



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 12, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:03 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 Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Police Captain Jon Kahn
- City Planner James H. Holland
- Golf and Recreation Director Omar L. Luna
- Professional Services Supervisor Tammy L. Romero
- City Clerk Magali Valls

2. Invocation: Councilman Best offered the invocation.

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

Mayor Garcia presented baseball caps to the students who participated.

3. Awards & Presentations:

3A) Presentation by Leadership Miami Regarding a Community-Wide Effort for Veterans Link-Up

Representatives from Leadership Miami were not present. The item will be re-scheduled for the next meeting.

4. Open Forum:

Correction

Nery Owens of 332 Payne Drive pointed out that Mayor Gimenez' name is misspelled with a "J" instead of a "G" on page 32 in the minutes of the last meeting of February 27, 2012.

Agenda Item 10C

Ms. Owens asked Council to consider what would happen if the City gives Architect Manuel Pérez-Vichot the land he requested in what was Dr. James' property for his use and ten years in the future the land is needed for the City's use.

Ms. Owens suggested that the land might be needed for recreational purposes, a police substation, or for the Curtiss Mansion and there should be a term for five years with three five-year options. She was of the opinion that this would be giving one resident an unfair economic advantage to use the land and the City would only be getting maintenance and lighting in return.

Farmers' Market

Francisco Arguelles, representing the Miami Springs Airport Area Chamber of Commerce, stated that the Farmers' Market will not be held on Saturday, March 17th and they are hoping to reschedule the event for sometime in the fall. There were some vendor cancellations due to prior commitments and there is competition with other events taking place on that same day.

5. Approval of Council Minutes:

5A) 02-27-2012 – Regular Meeting

Minutes of the February 27, 2012 meeting were approved as amended.

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

6. Reports from Boards & Commissions:

6A) 02-02-2012 – General Employees Retirement System – Minutes

Minutes of the February 2, 2012 General Employees Retirement System were received for information without comment.

6B) 02-02-2012 – Police and Firefighters Retirement System - Minutes

Minutes of the February 2, 2012 Police and Firefighters Retirement System were received for information without comment.

6C) 02-13-2012 – Recreation Commission – Cancellation Notice

Cancellation Notice of the February 13, 2012 Recreation Commission meeting was received for information without comment.

6D) 02-21-2012 – Education Advisory Board – Minutes

Minutes of the February 21, 2012 Education Advisory Board meeting was received for information without comment.

6E) 02-28-2012 – Ecology Board - Minutes

Minutes of the February 28, 2012 Ecology Board meeting were received for information without comment.

6F) 03-06-2012 – Code Enforcement Board – Cancellation Notice

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

6G) 03-07-2012 – Architectural Review Board – Cancellation Notice

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

6H) 03-05-2012 – Zoning and Planning Board – Cancellation Notice

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

6I) 03-05-2012 – Approval of Actions Taken by the Board of Adjustment at their Meeting of March 5, 2012, Subject to the 10-day Appeal Period

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

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

7. Public Hearings:

7A) Second Reading – Ordinance No. 1032-2012 – An Ordinance of the City Council of the City of Miami Springs Amending the Comprehensive Plan, Based on Updated Data and Analysis, Including Deleting Concurrency Provisions Relating to 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 (First Reading: 12-12-2011, Advertised: 3-2-2012)

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

Attorney Seiden stated that this is the second reading, and the only change is that all references to education matters were deleted based upon complaints from the local School Board.

James J. LaRue of La Rue Planning & Management Services, Inc. said there were few comments from the new Department of Economic Opportunity and he took care of those issues in order to be consistent in terms of the standards for the level of concurrency for recreation and the capital improvement policy.

Mr. LaRue explained that the City Attorney referred to the concurrency issue for schools, based on the information from the School Board. Since all the cities did not apply to the Interlocal Agreement, it was not wise to do it at this time. The new expedited process allows the cities to amend their capital improvement program by referring to the policy of the school work plan.

Mr. LaRue noted that the new legislation allows comments from other government entities and there were some coordination comments with agencies that had changed names. He said that there were eighty to one hundred policy changes and there were no comments from the Department of Economic Opportunity, which makes for a better Plan and the new expedited review process works.

Councilman Best thanked Mr. LaRue and his associates for the good work they did for the City and the changes that were made.

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

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

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for February 2012 in the Amount of \$12,744.00

There was no discussion regarding this item.

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

9. Old Business:

9A) Discussion of Proposed Charter Amendments and Ballot Question Language Regarding Changes to the City Election Procedures (Continued from 2-27-12 Meeting)

City Attorney Jan K. Seiden explained that the Charter Amendment questions were re-numbered. The first amendment is the change in the terms of office for all Council members from 2-year terms to 4-year terms. Amendment No. 2 is the staggering provision that creates staggering terms and the group numbers remain to be filled in.

City Attorney Seiden explained that Amendment No. 3 is the provision for the change of the day for the certification of results to make it more realistic; Amendment No. 4 is the change in the provision stating that if someone serves a portion of a term it is considered as serving the entire term. Amendment No. 5 is the provision regarding the Vote of Confidence for the City Manager from the first meeting in October to the first meeting in December and Amendment No. 6 is the change in the date of the Vote of Confidence for the City Clerk and City Attorney from the first meeting in March to the first meeting in December.

City Attorney Seiden added two additional amendments as a result of the situation with the Vice Mayor and the possibility of his future in the School Board election. He noticed that the Charter provides for an election to be held within 30-days, which is an impossible standard since it is controlled by the County. It is not recommended to include specific time limits in Charters that could be included in Code Sections and the recommendation is to include a provision to fill the vacancy as soon as is authorized by law.

Amendment No. 8 is a companion provision that basically eliminates the same 30-day provision and it states that a Special Election to fill the City Council vacancy shall be called notwithstanding that the election will occur within 120 days of the next Regular Election.

To answer Councilman Best's question, City Attorney Seiden stated that if the setting of the election invades the 120-days, the election will still be held.

Councilwoman Ator did not feel that the question was answered, but she asked to move on to her question in regard to Amendment No. 2. She raised this point before and is afraid that people might be confused about the General Municipal Election because there was talk about moving the election to November. She asked if it would be possible to clarify that the election would be the "April" General Election.

City Attorney Seiden agreed to Councilwoman Ator's suggestion.

Councilwoman Ator said that regarding Amendment No. 8, it seemed like Councilman Best was asking if the event falls within the 120-days, will the election end up not being held.

City Attorney Seiden explained that the provision only applies if there is not an election within 120-days and the term does not end within 120-days.

Councilman Best clarified that his question was answered by the City Attorney's explanation.

