



## *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, December 12, 2011, at 7:00 p.m.

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

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

The following were present:

Mayor Xavier M. Garcia  
Vice Mayor Dan Espino  
Councilwoman Jennifer Ator  
Councilman Bob Best  
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  
Comptroller Alicia E. González  
Public Works Director Robert T. Williams  
Human Resources Director Loretta M. Boucher  
Human Resources Specialist Noemí Darías-Sanfiel  
City Planner James H. Holland  
Golf Director Michael W. Aldridge  
Golf Superintendent Sandy Pell  
Recreation Director Omar L. Luna  
Programs Supervisor Patricia A. Bradley  
City Clerk Magalí Valls  
Deputy City Clerk Suzanne S. Hitaffer

### **2. Invocation:** Councilman Lob offered the invocation.

**Salute to the Flag:** Students from the Miami Springs Elementary School led the audience in the pledge of allegiance to the flag.

Mayor Garcia presented baseball caps to the students who participated in “I Led the Pledge.”

**3. Awards & Presentations:**

**3A) Certificate of Sincere Appreciation – Former Education Advisory Board Chairman Mindy McNichols**

Mayor Garcia presented a Certificate of Sincere Appreciation to former Education Advisory Board Chairman Mindy McNichols for ten years of service to the Board from its inception in May 2001 until June 2011.

Ms. McNichols pointed out that when the board was established ten years ago it was only the second Education Advisory Board in the County and now several cities have similar boards. She read the names of present and past Education Advisory Board members and thanked former Mayors Richard Wheeler and Billy Bain, as well as City Clerk Magali Valls and Deputy City Clerk Suzanne Hitaffer. She also thanked the school principals and District staff who have assisted over the years.

**3B) Proclamation – “Message from Marli Foundation Day”**

Mayor Garcia presented a proclamation to Marc Wolff and his daughter Melanie on behalf of the “Message from Marli Foundation”. He explained that Marli holds a very special place in his heart because she taught his children at Blessed Trinity.

Melanie Wolff stated that she started the foundation a little more than one year ago when her mother was diagnosed with stage four ovarian cancer. When she was first diagnosed her symptoms were extremely vague and they were confused with other diseases. On behalf of the Foundation, they want to raise awareness of the symptoms so that there is earlier detection. Their efforts have been very successful, thanks to the Miami Springs Parks and Recreation Department and the community as a whole.

Marc Wolff thanked Tom Curtis and the River Cities Gazette for their support. He said that the National Honor Society did an article on Melanie and the Foundation that reached all 23,000 chapters of the National Honor Society in forty-five countries overseas and in all 50 states. Melanie has also started “Miles for Marli” that began locally and now it has extended to several places around the country. The Foundation has reached millions of women through different types of media regarding early detection of ovarian cancer. The support from the community is appreciated and extremely helpful.

Mayor Garcia proclaimed Monday, December 12<sup>th</sup> “Message from Marli Foundation Day”. He announced that a fund raising event will be held at Stafford Park on Saturday, January 28, 2012, from 12:00 noon to 5:30 p.m. He called upon the citizens of Miami Springs to join him in supporting the Wolff family in their efforts to increase awareness of this lethal female disease.

**4. Open Forum:**

No speakers.

**5. Approval of Council Minutes:** (Agenda Items 5A and 5B were approved with one motion)

**5A) 11-28-2011 – Regular Meeting**

Minutes of the November 28, 2011 Regular Meeting were approved as written.

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

**5B) 11-30-2011 – Workshop Meeting**

Minutes of the November 30, 2011 Workshop Meeting were approved as written.

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

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

**6A) 11-16-2011 – Education Advisory Board – Minutes**

Minutes of the November 16, 2011 Education Advisory Board meeting were received for information without comment.

**6B) 12-05-2011 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the December 5, 2011 Zoning and Planning Board meeting was received for information without comment.

**6C) 12-06-2011 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the December 6, 2011 Code Enforcement Board meeting was received for information without comment.

**6D) 12-14-2011 – Golf and Country Club Advisory Board – Cancellation Notice**

Cancellation Notice of the December 14, 2011 Golf and Country Club Advisory Board meeting was received for information without comment.

**6E) 12-22-2011 – Code Review Board – Cancellation Notice**

Cancellation Notice of the December 22, 2011 Code Review Board meeting was received for information without comment.

**6F) 12-08-2011 – Board of Parks and Parkways – Cancellation Notice**

Cancellation Notice of the December 8, 2011 Board of Parks and Parkways meeting was received for information without comment.

**6G) 12-05-2011 – Board of Adjustment – Cancellation Notice**

Cancellation Notice of the December 5, 2011 Board of Adjustment meeting was received for information without comment.

**6H) 11-03-2011 – General Employees Retirement System – Minutes**

Minutes of the November 3, 2011 General Employees Retirement System meeting were received for information without comment.

**6I) 11-03-2011 – Police and Firefighters Retirement System – Minutes**

Minutes of the November 3, 2011 Police and Firefighters Retirement System meeting were received for information without comment.

**6J) 12-07-2011 – Architectural Review Board – Minutes of the Joint Meeting with the Revitalization and Redevelopment Ad-Hoc Committee**

Minutes of the December 7, 2011 Joint Meeting of the Architectural Review Board with the Revitalization and Redevelopment Ad-Hoc Committee were received for information without comment.

**7. Public Hearings:**

None.

\*\*\*\*\*

*Council convened as the Local Planning Agency for discussion regarding proposed amendment to the Comprehensive Plan at 7:22 p.m.  
The Council meeting reconvened at 7:56 p.m.*

\*\*\*\*\*

*(Agenda Item 10B was considered at this time)*

**8. Consent Agenda:**

**8A) Approval of the City Attorney’s Invoice for November 2011 in the Amount of \$12,339.00**

There was no discussion regarding this item.

**Councilman Ator moved the item. Councilman Lob 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**

None.

**9B) Selection of New City Manager from Applicants Previously Interviewed by the City Council Subject to the Negotiations of an Acceptable Contract**

Mayor Garcia noted that one person signed up to speak on this item.

Business owner Lily Saborit-Abello of 117 Palmetto Drive said that it is time to take a hard look at how the community is moving forward. It had been difficult in the past for her to receive approval for City-sponsored concerts and events on the Circle. She was of the opinion that there are biases in the community as to how people are treated.

