



**AGENDA INFORMATION**  
**CITY OF MIAMI SPRINGS**  
**CITY COUNCIL**

**Regular Meeting**

**Monday, August 13, 2012**

**7:00 p.m.**

**Council Chambers – City Hall**

**201 Westward Drive, Miami Springs**

**Mayor Xavier Garcia**

**Vice Mayor George V. Lob**

**Councilman Bob Best**

**Councilwoman Grace Bain**

**Councilwoman Jennifer Ator**

**City Manager Ronald K. Gorland**

**Assistant City Manager/Finance Director William Alonso**

**City Attorney Jan K. Seiden**

**City Clerk Magalí Valls**



**CITY OF MIAMI SPRINGS, FLORIDA**

**Mayor Xavier M. Garcia**

**Vice Mayor George V. Lob  
Councilwoman Grace Bain**

**Councilman Bob Best  
Councilwoman Jennifer Ator**

**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".

**AGENDA  
REGULAR MEETING  
Monday, August 13, 2012 – 7:00 p.m.  
Council Chambers – City Hall  
201 Westward Drive – Miami Springs**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Mayor Garcia  
**Salute to the Flag:** Audience Participation
- 3. Awards & Presentations:**
  - A) Proclamation – Happy Birthday Miami Springs
  - B) Proclamation – Eagle Scout Day

**3. Awards & Presentations: (Continued)**

- C) Yard of the Month Award – July 2012 – Warren and Lois Peterson – 937 Hunting Lodge Drive
- D) Yard of the Month Award – August 2012 – Deloris Chong Hershoff – 479 Esplanade Drive
- E) Certificate of Sincere Appreciation to Carlos Blanco on the Occasion of his Retirement from the City's Public Work Department

**4. Open Forum:** Persons wishing to speak on items of general city business, please sign the register located on the speaker's stand before the meeting begins

**5. Approval of Council Minutes:**

- A) 06-25-2012 – Special Meeting
- B) 06-25-2012 – Regular Meeting
- C) 07-26-2012 – Special Meeting

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

- A) 05-03-2012 – General Employees Retirement System – Minutes
- B) 05-03-2012 – Police and Firefighters Retirement System – Minutes
- C) 06-21-2012 – Historic Preservation Board – Minutes
- D) 06-26-2012 – Ecology Board – Minutes
- E) 08-01-2012 – Architectural Review Board – Cancellation Notice
- F) 08-06-2012 – Zoning and Planning Board – Cancellation Notice
- G) 08-07-2012 – Code Enforcement Board – Minutes
- H) 08-08-2012 – Golf and Country Club – Cancellation Notice
- I) 08-09-2012 – Board of Parks and Parkways – Cancellation Notice
- J) 08-21-2012 – Education Advisory Board – Cancellation Notice
- K) 08-06-2012 – Board of Adjustment – Notice of Lack of a Quorum

**7. Public Hearings:**

- A) Second Reading – Ordinance No. 1037-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-51, Color Palette Compliance; by Providing an Exception Provision and a Variance Process to the Color Palette Compliance Program Established by this Code Section; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 06/25/2012 – Advertised: 08/01/2012)

**7. Public Hearings: (Continued)**

- B) Second Reading – Ordinance No. 1038-2012 – An Ordinance of the City Council of the City of Miami Springs Deleting all References to the Abraham Tract Sub-District of the Airport, Marine and Highway Business District Contained in Article XV and in Code of Ordinance Sections 150-154, 150-157, and 150-158; Establishing Code of Ordinance Section 150-165, Abraham Tract District; Providing Purpose; Permitted Uses; Prohibited Uses; Adult Related Business Regulations; Setbacks and Floor Area; Height Limitations; Off-Street Parking and Loading; Signage; Development Review Procedures; Requirements for Development Review; Exemptions; Fees; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 06/25/2012 – Advertised: 08/01/2012)

**8. Consent Agenda:**

- A) Approval of the City Attorney's Invoice for July 2012 in the Amount of \$11,421.00
- B) Recommendation that Council Approve an Expenditure to Miami Stagecraft, Inc., the Lowest Responsible Quote, In the Amount of \$16,909.50, for Spotlights for the Rebeca Sosa Theatre, Pursuant to Section 31.11 (C) (2) of the City Code
- C) Recommendation that Council Approve a Change Order of \$4,700.00 to Wrangler Construction for Additional Work for the Bike Path Repair at 900 North Royal Poinciana Boulevard, Pursuant to Section 31.11 (F) (11) (c) of the City Code

**9. Old Business:**

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

**10. New Business:**

- A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount Not to Exceed \$11,250.00, for Financial Statement Audit and Tax Return Preparation of the New Entities Established as Part of the CMI Historic Tax Credit Transaction, Pursuant to Section 31.11 (E) (6) (g) of the City Code

**10. New Business: (Continued)**

- B) First Reading – Ordinance No. 1039-2012 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-100, Architectural Review Board – Established, by Qualifying and Restricting the Duties and Responsibilities of the Board; Eliminating the Board's Duties to Participate in the Mandatory Preliminary Review Process of Commercial Projects and to Issue Advisory Opinions for Each Project Review Conducted; Repealing all Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date
- C) Consideration of Lease Extension Agreement with STC Five LLC, a Delaware Limited Liability Company, Assignee of Sprint Spectrum, L.P.
- D) Resolution No. 2012-3551 – A Resolution of the City Council of the City of Miami Springs, Florida; Urging Local Retailers Selling Tobacco Products to Refrain from Selling and Marketing Flavored Tobacco Products Because Such Products Tend to Promote and Influence Tobacco Use by Minors and Young Adults; Effective Date
- E) Resolution No. 2012-3552 – A Resolution of the City Council of the City of Miami Springs Providing for the Fourth Amendment to FY 2011-2012 Budget; by Authorizing An Intrafund Departmental Transfer and Appropriating Undesignated Reserves into General Fund Revenues to Cover Authorized and Approved General Fund Expenditures; Providing Intent; Specifying Compliance with Budgetary Processes and Procedures; Effective Date
- F) Recommendation that Council Award City Bids # 04-11/12 and 05-11/12 to Raydel Landscaping Corporation, the Lowest Responsible Bidder, in the Amount of \$168,000.00, for Professional Landscaping Maintenance and Tree Trimming, Removal and Disposal Services, Pursuant to Section 31.11 (E) (1) of the City Code
- G) Consideration of Request from the Miami Springs Woman's Club to Waive the Cost of the Permits Needed to Make Renovations at their Facility
- H) Consideration that Council Approve an Application from the Florida Recreation Development Assistance Program (FRDAP) for a Fiscal Year 2013-2014 Matching Grant for \$97,500, (25% City - \$32,300) Towards Replacement Lighting for Prince Field
- I) Council Workshop Directions Regarding CMI Funding

**10. New Business: (Continued)**

- J) Request for Approval of Renewal for an Additional One-year Term of the City's Health, Vision, Dental and Life Insurance Policies

**11. Other Business:**

- A) Presentation of Fiscal Year 2012 Third Quarter Budget Report

**12. Reports & Recommendations:**

- A) City Attorney
- B) City Manager
- C) City Council

**13. Adjourn**

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If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose 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 made (F. S. 286.0105), all of which the City does not provide.  
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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.  
\*\*\*\*\*

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, 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.  
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## ***City of Miami Springs, Florida***

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, June 25, 2012, at 6:30 p.m.

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

The meeting was called to order at 6:34 p.m.

The following were present: Mayor Xavier M. Garcia  
Vice Mayor George V. Lob  
Councilman Bob Best

Absent: Councilwoman Jennifer Ator

Also Present: City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Zoning and Planning Director James H. Holland  
Elderly Services Director Karen Rosson  
City Clerk Magali Valls  
Clerical Assistant Elora R. Sakal

**2. Invocation:** Vice Mayor Lob offered the invocation.

**Salute to the Flag:** The audience participated.

### **3. Administration of Oath of Office to Grace Bain**

City Clerk Magali Valls administered the Oath of Office to Grace P. Bain who assumed the Office of Councilwoman in City Council – Group II.

Councilwoman Bain thanked her family, friends and the residents for coming out to support her. She stated that she takes a passion with everything she does and she will work hard for the residents and employees of the City of Miami Springs, together with the Mayor and Council, to do what is best for the City.

**4. Adjourn**

There being no further business to be discussed the meeting was adjourned at 6:38 p.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of:

Transcription assistance provided by Suzanne S. Hitaffer.

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





## ***City of Miami Springs, Florida***

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 25, 2012, at 7:00 p.m.

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

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

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor George V. Lob
- Councilwoman Jennifer Ator\* (arrived at 7:06 p.m.)
- Councilwoman Grace Bain
- Councilman Bob Best

Also Present:

- City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Zoning and Planning Director James H. Holland
- Elderly Services Director Karen Rosson
- City Clerk Magali Valls
- Clerical Assistant Elora R. Sakal

**2. Invocation:** Vice Mayor Lob offered the invocation.

**Salute to the Flag:** The audience participated.

**3. Awards & Presentations:** *(Agenda Item 3A was discussed before 9A)*

### **3A) Presentation by Ivonne Pérez-Suárez, Consumer Advocate for Dade, Broward and Palm Beach Counties**

Ivonne Pérez-Suárez, Consumer Advocate for Dade, Broward and Palm Beach Counties, stated that she was present on behalf of Florida State Commissioner Adam Putnam who wants to have a stronger presence in South Florida.

Ms. Pérez-Suárez distributed business cards and information and offered to hold workshops to inform residents about how to be smarter consumers. She will be speaking at the Senior Center on Wednesday, July 18<sup>th</sup> and invited everyone to attend. She added that residents can call the toll-free number at 1.800.435.7352 and consumer related information is available in English and Spanish.

Mayor Garcia said that he looks forward to working with Ms. Pérez-Suárez.

### **3B) Proclamation – Miami Heat Day**

A video presentation was made of the Miami Heat/NBA Cares Learn and Play Center project at the Miami Springs Community Center.

Mayor Garcia proclaimed June 25, 2012 to be Miami Heat/NBA Cares Day and presented the proclamation to Ralph León, Director of Community Affairs for the Miami Heat.

Mr. Leon explained that the Miami Heat is committed to giving back to the community and making South Florida a wonderful place to live and play. He thanked the Mayor and Council, City Manager, Recreation Director and the Recreation Department Staff. He said that it takes a great team to put together the Learn and Play Center and hopefully it will give many years of joy and education to the community.

\*Councilwoman Ator arrived at this time.

Councilman Best thanked Mr. León and the Miami Heat.

### **4. Open Forum:**

No speakers.

### **5. Approval of Council Minutes:** (approved with one motion)

#### **5A) 06-07-2012 – Special Meeting**

Minutes of the June 7, 2012 Special Meeting were approved as amended.

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

#### **5B) 06-11-2012 – Regular Meeting**

Minutes of the June 11, 2012 Regular Meeting were approved as written.

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

**5C) 06-14-2012 – Special Meeting**

Minutes of the June 14, 2012 Special Meeting were approved as written.

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

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

**6A) 06-13-2012 – Golf and Country Club Advisory Board – Minutes**

Minutes of the June 13, 2012 Golf and Country Club Advisory Board were received for information without comment.

**6B) 06-14-2012 – Board of Parks and Parkways – Minutes**

Minutes of the June 14, 2012 Board of Parks and Parkways meeting were received for information without comment.

**6C) 06-18-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice**

Cancellation Notice of the June 18, 2012 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

**6D) 06-28-2012 – Code Review Board – Cancellation Notice**

Cancellation Notice of the June 28, 2012 Code Review Board meeting was received for information without comment.

**7. Public Hearings:**

None.

