



REVISED

CITY OF MIAMI SPRINGS, FLORIDA

Mayor Maria Puente Mitchell

**Vice Mayor Jacky Bravo
Councilman Walter Fajet, Ph.D.**

**Councilman Jorge Santin
Councilman Victor Vazquez, Ph.D.**

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

CITY COUNCIL REGULAR MEETING AGENDA

Monday, January 8, 2024 – 7:00 p.m.

**Council Chambers, 201 Westward Drive, Miami Springs, Florida
(In-person and virtually. See pages 3-4 for additional information)**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Councilman Victor Vazquez
Pledge of Allegiance: Audience will lead the Pledge of Allegiance and Salute to the Flag
- 3. Agenda / Order of Business**
- 4. Awards & Presentations:**
 - A) Presentation by Zaylin Yates, Manager of Community Engagement at the Adrienne Arsht Center on "Arsht On The Road"
 - B) Yard of the Month Award for January 2024 – 651 Falcon Avenue – Miriam Rodriguez
 - C) City Hall Lobby Artist of the Month – January 2024 – Melissa Wallen; Artwork: Representational imagery bends and distorts, revealing hidden qualities through the malleability of oil painting.
- 5. Open Forum:** Persons wishing to speak on items of general City business, may do so in person (*subject to capacity restrictions*) or virtually by following the instructions on pages 3-4. This portion of the meeting also includes any pre-screened video submittals. *The purpose of Open Forum is to encourage residents and members of the public to address their concerns and make comments on any item. The City Council will not enter into a dialogue at this time. City staff will gladly address any question, issue, and/or comment after the meeting. The Mayor is the presiding officer of all Council meetings and shall conduct the meetings accordingly.*
- 6. Approval of Council Minutes:**
 - A) December 11, 2023 – Regular Meeting

7. Reports from Boards & Commissions: None.

8. Public Hearings:

A) **Ordinance – Second Reading** – An Ordinance Of The City Of Miami Springs, Florida, Amending Chapter 150, “Zoning Code,” Of The City’s Code Of Ordinances To Update Accessory Structure And Swimming Pool Regulations; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing For An Effective Date

9. Consent Agenda: (Funded and/or Budgeted):

A) **Resolution** – A Resolution Of The Mayor And City Council Of The City Of Miami Springs, Florida, Authorizing The Retirement Of Police K-9 Odin; Approving An Agreement For Transfer Of Ownership Of K-9 Odin; Providing For Authorization; And Providing For An Effective Date

10. Old Business: None.

11. New Business:

A) **Resolution** – A Resolution Of The City Council Of The City Of Miami Springs, Florida, Authorizing Participation In A Lawsuit Seeking A Declaration That The Provisions Of Section 112.144(1)(D), Florida Statutes, That Require Municipal Elected Officials To File Form 6 Financial Disclosure Forms Is Unconstitutional And Invalid, And Providing For An Effective Date

12. Other Business:

A) Discussion on NW 36th Street and Abraham Tract District

13. Reports & Recommendations:

A) City Attorney

B) City Manager

C) City Council

14. Adjourn



**CITY OF MIAMI SPRINGS
PUBLIC MEETING NOTICE**

The City of Miami Springs will hold a Council meeting on:
Monday, January 8, 2024 at 7:00 p.m. at
City Hall, Council Chambers, 201 Westward Drive, Miami Springs, Florida
(Physical Meeting Location)

The meeting agenda is available online at: <https://www.miamisprings-fl.gov/meetings>

Elected officials and City staff will participate from the physical meeting location.
Members of the public may attend the meeting in person at the physical meeting location, or,
alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION

The meeting will be held in person at the physical meeting location stated above.
Admission to the physical meeting location is on a first-come, first-serve basis and space is limited.
Doors will open 30 minutes prior to the meeting start time.
The City highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.

WATCH AND/OR PARTICIPATE IN THE MEETING

- **ZOOM:** Meeting ID 863-9512-4146
- **YouTube:** <https://www.youtube.com/channel/UC2at9KNqUxZRSw1UkhdHLQ/featured>
- **From your computer/mobile device:** <https://www.miamisprings-fl.gov/meetings>

CALL IN TO THE PUBLIC MEETING

Dial 305-805-5151 or 305-805-5152

(Alternatively, you may also dial the phone numbers below to join the meeting:
1 (646) 558 8656, 1 (301) 715 8592, 1 (312) 626 6799, 1 (669) 900 9128, 1 (253) 215 8782,
1 (346) 248 7799) **then input the Meeting ID: 863-9512-4146, followed by #.**
There is no participant ID. Press # again.

Any person requiring special accommodations to access this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk at cityclerk@miamisprings-fl.gov

PUBLIC COMMENTS WILL BE ACCEPTED BY THE FOLLOWING MEANS:

EMAILED COMMENTS: Members of the public may email their public comments to the City in advance of the meeting. Please email the City at cityclerk@miamisprings-fl.gov by 12:00 p.m. on the day of the meeting with the subject line "PUBLIC COMMENT" and the following information in the body of the email: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization. Please limit your comments to no more than 350 words. Public comments received via email may be read into the record during the public comment portion of the agenda, if any.