City Attorney Seiden explained that he included an accompanying provision because 30-days is the standard and since an election cannot be called within this time, it might take 60 or 70 days, and if this invades the 120-day period, then an election is required. He read the following provisions from the Charter:

“Section 3.07 (3) (a) - If there is less than 120-days remaining in the unexpired term, or if there is less than 120-days before the next regular city election, the Council, by a majority vote of the remaining members shall choose a successor to serve until the newly elected Council member or Mayor is qualified;

Section 3.07 (3) (b) – If there is more than 120 days remaining in the unexpired term and no regular city election is scheduled within 120 days, the Council shall fill the vacancy on an interim basis as provided in (a) and shall call a special election to be held within 30 days. . .

Section 3.07 (3) (c) – A majority of the remaining members of the Council shall call an election as provided in (b) notwithstanding that the expiration of the 30-day period provided for in this section occurs within 120 days of the next regular election.”

Councilwoman Ator felt that Amendment No. 8 is confusing with vague wording that does not explain what is being changed.

City Attorney Seiden stated he originally repealed the section and in an abundance of caution he brought it to Council in order to make the decision.

Mayor Garcia asked to consider repealing the provision as stated in Amendment No. 8. He suggested placing Amendments No. 5, No. 6, No. 7 and possibly No. 8 during the April election.

City Attorney Seiden advised Council that they would make the decision; he recommended addressing the term length and staggered terms first so that it could begin to take effect in the April election of 2013.

Mayor Garcia commented that there had been no discussion about April or November for the placement of the questions on the ballot. He said that regardless of the election date, he would prefer not to have questions 5-8 on the same ballot as questions 1-4, because it is already confusing and it requires an educational process that takes time and money.

Councilwoman Ator felt that the Mayor’s suggestion was a good idea, except that she would rather move question No. 4 along with 5-8. She reiterated that No. 3 should include “April” as she suggested before.

Vice Mayor Espino said that Amendments No. 3 and 7 are a result of not being able to comply with the current laws. He asked to consider what would happen if the residents vote “no”. He questions that because the City has to comply with the County if the change had to be put up for a vote or if it could be changed as a ministerial act to comply with current law.

City Attorney Seiden felt that it is proper to fix what is obviously wrong with the Charter and the public should be educated.

City Attorney Seiden commented that Amendments No. 1 and 2 stand and a decision must be made on the second group.

Mayor Garcia asked how much time the City has to submit the ballot questions to the County.

City Attorney Seiden clarified that any resolution calling a Special Election for the August election has to be submitted to the County Elections Department no later than May 25, 2012. The last meeting before that date is the May 14th Regular Meeting unless a Special meeting is called. He reiterated that Council needs to act no later than May 14th for the August ballot and June 25th is the second date for the November ballot.

Mayor Garcia said that Vice Mayor Espino's decision to run for the School Board made it easy to fill in the seat for Amendment No. 2. He asked if there were any comments about the other seat to be included.

Council **agreed** to fill in seats No. 1 and No. 2 in order to complete the language for Amendment No. 2.

City Attorney Seiden asked Council if they wanted to wait for calling the other election or send two different resolutions.

Mayor Garcia said that Council has until May 14th to make a decision and the second resolution depends on Vice Mayor Espino's decision to resign.

City Attorney Seiden clarified that the Regular meeting of May 14th is the last meeting to pass a resolution or Council could call a Special meeting sometime between May 14th and May 25th to pass a resolution in regard to the election to fill the vacancy. He explained that he can prepare a resolution in advance, but it cannot be considered until the seat is vacant. The City Clerk will then inform the County and the question will be placed on the August or November ballot.

Councilman Lob commented that Council agreed to include Amendments No. 1 and 2 for the August election and he asked if it would cost anything to include the remaining questions for November.

City Attorney Seiden explained that the idea is to be economical and the idea is to only participate in one additional election.

Council considered placing Charter Amendment questions No. 1 and Amendment No. 2 on the ballot for the August election.

Mayor Garcia added that the questions could be placed on the August or November ballot, regardless of Vice Mayor Espino's decision. His concern, besides saving money, is to consider the turn-out for the August election versus the November election. There is a much larger turn-out in November.

Councilman Best agreed with the Mayor that there is a larger turn-out in November.

City Attorney Seiden advised Council that there is still time to make a decision and the matter could be placed on the next agenda. He suggested consideration as to whether or not all issues could be placed on one ballot, and he asked the City Clerk to call Miami-Dade County Elections Department to see if they require two separate resolutions.

Councilwoman Ator said that depending on what Vice Mayor Espino does, August might be more appropriate than November. She thinks that it would not matter if there are two resolutions.

Mayor Garcia asked Council to give the matter more thought in order to make a decision at the next Council meeting.

Councilman Lob asked for information on the associated election costs.

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

None.

9C) Authorization for Renovation and Redevelopment of Former Pilot House Restaurant and Bar Pursuant to Code of Ordinance Section 150-164

City Attorney Jan K. Seiden advised Council that this is a ministerial act, and it had already been approved in effect. He said that the N. W. 36th Street district boundary regulations include a provision to prepare a Development Order that is approved by Council.

City Attorney Seiden added that all the facts were included in order to confirm that all procedures were complied with and the provisions are very general and include all the documentations that were part of all the proceedings.

Councilwoman Ator commented that she did not feel the Development Order should start with No. 1 twice and she would like to continue the numbering process.

The City Attorney agreed to the amendment.

Councilwoman Ator moved the item, as amended. Councilman Lob seconded the motion.

Vice Mayor Espino noted that this is the first project to go through the Development Review Procedure and he has heard good comments about front-end loading the process, but he wants to hear the impressions from Staff and the City Attorney on the effort.

City Attorney Seiden commented that the process went exceptionally well for one reason and he gives credit to the applicant because they are involved in other business entities; they are a successful operation that understood that a representative should get in touch with Calvin, Giordano & Associates, Inc. to discuss the nature of the design district procedures and what is expected of a modern-type design. Their architect is experienced and they spent their own funds, in addition to meeting with the consultants in advance of the mandatory meeting. There were a number of changes that were discussed and they all agreed in order to move the design forward.

The Architectural Review Board review is another matter, according to Attorney Seiden. He had argued that their review should be eliminated as part of the chart because it was duplicitous and a time consuming process. With all due respect to the professionals on the Architectural Review Board, he feels that the City Staff and the Revitalization Specialist had far more experience in the process than independent board members. The Board of Adjustment would note any problem or dispute in the variance process or during the site plan review by the Zoning and Planning Board, or finally by the City Council.

City Attorney Seiden explained that the next time he will bring forward the Development Order as part of the final review so that it will not come back a second time. He would wait to see how the process develops and everyone wants someone to build a nice project that would begin the process and encourage others to do the same. In the interim, until someone is found who can do this, the City cannot deny people the use of their property and should find the best way within the existing framework.