**8. Consent Agenda: (approved with one motion)**

**8A) Recommendation that Council Approve an Expenditure of \$11,000.00 to The Miami Herald Publishing Co. as a Sole Source Provider Pursuant to Section 31.11 (E) (6) (g) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$4,000.00, on an "As Needed" Basis to Titleist, for Purchase of Driving Range Supplies and Items for Resale in the Pro Shop, Pursuant to Section 31.11 (E) (6) (g) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**8C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$7,000.00, on an "As Needed" Basis, to Turf Choice for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**8D) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond Fertilizer, Utilizing Town of Davie Fertilizer and Chemical Bid R-2011-147, in an Amount not to Exceed \$7,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**8E) Recommendation that Council Approve an Expenditure to Lou's Police Distributors, the Lowest Responsible Quote, in an Amount not to Exceed \$15,216.10, for Police Uniforms, Pursuant to Section 31.11 (C) (2) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**8F) Recommendation that Council Waive the Competitive Bid Process and Approve an Increase of \$3,000 to Purchase Order # 120134 to International Date Depository (IDD), Pursuant to Section 31.11 (E) (6) (g) of the City Code, for Storage of Documents Required to be Kept by Florida Records Retention Laws and Schedules. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**8G) Recommendation that Council Award City Bid # 07-11/12 to Greater Miami Caterers, Inc., the Lowest and Only Responsible Bidder, in the Amount of \$149,064, for Catering Services for the City of Miami Springs Senior Center's Nutrition Programs for the Elderly, Pursuant to Section 31.11 (E) (1) of the City Code. Funding is Included in the Fiscal Year 2011-2012 Budget**

There was no discussion regarding this item.

**Councilwoman Ator moved the consent agenda. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

*(Agenda Item 3A was discussed at this time)*

**9. Old Business:**

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

None.

**10. New Business:**

**10A) First Reading – Ordinance No. 1037-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-51, Color Palette Compliance; by Providing an Exception Provision and a Variance Process to the Color Palette Compliance Program Established by this Code Section; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date**

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

Attorney Seiden stated that this is the first reading of the ordinance that provides an exemption provision and a provision that makes the entire code section applicable to the variance process.

Attorney Seiden noted that Section (C) (1) (a) exempts owners of property within the applicable Business Districts from the color palette compliance program if they can establish, within the sole and exclusive discretion of the City Planner, that their building is subject to conformity with "branding" requirements imposed upon it by an appropriate third party or authority.

City Attorney Seiden explained that the language "City Planner" would be changed to "Planning and Zoning Director" to reflect the new title of the position. He said that if the Planning and Zoning Director fails to grant any requested exemption, the building owner may seek a further review of his decision before the City Council.

City Attorney Seiden noted that Subsection (b) is a variance provision that states that owners of property within the applicable Business Districts who are not subject to "branding" requirements may seek a variance, in accordance with the established procedures and standards set forth in the Code of Ordinances, from compliance with the color palette painting program established by the ordinance.

**Councilman Best moved to approve the ordinance on first reading. Councilwoman Ator seconded the motion, which was carried 5-0 on roll call vote.**

**10B) First Reading – Ordinance No. 1038-2012 – An Ordinance of the City Council of the City of Miami Springs Deleting all References to the Abraham Tract Sub-District of the Airport, Marine and Highway Business District Contained in Article XV and in Code of Ordinance Sections 150-154, 150-157, and 150-158; Establishing Code of Ordinance Section 150-165, Abraham Tract District; Providing Purpose; Permitted Uses; Prohibited Uses; Adult Related Business Regulations; Setbacks and Floor Area; Height Limitations; Off-Street Parking and Loading; Signage; Development Review Procedures; Requirements for Development Review; Exemptions; Fees; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date**

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

Attorney Seiden stated that this is the first reading of the ordinance. He gave credit to Planning and Zoning Director Jim Holland for doing most of the work. He explained that they are presenting this ordinance amendment now because there is a proposal from one developer who is under contract to purchase the former Shoney's property in the Abraham Tract to build a six-story hotel.

City Attorney Seiden stated that the Airport Highway Marine Business District (AHMBD) was divided into three sub-districts: N. W. 36<sup>th</sup> Street; Abraham Tract and Airport Golf. The N. W. 36<sup>th</sup> Street District was officially separated from the Airport District with separate business regulations under Code Section 150-164. This ordinance creates the second sub-district for the Abraham Tract under Code Section 150-165.

City Attorney Seiden explained that the third sub-district for Airport Golf will require a Comprehensive Plan Amendment to change the floor area ratio (FAR) and with the current 1.0 FAR there is no chance that someone would approach the City to develop in that area. The Planning Consultant and the Planning and Zoning Director will be working on the Plan amendment.

City Attorney Seiden reviewed the current ordinance, noting that portions of certain sections were stricken through as they pertain to the Abraham Tract. In addition, there were some pagination and scrivener errors that were corrected.

Attorney Seiden stated that Section 150-165 provides a purpose that is consistent with the Comprehensive Plan definition for the Abraham Tract and Section B outlines the permitted uses that will be different from N. W. 36<sup>th</sup> Street since it was primarily developed as a hotel site with a few restaurants. He called attention to Section B (1) (a) that provides for adult related businesses and explained that Section (D) is reserved for the Adult Use Business Regulations that are being drafted and are almost complete.

City Attorney Seiden explained that the provisions for prohibited uses, setbacks and floor area are not as complicated because the Abraham District is not adjacent to residential areas or major thoroughfares like 36<sup>th</sup> Street; the Abraham Tract is a self-contained hotel commercial area.

In regard to the FAR, City Attorney Seiden explained that the ordinance provides for a maximum base FAR of no more than 1.0 and sites may be developed with FAR up to 3.0 through compliance with the Floor Area Ratio Bonus Program, similar to N. W. 36<sup>th</sup> Street. Section F deals with the height limitations that fall under the control of the Federal Aviation Authority and Miami-Dade County Aviation Authority. There is a catch-all provision that height is limited to 150 feet.

The development review procedures under Section J are not the same as N. W. 36<sup>th</sup> Street because they follow more of a developer friendly process, according to Attorney Seiden. There is a review procedure for projects not requiring City Council approval and the Planning and Zoning Director and City Building Official shall review all permit applications for accessory and minor structures, re-painting or re-roofing.

City Attorney Seiden explained that major projects must follow the requirements for Development Review as outlined in Section J, including a formal application process, a mandatory meeting with Staff, and the option to apply for variances, a site plan review by the Zoning and Planning Board and final approval by the City Council, followed by a Development Order.

The provisions in Section J are different from the 36<sup>th</sup> Street regulations and Zoning and Planning Director Holland felt that these provisions were more appropriate for the Abraham Tract. The exemptions provisions are the same as 36<sup>th</sup> Street. Council may ask questions or notify him before second reading so that the necessary changes can be made.

Councilwoman Ator noted that some paragraphs are lost and there should be some way to identify them at the top of page 14 in regard to Green Building Certification. She suggested adding a number or letter under B.

City Attorney Seiden explained that the problem is a matter of formatting and it would be corrected.

Councilwoman Ator said that under Section J on page 16, there is numbering from 1-4 and on page 17, the numbering begins at 1 again, followed by an "e" on the next page. She said that there are spacing issues.

City Attorney Seiden explained that there was some difficulty formatting the new ordinance based on the previous documents and the proper corrections would be made.

Councilwoman Ator asked about issues regarding signage and if there is a plan for revising the code, as discussed six months ago.

Zoning and Planning Director Holland said that his next project would be working on the sign code. He explained that the sign code for the former B-3 District is appropriate for the Abraham Tract and can be used until the new regulations are drafted.

Councilwoman Ator commented that another issue is that the Architectural Review Board review was eliminated from the review procedure and the Architectural Review Board members always point out their duties as outlined in the Code and with this change they no longer have the same responsibilities. She suggested revising the Architectural Review Board section of the Code.

Attorney Seiden said that he drafted the Architectural Review Board section of the code and he would go back and review it. In his opinion, they did not have the power to be part of the review process since it was removed from the 36<sup>th</sup> Street District.

Councilwoman Ator reiterated that the way the Code is written the Architectural Review Board has review powers and it should be revised.

Councilman Best pointed out that on the bottom of page 14 and on page 15 the term Miami-Dade County and Miami-Dade County Aviation is mentioned. He suggested that reference should be made to the Federal Aviation Authority (FAA) since it overrides the local authorities.

Planning and Zoning Director Holland stated that he reviewed the provision and there are certain land uses that are prohibited, specifically residential and educational facilities that were accounted for. He agreed that it would not be a problem to add the FAA requirements as a safeguard.

City Attorney Seiden said that more than likely there is no FAA applicability and if the agency is referenced under Section F (2) it would be appropriate. He would not include the reference to the FAA in Section I because it would impose an affirmative obligation to get an affirmative denial from FAA that could take a long time.

**Vice Mayor Lob moved to approve Ordinance No. 1038-2012 on first reading, as amended. Councilwoman Bain seconded the motion, which was carried 5-0 on roll call vote.**

**10C) Approval of Requests from the Optimist Club to Sell Alcoholic Beverages and to Grant Funds in the Amount of \$2,000 for the 11<sup>th</sup> Annual Optimist Dolphin Classic and Community Fish Fry to be Held on the Circle on Saturday, July 14, 2012**

City Manager Ronald K. Gorland read a letter from Optimist Club President Bill Tallman requesting that the City grant a permit to allow the Club to sell beer, wine and mixed drinks on the Circle in conjunction with the 11<sup>th</sup> Annual Optimist Dolphin Classic and Community Fish Fry. In addition, they are requesting that Council consider granting funds in the amount of \$2,000, as done in the past, to assist with the expenses for safety and sanitation associated with the event.

The event is anticipated to have 50 teams and a turnout of 500+ people and will be open to the public from 2:00 p.m. to 10:00 p.m. Based on the number of hours of the event, the estimated cost of off-duty officers is approximately \$1,120 based on four officers for an 8-hour period. They also estimate that three port-o-lets will cost \$600, and a dumpster will cost \$375.00. Additional costs include entertainment and a live band, as well as bounce houses and the rental of tables and chairs.

All money raised by the Optimist Club goes to work in the community as the Optimist Club continues its mission of bringing out the best in kids.

Mayor Garcia asked for clarification that the fish fry event would be held on the Circle and the Club is requesting \$2,000, the same as in the past.

Optimist Club President Bill Tallman of 901 Falcon Avenue responded that the Mayor's statement was correct and he hopes to see everyone at the event.

**Councilman Best moved to approve the request for \$2,000 and to allow selling beer and wine on the Circle. Councilwoman Bain seconded the motion.**

Councilwoman Ator asked if funds were included in the budget.

City Manager Gorland responded that \$25,000 was budgeted in Council Promotions and more than \$9,000 remains in the account. He offered to provide the budget detail.

Councilwoman Ator commented that she would abstain from voting on the request, since Optimist Club President Bill Tallman is her husband. She is not sure about the budget detail for Circle events and she is concerned with the expected budget deficit. She agrees that the Optimist Club does wonderful work.

City Attorney Seiden agreed that Councilwoman Ator could abstain and complete the proper form.

Councilman Best said that this is a Circle event that is in the best interest of the community and since it was funded in the past he would agree to fund it again.

Councilwoman Bain explained that she is giving her approval because the funds are available in the budget for promoting the Circle and the event will bring in people from outside the City.

Mayor Garcia reiterated that funds are in the budget. The City Manager confirmed the Mayor's statement.

**The motion was carried 3-0 on roll call vote, with Vice Mayor Lob and Councilwoman Ator abstaining.**

To answer the Mayor's question, Mr. Tallman explained that there are currently seven registrations at this time and Friday, June 29<sup>th</sup> is the deadline for early registration. There will be an event at Woody's West End Tavern at 7:00 p.m. and applications will be available for anyone who is interested.

**10D) Request City's Sponsorship of the Miami Springs 12 and Under Girls Little League Softball Team to Travel and Play in the State and South Eastern Conference Championships**

City Manager Ronald K. Gorland stated that the item was **pulled** by the group.

**10E) Request by Curtiss Mansion, Inc. to Grant Conceptual Approval to Expand the Property to Accommodate Parking and the Original Entryway Structures**

City Manager Ronald K. Gorland stated that this is a recommendation from Zoning and Planning Director Jim Holland to approve a request from Curtiss Mansion, Inc. to grant conceptual approval to expand the Curtiss Mansion property to accommodate parking and the original entryway structures.