IN-PERSON COMMENTS: Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: *Public comments will also be accepted during the meeting using the virtual meeting platform as follows:*

By telephone: To ask to speak during the meeting, call in to the meeting using the instructions above. Please press *9 from your telephone and you will be called on to speak during public comments and identified by the last 4-digits of your telephone number.

During the meeting, when your name or the last 4-digits of your telephone number is called, you will be unmuted and you may deliver your comments.

Please be sure to be in a quiet area to avoid unnecessary noise. Please provide the following information before delivering your comments: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

A time limit may be imposed for each speaker during public comment.
Your cooperation is appreciated in observing the time limit.

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

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the meeting will be taken and will be made available.

NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AMERICANS WITH DISABILITIES ACT

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk's Office at 305-805-5006.

LOBBYING ACTIVITIES

In accordance with Section 33-01 of the City Code, adopting Section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the City Clerk's Office before addressing the City Council on the agenda items or engaging in lobbying activities. Specifically, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk and online at: <https://www.miamisprings-fl.gov/cityclerk/lobbyist-registration-form-0>.

Have questions or need additional information?

Write: cityclerk@miamisprings-fl.gov

Call: 305-805-5006

Mail: 201 Westward Drive, Miami Springs, FL 33166

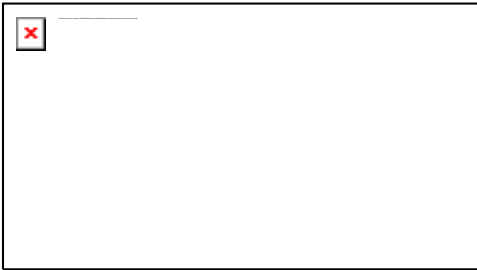
Erika Gonzalez-Santamaria

From: Shannen M. Jaser
Sent: Tuesday, December 19, 2023 10:22 AM
To: Erika Gonzalez-Santamaria; JC Jimenez; Tammy Romero
Subject: Art at City Hall January

Hi Erika,

I'm thrilled to announce that Melissa Wallen will be our featured artist at City Hall for the month of January. Melissa is a resident of Miami Springs, and I've attached her website for you to explore her photo and bio.

[Melissa Wallen | About the Artist \(oilslickrainbow.com\)](https://www.oilslickrainbow.com)



Melissa Wallen | About the Artist

Melissa Wallen's paintings draw on a variety of sources including music, film, poetry, found photographs, and personal snapshots. Representational imagery bends and distorts, revealing hidden qualities through the malleability of oil painting.

www.oilslickrainbow.com

I'll provide her bio here:

Born in New Jersey, Wallen moved to Miami in 2006. After earning her BFA in Painting and Fibers at Florida International University, she became part of the staff at the de la Cruz Collection. In 2009, she played a pivotal role in opening the private collection of Rosa and Carlos de la Cruz to the public in Miami's Design District. Presently, she serves as the director, overseeing the collection's signature scholarship programs and various educational initiatives. In 2022, Melissa was recognized as a Knight Arts Champion by the John S. and James L. Knight Foundation for her continuous contributions to improving access to contemporary art in Miami. On a personal note, Melissa lives and works in Miami Springs with her partner Andrew and their dog, Wonder, an adorable Shih Tzu named Echo.

Additionally, Melissa will be present at the council meeting on the 8th.



Shannen Jaser

Public Information and Professional Services Specialist

City of Miami Springs

Office Number : 305-805-5010

City Cell: 786-606-1282





City of Miami Springs, Florida

City Council Meeting

Regular Meeting Minutes

Monday, December 11, 2023 at 7:00 p.m.

City Hall, Council Chambers, 201 Westward Drive, Miami Springs, Florida

In-Person/Virtual Council Meeting

1. **Call to Order/Roll Call:** The meeting was called to order by the Mayor at 7:03 p.m.

Present were the following:

Mayor Maria Puente Mitchell

Vice Mayor Jacky Bravo

Councilman Jorge Santin

Councilman Walter Fajet, Ph.D.

Councilman Victor Vazquez. Ph.D.

City Manager JC Jimenez

Assistant City Manager Tammy Romero

City Clerk Erika Gonzalez-Santamaria

City Attorney Haydee Sera

City Attorney Roger Pou (via Zoom)

City Planner Alex David

2. **Invocation:** Offered by Councilman Walter Fajet
Pledge of Allegiance: The audience led in the pledge.

3. **Agenda / Order of Business:**

4. **Awards & Presentations:**

A) Police Promotion Ceremony from Sergeant to Lieutenant as presented by Police Chief Guzman

Chief Guzman swore in Sgt. Albert Sandoval as the new Lieutenant for the Police Department. Lt. Sandoval thanked the Chief, his department and the City Council for their constant support throughout the years.

B) Presentation by Dr. Ned Murray, Associate Director of the Jorge M. Perez Metropolitan Center at FIU Economic Development Overview

Dr. Ned Murray provided an oral and visual presentation on what the FIU Metropolitan Center can do to help City's in developing an economic development plan and strategy. He further answered the City Council's questions.

C) Presentation by FDOT SR 953/NW 42 Ave, SR 948/NW 36 St, SR 25/US 27/Okeechobee Rd PD&E Study (Iron Triangle)

Dayana Sanjurjo, Julieta Rivero Manso and Kira Leon provided an oral and visual presentation on the planning and development stage of the FDOT project called the “Iron Triangle” which affects NW 36th Street corridor. They answered all of the City Council’s questions and concerns; and stated that they look forward to working with the City during this process.

