated that it also depends on what Council wants to do so certain parameters are made if Council decides to change the provisions or they can stay the way they are if Council decides to not change them.

City Attorney Seiden commented that a way to control the issue is by time but that would require signage because if there was a restricted time, notice would need to be given. There is no other way to control it other than the way the provisions are now. He noted that it is almost impossible to not have signage.

Councilwoman Ator asked if the signage would be able to be put on the speed signs.

Chief Baan explained that in order to enforce it by State Law it would have to prohibit parking by State Law and there would have to be one sign at each end of the block in each direction which would be four signs per block in the median.

Mayor Garcia reiterated that he is okay with allowing parking on Westward Drive and if there is anything that City Attorney Seiden, Mr. Ziadie and Chief Baan could help Council come up with to curtail a couple of the citizens who are abusing it and if not then he believes that Council will end up allowing parking on Westward Drive.

City Attorney Seiden stated that he will add it to (A) and (B) and if Council could pass on first reading then he will amend it and bring it back to the next meeting.

Assistant City Manager Gorland believes that it should not be allowed where there are curbs on a median and Mayor Garcia agreed.

Councilwoman Ator asked if signage needs to be placed where the curbs are and Chief Baan stated that if the Code Enforcement Department is enforcing it then there does not need to be signage where there are curbs.

City Attorney Seiden stated that a number four can be added addressing no parking where there is curbing.

City Attorney Seiden clarified for Mayor Garcia that without signage Code Enforcement enforces it.

Discussion ensued regarding the City recognizing parking during special events such as the Fourth of July parade.

Councilwoman Ator moved to approve Ordinance 1029-2011 as amended. Vice Mayor Espino seconded the amended motion which was carried 4-0 on roll call vote.

10F) First Reading – Ordinance No. 1030-2011 – An Ordinance of the City Council of the City of Miami Springs Repealing Chapter No. 134, Weapons; which Includes Code Section 134-01, Firearms and Air Rifles; Discharge Prohibited; 134-02, Careless Exhibition of Weapons; 134-03, Forfeiture of Weapons and Arms; 134-04, Return of Weapons and Arms and Forfeiture on Failure to Receive Same; 134-05, Disposal of Weapons and Arms; and 134-06, Taking Possession of Weapons and Arms; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date

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

Attorney Seiden stated that the state legislature created an exemption. He had received a call from a gentleman inquiring why the City had not repealed the ordinance. The first reason why this is being done is because the provisions are very outdated. The second reason is because if the Police Department attempts to enforce a local ordinance in the County Court the City is charged for it.

Councilwoman Ator commented that she supports repealing the ordinance.

Councilman Lob moved to approve Ordinance 1030-2011. Councilwoman Ator seconded the motion which was carried 4-0 on roll call vote.

10G) Recommendation that Council Approve an Expenditure to Allied Trucking of Florida, the Lowest Responsible Bidder, in the Amount \$4,000.00 for Concrete Screenings, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Borgmann stated that this item relates to the Stafford Park playground. He noted that it was decided that this particular area needed to be raised up a little.

Recommendation that Council Approve a Change Order to Leadex Corporation, in the Amount of \$8,490.00 to Construct a berm Around the Playground Using Sand Fill, Spread and Compact the Concrete Screening Throughout the Play Area as Needed and Remove Existing Concrete Walk and Replace with New ADA Ramp

City Manager Borgmann stated that since the area is being raised there will need to be some type of ramp for people with disabilities.

Vice Mayor asked if the ADA ramp will be connected to the path that is there now and City Manager Borgmann replied that it goes straight to the bike path.

Vice Mayor Espino asked how big of an area beyond the actual area of the playground is it going to be and City Manager Borgmann was not certain of the measurements.

Vice Mayor Espino asked if they can be made a little bigger because if there is going to be a berm there will be a tremendous amount of puddles that create mud.

City Manager Borgmann said he will get the dimensions tomorrow and give Vice Mayor Espino an answer.

Councilwoman Ator asked how much sand was going to be used and City Manager Borgmann responded that it is 250 tons at \$1,595 a ton.

City Manager Borgmann stated that Leadex has a contract for the playground equipment itself so this is a change for their contract.

Vice Mayor Espino moved to approve an expenditure to Allied Trucking in the amount of \$4,000.00 for concrete screenings and to approve the change order with Leadex Corporation in the amount of \$8,490.00 to construct a perimeter around the playground using sand fill. Councilman Lob seconded the motion which was carried 4-0 on roll call vote.

10H) Special Event Funding Request Application – All Angels Academy

Mother Susan Keedy from All Angels Academy presented a request for funding for Movie Nights on the Circle. She explained that the events will be held on the Circle on the third Friday of each month beginning in November through March. They are inviting the City to partner with the school by supporting the police presence for the events.