Ms. Saborit-Abello stated that this Council discussed development, progress, change and enhancement and she feels that many pieces have fallen by the wayside. She said that it is important to have goals and N. W. 36<sup>th</sup> street looks like a ghetto, which is an embarrassment to Miami Springs. Professional volunteers had worked to restore the Curtiss Mansion and the dream of the City's founder Glenn Curtiss was to make it a flourishing community.

Ms. Saborit-Abello commented that the residents should not carry 90% of the tax burden in the community; N. W. 36<sup>th</sup> Street needs redevelopment and the City needs someone that leads the community into the future and in her opinion that person is Ralph Rosado.

Mayor Garcia stated that Council had gone through the interview process and unfortunately Councilman Best was out of town during this time, but he did share his sentiments.

Councilman Best stated that appointing a City Manager is a very important decision. He thanked Ms. Saborit-Abello for her thoughts and opinions, although he is not in accordance with some of them. The process of revitalization is a multi-varied process and it does not sit with one Administration, Council or population; it is a moving target.

Councilman Best agrees that there are things that must be done in Miami Springs and it is moving in the right direction. He sometimes worries that nothing will get done because there are too many committees and opinions. Over the last seven years the Administration has attempted revitalization, but it is going to require the cooperation of the private sector and funding. There are grant programs; some were achieved and others were not successful.

Councilman Best added that the budget for the next fiscal year will be more difficult based on the economic situation with the Federal and State government, but Council will work through the process and hopefully without raising taxes or reducing services. The City has excellent Department Heads and the Assistant City Manager should be elevated to the position of City Manager.

Councilman Best commented that Mr. Gorland has done a fine job behind the lines and very few people are aware of his accomplishments. He felt that it would be an injustice not to appoint him as City Manager. He appreciates his colleagues and the process that they went through and he appreciates those candidates that came forward wanting to run the City and the Administration.

**Councilman Best moved to appoint Ronald Gorland as the next City Manager of the City of Miami Springs concurrent on the agreement to contract, effective midnight on January 2, 2012. Councilwoman Ator seconded the motion.**

Vice Mayor Espino appreciates everyone in the community that has been active in discussing and being a part of the selection of the City Manager. Council is the Board of Directors and they are selecting the Chief Executive Officer (CEO) that will be the person to facilitate, build consensus and do everything necessary to implement the policies that are driven by the quality of life that the residents want.

Vice Mayor Espino mentioned that it is no secret that he was at odds with the Administration and not because of a personal gripe. He has a very respectful relationship with Assistant City Manager Gorland, which is a professional one and the City is a municipal corporation. The City is in the business of delivering services to the community that make up the quality of life. In his opinion, there is no direction of what the community will be in the future years and he must place the blame somewhere, including previous Councils.

Vice Mayor Espino explained that because Council is prohibited from speaking to each other, the City needs a consensus builder and facilitator and the City has not had one with City Manager Borgmann or Assistant City Manager Gorland. There are issues like field space that are not getting addressed; there had been no solutions on pension issues brought forward and Strategic Planning took six months before there was consensus on how to move forward and the list goes on and on.

Vice Mayor Espino was of the opinion that Mr. Gorland started a deficit, because although he knows the community very well there is a laundry list of issues that have been cast aside that should have been addressed. He met with Mr. Gorland in May and gave him till December to prove him wrong and while he has been active, it has not been nearly enough. Perhaps if he had been made Interim City Manager months ago he could have had the latitude to show what he can do.

Vice Mayor Espino said that now that the City is at a crisis point it has the opportunity to take advantage of the economic downturn, make significant gains, be a part of the Airport's 2050 Plan, the inland port and a hub for tourism. He does not feel that Council can afford to "kick the can" down the road and see what happens. It is going to require leadership and he will not be voting for Ron Gorland.

Vice Mayor Espino explained that if it is the will of Council to select Mr. Gorland he looks forward to working with him and having Mr. Gorland prove him wrong. He will not settle for inaction as a result of the vote and he will be pushing to move forward in a variety of areas. He asked Council to think long and hard about whether or not they feel that Mr. Gorland is equipped to move the City forward.

Councilwoman Ator said that she was prepared to disclose her personal relationship with Mr. Gorland. She asked Mr. Gorland to be on the All Angels Board of Directors a few years ago because of his strong business background. She said that his strength in that area went far beyond her expectations and he was beyond helpful during All Angels meetings.

Councilwoman Ator felt that in the last nine months Mr. Gorland did not step up because he did what the City Manager told him to do and he should not be punished for that. She believes that Mr. Gorland has the skills and ability and his resume shows that he is beyond intelligent, educated and competent. She supports Ron Gorland for the City Manager position.

Councilman Lob heard from numerous people on both sides of the issue. He thinks that Council will be criticized no matter what decision is made. Council needs to make a decision that encompasses the entire City as a whole, the fiscal well-being and not just revitalization.

Councilman Lob commented that when the previous Mayor was elected he went through three people before finding the right person. He said that Council makes decisions and if they realize that they are wrong they can be fixed. He believes that Ron Gorland will do the right thing and many people do not understand the differences that he has had with the City Manager. He knows that there were numerous times that the two managers have not agreed and the person in charge prevailed.

Councilman Lob feels that Mr. Gorland deserves a chance to prove Vice Mayor Espino wrong, and hopefully he will do that. There were five well-deserving candidates but only one that knows the city inside and out. At this time, because of the fiscal disconcert of the State, the City needs someone who knows the City in order to keep it going forward. He will admit a mistake, but he does not feel that it is a mistake and Council will be criticized either way. He feels strongly and has thought long and hard about his decision. In his opinion, Ron will guide the City and make the needed changes.

Mayor Garcia stated that there were five candidates and one of those candidates accepted a position with Southwest Ranches, leaving four candidates. He knows that Mr. Gorland has enough votes to be selected as the next City Manager, but he would like to share his thoughts.