D) Yard of the Month Award for December 2023 – 474 Falcon Avenue – Esteban Hernandez

Mayor Mitchell announced the Yard of the Month and encouraged everyone to pass by the Hernandez home; Mr. Hernandez was not available to attend the meeting to receive the award.

E) City Hall Lobby Artist of the Month – December 2023 – Mr. Fernando Jaramillo

Mayor Mitchell announced the City Hall Lobby Artist of the Month, Mr. Jaramillo. Mayor Mitchell presented Mr. Jaramillo with a certificate of recognition for his excellent skill in artwork.

5. Open Forum: The following members of the public addressed the City Council: Carlos Lumpuy, 181 Hammond Drive; Vincent Medel; Tom Hutchings, 151 Hibiscus Drive; Jacob Delvnile, 585 Curtiss Parkway.

6. Approval of Council Minutes:

A) November 13, 2023 – Regular Meeting

Councilman Vazquez moved to approve the minutes of November 13, 2023 Regular Meeting. Councilman Fajet seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bravo, Councilman Santin, Councilman Fajet, Councilman Vazquez and Mayor Mitchell voting Yes.

7. Reports from Boards & Commissions:

A) Update from Recreation Commission Chair Fred Gonzalez

Chair Gonzalez was not able to attend the meeting and will provide an update at a future Council meeting.

8. Public Hearings: None at this time.

9. Consent Agenda: (Funded and/or Budgeted):

A) **Resolution** – A Resolution Of The Mayor And City Council Of The City Of Miami Springs, Florida, Approving The Purchase Of Automotive Parts And Repair Services

For The City's Departmental Vehicles From Bachrodt Ft, LLC D/B/A Palmetto Ford Of Miami In An Amount Not To Exceed Budgeted Funds Utilizing The Terms And Conditions Of Miami-Dade County Itq-01264-02 Pursuant To Section 31-11(E)(5) Of The City Code; Providing For Authorization; And Providing For An Effective Date

B) **Resolution** – A Resolution Of The Mayor And City Council Of The City Of Miami Springs, Florida, Approving The Purchase Of Automotive Parts And Repair Services For The City's Departmental Vehicles From Sunbelt Hydraulic & Equipment Inc. In An Amount Not To Exceed Budgeted Funds Utilizing The Terms And Conditions Of City Of Miami Invitation For Bid (IFB) No. 708382 Pursuant To Section 31-11(E)(5) Of The City Code; Providing For Authorization; And Providing For An Effective Date

C) **Resolution** – A Resolution Of The Mayor And City Council Of The City Of Miami Springs, Florida, Approving The Purchase Of Automotive Parts And Repair Services For The City's Departmental Vehicles From TPH Holdings LLC D/B/A The Part House In An Amount Not To Exceed Budgeted Funds Utilizing The Terms And Conditions Of City Of Miami Invitation For Bid (IFB) No. 708382 Pursuant To Section 31-11(E)(5) Of The City Code; Providing For Authorization; And Providing For An Effective Date

D) **Resolution** – A Resolution Of The Mayor And City Council Of The City Of Miami Springs, Florida, Co-Designating The Portion Of Cross Street Between Westward Drive And Hibiscus Drive As "Carole Coons Way"; Providing For Authorization; And Providing For An Effective Date

E) **Resolution** – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Approving The Purchase Of Additional Toro Golf Course Maintenance Equipment And Irrigation Parts From Wesco Turf, Inc. D/B/A Hector Turf In An Amount Not To Exceed \$16,000; Providing For Authorization; And Providing For An Effective Date

F) **Resolution** – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Approving A Second Amendment To A Pool Maintenance Services Agreement With Supreme Chemical And Pool Supply, Inc. In An Amount Not To Exceed \$33,500.00; Providing For Authorization; Providing For A Waiver Of Competitive Bidding; And Providing For An Effective Date

G) **Resolution** – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Approving A First Amendment To The Professional Services Agreement With Greens Grade Services, Inc. For Golf Course Maintenance Labor Staffing Services; Providing For Authorization; And Providing For An Effective Date

Councilman Santin pulled Item G for further discussion.

Councilman Fajet moved to approve the Consent Agenda except Item G. Councilman Vazquez seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bravo, Councilman Santin, Councilman Fajet, Councilman Vazquez and Mayor Mitchell voting Yes.

City Attorney Haydee Sera read Item G for the record. After some discussion, Councilman Fajet moved to approve Item G on the Consent Agenda. Councilman Vazquez seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bravo, Councilman Santin, Councilman Fajet, Councilman Vazquez and Mayor Mitchell voting Yes.

10. Old Business: None at this time.

11. New Business:

A) **Ordinance – First Reading** – An Ordinance Of The City Of Miami Springs, Florida, Amending Chapter 150, “Zoning Code,” Of The City’s Code Of Ordinances To Update Accessory Structure And Swimming Pool Regulations; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing For An Effective Date

City Attorney Haydee Sera read the Ordinance by title. City Planner, Alex David provided some information on the item. After some discussion, Councilman Vazquez moved to approve the Ordinance. Councilman Fajet seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Bravo, Councilman Santin, Councilman Fajet, Councilman Vazquez and Mayor Mitchell voting Yes.