Mother Keedy stated that the customary charge is usually \$525.00 per event, depending on whether the officers are Police Officers or Public Service Aids. She added that All Angels will pay the Police Officers first and then request a reimbursement from the City based on the actual charge.

To answer the Mayor's question, Mother Keedy explained that the request for \$2,625.00 is the highest amount it could be. She explained that last year there were as many as 300 people who attended on Friday nights.

City Attorney Seiden clarified that Councilwoman Ator would not be participating in the vote.

Councilman Lob moved to approve the requested amount of funding. Vice Mayor Espino seconded the motion.

Vice Mayor Espino stated that he is in favor of the request because Movie Nights are great and he attends with his family. As far as funding overall, there was consensus that two windows of opportunity would be opened to receive applications from organizations in the community or people requesting events, with an allocation of funds over a six-month period. The policy has not been implemented and it is important because \$10,000 is allocated and this request is one-fourth of that amount.

The motion was carried 3-0 on roll call vote, with Councilwoman Ator abstaining.

10I) Request for Meeting from the Revitalization and Redevelopment Ad-Hoc Committee to Have a Presentation from Calvin, Giordano & Associates, Inc. to their Board and the Architectural Review Board in December

City Manager Borgmann stated that on Work Order # 2 with Calvin, Giordano & Associates there is a budgeted meeting workshop with the Revitalization and Redevelopment Ad-Hoc Committee. Laz Martinez, Chair of the Revitalization and Redevelopment Ad-Hoc Committee, has requested that they hold a joint meeting with the Architectural Review Board for the purpose of hearing the presentation regarding their progress and also to review the street signage and way finding proposed by the Architectural Review Board.

City Manager Borgmann said that the funds are in the budget for Work Order # 2 already so this is just allowing the boards to go forth with this particular meeting.

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

11. Other Business:

11A) Fiscal Year 2010-2011 Fourth Quarter Budget Status Report (Unaudited)

Finance Director William Alonso stated that the numbers are unaudited. The auditors should be finished in two or three weeks.

Mr. Alonso said that the year ended with a surplus of approximately \$285,212.00. He noted that there will be a year-end fund balance of approximately \$4.7MM.

Finance Director Alonso commented that with the dashboard indicators, the year ended with approximately 98% of budgeted revenues and 97% of the expenditures. The Golf Course loss will be \$414,281.00. Last year after removing the irrigation system, the golf course lost \$459,000.00 making it approximately a \$45,000.00 decrease in the loss from last year.

Finance Director Alonso explained that the Recreation expenditures on the bottom of the dashboard ended up collecting 22.1% of the expenditures in fees compared to 16% last year.

Councilwoman Ator asked if Council is being asked to designate \$1.2MM or if it is already designated.

Finance Director Alonso replied that based on the current numbers he foresees approximately \$1.2MM in designations. In January he will come back to Council with the designated fund sheet and some of the funding may need to be reduced.

Vice Mayor Espino asked Council to consider the new strategic plan when they discuss the designated fund balance next year in January.

11B) Rescheduling of the November 28, 2011 Regular Council Meeting and Selection of Date for City Manager Candidate Interviews

As discussed under Agenda item 9B, Council agreed to hold the Regular Meeting on November 28th and to schedule a Workshop Meeting for either Tuesday, November 28th or Wednesday, November 29th.

12. Reports & Recommendations:

12A) City Attorney

Executive Sessions

City Attorney Seiden notified Council that an Executive Session is being called for during the meeting of November 28th to talk about the answers to the questions he received from the Plaintiff's representatives in the lawsuit filed against the City. Also, an Executive Session will be scheduled directly following the first Executive Session to compile a list of questions for City Manager candidates under the new exception provisions of Chapter 286.011.

12B) City Manager

Charter Amendment Meetings

City Manager Borgmann handed out information received from the County in regard to hosting charter amendment meetings in North Miami on Monday, November 14th, Miami Lakes on Wednesday, November 16th and the West Dade Regional Library on Thursday, November 17th. Council may wish to attend one of the sessions or review the items that are under discussion.

City of Doral Agreement

City Manager Borgmann reported that the City of Doral contacted the City and it appears that they are offering the same funding for the use of the City's swimming pool funding in the amount of \$15,000 per year for another three years.

Holiday Hours

City Manager Borgmann distributed an agenda of the Community Center/Playground holiday hours of operation.

Santa at the Circle

City Manager Borgmann announced plans for Santa at Circle and distributed an agenda of times and activities. Notification is being sent to parents and kids informing them that they have to pre-register for the snow event. An advertisement will be placed in the River Cities Gazette with the same information.