The Mayor said that other than knowing Ron as the Assistant City Manager he did not have any other relationship with him except to know that he engulfs himself in the community and he did a good job as Assistant City Manager. He does not have any relationship with the other candidates, except for Ralph Rosado with whom he has a professional relationship, and that being said, this is a difficult decision. Mr. Rosado has been within the City of Miami Springs for a long time and attended various events. His appearance in the City is not just a recent occurrence and he is a very respectful candidate for City Manager.

Mayor Garcia was of the opinion that the top three candidates were Mr. Gorland, Mr. Rosemond and Mr. Rosado. He said that there is a learning curve for those candidates other than Mr. Gorland who knows what the job entails and he will perform instantly. He believes that Ron Gorland can take the City in the right direction and he has the vision and desire for the City to progress.



Mayor Garcia commented that during his term as Mayor he had seen progress and growth in the development of the commercial tax base and N. W. 36<sup>th</sup> Street is looking better with new hotels and buildings. The progress moving forward might not be as fast as he would like and he is hoping the direction moving forward will continue with the commercial business district.

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

City Attorney Jan K. Seiden stated that the only other part of the process is to negotiate a contract in keeping with the prior agreements for other City Managers. There are different ways that Council can do this; it can be done by Staff or Council can hold an Executive Session.

Councilwoman Ator commented that there were some provisions in the City Manager's agreement that she takes issue with. She mentioned this to Attorney Seiden and she suggested that Council hold an Executive Session. She would like Council to review the current agreement and make notes.

City Attorney Seiden advised Council that they could establish a time and meet; it is not like the other sessions when Council had to first call a meeting.

Council **scheduled** an Executive Session for Monday, December 19, 2011 at 6:30 p.m. in the conference room at City Hall.

City Attorney Seiden asked the City Clerk to provide a copy of City Manager Borgmann's agreement for Council so that they can make notes.

Vice Mayor Espino noted that last year a Statute was passed that specifically curtails how severance packages for governmental officials can be rendered and he would like to know what bearing it has on the decision.

City Attorney Seiden will review the Statute, but his recollection is that it only deals with terminations. He will make arrangements for a court reporter for the Executive Session.

### **9C) Presentation from Calvin, Giordano & Associates, Inc. on Signage and Way-finding**

City Manager Borgmann announced that Calvin, Giordano & Associates had sent correspondence asking that this item be pulled and considered at a Workshop meeting.

Councilman Lob requested to schedule a Workshop meeting since the presentation deserves its own time and it could take a while.

Councilman Best agreed with Councilman Lob based on the minutes he read from the Joint Meeting with the Architectural Review Board and the Revitalization and Redevelopment Ad-Hoc Committee.

Discussion ensued regarding an available date to hold a Workshop meeting in the City Hall Council Chambers.

City Attorney Seiden asked if the purpose of the meeting would be primarily to allow the presentation of what the consultants presented at the Joint meeting of the Architectural Review Board and Revitalization and Redevelopment Ad-Hoc Committee, or if there would be discussion of the general items that were brought up.

Vice Mayor Espino understood that it would be a presentation from Calvin, Giordano and input from Council on the design.

Councilwoman Ator thought that the presentation would be limited to what the consultants presented at the Joint meeting last week. She asked if the issues raised by the City Planner would also be considered at the Workshop meeting. She added that Calvin, Giordano must also be asked if they are prepared to come back during a holiday week.

Vice Mayor Espino felt that the intent of Calvin, Giordano is to give the presentation that was already given to the Architectural Review Board and Revitalization and Redevelopment Ad-Hoc Committee. The issues from the City Planner just came to light and there should be time to review his concerns.

Councilwoman Ator suggested that the City Planner's concerns should be explored and every time a presentation is made there is a cost involved. She would like to consolidate the items into one meeting in the first week of January.

City Attorney Seiden added that Council could also address some of the implementation issues with the N. W. 36<sup>th</sup> Street District as it applies to different types of properties. He asked Council to notify the City Clerk if there were any other items they would like to address.

Vice Mayor Espino understood that the Abraham Tract District Boundary Regulations are finished and the Golf District is pending based on strategic planning.

City Attorney Seiden explained that he and the City Planner have some difficulties with the Abraham Tract based on their preliminary review because it is very similar to N. W. 36<sup>th</sup> Street and the district must have regulations for adult uses that Calvin, Giordano asked him to draft.

Vice Mayor Espino said that the Abraham Tract was supposed to be delivered by October. He would like to see a copy of the draft document.

Councilman Lob added that he would also like to see the Abraham Tract draft document.

City Planner James Holland commented that one issue with the Abraham Tract is that the consultants totally ignored the presence of the Airport and the height limitations. The proposed ordinance was submitted to the Aviation Department and he has not heard back from them. In the interim he is reviewing the Airport zoning maps and trying to develop some criteria.

Mayor Garcia commented that he was disappointed at the delay and he was not aware that there was a problem. He asked the Administration to keep Council informed of the process.

City Attorney Seiden thought that the Abraham District had been submitted to Council. He said that the consultants wanted to advertise the ordinance and it was not ready for first reading.

Mayor Garcia asked the Administration to prepare a memorandum outlining the problems with the Abraham Tract.

City Attorney Seiden explained that based on their review, he and the City Planner do not feel the ordinance is in the proper format and they wanted to review it internally and discuss it with the consultants. He reiterated that an entire section for adult uses must be added. He is not in a position to speak with the consultants at this time because he would first like to go over it with the City Planner.

Councilwoman Ator commented that the Abraham Tract had been an issue since it was presented to the Revitalization and Redevelopment Ad-Hoc Committee in May and they were disappointed that it was too similar to 36<sup>th</sup> Street. She would like to also see the Abraham Tract presentation and to have a short memorandum outlining the concerns of the City Attorney and City Planner.

Vice Mayor Espino recalled that the consultants presented the Abraham Tract District Boundary Regulations and he would like to know when it was submitted and what the status is. Now there are problems with N. W. 36<sup>th</sup> Street and he does not appreciate being the last to know.

Further discussion ensued regarding the N. W. 36<sup>th</sup> Street District and the Abraham Tract district boundary regulations.

Council **scheduled** a Workshop meeting for Wednesday, January 4, 2012, at 6:00 p.m. in Council Chambers at City Hall for the purpose of the signage and way-finding presentation, N. W. 36<sup>th</sup> Street and the Abraham Tract, subject to the availability of the consultants.