12. Other Business:

A) Request by Girl Scout Troop 2564 for the Holiday Trolley Event, requesting to block off a portion of Park Street from Westward to Hibiscus (by the Woman’s Club)

Ms. Kahnee Rodriguez addressed the City Council and indicated that the event will not interfere with the City’s Golf Cart Parade.

B) Request by Councilman Fajet to discuss CGA’s prioritization and timeline for the approved project that was to address code revision in the city’s business areas

Councilman Fajet introduced the item; Silvia Vargas, City Planner addressed the City Council and answered their questions. The City Council determined that a discussion at the next Council meeting should be added to the agenda in order to decide the priority level for NW 36th Street or the Abraham Tract.

C) Request by Councilman Fajet for an update on the recent Parking Study

Councilman Fajet inquired on the completion of the City-wide Parking Study. City Manager JC Jimenez stated that the draft parking report is expected December 15th and will be sent to the City Council for their information. The City Council determined that they will schedule a workshop addressing the Parking Study recommendations and having the consultants available for any questions.

D) Request by Councilman Vazquez for an update on the roadway improvements for East Drive and Oakwood Drive

Councilman Vazquez inquired on proposed roadway improvements for East Drive and Oakwood. City Manager JC Jimenez explained that at the last meeting the contractors were selected through the bidding process and now it is in the contract negotiation stages. He stated once that the contract is finalized the construction should begin shortly thereafter.

13. Reports & Recommendations:

A) City Attorney

City Attorney Haydee Sera had no report at this time.

B) City Manager

City Manager JC Jimenez stated that he is waiting for the contract for the War Memorial remodel. He updated the Council that the additional lighting on Westward Drive is almost finished. The City Manager recommended that the Council visit and meet with the Senator and Representative before the Dade Days event. He stated that in January the legislative session is underway, whereas Dade Days is at the tail end of session. His recommendation was around January 15th to the 17th. Assistant City Manager Tammy Romero provided a list of upcoming City events. She stated more information on City events can be found on the City's official website.

C) City Council

Vice Mayor Bravo requested for a tour of the Golf Course to check on the recent renovations. She inquired on the following: Freebee Services here in the City and theTree Ordinance that was reviewed by the Parks and Parkways Board. She wished everyone a safe and Merry Christmas.

Councilman Santin stated that Nicolas Acosta, Miami Springs Senior High School teacher, was nominated as the 2025 Francisco R. Walker District Teacher of the Year and 2024 Rookie Teacher of the Year. He congratulated Mr. Acosta on the achievement. He wished everyone a Merry Christmas and Happy New Year.

Councilman Fajet wished everyone a Merry Christmas and Happy New Year.

Councilman Vazquez also wished everyone a Merry Christmas and Happy New Year.

Mayor Mitchell thanked the City Staff for a wonderful Santa at the Gazebo event on Saturday and also thanked Commissioner Cabrerra for coming by the event. She thanked the City Council, City Administration for their hardwork over the past year. She wished everyone a safe Christmas and Happy New Year.

14. Adjourn

There being no further business to be discussed the meeting was adjourned at 10:59 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, MMC
City Clerk*

*Adopted by the City Council on
This 8th day of January, 2024.*

Maria Puente Mitchell, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



City of Miami Springs

201 Westward Drive Miami Springs, FL 33166

Phone: (305) 805-5034 Fax: (305) 805-5036 Website: www.miamisprings-fl.gov

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT

STAFF REPORT

TO	City Council City of Miami Springs
FROM	Alex David, Director of Miami-Dade Office Calvin, Giordano & Associates, Inc. Planning Consultant
CC:	Silvia Vargas; Antonio Augello Calvin, Giordano & Associates, Inc.
DATE	December 11, 2023
SUBJECT	Amend Chapter 150 Relating to Accessory Structure and Swimming Pool Regulations

Background

One of the roles of the City's Planning Department Staff is to review permit applications for compliance with the development regulations found in Chapter 150, Zoning Code. In reviewing recent swimming pools and decks applications in relation to the requirements found in the Code, it has become apparent that the Code does not provide clear, adequate regulations for the approval of this accessory use.

For example, at present, the Zoning Code does not contain setback regulations for swimming pools and decks. This is one of the deficiencies of Sec. 150-014 that the proposed amendment seeks to correct. Similarly, the safety barrier regulations have been updated to reference and reflect the recent changes in the Florida Statutes regarding safety feature requirements for swimming pools.

Related, but not specific to swimming pools, are proposed amendments to improve the clarity of the accessory structure subsections in each of the single-family residential zoning districts with regard to swimming pool (Sections 150-141 to 150-144).

Although swimming pools and decks are not counted towards lot coverage the size of swimming pools and decks could be limited by the proposed setbacks, if approved.

Recommendations

Staff has reviewed relevant sections of Chapter 150, Zoning Code relating to swimming pools and accessory structures in single-family residential zoning districts, and recommends that the City Council **adopt** the proposed amendments.

Attachments

Additionally, the following documents are attached to this report as reference to the Application.