Mr. Gorland stated that the survey drawing attached to the request depicts the land area of the subject request and the proposed site plan documents of the area will be presented at a future date.

Zoning and Planning Director Jim Holland stated that the nature of the request from Curtiss Mansion, Inc. (CMI) is to provide an area for parking and for Council to consider the concept of adding an area to the parcel; they will come back with a site plan and the structures at the original entry are also included.

Councilwoman Ator asked the City Attorney if the request falls under the guidelines of the limitations that were placed on the use of the Golf Course.

City Attorney Seiden responded that the area is not being deeded to anyone. His question was related to the Federal and State monies that were received for the construction of the bike paths and he wanted to make sure there were no requirements on the distance from the bike paths. He feels that there should be a minimum of 5-feet from the bike path to the clearance area instead of the proposed 3-feet, and with five feet of landscaping there will be a 10-foot buffer between the parking area and the inside of the bike path.

City Attorney Seiden explained that the City owns both properties; it is not a sale or lease and technically it is a right to use. The only document that might apply is a Unity of Document Title and the only entity that could create a problem is the Fire Department who issues the final Certificate of Occupancy (C.O.) He explained that the area is an unused piece of property outside of the Golf Course proper.

City Attorney Seiden stated that there are some unanswered questions; it is not a violation of the Charter or Council's discretion to approve the use. He hopes that once the parking lot is finished, the Fire Department will not require a document. He must be prepared to provide a document and it might be possible to say that it is a jointly used parking lot.

Councilwoman Ator said that there is no substantive information provided with the request, except for the survey. She asked how the leases would relate to this request and if they would have to be amended.

City Attorney Seiden said that the "demised premises" description in the lease with CMI may have to be amended. He referred to the survey showing the Curtiss Mansion property, explaining that anything outside of the denoted area is part of the Golf Course and the bike path is within that boundary; there is a natural boundary that seems appropriate to do what is being requested and it does not impact the golf course.

The design and completion of the parking lot is necessary in order to get a C. O. so that the City can benefit from the tax credit transaction, according to Attorney Seiden. He explained that if they cannot get approval for use of the land they must use the land that they have to firm up the parking lot on the existing property.

Councilwoman Ator said that her concern is that the tract is not part of the golf course; the golf course property has limitations and adding to it might be an issue.

City Attorney Seiden stated that the area is not being added to the tract. The City could agree to allow a parking lot to be built on this particular area that it owns to serve the needs of the City and the Curtiss Mansion.

Councilwoman Ator reiterated that her concern is the limitations on the Golf Course and there should be two separate parcels.

City Attorney Seiden hopes that the Fire Department will not require a document and the City can choose to develop the area for parking. He said that perhaps there could be a joint parking agreement. He added that the City is considering the improvement of one small area of the golf course property that is currently unused that would benefit the Curtiss Mansion property and the City. He asked about the number of parking spaces and whether the count is over or under the requirement.

CMI President Jo Ellen Morgan Phillips responded that the spaces are exactly at the required number. She explained that the reason this request came about is because of the County permitting requirements for a Class 1 and Class 2 permit because of the waterways and the water run-off from the pavement. The County said that the area was not part of the Mansion property and they could not issue the permits.

**Councilwoman Bain moved to give conceptual approval. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.**

Ms. Morgan Phillips explained that CMI submitted their request to Council prior to the July recess because they must continue moving forward with the completion of the Mansion projects.

Former Mayor Richard Wheeler stated that this approval is one of the things that were needed to complete the historic tax credit agreement in order for the funding to begin to flow in order to complete the projects. He urged Council to continue to support their efforts so that the Mansion can open and begin booking events.

**10F) Consideration of Request from The Fat Lady Finally Sings Productions to Serve Alcoholic Beverages at the "A Different Taste of Latin" Event to be Held at the Rebeca Sosa Theater on Saturday, July 7, 2012 at 8:00 p.m.**

City Manager Ronald K. Gorland read the letter that was received from Vaughn-Rian st. James of The Fat-Lady Finally Sings Productions who also hosted the Andrews Sisters at the Rebeca Sosa Theater last year for "The On It Foundation".

Mr. Gorland explained that this year they are hosting an event called "A Different Taste of Latin" in which they will have a comedian, Wheel Chair Dancers, and Recording Artist Estefany Medina. They are requesting to serve wine beverages at the event.

**Vice Mayor Lob moved to approve. Councilwoman Bain seconded the motion, which was carried 5-0 on roll call vote.**

**10G) Recommendation from the Board of Parks and Parkways Regarding the Yard of the Month for July, August and September 2012**

City Manager Ronald K. Gorland stated that at their meeting of June 14, 2012, the Board of Parks and Parkways recommended the following addresses for the Yard of the Month: July - 937 Hunting Lodge Drive, August - 479 South Esplanade Drive and September - 555 Hunting Lodge Drive

**Councilwoman Ator moved to approve the Board of Parks and Parkways' recommendation for the Yard of the Month for July, August and September. Councilman Best seconded the motion.**

Councilwoman Bain said that she drove by the homes and the yards are really nice.

Councilman Best thanked the Board of Parks and Parkways for continuing to recommend homes for the Yard of the Month award.

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

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Springs Connection**

City Manager Gorland reported that the July issue of "Springs Connection" was placed on the dais and it will be included in the next River Cities Gazette mail out. The publication covers all the activities in the City and places where residents can enjoy themselves during the summer and year-round.

## **Tennis Camp**

City Manager Gorland announced that Tennis Director Manny Fabian and the City of Miami Springs will offer tennis camps this summer for children ages 5 to 17. Registration is still open for the July 9<sup>th</sup> – July 20<sup>th</sup> and July 23<sup>rd</sup> - August 23<sup>rd</sup> sessions.

## **School Registration**

City Manager Gorland reported that school registration is under way at local elementary schools for grades K-5. He said that residents may contact the different schools for more information.

## **Pelican Playhouse**

City Manager Gorland announced that the Pelican Playhouse is currently holding registration for its summer classes every Saturday at the Miami Springs Community Center during the morning and afternoon and that for more information, residents may contact Ralph Wakefield at (305) 884-6804.

## **Meow-Mobile**

City Manager Gorland said that the Meow-Mobile, the Cat Network's low-cost mobile spay/neuter clinic, will be in the Springs on Friday, June 29<sup>th</sup> at 8:00 a.m. It will be parked in the center median parking lot at the Miami Springs Golf Course on Curtiss Parkway. He explained that reservations are required and that for a fast response, it is better to e-mail a request to [meowmobile@thecatnetwork.org](mailto:meowmobile@thecatnetwork.org) or call (305) 233-9958.

## **Golf Classic**

City Manager Gorland reported that the Big Lou/Big Mike 2-Man Scramble Golf Classic is set to be held on Saturday, June 30<sup>th</sup> at the Miami Springs Golf and Country Club. The cost is \$75 per golfer and all proceeds will benefit the Message From Marli Foundation, and the registration and cocktails will begin at noon with a 1:00 p.m. shotgun start.

## **Classic Car Show**

City Manager Gorland reminded everyone of the Annual Classic Car Show that will be held at the Circle on Tuesday, July 3<sup>rd</sup> from 6:00 p.m. to 10:00 p.m. as part of the Independence Day Celebrations.

## **Fourth of July**

City Manager Gorland announced that the Parade starts at 10:00 a.m. and all interested in participating should call Patricia Bradley at 305.805.5075, and the festivities will continue at the Golf and Country Club after the parade. The fireworks will begin around 9:00 p.m.

### **“A Different Taste of Latin”**

City Manager Gorland noted that on Saturday, July 7<sup>th</sup>, The Fat-Lady Finally Sings Productions will host “A Different Taste of Latin” at the Miami Springs Community Center Rebeca Sosa Theatre at 8:00 p.m.

### **Fishing Tournament**

City Manager Gorland said that the Miami Springs/Virginia Gardens Optimist 11<sup>th</sup> Annual Dolphin Classic and Community Fish Fry will be held on Saturday, July 14<sup>th</sup>. He commented that it is a great event and it has a good turnout every year.

### **Chamber Event**

City Manager Gorland reported that the Miami Springs Airport Area Chamber of Commerce will be hosting an event with local hoteliers, to be held at the Miami Springs Community Center Rebeca Sosa Theatre on Tuesday, July 17<sup>th</sup> from 2:00 p.m. to 7:00 p.m.

### **Chamber Meeting**

City Manager Gorland announced that on Thursday, July 19<sup>th</sup> from 6:00-7:00 p.m. the Miami Springs Airport Chamber of Commerce will hold its general membership meeting at Holleman’s Restaurant with guest speaker Miami-Dade County Tax Appraiser Pedro Garcia who will report on the changes in the County property tax information. The general public is welcome to attend and can RSVP by calling 305.508.8080 or e-mailing [msaacc@live.com](mailto:msaacc@live.com)

### **Fourth of July**

City Manager Gorland wished everyone a great and safe Independence Day celebration.

### **July Recess**

City Manager Gorland hopes that Council enjoys the July Break before they begin working on the budget in August. He will provide some budget information in July so that Council will be prepared to balance the budget.

## **12C) City Council**

### **Council**

Councilwoman Bain said that she is grateful to be sitting on Council and she is looking forward to the challenges.

## **Fourth of July**

Councilwoman Bain hopes to see everyone out for the July 4<sup>th</sup> activities.

## **Councilwoman Bain**

Councilwoman Ator said that she was sorry that she was not present for the swearing in of Councilwoman Bain. She brought her a book called "Grace for President" that was published in 2008, about a little girl who ran for class President against a boy who was on the basketball team. Grace needed three more electoral votes to win and a boy from Wyoming cast his three votes for Grace and when he was asked the reason why he did that he responded that Grace was the best person for the job. Instead of voting with the other boys, he voted the right way and this is a true lesson for Council.

## **Tennis Camp**

Councilwoman Ator reported that her son Avery enjoyed the Tennis Camp with Manny Fabian last week.

## **Experience Aviation Camp**

Councilwoman Ator said that this week her son Avery is attending the Experience Aviation camp at Opa Locka Airport. It is a tremendous program for the kids and they are going to build a race car.

## **Thank You**

Councilwoman Ator thanked her husband Bill Tallman for doing the City a great service last week when he helped remediate a dispute between the Football and Baseball Leagues related to field space use. She said that it took three full days of his life and she contacted someone on the School Board about using space at Miami Springs Senior High School.

## **Chamber Event**

Councilwoman Ator stated that the Chamber of Commerce Hotelier event on July 17<sup>th</sup> is a large event that begins at the Country Club and the participants take a bus tour around Miami Springs to see what it has to offer. The focus extends beyond the local hotels so that businesses will send their customers here.

## **Multipurpose Room**

Councilwoman Ator said that her husband had a meeting at the Community Center on Saturday and he took their kids who thought they would be able to play in the multipurpose room and it was locked, but they were informed that only the campers would be able to use it this summer.

Councilwoman Ator said that she spoke with the City Manager who agreed to work on the problem and she encourages him to do it quickly.

City Manager Gorland said that he wanted to make sure that the computers had blocking of accessibility to web sites that should not be visited. He said that the times have been set and they will be published tomorrow.

### **July Recess**

Councilwoman Ator hopes that everyone enjoys the summer and the July break.

### **Thank You**

Vice Mayor Lob said that the meeting began with Council thanking the Miami Heat and he really thanks the City Staff who did a wonderful job in setting up the NBA Cares Learn and Play Center in Miami Springs, especially City Manager Gorland and Golf and Recreation Director Luna for making it happen.

### **Fourth of July**

Vice Mayor Lob wished everyone a happy and safe Fourth of July.

### **Little League Championship**

Councilman Best reported that it is an honor for Miami Springs to host the District 8 Little League Championship games again this year and he, the former Mayor and Mr. Johnston will have the opportunity to umpire a couple of games.

### **Miami Heat**

Councilman Best commented that the Miami Heat/NBA Cares event was another big event that was quite an honor for Miami Springs.

### **July Recess**

Councilman Best wished everyone a safe July recess and said that Council has a lot of work ahead of them during the budget process. It will be an austerity budget and he has every confidence that Council will get through it because they always face obstacles and find a way to overcome them.