#### **9D) Status Report Regarding the Curtiss Mansion, Inc. Historic Tax Credit Negotiations**

City Manager Borgmann stated that they had been working on the historic tax credit negotiations with Attorney Chaves. He received the document and set up the for profit corporation that was signed today and it is Miami Springs Property, Inc.

Mr. Borgmann said that he had a telephone conversation with Mr. Wishneff, Mr. Chaves, the City Attorney, Assistant City Manager and Roy Rodriguez representing Curtiss Mansion Inc. (CMI) and heard that the actual completion date would not be until the spring.

City Manager Borgmann commented that there were discussions regarding Temporary Certificates of Occupancies, Certificates of Occupancy and Certificates of Completion for the actual construction. One of the main issues is that they have come up with a temporary parking arrangement that would include a \$50,000 driveway and accessories that would have to be torn out as part of the final. He noted that by the end of this week or next week, the final plans should be ready.

City Manager Borgmann asked Council to consider if the City has the financial backing for putting the plans out to bid. The City would receive the dollars from the historic tax credits that could be used. On the other hand, \$500,000 of City funds that were extended still needs to be replaced and CMI is convinced that they can and will raise those funds privately.

The City Manager questioned when the funds would be available and if Council would be willing to front those funds again for this particular purpose.

City Attorney Jan K. Seiden stated that the question is relative to the status and the status is that after the last direction he received, he sent Mr. Wishneff and everyone else an e-mail describing that the Council voted to move forward to get the process going. He said that he received a call from Mr. Wishneff asking if a conference call could be set up and he did so on Tuesday, December 6<sup>th</sup>. At that meeting everyone agreed and Mr. Wishneff received orders to go ahead and find an investor and have the documents for the transaction prepared.

Attorney Seiden commented that the City formed a corporation and a copy was presented to Council. He advised Mr. Wishneff that it would be very unlikely that anything would be accomplished before the first of the year. He noted that another issue is placing the building in service. The alternatives for temporary parking or going forward with the final design of the actual final parking were never discussed with him or Council.

Attorney Seiden explained that Mr. Wishneff is going to proceed with his work and send the documents to Attorney Chaves for his review. As soon as Mr. Chaves feels he is prepared to give his approval on the documentation and the process outlined by Mr. Wishneff he will advise Council and an agenda item will be scheduled. He wants it abundantly clear that the only people that will approve the eventual end of the process will be the City Council after they review all the documentation and hear from Mr. Wishneff and Mr. Chaves. If Council is satisfied that the City's interest and the interest of the building is protected, insofar as usage over the number of years, then at that point a vote will be taken and a closing date will be scheduled for the transaction for sometime after the first of the year.

Attorney Seiden explained that there are no Council meetings scheduled before the end of the year and this is a transparency issue that will take time for Council and the community to review.

Mayor Garcia stated that if Mr. Wishneff and Mr. Chaves complete their work and it is sent back to the City he would like the option for Council to approve it before the first of the year if possible. It has already been expressed how detrimental it is to wait because the Curtiss Mansion must be open in order to generate revenue.

Vice Mayor Espino agreed with Mayor Garcia. He added that Council must proceed appropriately, but the delay does cause a detriment. This was supposed to be a 2011 tax credit sale and certain things must be put in place in order to accomplish it. There are certain investors that want a due diligence period because there is a risk involved in a rushed transaction. The investors want a hard and fast date and he wants a draft agreement, a term sheet, a closing date and the structure. To the Mayor's point, everyday that the Mansion remains closed due to lack of funding, it is one less day to raise revenue and open as a cultural center. He said that it might not be possible before the end of the year.

Former Mayor Richard Wheeler stated that this item is a status report and he appreciates the report from Attorney Seiden. He is glad that progress has been made with a corporation in place and now there is a waiting period for the attorneys to bring back their work. The point is that the goal of CMI is to reach a self-sustaining level for the Curtiss Mansion as quickly as possible.

Mr. Wheeler said that funds are hard to raise and as a business there is a means of generating revenue if the building is opened. He will rely on the Mayor and Council to direct as necessary to move it through the process and get to the point of benefiting from the tax credit. CMI is not asking the City to fund \$50,000 for temporary parking; it is a consideration that the CMI Board of Directors is looking at in an attempt to make a good business decision and effectively spend the available funds.

Mr. Wheeler urged Council to move the process along at the appropriate speed and get to a conclusion so that CMI can open the property. If they need anything else CMI will ask the City at the appropriate time.

City Attorney Seiden clarified that the funds for the historic tax credit will go to the City and then Council will reapportion it in whatever manner they deem appropriate.

*(Agenda Item 10E was considered at this time)*

## **10. New Business:**

### **10A) Update to Proposed Fund Balance Designations for Fiscal Year 2011-2012**

Finance Director William Alonso referred to his memorandum and worksheet in the Council packet outlining the fund balance designations totaling \$514,867.00 in reductions. He provided recommendations on how Council could reduce the amounts from pending projects and explained that the designations could be modified as they see fit.

**Councilwoman Ator moved to adopt the proposed fund balance designations as recommended by the Finance Director. Councilman Best seconded the motion.**

Vice Mayor Espino noted that the fund balance reduction for pool improvements is \$19,867, leaving a balance of \$260,133. He asked what the intent is for spending \$260,133.

Finance Director Alonso responded that the prior Council designated funds for resurfacing the pool.

City Manager Borgmann added that the swimming pool is in need of resurfacing and it was not certain if there would be plans to move forward with a new pool facility based on a proposal from Link Construction in the \$3MM range. Since funds were not available for a new facility, the funds were designated for resurfacing. The last time the pool was resurfaced it was ten years ago for approximately \$120,000 and it was funded with Safe Neighborhood Parks bond funds.

Mayor Garcia mentioned that the swimming pool facility is part of a Recreation Master Plan because there will be continuing improvements needed. He asked to consider if the funds should remain as an investment in a new facility since the pool is in need of refurbishment.

Vice Mayor Espino asked if \$180,000 for the Senior Center are funds that will be spent now with the most recent improvements or if it is for future improvements.

Finance Director Alonso clarified that \$180,000 is for future Senior Center improvements.