1. Notice of Public Hearing
2. DRAFT Ordinance



ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 150, "ZONING CODE," OF THE CITY'S CODE OF ORDINANCES TO UPDATE ACCESSORY STRUCTURE AND SWIMMING POOL REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs (the "City") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations and procedures to implement municipal goals and objectives; promote the health, safety, order, convenience, comfort, and general welfare of the public; and promote and preserve the character and quality of the City as articulated in the City's Comprehensive Plan; and

WHEREAS, the City Council desires to update and revise the City's Zoning Code to address various community needs as set forth in Exhibit A attached hereto and incorporated herein; and

WHEREAS, on _____, 2023, at a duly noticed public hearing in accordance with law, the City Council, sitting in its capacity as the Local Planning Agency, reviewed and recommended approval of this Ordinance, and determined that it is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council finds that this proposed Ordinance serves to further enhance the protection of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Amending Code. That Chapter 150, "Zoning Code," of the Code of Ordinances of Miami Springs, Florida, is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein.

Section 3. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with yellow highlighted ~~double strikethrough~~ and double underline.

validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING on the __ day of _____, 2023, on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this __ day of _____, 2024, on a motion made by _____ and seconded by _____. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Jacky Bravo	_____
Councilmember Jorge Santin	_____
Councilmember Dr. Victor Vazquez, Ph.D.	_____
Councilmember Dr. Walter Fajet, Ph.D.	_____
Mayor Maria Puente Mitchell	_____

MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

Sec. 150-014. - Swimming pools and safety barriers.

- ~~(A) Inspection and approval. Unless the swimming pool area is entirely enclosed and surrounded by a safety barrier of sufficient strength to prevent small children from reaching or entering the pool, except through a lockable gate or door, no final inspection and approval shall be given by the building inspector.~~
- ~~(B) Safety barrier. The safety barrier shall take the form of a fence or wall constructed of approved materials, completely surrounding either the pool/patio area or yard of the property whereon the swimming pool is located, as further specified in division (E) below.~~
- ~~(C) Height. The minimum height of any fence or wall shall be not less than four feet.~~
- ~~(A) (D) It shall be unlawful to construct an underground swimming pools are prohibited in the front yard or in the front yard setback of any residential dwelling in the City.~~
- ~~(E) Enclosure. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the swimming pool area entirely, prohibiting unrestrained admittance to the enclosed area.~~
- ~~(F) Gates. Gates shall be of the self locking type so that they shall automatically be in a closed position at all times, and shall also be equipped with a safe lock.~~
- ~~(B) Residential swimming pools must meet at least one of the requirements relating to pool safety features required by [Section 515.27](#), Florida Statutes, as amended.~~
- ~~(C) (G) Fences and walls. A fence or wall that is to be utilized as a safety barrier shall be constructed and maintained in accordance with the provisions of [§ 150-013](#).~~
- ~~(D) (H) Permits. Before any work is commenced, permits shall be secured for all swimming pools and for safety barriers. Plans shall contain all details to show compliance with the terms and conditions of these regulations. No swimming pool permit shall be issued unless simultaneously a permit is simultaneously secured for the erection of the safety barrier. If the premises are already enclosed, as hereinabove provided, a permit for the safety barrier shall not be required, if upon inspection of the premises, the existing barrier complies with the provisions of this section.~~
- ~~(I) Existing pools. The owner of any swimming pool which shall have been completed prior to the adoption of this section shall erect the safety barrier herein required within six months of the adoption hereof.~~
- ~~(E) (J) A swimming pool with screen enclosure may be constructed in the rear yard of a single-family dwelling. Screen enclosures shall have a maximum height of 12 feet and the following minimum setbacks: The pool shall be located so that the enclosure is not less than seven and one half feet from an interior side lot line or 15 feet from a side lot line adjacent to a street, and is not less than ten feet from the rear lot line; provided, however, that the pool enclosure may be within five feet of a rear lot line which is~~

~~adjacent to a dedicated alley or alley easement, or to a golf course, lake, or similar dedicated open space.~~

<u>Yard</u>	<u>Single-Family Districts – Screen Enclosure Setbacks</u>
<u>Rear</u>	<u>5 ft</u>
<u>Side, interior</u>	<u>5 ft</u>
<u>Side, street</u>	<u>15 ft</u>

- (F) Setbacks. Swimming pools shall have minimum setbacks, which shall be measured from the swimming pool's waterline to the property line, as follows:

	<u>Single-Family Districts – Swimming Pool Setbacks</u>
<u>Rear</u>	<u>7.5 ft</u>
<u>Rear - alley, lake, golf course, or similar dedicated open space</u>	<u>5 ft</u>
<u>Side</u>	<u>7.5 ft</u>

- (G) Decking surrounding a swimming pool shall have a minimum setback of 2.5 feet from any property line.

* * *

Sec. 150-041. - R-1A district.

- (A) *Uses permitted.*

- (1) Single-family dwelling. In no case shall there be more than one main building on a lot.
- (2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. ~~Accessory structures shall occupy not more than 15 percent of the area of the rear yard.~~ Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from

the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. ~~All additions constructed onto existing single family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. Except for swimming pools and decks setbacks,~~ The placement and location of all such accessory structures in rear yards of properties shall be as follows: ~~provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.~~

- (a) Minimum rear yard setback: Five feet.
- (b) Minimum side yard setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.
- (c) Minimum distance separation from main residence and other accessory structures: 10 feet.
- (d) Maximum number of accessory structures: ~~Two~~ Three.
- (e) Maximum rear yard lot coverage: 15%.