City Attorney Seiden felt that this is a good starting point to show people that the City is willing to cooperate and is developer friendly in order to realize economic benefit for the community. He takes every opportunity in speaking with other attorneys and his clients to spread the word about the new Miami Springs and the desire for potential projects.

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

9D) Recommendation that Council Approve Additional Funding in the Amount of \$3,440.00 for Referee Fees, as Requested by the Miami Springs/Virginia Gardens Soccer Club (Tabled: 2-27-2012)

City Manager Ronald K. Gorland read the memorandum from Golf and Recreation Director Omar Luna requesting additional funding in the amount of \$3,440.00 for referee fees as requested by the Miami Springs/Virginia Gardens Soccer Club.

City Manager Gorland explained that at the previous Council meeting, consideration was given to a recommendation to approve the funding requested by the MSVG Soccer Club to cover their remaining referee fees and Council requested more detailed information and a breakdown of the cost of referees per game.

The MSVG Soccer Club Program is going to be playing games in the Region and State Cup and projects that the total costs for referees will be a maximum of \$10,440.00, while \$7,000 was originally budgeted, according to Mr. Gorland. They are recommending approval of the additional funding in the amount of \$3,440.00 that is required through the end of the season. This is only a projection with all teams going to the final championship. The cost could be lower depending on how many teams continue to advance.

City Manager Gorland explained that the MSVG Soccer Club originally asked for \$15,390.00 during the budget process. In Fiscal Year 2011, the actual amount spent was \$7,416.00. During the budget process, that number was reduced by 15% to \$7,000.00. The total requested is \$10,400 if the current request is added to what was budgeted and spent.

City Manager Gorland stated that approval is recommended because the intent was to figure an approximate budget number so that the City could pay its share through the end of the season and there was no indication of how long the season would last. The teams are still in post season play.

Mayor Garcia said that it is great to see that more kids are participating, but he asked if there is a cap to the budgeted amount.

City Manager Gorland explained that in the past, the City paid a partial percentage and as the costs of referees increased the cost to the soccer club increased. He does not believe the City should be involved in trying to match the increased costs in the future during the course of the year. During the budget process, there might be a different recommendation that is more in line with how other organizations handle their referee costs.

To answer Councilwoman Ator's question, Golf and Recreation Director Omar Luna stated that he believes that the City pays the full cost of the referee.

Councilwoman Ator asked how the receipts are collected and if they are in bulk or individual slips. She thought that the referee would sign off on a slip for a certain amount of dollars.

Golf and Recreation Director Luna responded that sometimes the receipts are in bulk and sometimes there are only a few depending on how many games are played. The reimbursement is made on the signed slip by the referee. He explained that Virginia Gardens pays half of the other referees for their own league.

Councilwoman Ator asked what the difference is between the leagues, and Mr. Luna stated that he was only familiar with the City's leagues.

City Manager Gorland stated that past practice has been for the City to pay a certain percentage and the City's percentage remained the same, but the cost increased.

Councilwoman Ator was concerned about the vague terms and she would like to have an understanding of what the City is paying, including the other sports referees.

City Manager Gorland said that his understanding is that the City receives a listing that shows the City's share and the remainder is Virginia Gardens' share. The list is by referees for each weekend and the bill shows every referee, how much they were paid and what the City's share of the cost is.

Mr. Luna explained that the MSVG Soccer Club requires the referees to sign the sheet to prove that they umpired the game and the Virginia Gardens' representative brings the slips to the Recreation Center and the referee fees are matched with the games on the schedule.

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

9E) Funding Request from Otto Camejo – Miami Springs Little League

City Manager Ronald K. Gorland stated that Little League President Otto Camejo submitted a memorandum requesting that the items he discussed at the last meeting during Open Forum be placed on the agenda for this meeting, including the proposed new rate for umpires of \$2,238.00.

Golf and Recreation Director Omar Luna clarified that the Little League umpires are paid by the same process as the soccer referees. The City pays \$20.00 for the umpires behind the plate and \$18.00 for the base umpires per game, which is low compared to the industry standards. The Little League is trying to improve and would like to have quality umpires. The proposed rate is \$28.00 for the home plate umpire and \$25.00 for the base umpires.

Mayor Garcia commented that the average rate is \$30.00 and above.

Vice Mayor Espino moved to approve the allocation of \$2,238.00 for the Little League umpires. Councilman Lob seconded the motion.

Councilwoman Ator felt that the recommendation is a good idea and there should be a certain amount that is identified before going forward with next year's program. She said that this should apply across the board to all the sports leagues.

The motion was carried 4-0 on roll call vote, with Councilman Best abstaining.

Little League President Otto Camejo thanked Omar Luna and the Recreation Department Staff for doing an excellent job during the Little League event.

Councilman Best thanked Mr. Camejo for putting together a nice program. He asked if the first 125 registrations are being paid by Little League baseball, per the 1964 Federal Charter.

Mr. Camejo stated that there had been many financial hardships this year, although the Little League does not pay for 125 registrations. He asked Councilman Best to provide him with the information.

10. New Business:

10A) Education Advisory Board Recommendation Regarding Letters to Students Recognizing Exemplary Citizenship

The item was **tabled** for the next agenda

10B) Consideration of Proposed Retainer Agreement from Weiss Serota Pastoriza Cole & Boniske, P. L. for Preparation of Adult Use Regulations

City Attorney Jan K. Seiden stated that there had been discussions with Calvin Giordano about finalizing the district boundary regulations for the Abraham Tract. Based upon certain requests that were made about potential uses in certain areas of the City, and as part of a prior Comprehensive Plan amendment, the City approved the allowance of adult uses only within the Abraham Tract.

City Attorney Seiden was under the impression that Calvin Giordano had the staffing and expertise to do all of the code writing for various purposes. Calvin Giordano does not have someone on their Staff who possesses the in-house expertise to provide the required adult use regulations for this district. He said that it was discussed at the staffing meeting and Calvin Giordano recommended a few people that they have used in the past.

City Attorney Seiden spoke with Attorney Susan Trevarthen from Weiss Serota Helfman Pastoriza Cole & Boniske, P. L. and asked her to provide the cost for them to do the required district boundary regulations and asked her to provide a retainer agreement as well for Council's consideration. He noted that he asked Ms. Trevarthen to give an approximation and there is a \$15,000 estimate that is not a cap. They have past experience in preparing these types of code sections.

City Attorney Seiden commented that it came down to either Calvin Giordano hiring somebody for the City or the City hiring somebody on their own. He does not believe a "middle man" is needed in that process. If Council is dissatisfied then he could go further if they would like.

Councilman Best asked City Attorney Seiden if this issue is one that would require that level of expertise to be spending this amount of money. He stated that what the City has already seems to have worked for many years.