## **Curtiss Mansion**

Councilman Best said that Curtiss Mansion, Inc. has come a long way and even with the parking issue, it seems that there has always been some issue. Council should keep the forward motion to see that the Curtiss Mansion is up and running in order to make it equitable in the best interest of the citizens and the prestigious building itself, and its notoriety in terms of the historical site. He wants to see it move forward as quickly as possible for the benefit of the entire City.

## **Fourth of July**

Councilman Best said that this will be his last Fourth of July Parade as a Councilman and he is looking forward to it.

## **Thank You**

Mayor Garcia echoed Vice Mayor Lob's kudos to City Staff for the major feat in making the Miami Heat/NBA Learn and Play Center possible at the Community Center. He said that it is a project that the NBA puts together with the help of the Miami Heat and there is no other sports Commissioner like David Stern who does incredible things in order to give back to the communities. The Miami Springs' Learn and Play Center is the 10<sup>th</sup> center in Miami-Dade County and the 711<sup>th</sup> in the world and he gives credit to the NBA, Commissioner David Stern, the Miami Heat organization and the City Staff who kept the secret and worked extra hours to make it possible.

City Manager Gorland acknowledged Programs Supervisor Patricia Bradley who worked around the Recreation programs to make it happen and she kept the summer camp going during the first and second weeks. He said that she did the job, kept the area safe and the entire event went very smoothly. He thanked Director Omar Luna and the entire Recreation Staff.

Mayor Garcia agreed that Patricia Bradley always does a great job, especially when the pressure is on her. He said that the kids at the summer camp behaved very well during the entire event.

## **Swimming Lessons**

Mayor Garcia reminded the residents about the swimming lessons at the Miami Springs Pool for a fee of \$45.00 per session. He said that it is essential for kids to learn to swim in order to prevent drowning accidents. He asked the City Manager to check and see if the American Red Cross still has a coupon on their web page and would like City Staff to keep track of anyone who might have a financial hardship because there are private donors who are willing to pay for swimming lessons.

**Fourth of July**

Mayor Garcia wished everyone a happy Fourth of July.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 8:36 p.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of:

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 <b>ATOR, Jennifer Jean</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Miami Springs City Council</b>
MAILING ADDRESS <b>901 Falcon Avenue</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <b>Miami Springs      Miami-Dade</b>	NAME OF POLITICAL SUBDIVISION: <b>City of Miami Springs</b>
DATE ON WHICH VOTE OCCURRED <b>June 25, 2012</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

### ELECTED OFFICERS:

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

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

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

### APPOINTED OFFICERS:

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

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

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

**APPOINTED OFFICERS (continued)**

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

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

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

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Jennifer Atov, hereby disclose that on June 25, 2012

(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, husband, Bill Talman is the President of the Optimist Club, 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:

I do not feel comfortable voting on an item that is presented and promoted by my spouse. I abstained from voting on this item.

June 25, 2012  
Date Filed

Jennifer J. Atov  
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME Lob George V.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Miami Springs Council
MAILING ADDRESS 860 Plover Ave Dade	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 Miami Springs, FL	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 6/25/2012	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\* \* \* \* \*

### ELECTED OFFICERS:

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

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

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

\* \* \* \* \*

### APPOINTED OFFICERS:

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

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, George V. Lob, hereby disclose that on 6/25/2012, 20  :

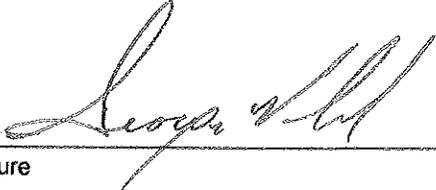
(a) A measure came or will come before my agency which (check one)

- 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 Miami Springs Optimist Club, 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:

I currently serve on the Board of Miami Spring Optimist Club.

6/25/2012  
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.





## ***City of Miami Springs, Florida***

**DRAFT**

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Thursday, July 26, 2012, at 5:01 p.m.

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

The meeting was called to order at 5:02 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor George V. Lob
- Councilwoman Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Comptroller Alicia E. González
- City Clerk Magalí Valls
- Clerical Assistant Elora R. Sakal

**2. Invocation:** Councilman Best offered the invocation.

**Salute to the Flag:** The audience participated.

### **3. Proclamation – Year of the Korean War Veteran**

Mayor Garcia proclaimed 2012-2013 as “Year of the Korean War Veteran” on the occasion of the 60<sup>th</sup> anniversary of the Korean War to recognize the sacrifices made by the veterans of that war.

Mayor Garcia presented the proclamation to Mr. Donald Skelton who commented that he accepted the proclamation on behalf of everyone who served in the Korean War.

**4. Approval of the City Attorney's Invoice for June 2012 in the Amount of \$16,389.00**

There was no discussion regarding this item.

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

**5. Recommendation that Council Approve an Expenditure of \$12,502.00 to Mason Corporation for Repairs to the Pool Slide, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code**

City Manager Ronald K. Gorland stated that Mason Corporation is a company that designed, built and installed the pool slide. The request is for the repairs and replacement of all fittings and rusted galvanized slide supports with SCH aluminum including installation. The slide has been closed due to safety issues. The cost shown in the request is \$12,502 but there has been an increase in the cost due to travel cost time that is involved. The total cost now is \$14,796.

Councilwoman Ator asked if the funds are in the account and City Manager Gorland replied affirmatively.

City Manager Gorland explained that the damages were caused by chlorine and repairs are due every two to three years. It was thought that there was another year until repairs were needed to be done but unfortunately it did not work out that way.

Councilwoman Bain asked for how long the repairs would be guaranteed.

City Manager Gorland replied that there is no guarantee on how soon it will have to be repaired again. He commented that different alternatives can be looked at, but it is to his understanding that this issue is common.

Mayor Garcia asked how expenses such as the slide are allocated and Assistant City Manager/Finance Director Alonso responded that Recreation Director Omar Luna has funds for repairs and maintenance in his budget in order to account for these contingencies.

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

**6. Resolution No. 2012-3550 – A Resolution of the City Council of the City of Miami Springs Authorizing Participants in the City's Section 401 Money Purchase Plan, ICMA-RC Plan # 107207 and Section 457 Deferred Compensation Plan, ICMA-RC Plan # 300151, to Permit Loans from the Retirement Plan Funds; Effective Date**

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

City Manager Ronald K. Gorland stated that it is recommended that Council authorize the Administration to amend the City's 401/457 deferred Compensation Plan to allow participants to apply for loans against their investments. The City implemented, via a Resolution, a 401/457 deferred compensation plan back in the 1980's to provide employees with another vehicle to save for their retirement.

City Manager Gorland stated that the plan was voluntary for the employees and they were able to contribute a percentage of their salary as they deemed appropriate for their individual situation. A few weeks ago, an employee of the Police Department approached the Administration regarding his inability to obtain a loan from his investment account since it appears that when the City established this plan with ICMA, the City did not check the appropriate box so that loans would be allowed.

City Manager Gorland said that in order to correct this situation, the appropriate Resolution required by ICMA has been prepared in order to allow plan members the ability to obtain loans against their accounts. As of this date, there are currently 53 employees enrolled in this plan. Attached is a copy of the loan program for Council review and the Administration recommends approval of this change.

City Manager Gorland explained that there is no cost to the City for this amendment and it is in fact a benefit because it directly affects morale. He is familiar with the 401/457 plans and he has never seen one without a borrowing option because all the funds in the plan belong to the employee.

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

Councilwoman Ator stated that in her experience, she agrees that these plans allow employees to borrow.

*(Agenda Item No. 7 was discussed after Agenda Item No. 8)*

**7. Resolution No. 2012-3549 – A Resolution of the City Council of the City of Miami Springs Setting the Tentative Operating Millage Levy for Fiscal Year 2012-2013; Setting Time, Date and Place for Public Hearings on the Proposed 2012-2013 Budget and Tentative Millage Rate**

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

City Attorney Seiden stated that before reading the Resolution in its entirety, Council would need to fill in the blank on Section one.

City Manager Ronald K. Gorland stated that in preparation for tonight's millage rating meeting, a package of options and alternatives was prepared to assist Council in making sound financial decisions when addressing the approximately \$756,000 General Fund budget deficit the City is facing for FY2012-2013. Each 0.1 increase in millage represents an additional \$13 in property taxes annually to the average homesteaded property in the City.

Mayor Garcia clarified that this is simply to set the millage rate, which is the highest ceiling that it could possibly be and it cannot go higher. Council will work through the budget process to make the rate lower than what it is now and it cannot be set any higher than what Council sets it at tonight.

Vice Mayor Lob recommended that Council should set the millage at the first option knowing that they are not utilizing that first option and to set it lower could hinder their options. He believes that Council needs to have leverage in their discussions and they are aware that the rate will not be set as high as the first option, but it will give them the space that they need.

City Manager Gorland clarified that Vice Mayor Lob was referring to the first millage rate option of 7.6480.

Councilwoman Bain agreed with Vice Mayor Lob that Council should select the first option of 7.6480 because if they choose Option C it will limit them and their goal is to have a millage rate of Option C or D after working through the budget. She said that until Council determines what cuts are going to be made, they should not get too close and they need to give themselves some leeway.

Councilwoman Ator agreed. Option A of 7.6480 would allow Council to evaluate all of their options in the budget. She believes that last year Council put themselves in a very bad place by making the maximum millage rate at less than what they were told it would cost to run the City and they suffered for that.

Councilman Best disagreed because he cannot see raising the millage rate just to achieve something that Council should have been more responsible for as time went on and he cannot see raising taxes to that extent. This message goes out to the residents in terms of how this body wants to act going into the budget from this meeting forward and by going to 7.6480 from 6.74, in his opinion, is somewhat egregious.

Councilman Best would be in favor of a "middle of the road" approach such as a 7.1 or 7.5 millage rate. Over the last 8 years, Council has done a great job in terms of reducing the millage rate.

Mayor Garcia said that it is not so much about setting the ceiling. He is fully confident that once Council goes through the budget process, the millage rate will not be at the 7.6480 option that is being discussed. He has met with staff and looked at the potential of items that can be reduced that must be discussed by Council. He stated that he came into the meeting with a mindset of the millage rate option at 6.99 and he is confident that Council will find ways to lower the rate. If Council is comfortable with the 7.6480 millage rate and there is a majority then he is okay with that as well.

Vice Mayor Lob noted that he is comfortable at setting the rate somewhere in between and he thinks that going to 6.995 at this time would limit Council.

Mayor Garcia explained that he was also considering a rate in between and in looking at the 6.74 option and the high ceiling of 7.64, the in between rate could be 6.78 or 6.99, as recommended. He is confident that Council will work through the budget and reach a rate below 6.99, while still maintaining the current services. The number that Council sets today is also the number that every resident will receive in their proposed tax bill. He reiterated that after his discussions with Staff, he is very comfortable with 6.99.

Vice Mayor Lob commented that at the 6.99 rate, reserve funds are being utilized to create a budget and that should not be done. He does not doubt that Council can reach the expected budget, but he does not want Council be in a position where they are going to utilize reserve funds.

Councilman Best stated that with the 7.64 rate the taxes will be raised instead of using reserve funds.

Councilwoman Ator said that reserves are non-recurring income and essentially are the savings. She believes that there will be a lot of expenses that can be cut from the budget, but Council needs to be cautious of unexpected costs such as workers compensation and pension increases.

Councilman Best stated that there are going to be many departments that have an excess of funds and there will be numerous expenses to cut in order to create savings.

Vice Mayor Lob understood that some Council members do not want to get to a point where they are not comfortable with the available funds. He is in favor of setting the rate somewhere in between such as Councilman Best suggested.

Mayor Garcia explained that the in between rate does not have to be one of the options that was given to Council. He said that Council is going to tap into the reserves no matter which rate is chosen.

Vice Mayor Lob stated that reserves should not be used for budgetary items. He commented that reserve funds were used previously and they were at \$8MM and are currently at \$1.1MM. He believes that Council should be cautious of what rate they choose because they will not have the discretionary funds forever. He reiterated that he is fine with choosing a rate somewhere in between 6.74 and 7.64, but he is uncomfortable with choosing the 6.99 rate.