* * *

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

(I) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

* * *

Sec. 150-042. - R-1B district.

(A) Uses permitted.

- (1) Single-family dwelling. In no case shall there be more than one main building on a lot.
- (2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. ~~Accessory structures shall occupy not more than 15 percent of the area of the rear yard.~~ Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. ~~All additions constructed onto existing single family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. Except for swimming pools and decks setbacks, the placement and location of all such accessory structures in rear yards of properties shall be as follows: provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.~~
 - (a) Minimum rear yard setback: Five feet.
 - (b) Minimum side yard setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.

(c) Minimum distance separation from main residence and other accessory structures: 10 feet.

(d) Maximum number of accessory structures: ~~Two~~ Three.

(e) Maximum rear yard lot coverage: 15%.

* * *

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

(I) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

* * *

Sec. 150-043. - R-1C district.

(A) *Uses permitted.*

(1) One single-family dwelling. In no case shall there be more than one main building on a lot.

(2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. ~~All additions constructed onto existing single family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code.~~ Except for swimming pools and decks setbacks, ~~the~~ the placement and location of all

~~such accessory structures in rear yards of properties shall be as follows: provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.~~

- (a) Minimum rear yard setback: Five feet.
- (b) Minimum side yard setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.
- (c) Minimum distance separation from main residence and other accessory structures: 10 feet.
- (d) Maximum number of accessory structures: ~~Two~~ Three.
- (e) Maximum rear yard lot coverage: 15%.

* * *

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

(I) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

* * *

Sec. 150-044. - R-1D district.

(A) *Uses permitted.*

- (1) Any use permitted in the R-1C district.
- (2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of

dwelling or dwelling unit are prohibited. ~~Accessory structures shall occupy not more than 15 percent of the area of the rear yard.~~ Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. ~~All additions constructed onto existing single family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code.~~ Except for swimming pools and decks setbacks, ~~The~~ the placement and location of all such accessory structures in rear yards of properties shall be as follows: ~~provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.~~

- (a) Minimum rear yard setback: Five feet.
- (b) Minimum side yard setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.
- (c) Minimum distance separation from main residence and other accessory structures: 10 feet.
- (d) Maximum number of accessory structures: ~~Two~~ Three.
- (e) Maximum rear yard lot coverage: 15%.

* * *

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

CITY OF MIAMI SPRINGS

December 11, 2023

- (l) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

RESOLUTION NO. 2024-_____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF MIAMI SPRINGS, FLORIDA, AUTHORIZING
THE RETIREMENT OF POLICE K-9 ODIN; APPROVING AN
AGREEMENT FOR TRANSFER OF OWNERSHIP OF K-9
ODIN; PROVIDING FOR AUTHORIZATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Miami Springs (the “City”) has one K-9 Officer known as K-9 Odin, a male Belgian Malinois (“K-9 Odin”), which has been assigned to retiring Officer Eric Helfner since it was acquired by the City; and

WHEREAS, it is customary in law enforcement for a K-9 animal to be sold to his partner; and

WHEREAS, the City wishes to retire K-9 Odin and sell K-9 Odin to retiring Officer Eric Helfner; and

WHEREAS, the City Manager recommends that it is appropriate and in the best interest of the City to approve the Agreement for Transfer of Ownership of Canine between the City and Eric Helfner, inclusive of the Bill of Sale, attached hereto as Exhibit “A” (the “Agreement”); and

WHEREAS, the City Council approves the Agreement and Bill of Sale, and authorizes the City’s Chief of Police to execute the Agreement and Bill of Sale on behalf of the City in substantially the form attached hereto as Exhibit “A”; and

WHEREAS, pursuant to Section 31-11(i) of the City Code, the City Council declares the canine listed on Exhibit “B” attached hereto (the “Surplus Canine”) as surplus property as the Surplus Canine has become obsolete, has outlived its usefulness, has become inadequate for the public purposes for which it was intended, or is no longer needed for public purposes in light of the purchase authorized by this Resolution, and authorizes the City Manager to sell or otherwise dispose of the Surplus Canine; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Retirement. That K-9 Odin is hereby retired from service to the City.

Section 3. Approval. That the City Council hereby approves the Agreement and Bill of Sale.

Section 4. Authorization. That the City Council hereby authorizes the City's Chief of Police to execute the Agreement and Bill of Sale in substantially the form attached hereto as Exhibit "A," subject to approval by the City Attorney as to form, content, and legal sufficiency.

Section 5. Declaration of Surplus Property. That the Surplus Canine has become obsolete, has outlived its usefulness, has become inadequate for the public purposes for which it was intended, or is no longer needed for public purposes. Accordingly, the City Council declares the Surplus Canine listed on Exhibit "B" attached hereto to be surplus property of the City.

Section 6. Effective Date. That this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Vice Mayor Jacky Bravo	_____
Councilman Jorge Santin	_____
Councilman Dr. Walter Fajet	_____
Councilman Dr. Victor Vazquez	_____
Mayor Maria Puente Mitchell	_____

PASSED AND ADOPTED this 8th day of January, 2024.

MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

**AGREEMENT BETWEEN THE CITY OF MIAMI SPRINGS
AND ERIC HELFNER FOR
TRANSFER OF OWNERSHIP OF CANINE**

THIS AGREEMENT (this “Agreement”) is made effective as of the 3rd day of January, 2024 (the “Effective Date”), by and between the **CITY OF MIAMI SPRINGS, FLORIDA**, a Florida municipal corporation, (the “City”), and **ERIC HELFNER**, an individual (hereinafter, the “Buyer”).

WHEREAS, Buyer is resigning as a police officer from the City’s Police Department (“MSPD”); and

WHEREAS, the MSPD has one K-9 Officer known as K-9 ODIN, a male Belgian Malinois, which is acclimated to Buyer; and

WHEREAS, it is customary in law enforcement for a K-9 animal to be sold to his partner; and

WHEREAS, the City has retired K-9 Odin and wishes to sell K-9 Odin to his partner, Buyer, who wishes to purchase retired K-9 Odin; and

WHEREAS, the City and Buyer have agreed to transfer ownership of K-9 Odin upon the terms and conditions provided herein and the City Council has approved this Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the City and the Buyer agree as follows:

1. The above recitals are true and are incorporated herein by reference.
2. The City hereby sells, assigns, conveys and transfers all rights, title and interest in K-9 Odin to Buyer and Buyer agrees to purchase retired K-9 Odin from the City for the sum of \$11,300.00. Buyer agrees to assume any and all risks related to this Agreement and K-9 Odin from the Effective Date.
3. The Chief of Police is authorized to execute the attached Bill of Sale, selling K-9 Odin to Buyer.
4. By agreeing to the purchase of K-9 Odin, Buyer agrees to provide and pay for any and all expenses, including but not limited to, medical care, veterinary care, feed and boarding expenses of said dog, and undertakes any and all liability for the actions of K-9 Odin. The City will no longer be held responsible for any expenses in reference to K-9 Odin from the Effective Date. The parties recognize and agree that the purchase of K-9 Odin by Buyer stops any payment to Buyer by the City for the care of said dog.
5. **Acknowledgement of Training; Release of Liability.** In accepting transfer from the City of the dog known as K-9 Odin, Buyer recognizes that said animal has received training in police procedures and tactics and by acceptance of this animal, Buyer, for and in consideration of the transfer to him of K-9 Odin, agrees to hold harmless the City of Miami Springs, the Miami

Springs Police Department, and its officers, employees and agents from any and all liability whatsoever that might arise from acts engaged in by the forenamed canine resulting from his training as herein described, as well as any other acts of said canine whether or not attributable to such training. Buyer further agrees to waive any and all claims of liability insofar as the City of Miami Springs, the Miami Springs Police Department, its officers, employees and agents are concerned that might arise as a result of Buyer's use and/or possession of said animal. It is further understood by Buyer that, in consideration of this transfer, the City makes no representations concerning the health of the animal, which is transferred "as is" and Buyer assumes all responsibility and obligation for the condition, care and acts of said animal.

6. Indemnification.

6.1. Buyer shall indemnify and hold harmless the City, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from Buyer's performance or non-performance of any provision of this Agreement. Buyer shall reimburse the City for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising from Buyer's performance or non-performance of this Agreement.

6.2. Buyer further agrees to release, indemnify and promises to defend and hold harmless the City, its officers, employees and agents from and against any and all liability, injuries, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by the City, its officers, employees and agents in defense thereof, asserting or arising directly or indirectly on account of or out of said canine's activities from date of said transfer; provided, however, this paragraph does not purport to indemnify the City against liability for any activities of K-9 Odin prior to the Effective Date.

6.3. Nothing herein is intended to serve as a waiver of sovereign immunity by the City nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this Agreement or any other contract. The City is subject to section 768.28, Florida Statutes, as may be amended from time to time.

7. Governing Law and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Venue for any proceedings arising out of this Agreement shall be proper exclusively in Miami-Dade County, Florida.

8. Entire Agreement/Modification/Amendment.

8.1. This writing contains the entire Agreement of the parties and supersedes any prior oral or written representations. No representations were made or relied upon by either party, other than those that are expressly set forth herein.

8.2. No agent, employee, or other representative of either party is empowered to modify or amend the terms of this Agreement, unless executed with the same formality as this document.

9. **Severability.** If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

10. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year as first stated above.

CITY OF MIAMI SPRINGS

ERIC HELFNER, BUYER

By: _____
Armando Guzman
Chief of Police

By: _____
Eric Helfner, Buyer

Attest:

By: _____
Erika Gonzalez, MMC
City Clerk

Approved as to form and legal sufficiency:

By: _____
Weiss Serota Helfman Cole & Bierman, P.L.
City Attorney

BILL OF SALE

For the purchase price of Eleven Thousand Three Hundred Dollars and 00/100 (\$11,300.00) and other good and valuable consideration, the **CITY OF MIAMI SPRINGS, a Florida municipal corporation** (the "Seller"), does hereby grant, bargain, sell, transfer, and deliver to **Eric Helfner, an individual** (the "Buyer"), all of Seller's right, title and interest, in and to that certain personal property located in Miami-Dade County, Florida, and more particularly described as follows:

A male Belgian Malinois, known as K-9 Odin, age 4 years, 6 months.