City Attorney Seiden replied that the reason it has worked for many years is that up until recently there was no need for an area for this type of use. A few years ago some attorneys contacted him about use for an adult use facility in the Royal Poinciana area. One of the arguments that they made was that there should be a permissible area of use for these types of use. He agreed that some small percentage of use has to be provided for that type of use in some area of the City.

To answer Councilman Best's question, City Attorney Seiden responded that he had originally discussed the matter with Lorraine Tappen of Calvin Giordano and they discussed whether he would be able to do the regulations. He said that it is a task that he may be able to do but he is not an expert. The other people have experience and are very familiar with the current cases, while he is not and the City needs the protection of having it done properly.

Councilman Best asked what the protection would do and City Attorney Seiden replied it would control and regulate how things could be done. He explained that one of the biggest differentiations and the issues with these clubs are alcoholic beverages and nudity. If there is nudity, alcoholic beverages cannot be served in those instances.

City Attorney Seiden stated that many cities have had these types of issues surface and the City of North Miami Beach went through extensive litigation with various establishments. It is really an area of protection that the City needs.

Councilman Lob commented that the question is if whether or not Council should take the risk of the City getting sued and paying that price versus paying \$15,000 and possibly avoiding everything.

Councilman Best said that paying \$15,000 for an expert to draft the regulations is no guarantee either.

Mayor Garcia asked if the consideration of alcohol and nudity could come before Council and City Attorney Seiden replied that it can go before Council.

Councilwoman Ator noted that land use is a very specialized field and she has done a little bit of it in her involvement with the City. She is disappointed with the fact that Calvin Giordano made the representation that this is what was necessary to get the job done and Council approved it based on the amount of their work order, without saying that they did not have the resources to do this part of the regulations.

Vice Mayor Espino agreed with Councilwoman Ator and stated that the reality is that because this is such a contentious issue, there needs to be someone who has experience. This kind of issue will embroil cities in litigation for years because of how much money there is to be made in the endeavor. He wants someone who is going to do the job well so that the City is fully protected going forward. The reality is that the less desirable use is restricted to a certain area where it might never happen, but there is no guarantee and he would like to work in the City's favor to discourage the development of this use.

Councilwoman Ator agrees that an expert is needed but she was disappointed that the information was not provided to Council when the decision was made.

City Manager Gorland added that the Downtown Revitalization fund at this point has remained at \$136,000 so that would reduce it by another \$15,000.

Councilman Lob moved the item. Vice Mayor Espino seconded the motion.

Mayor Garcia stated that out of complete disclosure, he had received campaign donations from this law firm and he asked City Attorney Seiden if that is something that he needs to recuse himself for, even though he has no personal gain.

City Attorney Seiden replied that he probably should abstain.

The motion was carried 4-0 on roll call vote, with Mayor Garcia abstaining.

10C) Proposal Regarding Use of the Miami Springs Golf Course Owned Parking Lot Property that Adjoins 627 Eldron Drive (Previously Dr. James Clinic)

City Manager Ronald K. Gorland stated that a request is being made by Mr. Manuel Pérez-Vichot who is a well known architect and owner/operator of Southeast Design Associates to use the existing parking space adjoining 627 Eldron Drive. The parking space was originally constructed and used by Dr. James' Medical Clinic in an arrangement with the City of Miami, the previous owner of the golf course.

City Manager Gorland clarified that the parking area is owned by Miami Springs and is fenced off from the Golf Course and available for immediate use. If approved by Council this would be a "win-win" for the City and Mr. Pérez-Vichot because it is a costly area for the Golf Course to maintain and he proposes to assume liability for this space, insure it, and maintain and improve it without benefit of a lease or agreement. They are currently renovating the old clinic and plan to relocate to the property as quickly as possible.

City Manager Gorland clarified that there was some misunderstanding about contract or lease involved, but there is none; it is simply an arrangement. The lot is owned by the City and will continue to be used by the City to park vehicles if they so choose. The Administration is recommending approval of the request.

Councilman Best asked if there is a title change or partial title change in regard to the property and City Manager Gorland clarified that there is no title change whatsoever. The property will remain the City's and it can be used at any time.

Councilwoman Ator stated that there had been previous issues of Dr. James using the property and Ms. Owens raised an issue. She asked if at any time the City might want to fence it off if that would be allowed.

City Manager Gorland replied that it would not be in the spirit of the agreement, but it is possible.

City Attorney Seiden commented that when the City purchased the Golf Course, there was no disclosure during the closing process that there was an arrangement until he received a copy of the survey and he noticed that there was an encroachment. The City of Miami had a lease with Dr. James for a number of years that he had not paid for many years. When the City first found out about it, Council was informed that it was City property and Dr. James was using it and the City Council voted to continue to let him use it and it was not an issue.

City Attorney Seiden explained that the only time it became an issue was when Dr. James wanted to purchase the lot because he actively wanted to market it, either on a lease basis or an ownership basis. When it came down to the money aspect per square foot on a sale basis that is when the negotiations broke down. After Dr. James passed, the City was approached by his daughter because it was part of the estate and she had a grandiose view of what the property was worth and it would have been worth more if she had acquired the entire parcel. In the end, she actually requested that the City take possession of the property and protect it for the city's use and that is when it was fenced-in.

City Attorney Seiden added that as long as the property was insured, maintained and as long as the City was allowed access to it there was never an issue with prior Councils. It became an issue basically when they raised the issue of acquiring the property.

Councilwoman Ator asked if the plan was to have Public Works take down the fence and City Manager Gorland replied in agreement.

To answer Councilwoman Ator's question, City Attorney Seiden stated that Mr. Pérez-Vichot is planning to re-do the parking lot and install lighting to make it a legitimate parking lot for his own operation and the City can continue to use it.

City Attorney Seiden agrees with Ms. Nery Owens in regards to having a letter of agreement or understanding if Council agrees to the arrangement; Council could agree that it will be on the existence of a two year basis that could be revisited every two years.

Councilwoman Ator suggested that instead of having a two year term, there could be a 60 day out clause. She noted that she is not opposed to in perpetuity kind of agreement as long as there is an out provision.

City Attorney Seiden said that there could be a reasonable out provision; possibly a 90-day out.

Vice Mayor Espino stated that if Mr. Perez-Vichot is going to beautify the area with lighting and drainage, it would be disingenuous to have him spend the funds and then have a 60 day out clause.

Manuel Pérez-Vichot of 1056 Hunting Lodge Drive commented that he has no intention of using the property without conditions and the existing paved area is an eyesore and is not accessible to the City or to the building because it is fenced off completely.

Mr. Pérez -Vichot said that he mentioned to the Administration that the parking area would be available to the City for their vehicles unconditionally as much as needed. He does not need that many parking spaces and that the way that the property is shaped, the triangle cuts off half of the parking spaces for both the City and himself. There is no access to the areas without going through the building site and his intention is to beautify it and install landscaping and lighting. He will make the improvements whether or not this space becomes available to his side of the property.

Mr. Pérez -Vichot agrees that to make all those improvements and then ask him to drop in 60 days would make him question how far he would want to go in making the improvements. He said that the improvements are expensive and he wants to make it look better and benefit the City. He feels that Eldron Drive and Fairway Drive are a disgrace right now and he would hope that this would be a catalyst for future improvements in the area.

Mayor Garcia asked Mr. Pérez -Vichot how he would feel if they implemented the 60 or 90 provision but only after a certain number of years in case the City did want to do something with the property. In other words, the City would leave it open and would not implement the 90-day clause until after five years.

Mr. Pérez -Vichot replied that the Mayor's suggestion would be fine and he is willing to work with the City and he reiterated that he had no intention of making this area unconditional. He is willing to work with the City to make the mutually benefiting improvements.

Mayor Garcia asked City Attorney Seiden if the proposed agreement would be possible and the City Attorney responded that he would request that it be four years just to stay under the scrutiny from the charter amendment in regard to the Golf Course.

Mr. Pérez -Vichot reiterated that the property would be available to the city.

Nery Owens of 332 Payne Drive would like to formalize her request to make it a five-year lease with a 90-day out clause after the first five years and three five-year options to renew. She does not want to City to give away the property in perpetuity because land will become more valuable in the future.

Mayor Garcia commented that the City owns the land and it cannot be sold regardless of whether Mr. Pérez -Vichot owns the property in twenty years. There will be a 90-day clause to take the property back regardless of what happens.

Councilwoman Ator asked to make the agreement non-transferable. She said that Mr. Pérez -Vichot is known and trusted.

Councilman Best moved the item to approve a lease for five years with a 90-day escape clause. Councilman Lob seconded the motion.

City Attorney Seiden stated that the lease would die in five years and he would have to come back to ask permission from Council after that time. The question is whether or not Council wants an "opt out" provision within the five-year lease as it exists.

Councilman Best clarified that his motion was not asking for this.

Councilman Lob said that the City owns the property and there could be 90-day notice that the City is going to do something with the land.

City Attorney Seiden suggested a license agreement.

Vice Mayor Espino agreed that a license agreement would be fine.

Council agreed to a four-year license agreement with a 90-day out provision after four years.

Councilman Best amended his motion to approve a four-year licensing agreement to be determined between the City and Mr. Perez-Vichot with a 90-day out clause thereafter. Councilman Lob seconded the amended motion.

Mr. Pérez -Vichot expressed his concern if that the City should take the property back that they would agree to improve it because right now it is a disgrace.

City Attorney Seiden asked Mr. Pérez -Vichot not to worry about it until four years and ninety days. In effect, the property will be going back to the same way as it was when Dr. James had an agreement.

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

Agenda Item 10D discussed after Agenda Item 10F

10D) Recommendation that Council Approve a Bid to Maroone Dodge of Pembroke Pines, Utilizing Florida Sheriffs Association Bid Award Announcement # 11-19-0907, in the Amount of \$46,968.00, for Two 2012 Dodge Charger Patrol Vehicles, Pursuant to Section 31.11 (E) (5) of the City Code and \$9,209.76 to Various Vendors, as Provided in Section 31.11 (C) (2) of the City Code

City Manager Ronald K. Gorland stated that the two 2012 Dodge Charger patrol vehicles for the Police Department fleet would replace older vehicles. The purchase requires equipment for the new vehicles in the amount of \$9,209.76 from various vendors. The total amount for the two vehicles and equipment would be \$56,177.76. Funding is available in Police/Other Contractual Services, Police/Repairs and Maintenance Equipment and Police/Vehicles.

The City Manager explained that the fleet is behind by six vehicles. During the last budget process the decision was made to "push back" two additional vehicles and the fleet must be updated when funds are available.

City Manager Gorland stated that the expenditure from the General fund will be offset by the revenue from the red light traffic camera program. The cash collections from the program are unknown, but there is reasonable assurance that it will be more than the budgeted amount of \$100,000 and in this case, it might be more than \$200,000 for the remainder of this fiscal year.

Councilman Best moved the item. Vice Mayor Espino seconded the motion.

Councilwoman Ator commented that she would hold the City Manager to the \$200,000 from the red light cameras.

City Manager Gorland added that the Police Department is still going through the red light camera training process.

To answer Councilwoman Ator's question, Assistant City Manager/Finance Director William Alonso stated that the City has been paid \$138,000, of which \$72,000 has gone to the State, leaving a net amount of \$66,000 for 1-1/2 month. This is based on 38% collection, and normally it averages 80%. He explained that the revenue is deposited into the bank every Monday and the State's portion must be remitted on Tuesday. In two months there were approximately 2,326 fines issued and this translates to \$367,000.

City Manager Gorland clarified that the majority of the violations are issued to non-residents of Miami Springs and the driving habits will change quickly as people understand the program and the fines will fall off at some point.

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

To answer Vice Mayor Espino's question in regard to Agenda Item 10F, Assistant City Manager/Finance Director William Alonso stated that he would bring back a budget amendment resolution at the next Council meeting.

10E) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$4,500.00 to Foot-Joy for Purchase of Items for Resale in the Pro Shop, pursuant to Section 31.11 (E) (6) (g) of the City Code.

City Manager Ronald K. Gorland stated that Foot-Joy carries a diversified number of quality products for resale in the Pro Shop, and additional funds are needed for re-stocking Pro Shop items due to increased volume of sales. Funding is available under the Recreation Department Golf Course Pro Shop.

Mayor Garcia understood that the Pro Shop is re-stocking items and purchasing additional items. He asked what percentage has been sold and why it is necessary to purchase more with additional monies, instead of purchasing items from the revenue that has come in.

City Manager Gorland clarified that the funds that come in from the sales are separate from the disbursements, and the amount budgeted for expenses was not enough. He said that on a net basis, there would be a profit from the merchandise sales.

Councilwoman Ator said that the recommendation is for \$4,500.00. She asked if the amount already spent this fiscal year totals \$8,000.

Assistant City Manager/Finance Director William Alonso clarified that there was \$8,000 included in the budget and they are asking for another \$4,500.00.

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

Agenda Item 10F discussed after Agenda Item 10C

10F) Recommendation that Council Approve a Proposed Budget Amendment to Fund the New Finance-Professional Services Division Through the End of the Current Fiscal Year, as Well as Approval of the Funding for the Printing and Distribution of a Proposed Quarterly Newsletter and Monthly Fact Sheets

City Manager Ronald K. Gorland read the memorandum from Assistant City Manager/Finance Director William Alonso recommending that Council approve a proposed budget amendment to fund the new Finance-Professional Services Division through the end of the Fiscal Year, and approval of funding for the printing and distribution of a proposed quarterly newsletter and monthly fact sheets. The recommendation does not cover any costs that might be borne by the City to explain the referendum items that could be extensive, according to Mr. Gorland.

City Manager Gorland stated that Council approved his recommendation at the Council meeting of February 27th for the establishment of the new Professional Services Division within the Finance Department. In order to fund the new division it is necessary to do a budget amendment to transfer costs from two other departments: City Manager and Finance Administration. The cost involved three positions that were originally budgeted in the two departments, as well as other operating costs, including postage, office supplies, dues and subscriptions.

City Manager Gorland noted that Attachment "A" in the documentation shows the flow of funds from the two departments into the new division. The total amount of the transfer is \$137,627.00. The Professional Services Division is also planning on issuing two quarterly newsletters and a sample is shown as Attachment "B", with quotes for the same in Attachment "C", totaling \$2,564.96. For this amount, the newsletters could be inserted into the River Cities Gazette issue that is sent to each household, or it would cost \$4,459.22 if they are direct mailed to the residents.

The Professional Services Division is also planning to print and distribute a series of monthly fact sheets that will discuss current issues affecting the City, according to Mr. Gorland. The fact sheets would be distributed in the same form as the newsletter for a cost of \$7,000 for seven monthly sheets if they are inserted into the River Cities Gazette issue that goes to all households or \$13,629.91 if they are direct mailed to the residents.

City Manager Gorland explained that the total cost for insertion in the River Cities Gazette is \$9,564.96 or \$18,089.13 for direct mail. He said that Council had expressed an interest in keeping residents informed through direct communication and a strong interest in marketing the City.

City Manager Gorland stated that funding is required for the actual distribution and production will be handled by the three employees.

Mayor Garcia referred to Attachment "C" showing the costs for the insertion in the Gazette. He believed that the issue requires close to 10,000 pieces, not 5,500 pieces.

Publisher of the River Cities Gazette, Tom Curtis of 45 Curtiss Parkway, clarified that the Gazette is mailed to 5,500 households, but it does not include Medley or Virginia Gardens.

Mayor Garcia said that many issues are distributed to the businesses.

Mr. Curtis clarified that 8,000 issues are mailed and approximately 2,000 pieces are distributed to businesses. There would be an inserting cost for each piece and the additional 2,000 pieces would cost a little more.

Mayor Garcia added that the insert should also be included in the issues that are distributed to various locations throughout the area.

Mr. Curtis commented that the City would actually be paying double if residents pick up an issue on Wednesday and they receive a copy at their home on Thursday.

Mayor Garcia reiterated that the extra copies should include the insertion.

Councilman Lob stated that those people who do not have their phone numbers listed in the white pages do not receive the monthly issue of the Gazette that goes to all residents. He is aware of this because he has a non-published number.

Mr. Curtis explained that the mailing list is not aligned with the directory publication.

Councilman Lob reiterated that he had never received the Gazette in the mail at his house.

Mayor Garcia asked Mr. Curtis how the mailing list is updated and what happens if someone moves.

Mr. Curtis responded that subscribers normally file a change of address and the paper is sent to the new address; if they are not a subscriber then the resident should notify the Gazette if they are not receiving the issue that is mailed to all households.

Councilman Best asked how many issues are mailed out of the County and State.

Mr. Curtis stated that he did not know the exact number and he estimated it to be in the hundreds.

Mayor Garcia commented that the Optimist Club included an insert to advertise the Christmas tree lot and their sales increased the past year.

Councilwoman Ator said that she is not opposed to insertion in the Gazette, although she is uncomfortable with allocating funds for the fact sheets without any idea of what is planned to be included in the sheets.

Vice Mayor Espino explained that Council had discussed marketing, but had not addressed what the marketing effort should be. He thinks that Council should move forward with the insert, but he understands Councilwoman Ator's point.

Councilman Best suggested that the Administration could come back to Council and have the Professional Services Division provide a recommendation on what the fact sheets would include every quarter.

Mayor Garcia felt that the information would vary and it would be hard to tell Council.

City Manager Gorland offered to come back with the information each month or quarter, as required and request the funds ahead of time.

Councilwoman Ator would be willing to approve the quarterly newsletter distribution in the Gazette issue, based on a little more funding than was requested because it seems like that is what it is going to take.

Councilman Lob suggested amending the recommendation to include an extra 2,000 pieces.

Mayor Garcia mentioned that there would be no way to tell how many people are receiving or reading the information in the Gazette and he would like the marketing to be diversified. He is fine with the insertion in the Gazette, but he feels that there should be at least one mailing of the fact sheet or newsletter. He added that some people might not read the Gazette versus receiving the information in the mail with the City logo and seal. He suggested trying both methods of distribution.

City Manager Gorland said that he asked a number of people if they saw the recent dual language fact sheet and only three or four saw it. For the most part, people did not see it because it seemed like background information. He said that direct mailing might be more effective, but he is not sure that it is worth the extra cost.

Mayor Garcia stated that subscribers know that they receive the Gazette every Thursday, but non-subscribers only receive it once a month and they are not sure when to expect it. He asked Mr. Curtis how many issues are mailed out on a weekly basis.

Mr. Curtiss estimated that 2,500 issues are mailed on a weekly basis.

Mayor Garcia reiterated that he would like to try at least one direct mailing that includes something that can be tracked like an e-mail response or coupon.

Vice Mayor Espino agreed with the Mayor that there should be at least one mailing. In addition, he would like Council to schedule an agenda item or a Workshop meeting in order to figure out what the marketing effort should be. He feels that marketing is necessary as discussed in the strategic planning process, and there should be a strategy that is consistent. He would approve the quarterly distributions of the newsletter and the fact sheet so long as Council will be able to discuss what is included in the fact sheets.

Councilman Lob added that Council should also be advised of what is included in the quarterly newsletter.

Councilwoman Ator felt that there should be consistency and Council should make a decision as to whether the information is direct mailed or inserted in the Gazette. She said that it would be confusing to do both and financially it is better to put it in the Gazette. She reiterated that she does not want to approve fact sheets unless there is a need for one at some point. If the information cannot be included in the newsletter, that is something that Council can revisit. She does not feel that it is a good idea to approve a large expense when there is no idea of what information will be provided.

Mayor Garcia asked to consider the fact that the newsletters are quarterly and there might be something that residents need to be informed about quickly so direct mail is the only way to immediately notify them.

Councilwoman Ator said that Council should not be responding to a "what if".

The Mayor said that the City is always trying to reach out to the residents and there is no "what if." He noted that there were issues about the potential outsourcing, and what has transpired with Calvin Giordano.

Vice Mayor Espino commented that the last fact sheet was about annexation.

Mayor Garcia said that the Recreation Center sent out the "Rec Buzz" that included information, but it was very expensive and was only done one time.

Councilwoman Ator would like the City Manager to come back to Council when he wants to send out the fact sheets so that the funds could be approved at that time. She does not want to write a blank check for fact sheets and leave the information to the discretion of the City Administration. Maybe during the next budget process the Administration will know if the fact sheets have been successful and they can request a certain number, but Council should not be approving little expenses here and there because there is no money available.

Councilwoman Ator emphasized that she wants to be responsible, and to come back when the Administration knows what the information is.

Mayor Garcia felt that funds should be allocated in the budget and he agrees with the fact that Council should know what is included in the fact sheets before they are distributed.

Mayor Garcia feels that Council should approve a dollar amount as opposed to having the Administration come back each time to approve the funds. He is fine with investing funds for the purpose of informing the residents, whether it is \$10,000 or \$15,000, because this is a recommendation from Staff.

Vice Mayor Espino commented that seven fact sheets and two quarterly newsletters are being presented as the recommendation and he believes there should be a monthly newsletter that could be used for all informational purposes. The residents would come to know that the point of view from the City in regard to all issues would be found in the monthly letter that could be inserted into the monthly Gazette issue. This would build continuity and reliability on the information.

Vice Mayor Espino feels that the fact sheets like the one on annexation was very informative, but he questions how many people saw it and threw it away. He said that a reliable newsletter is the type of information that people would post on their refrigerator and it would also drive up the amount of people who read the Gazette.

Vice Mayor Espino reiterated that he would like to see a monthly newsletter that is inserted into the monthly issue of the Gazette and for Council to allocate the funds now, based on Council talking about the information that will be included going forward. The fact sheets seem like they should only be used on big issues, like annexation.

Councilman Lob felt that fact sheets with important information should be direct mailed to the homes. He agrees that monthly would be the right way, but Council has to work on a budget for it.

Vice Mayor Espino commented that he would like to tie the information back to the City's website and eventually people can depend more on the website for the information.

Mayor Garcia figured that the amount is close to \$16,000 for a monthly newsletter.

Mr. Curtis explained that he would love to have the business, but he agrees with Councilwoman Ator about the fact sheet. He reminded Council that the City already pays for a monthly News Bulletin that covers 2-1/2 pages and it is very informative. He said that the production of a monthly newsletter is more difficult, although he would be happy to insert it, but he does not feel that the City needs to do that much.

To answer Mayor Garcia's question, Mr. Curtis confirmed that the City pays for the 2-1/2 page News Bulletin.

City Manager Gorland added that the fact sheet occupies two columns within the News Bulletin.

Mayor Garcia felt that residents see the two pages in the Gazette and that they would respond more to an insert that can be pulled out. Once Council establishes a budget, he feels that there is information that residents can be informed about on a monthly basis.

Professional Services Supervisor Tammy Romero stated that the quarterly newsletter would be published in color and perhaps prices could be obtained for one page, with information on the front and back instead of four pages.

Assistant City Manager/Finance Director William Alonso said that if seven newsletters are prepared and inserted into the Gazette the cost would be approximately \$8,974.00, based on 5,500 insertions. For the remainder of the year, a monthly newsletter would be about \$9,000.

Councilman Best was of the opinion that Council is not inclined to continue discussion on the fact sheets. He asked to consider the Vice Mayor's suggestion to include a newsletter in the monthly issue of the Gazette for the remainder of the fiscal year.

Assistant City Manager/Finance Director William Alonso estimated that the total cost for seven monthly newsletter insertions for the remainder of the year would be \$10,000 through September.

Professional Services Supervisor Romero said that a four page newsletter would involve a lot of information if it is inserted every month.

Mayor Garcia explained that the information would be reduced by half by including it in both English and Spanish. There would only be one page of information and the cover should be attractive.

Vice Mayor Espino commented that budget issues and charter questions already make up the bulk of the information.

Councilwoman Ator stated that people who do not read English typically do not read the Gazette and they would not even open the paper to see the information published in Spanish.

Vice Mayor Espino moved to approve the newsletters once a month for the rest of the year to be inserted in the last issue of the Gazette, not to exceed \$10,000. Councilman Best seconded the motion which was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

10G) Resolution No. 2012-3538 – A Resolution of the City Council of the City of Miami Springs Authorizing the City to Apply for, and Accept, if Awarded, a \$10,000 2012 Urban and Community Forestry Grant with the State of Florida on an Equal Matching Amount Basis, Directing the Proper Officers and Officials of the City to Execute the Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; Effective Date

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

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

10H) Ecology Board Recommendation Regarding a Statement they Want Added to the Special Events Application Stating that Supplying Recycling Containers is Mandatory at all Events

Mayor Garcia stated that the Special Event forms could include a statement that “supplying recycling containers is mandatory”, but once they are supplied, emptying the containers would be an additional cost.

Councilwoman Ator said that the event organizer would be required to hire someone to remove the recycling, the same as the trash removal. It would be an additional cost for the waste removal company.

Councilman Best recalled that containers were provided at the last two or three Springs River Festival events and people were encouraged to use them.

To answer the Mayor’s question, City Manager Gorland stated that recycling containers were placed around the City and some are brought in by the festival organizers and people were putting the recycling in the dumpster. It has not been successful and the educational process has not worked very well.

Mr. Gorland added that the Administration was directed to work with the Ecology Board on implementing a better program and he would like to incorporate this recommendation into that discussion, rather than a separate directive at this point in time, since there is a cost involved. He agreed that it is the right idea and he has no argument, but it must be effective and by putting the two containers together they would both be filled with trash.

Mayor Garcia suggested that recycling should be on the list of potential content for the Newsletter.

Council **agreed** to combine the recommendation with the previous directive for the Administration to work with the Ecology Board on city-wide recycling.

11. Other Business:

11A) Vote of Confidence for the City Attorney as Required by Section 8.01 (1) of the City Charter

Vice Mayor Espino moved that City Council give Jan Seiden, as the City Attorney, a Vote of Confidence to continue serving in that capacity. Councilman Best seconded the motion.

Councilman Best thanked City Attorney Seiden for all he has done through the year in making the legal side of the business easier for him to understand.

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

11B) Vote of Confidence for the City Clerk as Required by Section 8.01 (1) of the City Charter

Councilman Best moved to give a Vote of Confidence to the City Clerk. Councilman Lob seconded the motion.

Vice Mayor Espino joked that he wanted to make it a condition that the City Clerk gets out of the Deferred Retirement Option Plan (D.R.O.P). The Mayor and Council also joked about it.

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

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Little League's Spring Baseball Camp

City Manager Gorland stated that Little League is hosting their Spring Baseball Camp until March 16th at Prince Field.

Movie Night

City Manager Gorland reported that there will be a Movie Night on the Circle on Friday, March 16th featuring "Spirit" and "Secretariat".

St. Patrick's Day Street Fest

City Manager Gorland said that Woody's West End is having a St. Patrick's Day Street Fest with four food trucks and a day long concert on Saturday, March 17th from 11:00 a.m. to midnight. Since the event is close to a neighborhood area with many houses, the City has been working with the owner on parking.

End of the Year Party

City Manager Gorland stated that the Recreation Department extended an invitation to attend the end of the year party for their basketball season on Saturday, March 17, 2012, at 9:00 a.m. The Mayor and Council will be recognized at 10:00 a.m.

Curtiss Mansion Opening Day

City Manager Gorland reported that everyone is welcome to spend the afternoon on the grounds of the newly restored Curtiss Mansion on Sunday, April 1, 2012.

12C) City Council

St. Patrick's Day Street Fest

Councilwoman Ator said that "Ms. Chezious" will be at the event at Woody's on Saturday night and they make the best grilled cheese sandwiches.

Movie Night

Councilwoman Ator reported that there is a Movie Night this week on Friday, March 16, 2012.

All Angels Celebration

Councilwoman Ator stated that All Angels is celebrating the first day of spring and the students plan on using the vegetables that the students grew from their Victory Garden in their lunch that day. She welcomed all Council members to attend as her guests.

Architectural Review Board

Councilwoman Ator said that regarding the Architectural Review Board, she would like for Council to reassess their decision on removing the board. She encouraged Council to appoint new people to serve on the board.

Miami Springs Archery Club

Councilman Lob reported that the Miami Springs Archery Club hosted an archery tournament on Saturday, March 3rd and it was a lot of fun.

Little League

Vice Mayor Espino stated that the Little League event was great and he noticed that there were younger children participating this year.

Walk Now for Autism Speaks

Vice Mayor Espino attended the Walk Now for Autism Speaks in Doral on Sunday, March 4th with more than 20,000 people attending, including several people from Miami Springs and it was an incredible event.

St. Patrick's Day Events

Vice Mayor Espino reported that Tom's NFL and The Hurricane will also be hosting events on St. Patrick's Day and encouraged everyone to enjoy themselves responsibly.

Relay for Life

Vice Mayor Espino reminded everyone that the Relay for Life is coming up on Saturday, May 5th with many upcoming team events and activities. Since it is Cinco de Mayo he has a feeling that the evening may be slightly different than last year.

Spring Break

Councilman Best reminded everyone that it is Spring Break so there are children out of school and he asked that everyone be careful when driving.

Architectural Review Board

Councilman Best commented that he had asked three or four people to serve on the Architectural Review Board and they are not interested. He offered to continue working on making an appointment to the Board.

Spring Break Camp

Mayor Garcia stated that there are 45 children enrolled for the Spring Break Camp and 19 children came to enroll today; the camp was already full but the Recreation Department was able to accommodate them. He likes the fact that more people are learning about the programs and are able to participate in the new Community Center facility.

Wacky Wild Science Program

Mayor Garcia has received a lot of positive feedback on the Wacky Wild Science event that takes place at the Recreation Center. He said that the children learn about exotic animals and insects and he would like to know when the next event will take place.

Rescue 35

Mayor Garcia said that he had the pleasure of riding with Miami-Dade County Rescue 35 on Friday, March 9th for a 24-hour shift. He gained a new found respect for the jobs that they do; they are very responsive and prepared for any situation at all times of the day and night. He feels that it is very essential for Council to know what the various departments go through to serve the Community.

King Chef Chinese Restaurant

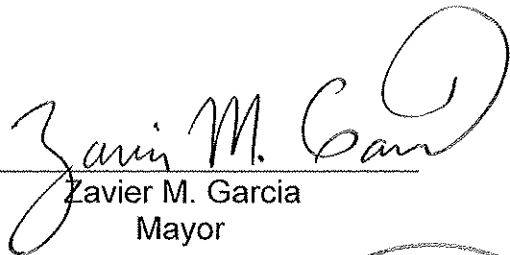
Mayor Garcia announced that there is a new restaurant on the Circle called King Chef Chinese Restaurant that is very good and he attended their opening night. He encouraged everyone to try it.

Assistant City Manager

City Manager Gorland recognized Assistant City Manager/Finance Director William Alonso who was seated at the dais for the first time tonight. He has known him for eight years and he is very helpful in providing information during the meeting.


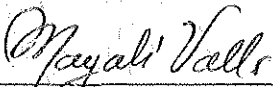
13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:40 p.m.

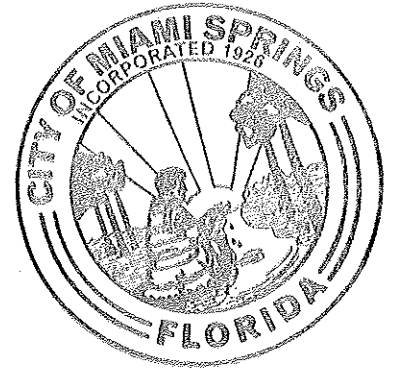


Xavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk



Approved as amended during meeting of: 3-26-2012.

Page 15, Item 10B. (City Attorney Seiden pointed out that on page 15 under Agenda Item 10B, he mistakenly advised the Mayor to abstain, in an abundance of caution. He thought that he had a business relationship with the law firm and following the meeting, the Mayor advised him that that was not the case. Therefore, the Mayor should not have abstained and does not have to fill out the Memorandum of Voting Conflict form and he can register his vote now. The minutes will be corrected to reflect it.

Mayor Garcia voted "yes". Councilman Best withdrew his motion to approve the minutes as written and moved to approve the minutes as corrected. Councilman Lob seconded the motion, as amended. The motion carried 5-0 on roll call vote.

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

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

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>BEST, ROBERT A.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>CITY COUNCIL</i>
MAILING ADDRESS <i>1216 IBIS 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>
DATE ON WHICH VOTE OCCURRED <i>MARCH 12, OF 2012</i>	NAME OF POLITICAL SUBDIVISION: <i>CITY OF MIAMI SPRINGS</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).

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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.

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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, ROBERT A. BEST, hereby disclose that on MARCH 12TH OF 2012, 20

(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:

COMPENSATION FOR OFFICIATING SERVICES AS LITTLE LEAGUE BASEBALL CERTIFIED UMPIRE

MARCH 26TH OF 2012
Date Filed


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.