Mayor Garcia commented that he is strongly against and does not feel comfortable with choosing the 7.64 option.

City Attorney Seiden suggested that Council should make a separate motion on the millage rate and then it will be adopted into the Resolution on a second vote.

**Councilwoman Ator made a motion to approve the first millage rate option of 7.6480.**

Vice Mayor Lob understands that Council has hopes to go below the 7.64 rate and even go below the 6.9 rate but they are utilizing discretionary reserve funds and they should never do that.

**Councilwoman Bain seconded the motion which was carried 3-2 on roll call vote with Mayor Garcia and Councilman Best casting the dissenting votes.**

City Attorney Jan K. Seiden read the resolution in its entirety.

**Councilwoman Bain moved to adopt the resolution. Councilwoman Ator seconded the motion which was carried 4-1 on roll call vote with Mayor Garcia casting the dissenting vote.**

*(Agenda Item No. 8 was discussed before Agenda Item No. 7)*

## **8. Approval of Letter of Support for Leadership Team Requested by Miami-Dade County Public Schools**

Mayor Garcia explained that this letter was sent to Municipal Mayors to sign but since it is something that somewhat binds the City he wanted to ensure that it came before Council before he signed it.

Councilwoman Bain asked if the letter was going to be sent as it is written saying "I" or will it say "we" and Mayor Garcia responded that the letter is written to be signed by the Mayor, though it is coming from the City and he wanted to get Council approval.

Councilwoman Bain commented that she has no issue with the letter and believes that grants are great, but she would like to see a letter go to Miami-Dade County Public Schools regarding their priorities because she feels that their priorities are focused on the wrong issues. Funds are being found for new programs, but current issues are not being addressed such as schools with leaks and termite infestation.

Councilwoman Bain questioned what their priorities are because those are health issues and schools are focusing on health a lot. She believes that Miami-Dade County Public Schools should obtain funds for things that the schools really need.

Mayor Garcia asked Councilwoman Bain if she would be willing to draft a letter explaining that they support the letter, but they have concerns on certain voids. He would be happy to submit the letters together.

Councilwoman Bain stated that she would love to draft a letter if it was approved by Council.

City Attorney Seiden suggested that this item should be dealt with first and then the second letter can be written and placed on the agenda for Council to review and approve.

Mayor Garcia commented that if a Council member wanted to send a letter on their own they can do so at any time.

City Attorney Seiden explained that if Councilwoman Bain decides to write the letter and have it go from the Council then it should be placed on the agenda for Council to review and approve. If she would like to write the letter and send it on her own as a Council member she could do so, but he would suggest that any Council member who writes a letter should be sure that it is being framed in a way that it is his or her own opinion or request.

Councilman Best said that this is the Department of Health and Human Services and he is not certain that infrastructures are covered under that authority. He is not sure if what Councilwoman Bain suggested is within the venue of the Health Department.

City Attorney Seiden noted that what Councilwoman Bain suggested is in addition to the Health Department.

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

Councilwoman Ator suggested adding a paragraph to the letter stating that as a Council they agreed to the Resolution.

City Attorney Seiden explained that the letter was sent in a specific format and he suggests that the other letter be dealt with on a separate basis.

Mayor Garcia stated that the other letter will be done jointly through Council and it will be taken directly to the Superintendent.

**9. Adjourn**

There being no further business to be discussed the meeting was adjourned at 5:40 p.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of:

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.



**CITY OF MIAMI SPRINGS GENERAL EMPLOYEES'  
RETIREMENT SYSTEM  
MINUTES OF THE MEETING HELD  
MAY 3, 2012**

The regular meeting of the Board of Trustees of the City of Miami Springs General Employees' Retirement System was called to order at 8:35 AM by Tom Cummings in the Commission Chambers at the City of Miami Springs City Hall at 201 Westward Drive, Miami Springs, Florida.

**TRUSTEES PRESENT**

Tom Cummings, Chair  
Sherryl Bowein, Secretary  
Robert Whittington, Trustee  
Ronald G. Gorland, Trustee  
Francisco Arguelles. Trustee

**OTHERS PRESENT**

Audrey Ross, Pension Resource Centers (PRC)  
JC Louissaint, Pension Resource Centers (PRC)  
Alison Bieler, Attorney - Cypen & Cypen  
Grant McMurry, ICC Capital Management  
Bart McMurry, ICC Capital Management  
Brendon Vavrica, Thistle Asset Consulting  
Brenson St. Jean, Thistle Asset Consulting  
William Alonso, City of Miami Springs - Finance Dir  
Beila Sherman, Marcum LLP

**SEPTEMBER 30, 2011 AUDITED FINANCIAL STATEMENTS PRESENTATION:**

**MARCUM, LLP (BEILA SHERMAN)**

Ms. Sherman explained that an unqualified opinion was issued regarding the audit, which is highest level that can be issued. She reviewed the internal controls and compliance letter and stated that they did not identify any issues while performing the audit. Ms. Sherman reviewed the Plans net assets for the fiscal year ending September 30, 2011 which have decreased to \$12,340,332, compared to \$13,117,248 from last year. In addition both the employer and employee contribution increased.

Ms. Sherman reported that \$712,651 was paid out in pension benefits during the fiscal year, which is an increase from last year of \$638,025. She explained that there were more retirees and members exiting the DROP in 2011 versus 2010. There was a decrease in refund of contribution payments, but the administration expenses did increase this fiscal year to \$69,124 versus \$64,979 from last year.

**MOTION: Mr. Whittington made a motion to approve the September 30, 2011 Audited Financial Statements that were prepared by Marcum, LLP.**

**SECOND: Mr. Gorland seconded the motion.**

**CARRIED: The motion carried 5-0.**

Ms. Sherman presented the board with the Management Rep Letter which needed to be executed by the Board. She explained that this letter represents the process of the audit and their findings. Ms. Sherman stated that she was pleased to announce that they did not find any material weaknesses while performing the audit and that the process did run very smoothly this year.

**MOTION:** Mr. Whittington made a motion to approve the September 30, 2011 Management Representation Letter that was prepared by Marcum, LLP.

**SECOND:** Mr. Arguelles seconded the motion.

**CARRIED:** The motion carried 5-0.

**INVESTMENT MANAGER REPORT: ICC CAPITAL MANAGEMENT (GRANT MCMURRY & BART MCMURRY)**

Mr. Grant McMurry reviewed the current market environments during the quarter and stated that the fund had a good recovery and the equities were up 13.32%. He commented that it was a good quarter to be exposed to stocks. The total fund for the quarter net of fees outperformed the benchmark at 8.51% versus 8.10%, but for the one year they are behind at 1.36% versus 8.91%.

Mr. Bart McMurry reviewed ICC Capital's International Real Estate fund that he runs out in California. He explained some of the advantages and some of the disadvantages of adding International Real Estate into the portfolio. Also, timing of funding is very important when buying into real estate. Mr. Bart McMurry commented that he has been running the International Real Estate portfolio for Florida clients only for about 18 years and he shared some historical data of the portfolios returns with the Board.

**INVESTMENT CONSULTANT REPORT: THISTLE ASSET CONSULTING (BRENDON VAVRICA)**

Mr. Vavrica discussed the International Real Estate fund with the board and commented that he did an additional search of Managers that also run these types of portfolios as well for comparison. He stated that the board can either explore some of these managers that he has researched, or they can go with ICC's fund since they are currently the manager for the board. The Trustees had a lengthy discussion on the different managers that offer the International Real Estate product. Some Trustees recommended going with their current Manager ICC Capital and some recommended as due diligence to do a manager search. The Board directed Mr. Vavrica to bring back an International Real Estate Manger search that included ICC Capital in the report to the next board meeting for review. Mr. Vavrica reviewed some of the rules and regulations regarding investing in International Real Estate according to their IPG. He stated that according to the Plan's IPG and Florida State Statute, they can only invest a max of 25% in International. Although he would only recommend allocating 10% at this time because they would need to rebalance the portfolio to add in an allocation to International. Mr. Bart McMurry commented that the International Real Estate portfolio that he runs strictly abides by the FL Investment Act. Ms. Bieler briefly reviewed the Florida Investment Act which was created years ago. The Act recently updated their scrutinized companies list to include Cuba and Syria. She explained that each manager is required to review all their investments and send a certificate to their Consultant on a quarterly basis stating that they are not invested in any of the Countries listed on the scrutinized companies list.

Lastly Mr. Vavrica reviewed the report for the quarter ending March 31, 2012. Overall the Plan had great quarter and was ahead of the benchmark net of fees at 8.48% versus 7.47%. For the fiscal year to date they are also ahead at 17.86% versus the benchmark at 15.60%.

**MINUTES**

The board reviewed the minutes of the February 2, 2012 regular meeting.

**MOTION:** Mr. Whittington made a motion to approve the minutes of the February 2, 2012 regular meeting.

**SECOND:** Ms. Bowein seconded the motion.

**CARRIED:** The motion carried 5-0.

**DISBURSEMENTS APPROVAL**

Ratification of warrants processed since the February 2, 2012 meeting:

Warr.#	Payee	Amount	Invoice Date
307	<b>Mutual of Omaha</b> (Inv# 000236540799 - February 2012 Life Insurance Fee)	\$105.93	1/17/12
	<b>Salem Trust Company</b> 10/01/11 - 12/31/11 (Custodian Fee)	\$1,715.15	1/15/12
	<b>Resource Centers, LLC</b> (Inv #11662 - February 2012 Admin Fee)	\$1,350.00	1/31/12
	<b>Resource Centers, LLC</b> (Inv #11465 - (1) DROP Application Fee) Suzanne Hitaffer not included in the January Invoice.	\$100.00	10/10/11
308	<b>Mutual of Omaha</b> (Inv# 000242928689 - March 2012 Life Insurance Fee)	\$107.58	2/14/12
	<b>Cypen &amp; Cypen</b> (Invoice #6166 - February 2012 Legal Fee)	\$1,250.00	2/1/12
	<b>Resource Centers, LLC</b> (Inv #11717 - March 2012 Admin Fee)	\$1,350.00	2/29/12
309	<b>Mutual of Omaha</b> (Inv# 000245989598 - April 2012 Life Insurance Fee)	\$107.58	3/15/12
	<b>Cypen &amp; Cypen</b> (Invoice #6198 - March 2012 Legal Fee)	\$1,250.00	3/1/12
	<b>Thistle Asset Consulting, Inc.</b> (Invoice #20111216 - Performance Monitoring for the Quarter Ending December 30, 2011)	\$4,189.00	1/23/12
310	<b>Resource Centers, LLC</b> (Inv #11768 - April 2012 Admin Fee)	\$1,350.00	3/30/12
	<b>Cypen &amp; Cypen</b> (Invoice #6230 - April 2012 Legal Fee)	\$1,250.00	4/2/12
	<b>ICC Capital Management, Inc.</b> (Invoice #57532218 - 04/01/2012 - 06/30/2012 Quarterly Management Fee)	\$18,244.87	4/5/12
	<b>Marcum, LLP</b> (Invoice # 10407132 - September 30, 2011 Audit)	\$3,742.00	3/30/12

**MOTION:** Ms. Bowein made a motion to approve Warrants 307 through 310.

**SECOND:** Mr. Whittington seconded the motion.

**CARRIED:** The motion carried 5-0.

**BENEFIT APPROVALS:**

- **Applications for Refund of Contributions:**
  - \* Alfreddie Finklea
  - \* Christine Rodriguez
  - \* Bangally Suso

**MOTION:** Mr. Whittington made a motion to approve the Refund of Contributions for Alfreddie Finklea, Christine Rodriquez and Bangally Suso

**SECOND:** Ms. Bowein seconded the motion.

**CARRIED:** The motion carried 5-0.

### **FINANCIAL STATEMENTS**

Ms. Ross presented to the board the financial statements through the end of March 2012.

**The Board received and filed the financial statements through the end of March 2012.**

### **OLD BUSINESS**

Ms. Ross stated that she spoke to Salem Trust regarding a cash account option for the DROP accounts. Salem Trust stated that they can open one cash account for all the DROP assets, although they would not manage the individual members account and produce statements. This cash account would have an annual fee of \$500 just to have the account, and then an additional fee of 5.1 basis points on the assets will be charged as well. The board discussed the cash account and concluded that it would cost way to much money just to have Salem Trust maintain the account, and then they still have to pay a separate fee for the DROP accounting that is done by the Administrator. The Trustees' discussed their options and directed Ms. Bieler to draft an amendment to the DROP plan to allow for a fixed rate option. Ms. Bieler confirmed that she will draft an amendment to the DROP plan to allow for a fixed rate option and will bring it back to the board at their next meeting.

### **NEW BUSINESS**

N/A

### **ATTORNEY REPORT**

N/A

### **REPORTS**

#### **• Administrator: PRC (Audrey Ross)**

- Ms. Ross stated that she had the Salem Trust authorized signors form here with her today that needs to update since the Trustees have changes.
- Ms. Ross reminded the Trustees that their annual Form 1 Disclosures are due July 1, 2012.

#### **• Attorney**

- Ms. Bieler briefly reviewed some of the Legislative bills that are currently out there, although non have been passed at this time. She stated that she will keep the board updated.

### **NEXT MEETING DATE**

Thursday August 2, 2012 @ 8:30 AM

### **ADJOURN**

There being no further business, a motion was made to adjourn the meeting at 10:27 AM.

Respectfully submitted,

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Sherryl B. Bowein, Secretary



**City of Miami Springs Police and Firefighters'  
Retirement System  
Minutes of the Meeting Held  
May 3, 2012**

The regular meeting of the Board of Trustees of the City of Miami Springs Police and Firefighters' Retirement System was called to order at 8:35 AM by Chairman Peter Baan in the Commission Chambers at the City of Miami Springs City Hall at 201 Westward Drive, Miami Springs, Florida.

**TRUSTEES PRESENT**

Peter Baan, Chair  
Oscar Garcia, Trustee  
Gene Duffy, Trustee  
Jonathan Kahn, Trustee

**OTHERS PRESENT**

Audrey Ross, Pension Resource Centers (PRC)  
JC Louissaint, Pension Resource Centers (PRC)  
Alison Bieler, Attorney - Cypen & Cypen  
Grant McMurry, ICC Capital Management  
Bart McMurry, ICC Capital Management  
Brendon Vavrica, Thistle Asset Consulting  
Brenson St. Jean, Thistle Asset Consulting  
William Alonso, City of Miami Springs - Finance Dir  
Beila Sherman, Marcum LLP

**SEPTEMBER 30, 2011 AUDITED FINANCIAL STATEMENTS PRESENTATION:**

**MARCUM, LLP (BEILA SHERMAN)**

Ms. Sherman explained that an unqualified opinion was issued regarding the audit, which is highest level that can be issued. She reviewed the internal controls and compliance letter and stated that they did not identify any issues while performing the audit. Ms. Sherman reviewed the Plans net assets for the fiscal year ending September 30, 2011 which have decreased to \$18,882,355, compared to \$19,820,639 from last year. In addition both the employer and employee contribution increased.

Ms. Sherman reported that \$1,084,726 was paid out in pension benefits during the fiscal year, which is an increase from last year of \$886,117. She explained that there were more retirees and members exiting the DROP in 2011 versus 2010. There was a decrease in refund of contribution payments, but the administration expenses did increase this fiscal year to \$1,177,371 versus \$973,905 from last year.

**MOTION: Mr. Duffy made a motion to approve the September 30, 2011 Audited Financial Statements that were prepared by Marcum, LLP.**

**SECOND: Mr. Kahn seconded the motion.**

**CARRIED: The motion carried 4-0.**

Ms. Sherman presented the board with the Management Rep Letter which needed to be executed by the Board. She explained that this letter represents the process of the audit and their findings. Ms. Sherman stated that she was pleased to announce that they did not find any material weaknesses while performing the audit and that the process did run very smoothly this year.

**MOTION:** Mr. Kahn made a motion to approve the September 30, 2011 Management Representation Letter that was prepared by Marcum, LLP.

**SECOND:** Mr. Duffy seconded the motion.

**CARRIED:** The motion carried 4-0.

**INVESTMENT MANAGER REPORT: ICC CAPITAL MANAGEMENT (GRANT MCMURRY & BART MCMURRY)**

Mr. Grant McMurry reviewed the current market environments during the quarter and stated that the fund had a good recovery and the equities were up 12.85%. He commented that it was a good quarter to be exposed to stocks. The total fund for the quarter net of fees out performed the benchmark at 8.31% versus 8.10%, but for the one year they are behind at 1.44% versus 8.91%.

Mr. Bart McMurry reviewed ICC Capital's International Real Estate fund that he runs out in California. He explained some of the advantages and some of the disadvantages of adding International Real Estate into the portfolio. Also, timing of funding is very important when buying into real estate. Mr. Bart McMurry commented that he has been running the International Real Estate portfolio for Florida clients only for about 18 years and he shared some historical data of the portfolios returns with the Board.

**INVESTMENT CONSULTANT REPORT: THISTLE ASSET CONSULTING (BRENDON VAVRICA)**

Mr. Vavrica discussed the International Real Estate fund with the board and commented that he did an additional search of Managers that also run these types of portfolios as well for comparison. He stated that the board can either explore some of these managers that he has researched, or they can go with ICC's fund since they are currently the manager for the board. The Trustees had a lengthy discussion on the different managers that offer the International Real Estate product. Some Trustees recommended going with their current Manager ICC Capital and some recommended as due diligence to do a manager search. The Board directed Mr. Vavrica to bring back an International Real Estate Manger search that included ICC Capital in the report to the next board meeting for review. Mr. Vavrica reviewed some of the rules and regulations regarding investing in International Real Estate according to their IPG. He stated that according to the Plan's IPG and Florida State Statute, they can only invest a max of 25% in International. Although he would only recommend allocating 10% at this time because they would need to rebalance the portfolio to add in an allocation to International. Mr. Bart McMurry commented that the International Real Estate portfolio that he runs strictly abides by the FL Investment Act. Ms. Bieler briefly reviewed the Florida Investment Act which was created years ago. The Act recently updated their scrutinized companies list to include Cuba and Syria. She explained that each manager is required to review all their investments and send a certificate to their Consultant on a quarterly basis stating that they are not invested in any of the Countries listed on the scrutinized companies list.

Lastly Mr. Vavrica reviewed the report for the quarter ending March 31, 2012. Overall the Plan had great quarter and was ahead of the benchmark net of fees at 8.25% versus 7.47%. For the fiscal year to date they are also ahead at 17.48% versus the benchmark at 15.60%.

**MINUTES**

The board reviewed the minutes of the February 2, 2012 regular meeting.

**MOTION:** Mr. Duffy made a motion to approve the minutes of the February 2, 2012 regular meeting.

**SECOND:** Mr. Garcia seconded the motion.

**CARRIED:** The motion carried 4-0.

**DISBURSEMENTS APPROVAL**

Ratification of warrants processed since the February 3, 2012 Meeting:

Warrant #	Payee	Amount	Invoice Date
262	Salem Trust Company 10/01/11 - 12/31/11 (Custodian Fee)	\$2,617.51	1/15/12
	Resource Centers, LLC (Inv #11663 - February 2012 Admin Fee)	\$750.00	1/31/12
263	Cypen & Cypen (Inv #6165 - February 2012 Legal Fee)	\$1,250.00	2/1/12
	Resource Centers, LLC (Inv #11718 - March 2012 Admin Fee)	\$750.00	2/29/12
264	Gabriel Roeder Smith & Company - Inv #117898 for services rendered through 02/29/2012. (Preparation of the 10/01/2011 Actuarial valuation Report; Preparation of page 6a in the 2011 State Report and Benefit Calculation for: Thomas Kelly;	\$1,127.00	3/12/12
	Thistle Asset Consulting, Inc. (Inv #20111217 - Reports - Executive December 31, 2011)	\$4,189.00	1/23/12
	Cypen & Cypen (Inv #12956 - March 2012 Legal Fee)	\$1,250.00	3/1/12
265	Resource Centers, LLC (Inv #11769 - April 2012 Admin Fee)	\$750.00	3/30/12
	Cypen & Cypen (Inv #6229 - April 2012 Legal Fee)	\$1,250.00	4/2/12
	ICC Capital Management, Inc. (Inv #57532217 - 04/01/2012 thru 06/30/2012 Quarterly Management Fee)	\$27,816.45	4/5/12
	Marcum, LLP (Invoice # 10407133 - September 30, 2011 Audit)	\$3,742.00	3/30/12

**MOTION:** Mr. Kahn made a motion to approve Warrants 262 through 265.

**SECOND:** Mr. Garcia seconded the motion.

**CARRIED:** The motion carried 4-0.

**BENEFIT APPROVALS**

- Applications for Retirement:
  - \* Valeria Gomez

**MOTION:** Mr. Duffy made a motion to approve the application for retirement for Valarie Gomez.

**SECOND:** Mr. Kahn seconded the motion.

**CARRIED:** The motion carried 4-0.

- **Applications to enter the DROP:**

- \* Thomas Kelly

**MOTION:** Mr. Duffy made a motion to approve the application to enter the DROP for Thomas Kelly.

**SECOND:** Mr. Kahn seconded the motion.

**CARRIED:** The motion carried 4-0.

**FINANCIAL STATEMENTS**

Ms. Ross presented to the board the financial statements through the end of March 2012.

**The Board received and filed the financial statements through the end of March 2012.**

**OLD BUSINESS**

Ms. Ross stated that she spoke to Salem Trust regarding a cash account option for the DROP accounts. Salem Trust stated that they can open one cash account for all the DROP assets, although they would not manage the individual members account and produce statements. This cash account would have an annual fee of \$500 just to have the account, and then an additional fee of 5.1 basis points on the assets will be charged as well. The board discussed the cash account and concluded that it would cost way to much money just to have Salem Trust maintain the account, and then they still have to pay a separate fee for the DROP accounting that is done by the Administrator. The Trustees' discussed their options and stated that his a collective bargaining issue for them but in the meantime they directed Ms. Bieler to draft an amendment to the DROP plan to allow for a fixed rate option. Ms. Bieler confirmed that she will draft an amendment to the DROP plan to allow for a fixed rate option and will bring it back to the board at their next meeting.

**NEW BUSINESS**

N/A

**OTHER BUSINESS**

N/A

**REPORTS**

- **Administrator: PRC (Audrey Ross)**

- Ms. Ross stated that she had the Salem Trust authorized signors form here with her today that needs to update since the Trustees have changes.
  - Ms. Ross reminded the Trustees that their annual Form 1 Disclosures are due July 1, 2012.

- **Attorney**

- Ms. Bieler briefly reviewed some of the Legislative bills that are currently out there, although non have been passed at this time. She stated that she will keep the board updated.

**NEXT MEETING DATE**

Thursday August 2, 2012 @ 8:30 AM

**ADJOURN**

There being no further business, a motion was made to adjourn the meeting at 10:27 AM.

Respectfully submitted,

---

Oscar Garcia, Secretary





***CITY OF MIAMI SPRINGS, FLORIDA***

The **Miami Springs Historic Preservation Board** met at 7:00 p.m., on Thursday, June 21, 2012 in the City Hall Council Chambers.

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

**1) Call to Order/Roll Call**

The following were present: Chair Mary Ann Goodlett-Taylor  
Charles M. Hill  
Yvonne Shonberger

Absent: Vice Chair Sydney Garton  
Michael Windrem

Also Present: Deputy City Clerk Suzanne Hitaffer

**2) Approval of Minutes: April 19, 2012**

Minutes of the April 19, 2012 meeting were approved as written.

**Board member Shonberger moved to approve the minutes. Board member Hill seconded the motion, which carried 3-0 on voice vote.**

**3) Old Business:**

- a. Proposed Designation of the H. O. Goodlett House – 141 Shadow Way

Board member Shonberger stated that her husband took a panoramic photograph of the house that she e-mailed to the Clerk of the Board. The new photograph is better than the one that was previously submitted because it shows the entire house.

The Board members agreed to use the new photograph for the designation report.

Board member Shonberger referred to the Local Designation Report working document for the H. O. Goodlett House. She noted that the ratings for the areas of significance needed to be completed and she referred to the previous designation of the H. H. Highhouse that was rated 3 for history, 3 for architecture and 0 for archeology. She explained that it is an identical house and they both have the same historical value, having a link to the Curtiss Family.

Board member Hill commented that both homes were built in 1925.

Board member Shonberger stated that the H. O. Goodlett House is also tied to Hugh Frank who is a very valuable person in the City's history. She suggested that the ratings should be 3 for history, 3 for architecture and 0 for archeology and the Board members agreed.

Chair Goodlett-Taylor referred to the April 19<sup>th</sup> Historic Preservation Board minutes noting that her mother's full name was Helen Mary Anders.

Board member Shonberger agreed that the designation report should state that Hiram Owen Goodlett's wife was Helen Mary Anders. She explained that there is still more information needed for the Historical Context and Architecture sections of the designation report and under Archeology it should be noted that it is not applicable. She added that the blank spaces under Criteria for Designation and Designation Recommendation should be filled in with "H. O. Goodlett House".

Board member Shonberger suggested reviewing the language that was already included in the report under Significance of Site. She felt that more information should be included about Hugh Frank since his family lived there from 1925 to 1934.

Chair Goodlett-Taylor commented that Mr. Frank worked for the City for many years and was responsible for many jobs and there is more history about him at the Museum. She said that his wife's name was Grace, his daughter was Barbara Jean and his son was William Frank.

Board member Shonberger stated that she would like more information on Hugh Frank's contributions to the City of Miami Springs. She recalled that he was the first City employee and he filled many positions.

Board member Hill explained that Hugh Frank was the first City employee who fulfilled many needed roles or positions.

Board member Shonberger explained that the designation report should have information about Hugh Frank in order to remind people who he was. She said that more information could be added later.

Chair Goodlett-Taylor noted that her father Hiram Owen Goodlett was employed by the Curtiss Family from 1934 to 1943. In 1943, he was employed by Pan American Airlines where he worked for 30 years in aircraft maintenance.

Board member Hill suggested that the designation report could include more information about Mr. & Mrs. Torres who are the current owners of the home and have maintained the architectural integrity of the premises.

Board member Shonberger said that the Torres family did extensive renovation to the home while maintaining the architectural integrity. She suggested that this sentence could be included under the Architecture section of the report.

To answer Chair Goodlett-Taylor's question, Ms. Shonberger explained that Architecture section is incomplete and when it is finished it will include information describing the house as "Pueblo Revival". She mentioned that the building records would help complete this section.

Board member Hill stated that he reviewed the Building Department records. He also called a friend of his to ask for his assistance in getting the abstract; he left a message and his friend never returned the call.

Board member Shonberger said that the Architecture section would state that it is a Pueblo style home built in 1925, as a 2-bedroom, one bath home with an attached porte-cochere and more information would be added to explain the changes or additions that were made over the years.

Chair Goodlett-Taylor suggested incorporating information from the H. H. Highhouse designation report and Board member Shonberger agreed that the same information could be used for the Historical Context section, but the changes that were made to the homes differ.

Discussion ensued regarding the accuracy of the information under Historical Context.

Board member Shonberger stated that in 1925, the home was part of Hialeah and in 1926 it became Country Club Estates. She referred to the information in the H. H. Highhouse designation report that could also be included in the H. O. Goodlett designation report. She suggested including the following information:

*"In 1925, when the house was built, this area was called Hialeah. In 1926, it became Country Club Estates and in 1930, it was incorporated as the Town of Miami Springs and in 1960 it became the City of Miami Springs."*

*In the 1920's the Florida land boom was in full swing. This home is an example of small homes being built to attract workers and/or retirees to the area. This house was once owned by Glenn Curtiss Properties.*

*Livestock were permitted in Miami Springs until 1947 when Miami International Airport operations were expanded further west and the building boom after the war caused a need for housing development."*

Board member Hill said that reference should be made to the Curtiss Bright Company as one of the owners since it should coincide with the information under Significance of Site and Board member Shonberger agreed.

Discussion ensued regarding the reason why the City was named Miami Springs and the significant water supply under the Golf Course that allowed more development in the City of Miami.

Board member Shonberger stated that the Architecture Section requires more information and after it is completed the report will be finished.

**4) New Business:** None

**5) Reports/Requests:**

a. Council Liaison: None

b. Board members

Board member Shonberger reported that Movie Night at the Museum was held last week. She noted that the information on the Community Bulletin Board at the Circle is incorrect and should be removed.

**6) Adjourn**

There was no further business to discuss and the meeting adjourned at 7:46 p.m.

Respectfully Submitted,

Suzanne Hitaffer  
Clerk of the Board

Approved as written at meeting of:

\*\*\*\*\*  
**The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council.**  
\*\*\*\*\*





***CITY OF MIAMI SPRINGS, FLORIDA***

The **Ecology Board** met in Regular Session at 7:00 p.m., on Tuesday, June 26, 2012 in the Council Chambers at City Hall.

**1) Call to Order/Roll Call**

The meeting was called to order at: 7:10 p.m.

The following were present:                      Chairman Martin Crossland  
Ann Trina Aguila  
Carl Malek

Absent:    Vice Chair Wendy Anderson-Booher

Also present:    Board Secretary Elora R. Sakal

**2) Approval of Minutes**

Minutes of the May 22, 2012 were approved as written.

**Board member Malek moved to approve the minutes. Board member Aguila seconded the motion which was carried unanimously on voice vote.**

**3) Old Business:**

**a) C.U.T.E. Project**

Board member Malek commented that he has done research regarding the C.U.T.E. Project and realized that it is going to entail more work than he anticipated. He explained that the C.U.T.E. Project is a program designed to clean up a community and keep it clean. It is meant to be an ongoing project and the goal is to clean the City of trash and garbage on the streets, sidewalks, bike/walk paths, parks and anywhere else it is necessary. The benefits to the C.U.T.E. Project are keeping the community clean, possibly increasing property value, pride in the City, and people getting fresh air and exercise.

Board member Malek continued stating that organizing, bringing together clubs and individuals, and assessing the main areas to clean would help to begin the process of the project. He commented that funds will need to be received through grants or donations to purchase supplies such as trash bags, gloves, sun block, and water. His main target areas to clean are the Downtown Miami Springs Business District, the Circle, the Golf Course parking lot, schools, parks and bike/walking paths. He suggested advertising in the Gazette to recruit residents to help in the C.U.T.E. Project.

Board member Aguila noted that one of the rooms at the Community Center could possibly be reserved in advance as a meeting place for the C.U.T.E. Project. She said that she liked Board member Malek's summary and that it gave a clear explanation of the project.

Board member Aguila commented that she had emailed a plan from a city in California regarding the C.U.T.E. Project. She stated that she would bring it to the next meeting to show the Board members.

Board member Malek asked if there was a meeting next month and Board Secretary Elora Sakal explained that Advisory Boards do not meet during the month of July for the summer break and they resume in August.

Chairman Crossland was worried about the liability that can occur with the C.U.T.E. Project.

Board member Aguila commented that in the documents that she found, it explained that all people who worked in the C.U.T.E. Project had to sign a refusal to sue statement.

Chairman Crossland stated that the participants would have to wear some type of reflective vest as a precaution. He was pleased with the information that Board member Malek brought.

Discussion ensued regarding the different areas that need cleaning up as previously mentioned by Board member Malek.

Chairman Crossland suggested that during the summer break each board member should be assigned with an area in the City to look at and see if there is a lot of trash in that area.

Chairman Crossland asked what areas Public Works cleans and Board member Malek responded that he believes that Public Works cleans everything.

Board member Aguila said that there are swales that are not City property such as the BellSouth building.

Chairman Crossland suggested looking into the idea of residents assisting and volunteering their time to pick up trash with Public Works.

Board member Aguila said that she will look at all of the parks in Miami Springs over the summer break to look for trash.

Chairman Crossland offered to look at the bike/walk paths during the summer break to look for trash.

Board member Malek said that he will look at all of the schools during the summer break for trash.

Chairman Crossland stated that the Downtown area could be assigned to Vice Chair Anderson-Booher.

Board member Aguila suggested that the board members should take photos of the trash at their designated area.

Board member Malek replied that the pictures could be placed in the Gazette.

**b) Recycling at Fourth of July Event**

Board member Aguila stated that she spoke with City Manager Ron K. Gorland and he was very enthusiastic about the idea of recycling at the Fourth of July event. She commented that she believes that there were recycling containers at the Curtiss Mansion Opening and hopes to see them at the Fourth of July event as well.

**c) Sunshine Law Video**

Board members watched the Sunshine Law video.

Board Secretary Sakal clarified to the Board members that board members can only email their Board Secretary with information or any questions and the Board Secretary can pass on the message to all the Board members.

**d) Environmental Solutions for Communities Grant**

Chairman Crossland explained that there are no grants anymore.

**4) New Business:**

**a) Report on Meeting With Grants/Public Information Specialist Carol Foster**

Chairman Crossland explained that he had a meeting with Carol Foster and she would like him to help her with Ecology tips for the newspaper and tweets. He noted that he was able to come up with a tweet to give to Ms. Foster which states that recycling one aluminum can saves enough energy to run a television for three hours. He mentioned that there are no grants that Ms. Foster is aware of at this moment. If the Board members would like to know of any grants for things such as the C.U.T.E. Project, they can email Ms. Foster and she will find out for the board.

**6) Adjournment**

There was no further business to be discussed and the meeting was adjourned at 8:07 p.m.

Respectfully Submitted,

Elora R. Sakal  
Board Secretary

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_\_

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

\*\*\*\*\*  
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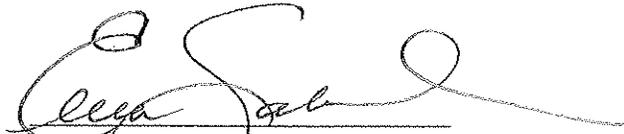


*City of Miami Springs, Florida*

*Architectural Review Board*

**CANCELLATION NOTICE**

The Architectural Review Board meeting of August 1, 2012 has been canceled in advance.



Elora R. Sakal  
Board Secretary

cc: City Council  
City Manager  
Assistant City Manager  
City Attorney  
City Clerk  
City Planner  
Architectural Review Board Members  
Post





## *Zoning and Planning Board*

### *Cancellation Notice*

The Zoning and Planning Board meeting of Monday, August 6, 2012 has been canceled in advance.



Flora R. Sakal  
Board Secretary

cc: City Council  
City Manager  
City Attorney  
City Planner  
City Clerk  
Zoning and Planning Board Members  
Post





**DRAFT**

## ***CITY OF MIAMI SPRINGS, FLORIDA***

The regular meeting of the **Miami Springs Code Enforcement Board** was held on **Tuesday, August 7, 2012** at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive.

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

The meeting was called to order at 7:00 p.m. by Chairman Marlene Jimenez.

Present: Chairman Marlene B. Jimenez  
Jacqueline Martinez-Regueira  
John Bankston  
Robert Williams

Also Present: Code Compliance Officer Harold (Tex) Ziadie  
Council Liaison-Councilwoman Jennifer Ator

Absent: Rhonda Calvert  
Walter Dworak

### **2) Invocation/Salute to the Flag**

All present participated.

The Board did not elect a new Vice-Chairman as not all members were present.

### **3) Approval of Minutes:**

Minutes of the June 5, 2012 meeting were approved as written.

**Member Robert Williams moved to approve the minutes of June 5, 2012. Member John Bankston seconded the motion, which was passed unanimously by acclamation, all members voting "aye".**

Tex Ziadie advised the Board that the property owner, Vera Wagner, who was to give testimony in the second case on the agenda, #11-756, had called and said that she could not make the trip here to attend the meeting. She had asked if she could participate by phone. The Board discussed the issue and decided unanimously that they would not allow a telephone appearance. The Board felt that this might set a precedent for the future and also that they had no way to confirm who was speaking on the phone line.

Tex Ziadie administered the oath to all who were present to give testimony.

4) OLD BUSINESS- CASES

- 1) Case# 10-1074  
Address: 221 Deer Run  
Owner: Rosemarie, Nina & Ricky B. Ramsingh Jr.  
Violation: Maintenance of Property  
Code Section 93-13

Although this case had been presented at the last meeting, Code Compliance Officer Tex Ziadie summarized the case again, since two of the members present tonight had not been at the last meeting.

On June 15, 2010, Building Official Edwin Reed made a preliminary inspection of the property at the request of Code Compliance Officer Tex Ziadie. His inspection revealed that there was significant damage to the roof, and possibly as a result to the main structure. In several areas the roof is collapsing and in others it is clear that there is no membrane or other protective coating over the wood roof decking on the carport portion of the house. The Building Official has declared this to be an unsafe structure and ordered that the structure be repaired or demolished within the next sixty (60) days. Notice of Violation was sent to the owner of record on June 16, 2010.

Subsequent inspections revealed that no action had been taken.

On May 15, 2012 a Summons to appear before the Code Enforcement Board was delivered to the owner by service of the Police Department.

Pictures of the property from the date of the cases origin up to the date of the last meeting were displayed.

At the June 5, 2012 CE Board Meeting, the following action was taken:

**Board member John Bankston made a motion that Mister Ramsingh be granted sixty days in which to have the permit issued and start the work. If a Permit is not issued within the 60 days, then Mister Ramsingh would have to return to the Board at the August meeting (August 7<sup>th</sup>, 2012) and explain why. At that time it is possible that a daily penalty for failing to start the work could be imposed and it could be retroactive to the current date. The motion was seconded by member Rhonda Calvert and passed unanimously on roll call vote.**

To date no action has been taken. Mister Ramsingh called Tex Ziadie late this afternoon to say that he had someone ready to pull the permit for him. He was advised to attend the Board meeting tonight.

Mister Ramsingh was asked by one of the Board members why he had not complied. He stated that it was totally his fault. He did not have enough money and he had just recently paid to get caught up on his taxes. He had a copy of a proposal from a roofing company. Tex Ziadie said that he had looked at the proposal and he did not think that the scope of work stated in the proposal was adequate to bring the property into compliance. Tex suggested that Mister Ramsingh come into the Building Department this week and meet with the Building Official and show him the proposal and get guidance from him. Mister Ramsingh agreed to do that and said that he would try to bring the contractor with him.

**Board member Robert Williams made a motion that Mister Ramsingh be granted an additional thirty days to obtain the permit and have the work begin, contingent upon Mister Ramsingh's statement that he would meet with the City to get the permit later this week. If Mister Ramsingh does not comply by the September 4, 2012 Board meeting, then he would have to appear again before the Board and daily penalties could apply, still retroactive to the date of the June 5, 2012 meeting. The motion was seconded by member Jacqueline Martinez-Regueira and passed unanimously on roll call vote.**

Mister Ramsingh said that he understood the action and what was required.

2)	Case#	11-756
	Address:	930 N. Royal Poinciana Blvd.
	Owner:	Charles Wagner & Vera Wagner
	Violation:	Maintenance of Property Code Section 93-13

As previously stated above, Vera Wagner did not appear.

Once again, since Board members had not been present at the last meeting, Tex Ziadie summarized the case as follows:

Based on a phone complaint from a resident, on 6-6-11, Tex Ziadie visited that resident's property on Heron Drive and took pictures across his fence of the property located at 930 North Royal Poinciana Blvd. It was noted that the yard was in a state of disrepair, there was a lot of excess material stored on a rear patio, the pool was green, there was significant overgrowth of foliage in the yard and over the fences and the roof was without tile or shingle and in some places the tar paper was peeling up.

A Notice of Violation letter was sent to the owner on 6-14-11 instructing them to remedy the violations within 30 days:

Tex stated that it should be noted that some of these violations, particularly the pool and the roof had been dealt with in prior years under other case numbers. However, no action had been taken to come into compliance.

On April 10, 2012, a final Notice of Violation Letter was sent to the owners. There was no action taken. On May 15, 2012, a Summons to appear before the Code Enforcement Board was sent to the owners by certified mail and by fax. After sending the fax, Tex Ziadie spoke personally with the owner on the phone. She asked if the case could be delayed again. Tex responded no, due to the long period of time that the case had been pending. At the June 5, 2012 Board meeting the following actions were taken:

**Board member Rhonda Calvert made a motion that the pool be cleaned up and the yard debris removed as well as the excess material on the back porch within thirty days. Failure to comply would result in a fine of \$50 per day being imposed. The fine would start retroactive to today's date (Jun 5, 2012) and would continue to run until the property came into compliance. Board member Robert Williams seconded the motion and it passed unanimously on roll call vote.**

**Board member Robert Williams made a motion that a permit for the repairs on the roof must be issued and work started within sixty days. If a Permit is not issued within the 60 days, then Ms Wagner would have to return to the Board at the August meeting (August 7<sup>th</sup>, 2012) and explain why. At that time it is possible that a daily penalty for failing to start the work could be imposed and it could be retroactive to the current date. The motion was seconded by member John Bankston and it passed unanimously on roll call vote. Notice of the Board's action was sent to Ms Wagner.**

To date no action has been taken in regard to either the cleanup of the property or the repairs to the roof. Tex Ziadie clarified that no action was required by the Board in regard to the first motion. Since Compliance was not reached, the fine of \$50 per day had hereby started, effective June 5, 2012. Notice would be sent to Ms Wagner. Tex advised the Board that he had also told Ms Wagner that the City had the authority to go onto the property in order to clean it up, just as in cases where grass is too long and the owner's do not cut it. Ms Wagner had stated that she would not like that. Tex had also given Ms Wagner contact information for the Christian Service League, which did charitable work for residents that needed help. Today in their phone conversation, Ms Wagner had said that she did not call on them as she did not want anyone going onto her property when she was not there. Tex said that he would contact Ms Wagner and see if she could at least get the property cleaned up so that the City would not have to go onto the property to do it.

In regard to the second motion the Board took the following action:

**Board member Jacqueline Martinez-Regueira made a motion that the fine of \$50 per day would start today, August 7, 2012, for failure to get a permit and start the work to repair the roof. The fine would run until the roof is brought into compliance. Member Robert Williams seconded the motion and it passed unanimously.**

Tex Ziadie stated that he would relay the Board's actions to Ms Wagner.

3) Case# 12-928  
Address: 132 Whitethorn Drive  
Owner: S.W. Michelson & Wife Esther  
Violation: Maintenance of Property  
Code Section 93-13

Code Compliance Officer Tex Ziadie summarized the case as follow:

Based on various complaints, an inspection on 2-2-12 by Tex Ziadie, noted that there was a large amount of excess material stored in the rear yard. Most of the material appeared to be derelict, trash metal or construction material. Based on that, a Notice of Violation letter was sent by Certified Mail to the owners of the property, advising them to remove the excess material within 30 days.

On March 6, 2012, Tex Ziadie met with the owner, Mister Michelson and he allowed Tex to inspect the property and take pictures. Again he was advised of the need to remove the excess material and was granted an additional thirty days.

Subsequent inspections showed that a lot of material was removed. However, there was still an excessive amount of material remaining.

On May 15, 2012, a Summons to appear before the Code Enforcement Board was issued to the owners and delivered by the Police Department.

On June 5, 2012, the date of the last Board meeting, Tex Ziadie once again met with Mister Michelson and he allowed Tex onto the property to take pictures. At the Board meeting, Tex stated that if he had to estimate he would say that at least 50% or more of the excess material had been removed. He said that he had discussed with Mister Michelson what else had to be removed and they agreed on much of it, but disagreed in some areas. He stated that his major concern was material becoming airborne in the event of a hurricane. Mister Michelson had told him that he could secure all of the material. Pictures of the property were displayed from the first inspection up until the date of the last meeting. At the June 5, 2012 Board meeting, the following action was taken:

**Board member John Bankston made a motion that Mister Michelson be granted sixty days to come into compliance. If he does not come into compliance within that time, then Tex Ziadie would give a report to the Board at the August meeting and further action could be taken by the Board, including fines. Member Robert Williams seconded the motion and it passed unanimously on roll call vote.**

Tex Ziadie reported that as of today's date, the property was approximately 90% in compliance and there was a dramatic improvement. He showed current pictures of the property. He asked the Board to grant an additional 30 days to Mister Michelson, so that he could complete the work.

Board member John Bankston made a motion that Mister Michelson be granted an additional thirty days to comply. The motion was seconded by member Robert Williams and it passed unanimously on roll call vote.

5) NEW BUSINESS-NONE

6) Council Liaison Report and Request

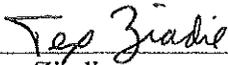
Tex Ziadie gave the Board a summary of the case against 990 Morningside Drive, which had been ordered demolished by the Miami-Dade County Unsafe Structures Board on April 18, 2012. He stated that The appeal by the owner to the Unsafe Structure Board had been dropped, as well as the Civil case against the City, and the owner had agreed to demolish the property by September 6, 2012. If he fails to do so, the City would start the demolition on September 7<sup>th</sup>. Tex also updated the Board on other properties that they had questions about and noted some complaints about properties from the Board to be investigated.

Councilwoman Ator was present. She did not have any formal statement for the Board.

7) Adjournment

There being no further business the meeting was duly adjourned at 7:55 p.m.

Respectfully Submitted:



Tex Ziadie  
Code Compliance Officer  
Director-Building Department  
Acting as Clerk of the Board

Approved as written during meeting of:

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

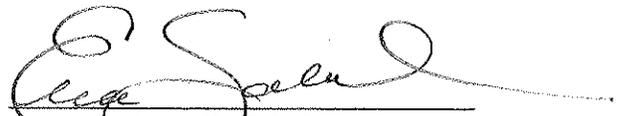




## *Golf and Country Club Advisory Board*

### *Cancellation Notice*

The Golf and Country Club Advisory Board meeting scheduled for Wednesday, August 8, 2012 has been canceled in advance.



Elora R. Sakal  
Secretary to the Board

cc: City Council  
City Manager  
Assistant City Manager/Finance Director  
City Attorney  
City Clerk  
Golf and Country Club Advisory Board Members  
Omar Luna, Golf Director  
Mike Aldridge, Golf Pro  
Post





*City of Miami Springs, Florida*

*Board of Parks and Parkways*

**CANCELLATION NOTICE**

The Board of Parks and Parkways Regular Meeting of Thursday, August 9, 2012 has been canceled in advance.



Elora R. Sakal  
Board Secretary

cc: City Council  
City Manager  
Assistant City Manager/Finance Director  
City Attorney  
City Clerk  
Board of Parks and Parkways Members  
Post

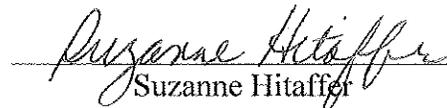




*City of Miami Springs, Florida*

**CANCELLATION NOTICE**

The Education Advisory Board Regular Meeting of Tuesday, August 21, 2012 has been canceled in advance.

  
Suzanne Hitaffer  
Clerk of the Board

cc: Mayor and City Council  
City Manager  
Assistant City Manager/Finance Director  
City Attorney  
City Clerk  
Education Advisory Board Members  
Post





***CITY OF MIAMI SPRINGS, FLORIDA***

**Board of Adjustment**

The following were present: Chairman Manuel Pérez-Vichot  
Kevin Berounsky

Absent: Bill Tallman  
Vice Chairman Francisco Fernández  
Ernie Aloma

Also present: City Attorney Jan K. Seiden  
City Planner Jim H. Holland  
Board Secretary Elora R. Sakal

Chairman Pérez-Vichot advised those who were present that the meeting could not be convened due to lack of a quorum.

Board Secretary Elora Sakal explained that the next meeting scheduled for Monday, September 3<sup>rd</sup> falls on the Labor Day Holiday and Chairman Pérez-Vichot agreed to re-schedule the meeting for Wednesday, September 5, 2012, subject to confirmation.

A handwritten signature in black ink, appearing to read "Elora Sakal", is written over a faint, larger version of the same signature.

Elora R. Sakal  
Board Secretary