City Manager Borgmann recalled that funds were put aside for a brand new building and \$250,000 was set aside out of the fund balance in order to begin the process. This is one example of plans being put in place by a past Council and a new Council might have a different opinion.

To answer Vice Mayor Espino's question, Mr. Borgmann clarified that the scheduled Senior Center improvements should be completed and the monies that were set aside were for a new building and location.

Vice Mayor Espino said that in light of all the improvements to the Senior Center and funding received from County Commissioner Sosa, he does not see a need to spend another \$180,000 at this point. He cannot see a new Senior Center in the future.

Mayor Garcia suggested leaving the dollars in the fund balance because the building is not sufficient for the seniors. He said that \$180,000 could be reduced to \$100,000, but funds should be included for the improvement of the facility because the improvements will be included in the strategic plan.

Vice Mayor Espino agreed with the Mayor that it is prudent to make the changes now and take up the conversation during the strategic planning process. Funds are allocated for the Senior Center and Pool improvements.

Councilman Lob also agreed that \$180,000 is a lot and there should be a contingency amount for the Senior Center. He added that there should be funds included for a maintenance program even if the City is not going to construct a new building.

Councilwoman Ator commented that the strategic planning process is not complete and she would like to maintain the priority for the Senior Center, recreation and pool improvements.

Mayor Garcia referred to a proposed plan by the previous Council for a bike path down the center of Westward Drive and a Circle in front of the library where there have been many accidents. He would like Council to consider some type of linear park. He added that there are many inconsistencies with the sidewalks throughout the City and this may be addressed in the future on a federal level due to ADA compliance. He said that funding may be available for a path on Westward Drive from the Community Center to the Downtown area that is similar to Curtiss Parkway.

Finance Director Alonso stated that the Citizen Independent Transportation Trust Funds (C.I.T.T.) could be used for sidewalk improvements. The City receives approximately \$400,000 annually.

Mayor Garcia stated that he approves of the Finance Director's proposed fund balance designations that could be revisited when the strategic plan process is completed.

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

The Mayor asked the Administration to bring back information in January regarding the use of C.I.T.T. funds for sidewalk improvements.

**10B) Ordinance No. 1032-2012– First Reading – An Ordinance of the City Council of the City of Miami Springs Amending the Comprehensive Plan, Based on Updated Data and Analysis, Including Deleting the Public School Facilities Element and Concurrency Provisions Relating to Public Schools, Transportation, and Recreation and Open Space; Other Amendments to the Text of the Future Land Use, Transportation, Housing, Infrastructure, Conservation, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements Elements of the 1998 Comprehensive Plan as Amended; to Revise and Update the Existing Goals, Objectives, and Policies in Accordance with the Mandates set Forth in Chapter 163, Florida Statutes, Authorizing Transmittal of these Amendments to the South Florida Regional Planning Council, State Land Planning Agency, and Other Applicable Agencies for Review and Comment as Required by Florida Statutes; Providing a Conflicts Clause and Severability Clause, and Providing an Effective Date (Advertised: 12-01-2011)**

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

Attorney Seiden stated that the ordinance would only be amended insofar as what the Local Planning Agency has recommended.

**Vice Mayor Espino moved to approve Ordinance No. 1032-2012 on first reading, as amended. Councilman Ator seconded the motion, which was carried 5-0 on roll call vote.**

**10C) Ordinance No. 1031-2012 – First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Residential Plantings, Fences and Walls; By adding Thereto a Limited Replacement Provision for Ficus Hedges; 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 kept the language simple in order to meet with Council's approval. The provision that prohibits the planting of new or replacement hedges reads: *"Notwithstanding the foregoing, up to 25% of any existing ficus hedge that has died may be replaced so long as the percentage of the replacement hedge is first verified by the Building and Code Compliance Department of the City."*

Councilwoman Ator commented that this ordinance is a bad idea. She spoke with Eric Richey who is the Chair of the Board of Parks and Parkways who was on the Board when the ordinance was passed. His initial reaction was that the issue is far more complicated and it should come back to the Board. Mr. Richey offered to speak with a County representative to get more information.

Councilwoman Ator suggested that the Board of Parks and Parkways should review the issue, provide information and offer their advice. Mr. Richey's position was that there could be room for replacement ficus hedges, but that the provision should not be so simple because it does not really solve the problems related to the plantings.

Councilwoman Ator felt that it could be difficult to determine 25% of a ficus hedge.

City Attorney Seiden stated that it would be determined by the distance of the ficus hedges on the property and the ordinance would allow replacement of up to 25% on the entire property.

Councilwoman Ator reiterated her concerns and the issues raised by Mr. Richey.

City Arborist Thomas Nash stated that his experience included ten years with the water and sewer crew and during that time he dug the roots out of the sewer system. During his experience as an Arborist he has seen properties that were damaged by the root systems of the ficus trees because they seek out water from A/C units or ponds, while the biggest issue is maintenance. Many people have hedges that grow out of control and damage neighboring properties. Root pruning and years of hedge trimming is the only way to control the excessive growth of the root system.

To answer Vice Mayor Espino's question, Mr. Nash explained that there is a long list of plant material that can be substituted for ficus hedges and provide the privacy that people are looking for. The reason the ficus is so popular is because they are fast growing.



City Manager Borgmann said that ficus trees were first planted in the City so that it would provide a fast growing tree canopy and they have subsequently been lost or taken down during hurricanes. The tree planting plan for the City was developed in 1964 in response to reducing the number of ficus trees city-wide.

Councilman Lob agreed with sending the issue back to the Board of Parks and Parkways.

City Attorney Seiden commented that he respects the Board of Parks and Parkways and he drafted the language in a simple way in response to a recent Board of Appeals case. He said that the Board of Parks and Parkways may be able to address the issue in a more complex way that is satisfying to the community.

**Councilwoman Ator moved to send the item to the Board of Parks and Parkways. Councilman Lob seconded the motion.**

Councilman Best approved of sending the item to the Board of Parks and Parkways and mentioned that one ficus in India covers 150 acres.

Mayor Garcia asked how popular ficus hedges are in the City.

Mr. Nash explained that the number of ficus hedges were reduced since the ordinance passed. Many residents were not aware of the ordinance and in a few cases property owners were asked to remove the plantings. Once the residents know the long-term ramifications they are cooperative and some nurseries will not sell the plants to Miami Springs' residents.

Mayor Garcia was of the opinion that the ordinance would affect a minimum number of people who have ficus hedges and if some plants were to die and they had to replace them with another type of planting it would completely throw off their yard.

Discussion ensued regarding the variance case that resulted in the proposed ordinance.

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

**10D) Recommendation that Council Approve an Expenditure to Southern Waste Systems, the Lowest Responsible Quote, in the Amount of \$11,120.64, for Replacing WM Garbage Containers and their Pick up at All City Buildings Various Times a Week, Pursuant to Section 31.11 (C) (2) of the City Code**

City Manager Borgmann read the title of the recommendation. He stated that this is a significant reduction in the cost for this service and since it is a drastic savings, the collections must be monitored to make sure that they are timely and thorough.

**Vice Mayor Espino moved to approve the item and Councilman Best offered the second.**

Councilwoman Ator said that she would recuse herself because her law firm represents Southern Waste Systems.

Councilman Best mentioned that the savings is almost three times and he appreciates the Administration for the close attention to the matter.

**The motion carried 4-0 on roll call vote with Councilwoman Ator abstaining.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Luna offered to come back with different options.

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

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

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

Council **tabled** the resolution for the next meeting.

**10F) Recommendation that Council Approve an Expenditure to Computer Electric, Inc., the Lowest Responsible Quote, in the Amount of \$11,980.00 for ADA Compliant Door Operators, Pursuant to Section 31.11 (C) (2) of the City Code**

There was no discussion regarding this item.

**Vice Mayor Espino moved the item. Councilman Lob seconded the motion which was unanimously carried on roll call vote.**

**10G) DROP Plan Investment Change for General Employees**

City Manager James R. Borgmann stated that there had been a lot of information about changes to pensions state-wide and certain limitations being imposed. For those employees who enter the Deferred Retirement Option Plan (DROP) their monthly retirement check is being deposited in a fund in the Pension Plan that is subject to market fluctuations. Since 2008, with the downturn in the economy and the stock market, many people who invest in the DROP are leaving with less money than they put into the fund.

City Manager Borgmann explained that several employees who recently entered into the DROP have asked to look into the possibility of a plan that would allow for a “guaranteed” fund, although there is no guarantee. The City uses ICMA Retirement Corporation for the 401-A and the 457 plans and they have a program called the PLUS Fund that has been returning a guaranteed rate that has fluctuated, paying 5.36% since inception with the latest annualized figure at 2.88%. This is not a lot, but it is better than losing money.

The situation that Council would be dealing with is to consider an addition to the pension ordinance for the General Employees in order to allow a fund like this, according to Mr. Borgmann. The Police have indicated that they would like a similar plan and that would have to be a negotiated item since they are covered by a collective bargaining agreement. There would have to be rules and exceptions to limit “jumping” in and out of the fund trying to time the market; the rules would be debated, discussed and approved by the Pension Board.

The City Manager advised Council that they could instruct the City Attorney to meet with pension attorney Steve Cypen to draft an amendment to the ordinance for consideration in January.

To answer Vice Mayor Espino's question, City Manager Borgmann clarified that there would be no cost to the city because any fees or charges would be built into the fund. The City would not have any exposure like other cities that have ordinances that allow the funds to be left in the DROP plan after the five years, paying up to 8% per year. This would be a set fund or one option that allows the retiree to choose an option not to subject their monies to the market conditions.

Mr. Borgmann explained that the current pension ordinance states that the Pension Board will set a rate of interest for the DROP plan. In November 2007, the Pension Board adopted a rule so that the amount of interest would be the same rate as the fund is receiving and performing and if it is a negative percentage the funds are reduced. This idea is to allow the employees to have one option for investing money in a safer fund.

Councilman Best commented that he would like the City Attorney to look into the possibility of amending the pension ordinance. He asked Chief of Police Baan if someone who had already entered the DROP could opt out and exercise the choice for a safer fund.

Chief of Police Peter G. Baan responded that changing options would depend on how the ordinance is written. The City Manager is suggesting an opening once a year when the option can be changed. It is important for the DROP plan to be cost neutral to the City and if the monies are invested with the rest of the pension fund it would be cost neutral or it can be invested in a separate entity like the ICMA Retirement Fund that is also cost neutral.

City Manager Borgmann clarified that the administrative costs would be borne by the participants.

Assistant City Manager Ronald K. Gorland stated that guaranteed investment contracts are effectively guaranteed for principal only, not interest. The problem is that the return in the five-year DROP plan is a return of long-term investments and for a five-year investment it should be a short-term vehicle where there is predictability.

City Manager Borgmann added that the pension fund managers invest the pension funds as directed by the Pension Boards and the percentages of equities, cash, bonds, etc. are set by the Board; when the balances are out of line they have to sell certain investments in order to buy others. The pension managers try to keep the investments on a conservative plain and since 2008, no one has made a lot of money unless they placed their money in a guaranteed fund.

To answer Councilman Best's question, Mr. Borgmann clarified that the PLUS fund had existed for a long time and he did very well in the fund in the early 1980's when it was paying a guaranteed rate of 15.75%.

Councilwoman Ator asked if there would be any impact on the pension plan and the City Manager replied that it would only apply to the DROP funds.

City Attorney Seiden explained that the pension attorney is well qualified to draft the ordinance and he would review it for form before it is presented to Council.

**Vice Mayor Espino moved to authorize the Administration to have Pension Attorney Cypen draft an ordinance. Councilman Lob seconded the motion and it carried 5-0 on roll call vote.**

City Manager Borgmann clarified for the record that the City Manager, Assistant City Manager and Finance Director are not in this pension plan.

**10H) Resolution No. 2011-3532 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Reserving the Right and Authority to Amend or Supplement the Schedule of Charges; Effective Date**

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

Golf Director Mike Aldridge commented that the rates are the same as last year. He made the mistake of omitting the walking rate during the week for residents. He added that he was able to pick up the Canadian Golf Pass that allows \$600.00 worth of advertising. The rates go into effect December 15<sup>th</sup>.

Vice Mayor Espino complimented the Golf Staff for the amazing job they did during a recent golf tournament. His clients are raving about the level of attention and the condition of the golf course.

**Councilman Lob moved to adopt the resolution. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

*(Agenda item 10I was considered after 10B)*

**10I) Alexander Markow Rock Concerto at the Circle Friday Evening, January 13, 2012**

City Manager Borgmann stated that the City was approached in regard to an event that is a very unique opportunity to host Alexander Markow who is an accomplished violinist who combines classic music with a rock flavor that is appealing to the younger generation. The Assistant City Manager has been working with the Recreation Staff and Anna Cruz on this event.

Assistant City Manager Ronald K. Gorland stated that he received a call from Anna Cruz asking if this event would be desired in Miami Springs and the response was an absolute “yes”. She did not offer any details and she immediately involved Programs Supervisor Patricia Bradley who worked quickly to pull the event together. The Administration would like Council to endorse the event.

Erik Sussman, founder of a charity called Spend for ED, explained that the organization combines businesses with local schools and they have teamed with Alexander Markow to host the first annual gala on January 27<sup>th</sup>. As a precursor they are excited about holding a performance in Miami Springs as suggested by Anna Cruz. He mentioned that they created a concept called ED bucks and there are sixty bucks in a package that are worth \$1.00 at local businesses that are willing to accept them. They are proud that one of their best business partners is Milam's Market and a book of ED bucks can be purchased for \$10.00 towards education in order to save \$60.00.

Mr. Sussman said that Alexander Markow was not sure what direction he wanted to go in life and he followed his heart to mix classical music with rock. He speaks to students about following their hearts. He is a world class violinist whose performance was sold out at Carnegie Hall and he will be playing in the Gazebo in Miami Springs.

Mr. Sussman introduced Josie Romero who is the Executive Director for Spend for ED.

Ms. Romero explained that the assembly is approximately forty-five minutes long with a preview of what Alexander Markow will play at the Gala on January 27<sup>th</sup>, including two classical songs followed by rock concerto songs. He will answer questions from students and parents and sign autographed pictures. She feels that families are going to bond in the Miami Springs community and they are going to have a good time.

Ms. Romero announced that the concert will take place on Friday, January 13<sup>th</sup> at 7:30 p.m. and all the local schools will be invited. She thanked Council for their consideration.

**Councilman Lob moved to approve the item. Councilman Best seconded the motion.**

To answer Vice Mayor Espino's question, Assistant City Manager Gorland responded that the City will provide a couple of Police Officers and Public Works will clean up afterward.

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

## **11. Other Business:**

### **11A) Discussion Regarding the Florida League of Cities Legislative Action Day**

Mayor Garcia referred to an e-mail the City Manager sent to Council regarding the Florida League of Cities Legislative Action Day. He added that the Miami-Dade County League of Cities will be sponsoring Dade Days in Tallahassee. He asked the Vice Mayor to clarify the registration deadline dates.

Vice Mayor Espino clarified that Dade Days is scheduled for February 1<sup>st</sup> and 2<sup>nd</sup> and the deadline to register is January 6<sup>th</sup>. The Legislative Action Days are January 24<sup>th</sup> and 25<sup>th</sup> and the deadline to register is December 23<sup>rd</sup>.

Mayor Garcia asked Council to let the City Clerk know as soon as possible if they are planning to attend the events.

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

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

#### **Happy Holidays**

City Attorney Seiden wished everyone a Merry Christmas.

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

#### **Painting Renovation**

City Manager Borgmann reported that the first block of Westward Drive from the Circle to Cozy Corner is owned by Joe Lowe and he is painting and fixing up his building using the new color palette. He complimented Mr. Lowe for the job he is doing.

#### **Channel 77**

City Manager Borgmann commented that there had been difficulties with Channel 77 for several months because it was not accepting information. A permanent repair and it should be completed by Tuesday, December 13<sup>th</sup> or Wednesday, December 14<sup>th</sup> with the current information posted.

#### **Senior Center**

City Manager Borgmann announced that the Senior Center renovations are progressing. The City received an extension from the State on the paperwork that was due on December 31<sup>st</sup> since they know that work is being done and the contract was awarded.

#### **Crime Watch**

Chief of Police Baan said that beginning tomorrow the Community Policing Office will be going door to door to the residential neighborhoods to solicit membership for the Crime Watch program and they will be handing out applications.

#### **Officer Jeff Collins**

Chief of Police Baan said that Officer Jeff Collins is doing well, he had no broken bones and he is feeling better.



## **Insurance Policy**

City Manager Borgmann was notified late last week by Curtiss Mansion Construction Manager Roy Rodriguez that the Builder's Risk Insurance Policy with Carivon Construction had lapsed. The policy is an annual policy and due to construction being put on hold and other situations, the insurance expired at the end of October. The Administration is in the process of contacting the Florida League of Cities to see what it would cost to add them to the City's policy and allow people into the Mansion. Carivon was notified that none of their subcontractors or anyone can go onto the property until it is properly insured. There are police officers watching the building around the clock so that no one enters the premises. He will provide an update on the cost of the insurance and meet with Carivon to discuss reimbursement of the funds.

## **12C) City Council**

### **Senior Center Holiday Party**

Councilwoman Ator announced that the Senior Center Holiday Party is being held on Tuesday, December 13, 2011.

### **All Angels Christmas Show**

Councilwoman Ator reported that the All Angels Christmas Show is being held on Wednesday, December 14<sup>th</sup> and there are tickets left.

### **Good Government Initiative**

Councilwoman Ator announced that she will be attending the Good Government Initiative graduation on Thursday night, December 15<sup>th</sup> with many people attending from across four counties.

### **Movie Night**

Councilwoman Ator reminded everyone that the All Angels Movie Night will be held on Friday, December 16<sup>th</sup> featuring "Santa Claus is Coming to Town" and "A Christmas Carol."

### **Greening of the Church**

Councilwoman Ator reported that the All Angels Greening of the Church will be held on Sunday, December 18<sup>th</sup>.

### **New Year's Eve Party**

Councilwoman Ator announced that All Angels will be holding a New Year's Eve party on December 31<sup>st</sup> and the community is invited to come.

## **Happy Holidays**

Councilwoman Ator wished everyone a Merry Christmas and Happy New Year.

## **City Manager's Contract**

Councilwoman Ator urged Council members to come prepared to discuss the City Manager's contract at the Executive Session on Monday, December 19<sup>th</sup>.

## **Optimist Club Trees**

Councilwoman Ator asked those who have not yet purchased a Christmas tree to please buy it from the Optimist Club that has 35 trees left.

## **Officer Jeff Collins**

Councilman Lob was thankful to hear that Officer Jeff Collins was not seriously hurt and he is glad that he is recovering.

## **Happy Holidays**

Councilman Lob wished everyone a Merry Christmas, Happy Hanukkah, Happy Kwanza and Happy Holidays.

## **Thank You**

Councilman Best greatly appreciated the good wishes for his mother while she was in critical condition in New York. He thanked the Lord that she is recovering and he is able to speak with her on the telephone at this point.

## **Appreciation**

Councilman Best extended his appreciation to City Manager Jim Borgmann for everything that he has done for the City and for him in terms of providing information through the years. He wishes him well in his plans for the future.

## **Congratulations**

Councilman Best congratulated Mr. Gorland for being selected for the City Manager's position; it is well deserved and he is looking forward to working with him.

## **Officer Jeff Collins**

Councilman Best extended his wishes to Officer Jeff Collins for a quick recovery.

## **Agenda Item**

Councilman Best requested an agenda item for the January 9<sup>th</sup> Regular Meeting to discuss term limits and staggering term limits. He feels that two year terms and the quick change over of the elected officials does not allow progress to happen.

## **Happy Holidays**

Councilman Best wished everyone a Merry Christmas and Happy Hanukkah.

## **Channel 77**

Vice Mayor Espino spoke with one of the regional governmental relations personnel from AT&T regarding complaints from residents who have U-verse and cannot see the Council meetings on the government channel. He was informed that there is a piece of equipment that costs less than \$5,000 that will allow U-verse to pick up the signal from Channel 77. He will provide the information to the Administration.

## **Santa's Train**

Vice Mayor Espino mentioned that Santa's Train came by on Saturday, December 3<sup>rd</sup>, although he did not realize it was coming until December 5<sup>th</sup>. When he was advised he did his best to reach out to the folks at F.E.C. Railway and there was not enough time. He will try to have the train stop in Miami Springs and have all the River Cities participate next year.

## **Best Practices Conference**

Vice Mayor Espino reported that he and Assistant City Manager Gorland attended the Miami-Dade County League of Cities Best Practices Conference and there were good discussions on various topics from social media to pensions, budgets, etc. and what other communities are doing. The conference was completely sold out and it is a sign of the times that people want to come together and find solutions.

## **Golf Course**

Vice Mayor Espino complimented the Golf Course Staff for doing an excellent job in facilitating a golf tournament that he referred to them. He said that people want to come back and play more golf.

## **Relay for Life Holiday Party**

Vice Mayor Espino said that the Relay for Life Holiday Party was a great success and he has never seen a greater collection of hideous sweaters in his entire life. He thanked his parents for their old sweaters from the 1980's.

## **Toy Drive**

Vice Mayor Espino attended County Commissioner Rebeca Sosa's Toy Drive and it was an amazing event with attendees from Miami Springs and Virginia Gardens. The Commissioner certainly made the holidays happy for a number of kids.

## **Happy Holidays**

Vice Mayor Espino wished everyone a very Merry Christmas, Happy Hanukkah and a safe New Year.

## **Car Show**

City Manager Borgmann announced that the Car Show that was cancelled in October is scheduled for Saturday, December 17<sup>th</sup> from 6-10 p.m. The entry fee for each car is an unwrapped toy that will be given to the local churches and charities.

## **City Manager Candidates**

Mayor Garcia thanked all the candidates who applied for the City Manager position. He appreciates Mr. Rosado's efforts for the energy and vigor that went into the process. He wishes that the City could hire more than one person because they were well-qualified and he is looking forward to working with them in other aspects of government in the future. He feels that the City of Miami Springs will do well with Mr. Gorland as their City Manager.

## **Thank You**

Assistant City Manager Gorland thanked Council for their support.

## **Events**

Mayor Garcia hopes that everyone will be safe during the upcoming events.

## **Crime Watch**

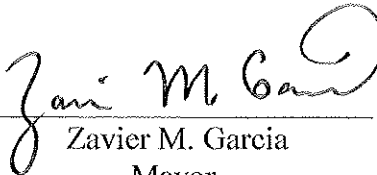
Mayor Garcia urged the residents not to take the safety for granted that is provided by the City of Miami Springs Police Department. It is still the residents' job to be vigilant of what is going on in the neighborhood and become familiar with their neighbors' routine. His neighbor's bike was stolen from inside the garage and these types of crime are happening while people are leaving their doors unlocked. The Police Department is doing everything in their power to remedy the situation.

**Happy Holidays**

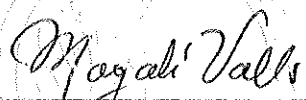
Mayor Garcia wished everyone a Merry Christmas, Happy Hanukkah, Happy Kwanza and Happy New Year.

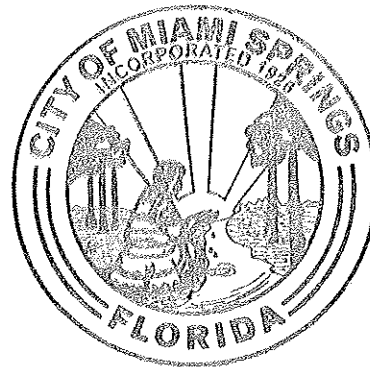
**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:43 p.m.

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

**ATTEST:**

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



Approved as written during meeting of: 1/9/2012.

Transcription assistance provided by Suzanne S. Hitaffer.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Ahor Jennifer Jean</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council</i>	
MAILING ADDRESS <i>901 Falcon Ave</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 <i>Miami Springs</i>	COUNTY <i>Miami-Dade</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Miami Springs</i>	
DATE ON WHICH VOTE OCCURRED <i>12-12-11</i>		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 Ator, hereby disclose that on December 12, 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 Southern Waste Systems, 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:

My firm, Hankins + Ator, PL, represents Southern Waste Systems in numerous matters in state and federal court.

12/14/11  
Date Filed

Jennifer J Ator  
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.