Turkey Donations

City Manager Borgmann said that he spoke with Elderly Services Director Karen Rosson who informed him that County Commissioner Rebeca Sosa has arranged for fifteen turkeys. In addition, Mayor Garcia indicated that the Miami-Dade County League of Cities is donating twenty turkeys that Public Works will pick up on Tuesday, November 15, 2011.

City Manager Borgmann explained that Karen Rosson is planning a raffle at the Senior Center on November 22nd.

Roof Enforcement

City Manager Borgmann informed Council that only the worst cases of dirty roofs are being enforced at this time and extensions are being considered for those who are unable to comply at this time.

Strategic Planning Sessions

City Manager Borgmann stated that a make-up strategic planning session for the residents is planned for Tuesday, November 15th and for the businesses on Sunday, November 20th at 2:00 p.m. Notification was placed in the River Cities Gazette and letters were mailed to the businesses on the occupational license data base.

Robbery

City Manager Borgmann reported that a robbery was held over the weekend and the people that gained access to the house identified themselves as code enforcement officials. The Chief of Police will follow-up on the incident and formulate a strategy to inform the residents.

12C) City Council

Roof Enforcement

Vice Mayor Espino said that residents expressed their concerns in regard to the roof issue in regard to the time limit and possible fines. He explained that the City's interest for residents to comply and not to fine them and perhaps Council should decide how to deal with those cases where people are willing to make the improvements, but are having a difficult time.

Burglaries

Vice Mayor Espino received many calls from residents who are concerned about crime in the City. He knows that the Police Department has been patrolling the City in marked and unmarked cars, but many people still feel unsafe. The City may have to increase the police presence for a period of time to make the residents feel safe.

Chief of Police Baan reassured everyone that there had been a dramatic increase in police presence and burglaries in the City had declined. Three arrests were made, cases are being solved and the Police Department is doing everything possible. He added that an increase in property crimes has been seen everywhere in South Florida and all over the country.

Vice Mayor Espino requested a memorandum from the Police Chief outlining what has been done to increase police presence.

Chief of Police Baan offered to speak with each Council member to let them know what the Police Department is doing to protect the residents.

Curtiss Mansion

Vice Mayor Espino reported that Senator Rene Garcia visited the Curtiss Mansion on Sunday. Attendees also included the City Manager, Mayor Garcia and Miami Lakes Councilman Nelson Hernandez. The lighting fixtures, floors, patio tile, and iron works over the windows are finished and the alarm and closed circuit television is in place.

Community Summit

Vice Mayor Espino handed out a memorandum outlining the second Community Summit and the two main areas of discussion were marketing and public relations and outdoor park space. He will provide an agenda and transcript of the meeting to Bill Busutil so that it can be incorporated into the strategic planning.

JR's Gourmet Burgers

Vice Mayor Espino announced that JR's Gourmet Burgers is participating in the third annual Burger Best competition at the Magic City Casino and will attempt to win the award for best burger joint and best specialty burger.

Happy Thanksgiving

Vice Mayor Espino wished everyone a great Thanksgiving.

All Angels Movie Night

Councilwoman Ator reported that All Angels Movie night will be held on Friday, November 18th. "Gnomeo and Juliet" and "Letters to Juliet" are the scheduled movie presentations that evening.

Halloween

Councilwoman Ator announced that Halloween was a great success with a ton of traffic on Curtiss Parkway and less traffic on Falcon Avenue.

Veterans Day Ceremony

Councilwoman Ator heard that the Veterans Day Ceremony was wonderful, although she was not there because she was at the Good Government Initiative. She appreciates the people who attended and participated and she received photographs from the Assistant City Manager of her children at the event.

Breakfast with Santa

Councilwoman Ator reported that All Angels Breakfast with Santa is in the morning on the same day as the City's Christmas event on Saturday, December 3rd.

Turkey Trot

Councilwoman Ator reminded everyone of the Turkey Trot on Saturday, November 19th.

Strategic Planning Application

Councilwoman Ator acknowledged the City Administration for the strategic planning application that was mailed to the businesses. She received two letters at her office and hopes that in the future the exact addresses can be worked out. Information was also handed out at the Veterans Day Ceremony and everything possible was done to publicize the sessions.

Code Enforcement Officers

Councilwoman Ator suggested placing photographs of the Code Enforcement Officers on the City website so that residents can see what they look like in order to avoid future problems with false identity.

Chamber of Commerce

Councilwoman Ator announced that the Chamber of Commerce would be meeting at 6:00 p.m. on Thursday, November 17th at Holleman's Restaurant. She hopes to see the Assistant City Manager there because he is the City's liaison.

Good Government Initiative

Councilwoman Ator mentioned that she attended the final meeting of the Good Government Initiative and it was a wonderful program. She learned a lot and met amazing people and contacts from other cities in South Florida. She commended Katy Sorenson and the University of Miami for putting together such a great program.

Happy Thanksgiving

Councilwoman Ator wished everyone a happy, quiet, uneventful Thanksgiving.

Happy Thanksgiving

Councilman Lob wished everyone a happy Thanksgiving.

Optimist Club Tree Lot

Councilman Lob reported that the Optimist Club Christmas Tree Lot will open at 10:00 a.m. on Thursday, November 24th. He urged the residents to support the community by purchasing their trees from the Optimist Club. A coupon will be published in the River Cities Gazette and they will be selling table top and smaller 4-5' trees this year.

Veterans Day Ceremony

Councilman Lob said that he was out of town but heard that the Veterans Day Ceremony was a success.

Thank You

Mayor Garcia thanked County Commissioner Rebeca Sosa for turkey donations and the flu shots that were given in the City. Some folks had their driver's licenses renewed and received their vaccination at the same time.

Ground Breaking Ceremony

Mayor Garcia attended the Centurion Air Cargo groundbreaking with the City Manager and Assistant City Manager. He said that it is an incredible facility that will be constructed on N. W. 36th Street by the Airport that will generate 200 new jobs. The owner of the company was happy to see representatives from Miami Springs because the business is important to the City and 25% of the employees are residents. The owner's vision for N. W. 36th Street and the Airport area is phenomenal and it will make a great economic impact for the City of Miami Springs.

Event Notices

Mayor Garcia asked the City Clerk to e-mail the event flyers and notices to Council.

Principal for a Day

Mayor Garcia announced that on Wednesday, November 16, 2011, he will be the Principal for the Day at Miami Springs Senior High School.

Basketball Season

Mayor Garcia reported that basketball season is in full swing and those parents who want to sign up their child should do it quickly as space is limited.

Walk for Miami Rescue Mission

Mayor Garcia thanked Carol Snokes who put together the walk for the Miami Rescue Mission that is an incredible event.

Strategic Planning Notices

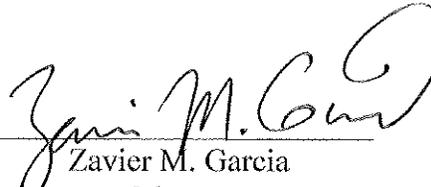
Mayor Garcia commented that the Administration did a great job on the strategic planning notices that were mailed to all the businesses and notices that were given to the residents and City organizations.

Prayers

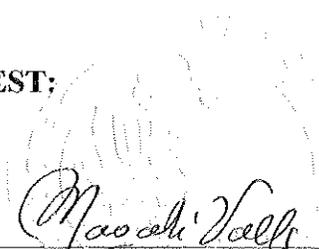
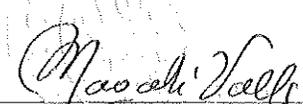
Mayor Garcia asked everyone to keep Councilman Best’s mother in their prayers.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:56 p.m.


Zavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk



Approved as written during meeting of: 11-28-2011.

Transcription assistance provided by Suzanne S. Hitaffer.

VICE-MAYOR

KEN FIELDS

DANIEL ROSMAN - 1

RALPH ROSADO

BEST
RON BORLAND

LOB

BORLAND

KEN FIELDS

CONSTANTINO PALLUOS - 1

BORLAND
KEN FIELDS
RALPH ROSADO

AYOR

LAURENCE MILLER - 1

RON BORLAND

JUDY WHITTS - 1

15 MINUTES



MAYOR

RON BORLAND - 1

GUERIN

RALPH ROSADO

7902 30
6:00 clock

AGENDA ITEM 9B - 11-14-2011.
CITY COUNCIL REGULAR MEETING.

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

LAST NAME—FIRST NAME—MIDDLE NAME ATOR, JENNIFER JEAN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL
MAILING ADDRESS 901 FALCON AVE	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 MIAMI SPRINGS MIAMI DADE	NAME OF POLITICAL SUBDIVISION: CITY OF MIAMI SPRINGS
DATE ON WHICH VOTE OCCURRED NOVEMBER 14, 2011	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 Aitor, hereby disclose that on November 14, 2011:

(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:

The City voted to provide funding to All Angels to support movie night on the circle. I am chairperson of the All Angels Academy Board of Trustees. While I will not see any direct financial gain, it is a conflict to both sit on the Board of an organization and vote on an item on their behalf.

November 17, 2011
Date Filed

Jennifer Aitor
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.