TO HAVE AND TO HOLD the Personal Property unto the Buyer, its successors and assigns, forever. THE PERSONAL PROPERTY IS CONVEYED "AS IS," "WHERE IS," AND "WITH ALL FAULTS" AS OF THE DATE OF THE EXECUTION OF THIS BILL OF SALE, WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER AS TO ITS CONDITION, FITNESS FOR ANY PARTICULAR PURPOSE, MERCHANTABILITY OR ANY OTHER WARRANTY, EXPRESS OR IMPLIED. BUYER IS HEREBY ACQUIRING THE PERSONAL PROPERTY BASED SOLELY UPON BUYER'S OWN INDEPENDENT INVESTIGATIONS AND INSPECTIONS OF THAT PROPERTY AND NOT IN RELIANCE ON ANY INFORMATION PROVIDED BY SELLER OR SELLER'S AGENTS OR CONTRACTORS.

IN WITNESS WHEREOF, Seller has caused this Bill of Sale to be executed this ____ day of MONTH, YEAR.

CITY OF MIAMI SPRINGS

Attest:

By: _____
Armando Guzman
Chief of Police, City of Miami Springs
Pursuant to Resolution No. 20XX-_____

By: _____
Erika Gonzalez, MMC
City Clerk

Approved as to form and legal sufficiency:

By: _____
Weiss Serota Helfman Cole & Bierman, P.L.
City Attorney

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of Month 20XX, by Name as Chief of Police for the City of Miami Springs.

Notary Public (Print, Stamp, or Type as Commissioned)

Personally known to me; or

Produced identification (Type of Identification: _____)



MEMORANDUM

To: Mayor and Council

From: Haydee Sera, Esq., City Attorney

Date: January 8, 2023

RE: Authorization to Participate in Litigation Challenging Form 6 Municipal Elected Official Financial Disclosure

Since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income and asset values. Historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values.

The Mayor and all current elected members of the City of Miami Springs (the "City Elected Officials") were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and Council to annually file Form 1 (not Form 6) financial disclosures forms. Although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations.

In 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the "Right to Privacy," which states that "[e]very natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein". Because the right of privacy is a fundamental right within Florida's constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means." The First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means."

During the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1.

The imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office. In fact, many municipal officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum.

The imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures). Requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts.

The imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights.

Approval of the attached resolution would:

1. authorize the participation of the City, and any of individual members of the City Council who choose to participate as plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those set forth above, subject to the participation of at least ten municipalities (the "Lawsuit");
2. authorize the City Attorney's Office, Weiss Serota Helfman Cole + Bierman, PL (the "Firm"), to be retained to represent the City in the Lawsuit. The Firm will charge the City a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the litigation in the trial court. The flat fee may be less than the actual attorneys' fees and costs incurred, and if the City and elected officials prevail in the Lawsuit, the Firm may apply with the Court for its actual reasonable attorneys' and costs from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The Firm will be representing other local governments and officials in this lawsuit and any conflicts related to such representation will be waived;
3. invite and urge other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City; and
4. direct the City Clerk to transmit a copy of the Resolution to the Miami-Dade County League of Cities.

RESOLUTION NO. 2024- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MIAMI SPRINGS, FLORIDA, AUTHORIZING
PARTICIPATION IN A LAWSUIT SEEKING A
DECLARATION THAT THE PROVISIONS OF SECTION
112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE
MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6
FINANCIAL DISCLOSURE FORMS IS
UNCONSTITUTIONAL AND INVALID, AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form (“Form 6”) that requires, among other things, the disclosure of the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form (“Form 1”) that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City of Miami Springs (the “City Elected Officials”) were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and Council to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

WHEREAS, because the right of privacy is a fundamental right within Florida's constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means;" and

WHEREAS, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means;" and

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

WHEREAS, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

WHEREAS, in fact, many municipal officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

WHEREAS, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

WHEREAS, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least

restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

WHEREAS, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

WHEREAS, the City desires to participate in a lawsuit seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuit”); and

WHEREAS, the City Council believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuit and urges other municipalities and their elected officials to also participate as plaintiffs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Authorization. The City Council hereby authorizes the participation of the City, and any of individual members of the City Council who choose to participate as plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those set forth above, subject to the participation of at least ten municipalities.

Section 3. Representation. That Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is hereby retained to represent the City in this litigation. The Firm will charge the City a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the litigation in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys’ fees and costs incurred, and that if the City and elected officials prevail in the Lawsuit, the Firm may apply with the Court for its actual reasonable attorneys’ and costs from the defendants. The filing of any appeals will be authorized by

separate resolution under the terms thereof. The City and its elected officials also acknowledge that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation.

Section 4. Urging. That the City Council hereby urges invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

Section 5. Transmittal. That the City Clerk is directed to transmit a copy of this Resolution to the Miami-Dade County League of Cities.

Section 6. Implementation. That the City Manager and City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

Section 7. Effective Date. That this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Vice Mayor Jacky Bravo	_____
Councilman Jorge Santin	_____
Councilman Dr. Walter Fajet	_____
Councilman Dr. Victor Vazquez	_____
Mayor Maria Puente Mitchell	_____

PASSED AND ADOPTED on this _____ day of January, 2024.

ATTEST:

MARIA PUENTE MITCHELL
MAYOR

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY