



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

Regular Meeting

Monday, August 8, 2011

7:00 p.m.

Mayor Zavier Garcia

Vice Mayor Bob Best

Councilman Dan Espino

Councilman George V. Lob

Councilwoman Jennifer Ator

City Manager James R. Borgmann

Assistant City Manager Ronald K. Gorland

City Attorney Jan K. Seiden

City Clerk Magali Valls



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Xavier M. Garcia

**Vice Mayor Bob Best
Councilman George V. Lob**

**Councilman Dan Espino
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 8, 2011 7:00 p.m.

- 1. Call to Order/Roll Call**
- 2. Invocation:** Mayor Garcia

Salute to the Flag: Audience participation
- 3. Awards & Presentations:**
 - A) Presentation from Robert Shafer – Renewal of RFP # 09-09/10 with Aetna, as the City's Health Insurance Carrier for the Fiscal Year 2011-2012
 - B) Presentation from the Springs River Festival Committee to Request Dates for the 2012 Festival
- 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) 06-27-2011 – Regular Meeting
- B) 07-28-2011 – Special Meeting

6. Reports from Boards & Commissions:

- A) 06-28-2011 – Ecology Board – Minutes
- B) 08-02-2011 – Code Enforcement Board – Minutes
- C) 08-03-2011 – Architectural Review Board – Cancellation Notice
- D) 08-01-2011 – Zoning and Planning Board – Cancellation Notice
- E) 08-01-2011 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment at their Meeting of August 1, 2011

7. Public Hearings: None

8. Consent Agenda:

- A) Approval of the City Attorney’s Invoice for July 2011 in the Amount of \$10,705.50
- B) Recommendation that Council Award a Bid to Wesco Turf, Inc., Utilizing Florida State Contract #760-000-10-1 in the Amount of \$36,352.12, pursuant to Section 31.11 (E) (5) of the City Code to Replace Two Riding Mowers in the Public Works Department
- C) Recommendation that Council Award City RFP # 03-10/11 to Leadex Corporation, the Lowest Responsible Proposer, in an Amount not to Exceed \$72,965.63 for Stafford Park Playground Equipment, Artificial Grass and Installation, pursuant to Section 31.11 (E) (2) of the City Code
- D) Recommendation that Council Approve an Expenditure to Sunshine Trucking Corp., Utilizing Miami-Dade Bid # 5986-4/11-4, in an Amount of \$10,000, on an “As Needed Basis”, as Provided in Section 31.11 (E) (5) of the City Code to Purchase Ballast and Lime Rock to Continue Repairs of Alleys and Swale Areas
- E) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$14,500.00, on an “As Needed” Basis to Land and Sea, for Fuel and Oil, pursuant to Section 31.11 (E) (6) (g) of the City Code
- F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount of \$5,500.00 on an “As Needed” Basis to Titleist for Purchase of Driving Range Supplies, Items for Resale, pursuant to Section 31.11 (E) (6) (g) of the City Code

9. Old Business:

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Discussion Regarding Cost of Early Termination of City Manager's Contract
- C) Verbal Status Report Regarding the Curtiss Mansion Historic Tax Credit Proposal
- D) Strategic Plan Progress: Survey Questionnaire Development
- E) Red-Light Camera System (Tabled for 60 days on 2-28-2011)
- F) Swimming Pool Information
- G) Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Year 2012-2014

10. New Business:

- A) Recommendation from the Education Advisory Board
- B) Recommendation from the Revitalization and Redevelopment Ad-Hoc Committee
- C) Approval of Budget Transfers Within Departments
- D) Resolution No. 2011-3519 – A Resolution of the City Council of the City of Miami Springs, Providing for the Fourth Amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Undesignated Reserves to Cover Authorized and Approved General Fund Expenditures; by Increasing the Road and Transportation Fund of the Special Revenue and Capital Projects Budget to Account for Additional C.I.T.T. Funded Sidewalk and Road Repairs; Providing Intent; Specifying Compliance with Accepted Budgetary Process and Procedures; Effective Date
- E) Discussion Regarding Proposed Amendment to Code Section 102-01, Re-Occupancy Certification
- F) Request from the Police Officer Assistance Trust (POAT) to Use the Basketball Courts at the Community Center for a 3-day Tournament in September

11. Other Business:

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

12. Reports & Recommendations:

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

13. Adjourn

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.

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.



DRAFT

City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 27, 2011, 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 Xavier M. Garcia
Vice Mayor Bob Best
Councilwoman Jennifer Ator*
Councilman Dan Espino
Councilman George V. Lob

*Arrived at 7:03 p.m.

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Comptroller Alicia E. González
Recreation Director Omar L. Luna
Aquatics Supervisor Carolina Villaverde
Elderly Services Director Karen Rosson
City Clerk Magali Valls

2. Invocation: Vice Mayor Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Legislative Update by José Fuentes of The Fuentes & Rodriguez Consulting Group

José Fuentes of The Fuentes & Rodriguez Consulting Group presented a report with a synopsis of the legislative session. He explained that their firm played more of a defensive role. The first roll out from the Governor was for retraction of almost \$14MM of the Department of Environmental Protection (DEP) funded projects, including \$250,000 for Miami Springs that was on retraction. The end number that came out of the Governor's budget was \$8MM.

Mr. Fuentes explained that the Department of Community Affairs (DCA) was wiped out with one brief amendment on the floor of the House and their goal is to find out how that affects local governments in the Evaluation and Appraisal Report (EAR) process and development of concurrent issues with water, traffic, etc.

Mr. Fuentes mentioned SB 2100 that requires all public employees to pay 3% of their salary to cover their pension costs; it also increases the retirement age from 62 to 65 and special risk from 55 to 60. This was a result of many local municipalities supporting the position due to the cost of pension and the burden that it has on local governments. The issue will not end here and there are other movements for this session that will move from its current date to a January date. Committee meetings will begin as early as September and their firm will begin working on the City's legislative package sooner.

Mr. Fuentes explained that he would not review the entire package; he would be glad to answer any questions. He said that it is important to consider what is going to be the defensive role that local municipal governments have, specifically Miami Springs, and what they would like to see in the upcoming session with the understanding that the budget is a major issue.

Mr. Fuentes said that many of their partners they work with had received budget cuts. Last week the South Florida Water Management District (SFWMD) had to lay off 300 employees and is eliminating their service center in Miami-Dade that has been very helpful. He said that the firm has a good relationship with the new Director and at some point he would like Mayor Garcia and the City Manager to visit Palm Beach and spend some time with the Director. The SFWMD has been helpful in the past and they are one source of funding.

Mr. Fuentes explained that HB 5401 transfers cyber crime offenses from the Attorney General's Office to the FDLE as another cost savings. During the Florida League of Cities Conference they will address many of the legislative issues that will impact local governments and he would like Council and the Administration to advise him of any issues that could impact the City.

Vice Mayor Best asked about SB 2100 and what it represents in savings.

Mr. Fuentes responded that the dollar amount was in the millions and it is part of an overall plan to reduce the State budget shortfall that could have been as much as \$5.4BB. There were many cost saving measures and the Governor vetoed a number of projects that amounted to over \$1MM in trust fund dollars.

City Manager Borgmann stated that the 3% provision in SB 2100 relates only to the Florida Retirement System (FRS), while some provisions were specific to local government pension plans.

Mr. Fuentes explained that some governments are part of the FRS and some are not. The Administration was looking very cautiously at local governments and the City of Miami became the poster child for pension reform. The House and Senate Committee members are listening to a lot of discussion on the issue. He offered to keep a close watch on the legislative session as it moves forward.

Mayor Garcia thanked Mr. Fuentes for his assistance at the County level and with other departments that do not fall within the purview of his contract.

Evaluation and Appraisal Report

Jim La Rue of La Rue Planning and Management Services, Inc. of Ft. Myers stated that the Evaluation and Appraisal Report (EAR) process has changed significantly. He presented an analysis of the EAR and explained that from now on the only requirement is a letter every seven years to see if the City is in compliance with State law. He referred to the recommended policies on local major issues and said that cities will have more flexibility and there are fewer restrictions for the small scale amendment program.

Mr. La Rue explained that he would move forward immediately under the current process. Council should review the policies and he would come back with a list of requirements for the various planning policies. He stated that the redevelopment effort and economic development policies should be looked at very closely and he will schedule a workshop through the City Manager's office for the expedited review process or plan amendments.

Mr. La Rue added that the five-year capital improvement update can be done by ordinance outside of the Comprehensive Plan review and the only concurrency required in the Comprehensive Plan is the normal water, sewer and solid waste. He explained that there would be a lot more local responsibility.

Mr. La Rue said that if Council chooses not to address certain elements they will not be reviewed and those that are identified from a local standpoint will go through the expedited review process with a few workshops.

3B) Proclamation of Recognition – JR’s Gourmet Burgers

Mayor Garcia stated that the Proclamation of Recognition was prepared upon the recommendation of Councilwoman Ator. He would like Council to notify the City Clerk of any businesses that should be recognized for their accomplishments and this is the first of many to come.

Mayor Garcia presented a Proclamation of Recognition to Jesús De La Torre and his wife Saily of JR’s Gourmet Burgers for his commitment of serving food to the community and for being named the “2011 Best Burgers in Miami” by the New Times.

Mayor Garcia stated that Mr. De La Torre had been in business for less than one year and was recognized for the best burger in Miami. His advertising has been limited to a few ads in the River Cities Gazette and the Miami Herald and 95% in Facebook. He congratulated Mr. De La Torre and his wife Saily for their success.

Mr. De La Torre thanked the Mayor and Council for the award and his entire family, employees and friends for their support.

City Manager Borgmann added that JR’s was also recognized by Channel 10 as number two in South Florida based on a tri-county survey.

3C) Request from the Miami Springs Chamber to Sell Beer and Wine at the Upcoming “Andrews Sisters Tribute” at the Rebeca Sosa Theater

Donna Wood-Beney of 3971 N. W. 65th Avenue requested to be allowed to sell beer and wine at the upcoming “Andrews Sisters Tribute” at the Rebeca Sosa Theater on Saturday July 2nd and Sunday July 3rd. She said that all required paperwork has been processed and the insurance binder is on file with the City.

To answer Councilwoman Ator’s question, Ms. Wood-Beney said that the last event when liquor was served was the Davy Jones’ concert.

Councilman Espino inquired about the entity that is producing the show on behalf of the Chamber of Commerce.

Ms. Wood-Beney clarified that TFFS Productions is producing the show and the Chamber is marketing the event that is a not-for-profit endeavor and the fiscal agent is the Onit Foundation.

Vice Mayor Best commented that there were no problems with the previous requests for the sale of beer and wine at the Community Center.

Councilwoman Ator stated that the Davy Jones concert was a single event in the evening. Her concern is that this is a multi-day event at different times that is more family oriented and the High School Math Club is involved.

Ms. Wood-Beney commented that children participate in the shows and the same ladies will be singing for President Obama and 10,000 veterans next month in San Antonio, Texas. She explained that it is a very professional group and they are hiring a professional bartender.

Councilman Lob moved to approve the sale of beer and wine at the “Andrew Sisters Tribute” at the Rebeca Sosa Theater. Vice Mayor Best seconded the motion which was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Councilwoman Ator requested an informational update in August about the Chamber of Commerce and its plans for the future.

Councilman Espino said that he had also requested information from the Chamber of Commerce based on their request for a donation and was told that there are no constituent members. As the City continues to give their support, he would like to know more about the Chamber and its members.

Ms. Wood-Beney clarified that her e-mail was based on “what if” or what could happen if the Chamber was funded. She outlined many things that could be done and it was only a wish list; she did not directly ask for funding in the amount of \$50,000. She is putting together a list of next year’s programs when the new slate of officers is elected. A meeting will be held tomorrow with a few people who are trying to revive the Chamber that has eighteen members and the change of officers always takes place in June. Many new businesses will become involved and she will bring back a report in August.

4. Open Forum:

Cost Recovery

Nery Owens of 332 Payne Drive said that going into the budget season, she would like to address recovery of costs. She noted that Agenda Item 10B addresses the pool hours of operation and rental costs. The rental only recovers the salaries of the lifeguards and the cashier and does not take into consideration the pool or facility maintenance. She said that many of the fees and charges should also be evaluated in order to determine the full value of services. She emphasized the importance of considering cost recovery during this budget cycle.

5. Approval of Council Minutes:

5A) 06-06-2011 – Special Meeting

Minutes of the June 6, 2011 Special Meeting were approved as written.

Vice Mayor Best moved the item. Councilman Espino seconded the motion which was carried 4-0 on roll call vote. Councilman Lob abstained since he was not present at the June 6th meeting.

5B) 06-13-2011 – Regular Meeting

Minutes of the June 13, 2011 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 05-05-2011 – General Employees Retirement System – Minutes

Minutes of the May 5, 2011 General Employees Retirement System meeting were received for information.

Councilman Espino noted that the General Employees and Police and Fire Retirement System minutes indicate that the contributions will go up again this year by a few points and this translates into significant dollars on the City's part.

City Manager James R. Borgmann replied that the City's plans are still doing well in the overall scheme of pension plans throughout the country.

6B) 05-05-2011 – Police and Firefighters Retirement System – Minutes

Minutes of the May 5, 2011 Police and Firefighters Retirement System meeting were received for information without comment.

6C) 05-17-2011 – Education Advisory Board – Minutes

Minutes of the May 17, 2011 Education Advisory Board meeting were received for information.

Councilwoman Ator referred to the Education Advisory Board minutes and the public art education fundraiser. She asked Councilman Lob if he was familiar with the recommendation of the Board.

Councilman Lob responded that the Education Advisory Board had requested Council's consideration of the recommendation for the public art program and hopefully it will be done soon.

Mayor Garcia would like to schedule the item for the first or second meeting in August.

Mayor Garcia asked the City Clerk to remind the Board secretaries to present formal requests to Council for any recommendations.

6D) 06-08-2011 – Golf and Country Club Advisory Board – Minutes

Minutes of the June 8, 2011 Golf and Country Club Advisory Board meeting were received for information without comment.

6E) 06-13-2011 – Board of Appeals – Minutes

Minutes of the June 13, 2011 Board of Appeals meeting were received for information without comment.

6F) 06-16-2011 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the June 16, 2011 Historic Preservation Board meeting was received for information without comment.

6G) 06-20-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice

Cancellation Notice of the June 20, 2011 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

6H) 06-23-2011 – Code Review Board – Cancellation Notice

Cancellation Notice of the June 23, 2011 Code Review Board meeting was received for information without comment.

7. **Public Hearings:**

7A) Second Reading – Ordinance No. 1019-2011 - An Ordinance of The City Council of The City Of Miami Springs, Florida Amending Code Of Ordinance Section 113-11, Failure to Make Affidavit, by Enacting a Provision which Requires the Securing of a Business Receipt for Occupying a Designated Business Location in the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 6-13-2011 – Advertised: 6-16-2011)

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

Attorney Seiden stated that the ordinance has had no changes since the first reading.

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

Councilman Lob moved to adopt Ordinance No. 1019-2011. Councilwoman Ator seconded the motion which was carried 5-0 on roll call vote.

7B) Second Reading – Ordinance No. 1020-2011 – An Ordinance of the City Council of the City of Miami Springs Creating Code of Ordinance Section 93-51, Color Palette Compliance; by Providing for Applicability, Palette Compliance, Procedures for Compliance, and Enforcement; Repealing All ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 6-13-2011 – Advertised: 6-16-2011)

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

Attorney Seiden stated that this is the second reading and public hearing. He added the applicability of the N. W. 36th Street District throughout the ordinance and explained that the paint credit amount would only be applicable to the first 25 applicants.

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

Councilman Espino moved to adopt Ordinance No. 1020-2011. Councilwoman Ator seconded the motion which was carried 5-0 on roll call vote.

7C) Second Reading – Ordinance No. 1021-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-028, Architectural and Design Regulations; by Delineating Provisions Allowing Use of Up to Three Paint Colors, Authorizing the Building Department to Make Color “Shading” Decisions, and Requiring Notification of Completion by Owner to City; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 6-13-2011 – Advertised: 6-16-2011)

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

Attorney Seiden stated that because the 36th Street District was added to the prior ordinance, he added the same provisions to Section 3 in this ordinance because Section 2 applies to everything except N. W. 36th Street.

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

Vice Mayor Best moved to adopt Ordinance No. 1021-2011. Councilman Lob seconded the motion.

Councilwoman Ator said that when considering the Abraham Tract and the Airport Golf District this ordinance will require an update at that time.

City Attorney Seiden agreed that it is a working model and that it will eventually allow the Architectural Review Board to function more efficiently on a project-by-project basis.

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

7D) Second Reading – Ordinance No. 1022-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 113-04, Business Taxes-Schedule of Fees, by Providing a Five (5%) Percent Increase in the Cost of All City Business Taxes; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 6-13-2011 – Advertised: 6-16-2011)

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

Attorney Seiden stated that the increases are permitted every two years by Florida Statute, not to exceed 5%; there were no changes to the ordinance since the first reading.

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

Councilman Lob moved to adopt the ordinance. Councilwoman Ator seconded the motion.

Mayor Garcia asked for clarification of the last time there was an increase in the fees for business licenses.

Attorney Seiden said that there were never any increases for several years and the fees are way behind most municipalities in Miami-Dade County. This is probably only the second time the fees have increased in the last twelve years.

Vice Mayor Best said that this is not a good time to increase fees, but he will support the ordinance because the amounts are minuscule.

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

8. Consent Agenda:

8A) Recommendation that Council Approve a Purchase to Royal Rent-A-Car, the Lowest Responsible Proposer, in the Amount of \$19,296.00, for the Monthly Rental of Two Vehicles, for a Twelve Month Period, Pursuant to Section 31.11 (E) (2) of the City Code, to be Paid from the Law Enforcement Trust Fund

City Manager Borgmann read the title of the award, noting that it is a recommendation to approve a purchase order.

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

(Agenda Item 9B considered at this time)

(Agenda Item 9A was discussed after Agenda Item 10B)

9. Old Business:

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

Vice Mayor Best (Group I) **re-appointed** Mark Safreed to the Golf and Country Club Advisory Board for a full 2-year term ending on July 31, 2013.

Councilman Espino (Group II) **re-appointed** George Heider to the Golf and Country Club Advisory Board for a full 2-year term ending on July 31, 2013.

(Agenda Item 9B was discussed after Agenda Item 8A)

9B) Historic Tax Credit Proposal – Presentation of Contract by Robert A. Chaves

Robert A. Chaves of 3767 N. W. 53rd Street, Boca Raton, Florida said that the City Attorney contacted him to review a proposal by Brian Wishneff & Associates regarding a structure for the City to recoup a portion of the rehabilitation costs associated with the Curtiss Mansion through the sale of tax credits. He distributed the HTC Structural Diagram that was provided by Erik Wishneff of Brian Wishneff & Associates.

Mr. Chaves explained that the basic structure in order to obtain the credits has some real economic effects potentially on the City besides recouping a portion of the Curtiss Mansion rehabilitation costs. He was asked to determine the tax viability of the structure before proceeding with the process. The structure requires the City to give up, in a tax sense, ownership of the property. It is not a sale of the property, but a long-term lease agreement with a newly formed entity of which Curtiss Mansion, LLC is the Manager and Curtiss Mansion, Inc. would indirectly be the operator or owner of Curtiss Mansion Manager that controls Curtiss Mansion Landlord, Inc.

For tax purposes, a tax exempt entity or city cannot shift tax credits through a lease, according to Mr. Chaves. The tax credits can be sold provided that the property has not been placed in service. A specific provision of the Internal Revenue Code permits the shifting of credits if the purchaser pays for them prior to the property being placed in service, and for tax purposes a 55-year lease is a sale.

Mr. Chaves clarified that the basic purpose of the transaction is not to really sell the property, but to enter into a long term lease in which the tax credits can be shifted to the Curtiss Mansion Landlord, LLC entity. Unfortunately, Curtiss Mansion, Inc. indirectly holds an interest and that causes that entity to be a tax exempt entity and a special election would have to be made to treat Curtiss Mansion Manager, LLC as a taxable entity or it would not be able to pass the credits on to the Curtiss Mansion Master Tenant. In other words, step one is to enter into a 55-year lease that is effectively a sale and step two is entering into a nineteen year lease with Curtiss Mansion Master Tenant, LLC that is the entity that finds an investor to invest in the tax credits effectively and repay the amounts up the chain of the leases. The regulations provide for a nineteen year lease at the second level for purposes of maximizing the amount of the credits that can pass from a landlord tenant or the minimum amount for completely transferring all the tax credits to the Master Tenant entity. A third party investor could buy equity and effectively the City would be reimbursed for a portion of the rehabilitation costs by the federal government.

Mr. Chaves continued to explain that a contract has been proposed and each step has merit in the tax law; there are risks associated with any transaction involving the Internal Revenue Service (IRS), according to Mr. Chaves. The risks to the City should be fairly minimal and the person investing in the credit is the investor; there may be representations and warranties and hopefully the exposure of liability can be limited to only what the City receives in the transaction.

Mr. Chaves stated that he was asked to retain Brian Wishneff & Associates, specifically through Erik Wishneff, to enter into a proposed contract. The most important section that he added was an "out" provision. There are no guarantees to the transaction; presumably there will be tax opinions rendered for the benefit of the investor and the City in the transaction. It may be unpalatable for the City to give up the property under a 55-year lease; the concern could be alleviated by the City taking control of the secondary entity either Curtiss Mansion Landlord, LLC, Curtiss Mansion Manager, LLC or effectively Curtiss Mansion, Inc. This can be accomplished by the City having certain powers to nominate its own board or to have a veto or certain rights relative to the tax exempt entity so the 55-year lease is more bearable in giving up the property.

The reason for the transaction is to basically get the federal government to subsidize some of the rehabilitation costs and give funds back to the City through the chain of leases, according to Mr. Chaves. In order for the investor to accomplish its goals, there is effectively a 5-year period at a minimum that must keep the investor in the structure and the rehabilitation project operating for its purposes. If it collapses within five years, the investor loses his credit and he comes back to the City to request a portion of his investment. This means there are continuing obligations of the City under this arrangement. If there is destruction or damage to the subject property, there is an obligation to repair it and put it back into operation in order to maintain the credit. Effectively, in most transactions, the investor is out of the equation after five years. There are certain call rights where the investor can be taken out of the transaction; the call right is generally the fair market value, which means the City can call back the investor's interest at a fair market value and if not, the investor puts the interest back based on a formula provision that is not very costly to the City.

Mr. Chaves was advised by Wishneff that 99% of the time the interest is put back because the goal is not to own a piece of the property; the goal is to obtain the tax credits. If the agreement is acceptable to Wishneff & Associates, with the "out" provision, there would be a net benefit to the City of \$500,000 to \$600,000 after paying associated costs.

Vice Mayor Best asked if Mr. Chaves had experience in working with a similar case for a national historic designation.

Mr. Chaves responded that he had not worked on a case of this nature; he is a general tax lawyer, that means he covers the entire IRS Code. He found authority for every step in the structure, although there are no guarantees that the IRS will like what it sees. On the other hand, the federal government has an interest in subsidizing the rehabilitation credits. The ultimate investor will receive the credits, not the City and there are no guarantees that they will get the credit. The credits are only given for certified historical expenditures and some expenses that are incurred may not qualify for the credit. The credit amount may vary based on the amount of actual expenditures, although it is estimated to be \$500,000.

Councilman Espino asked if Mr. Chaves had reviewed any other tax credit projects that Mr. Wishneff had provided.

Mr. Chaves said that many of the projects were quite different and the City is in a unique situation because normally the property is shifted to the investor before the rehabilitation. This project is far along and close to being placed in service. The IRS regulations handle each step of the transaction and give it merit under the tax code. The combining of the steps might have some issue.

Councilman Espino said that the steps, although earlier in the process, have withstood IRS scrutiny.

Mr. Chaves explained that each should withstand IRS scrutiny and even if there was a private letter ruling for another tax payer it would not set precedent because the IRS can “flip flop” with a private letter ruling.

Councilman Espino stated that the investor is putting in the capital and they will cash in the tax credits on their taxes.

Mr. Chaves said that the investor buys at a discounted basis, not dollar for dollar and the federal government is basically subsidizing the credits. He added that if the City owns property and leases it long-term for someone else to develop it there would be no issue. The situation with the Curtiss Mansion is that the rehabilitation expenditures were incurred during the period of City ownership. Step one is the sale and step two is the lease; the City is electing to become a taxable entity.

Councilwoman Ator said that her concern is the 55-year lease that is considered a sale and requires the City to give away the property to another entity.

Mr. Chaves explained that there could be ways to alleviate the City’s economic concerns about the length of the lease by being on the “sellers” side and having controls under the lessee’s side of the 55-year lease through the tax exempt entity.

Councilwoman Ator asked if the structure would hold up or if it would be more difficult to pass muster with the IRS if the City were to create its own board to control the use of the building.

Mr. Chaves explained there would always be a concern when the City is on both sides of a transaction and this was discussed with Wishneff’s counsel. The general consensus is that it is still “doable”. The fact that there is common control adds an issue and there will be greater certainty to the structure once the transaction is complete and each concern should be handled by either himself or Wishneff.

Councilwoman Ator reiterated her concern with a 55-year lease because there is no guarantee as to who will be on the Curtiss Mansion, Inc. Board of Directors in the future. It appears that the City would be giving away 55 years of rights to an entity that could change completely.

Mr. Chaves stated that he shared the same concern and that is why he is proposing that the City have continued involvement in the structure without disturbing the tax consequences or if it does, the transaction will not take place. He has to move forward with Wishneff to get the final structure in place and the lease itself can contain specific provisions for the use of the property.

Councilman Espino explained that the lease can include conditions. There will also be operating documents for each LLC and the City can have control within the operating documents.

Mr. Chaves agreed with Councilman Espino that the operating agreements could be very tight and controls could be added without jeopardizing the transaction. He explained that the 55-year lease must look like a real lease and if there are too many controls it might not be treated as a sale for federal tax purposes.

City Attorney Jan K. Seiden said that the City has to make sure that nothing that is done under the transaction would create any kind of adverse impact upon the County bonds or cause a taxable incident. Mr. Chaves is going to review the grant agreement with the Florida Department of Transportation (FDOT) and County General Obligation bonds to make sure that by doing this transaction it will not cause a problem.

City Manager Borgmann commented that there are early indications that it may be promising on the County side, but there are no certainties.

City Attorney Seiden explained that nothing is positive because the County told the City to get its own legal opinion. He said that if there is any doubt as to the questions raised by Councilwoman Ator, there will have to be serious discussions with CMI as to how the City can be involved in their board or control their actions in regards to the issues. A contemplated sale, by virtue of IRS documentation has ramifications that go beyond the benefits that will flow back. He added that Council is only seated for two years and this transaction would involve 27 Councils.

Vice Mayor Best stated that the Curtiss Mansion was built in 1925, and after a couple of fires damaged the structure, CMI came together with a goal of renovating the building and have been very successful. There is something to say for their accomplishments and if the City is well represented in the transaction and a chance that it will work, he feels it should be attempted and further pursued.

City Attorney Seiden explained that Council received a copy of the proposed agreement and Mr. Chaves would need authorization to move forward. It would be appropriate to make a motion to authorize him to proceed further in the negotiations of the contract.

Vice Mayor Best moved to authorize Mr. Chaves to engage with Brian Wishneff & Associates on the investigation of moving the deal forward. Councilman Espino seconded the motion.

Councilman Espino said that there is a proposed contract to move forward and there is an understanding of the fees, but the amount and how it interplays with all entities is unknown. He said that if the amount is insignificant or if things do not qualify, then the agreement will not go forward.

City Attorney Seiden explained that the amount represented by Wishneff was estimated to be between \$500,000 and \$600,000.

Councilman Espino asked what Council is authorizing Mr. Chaves to do by authorizing him to “engage” and if it means to engage via contract to move forward.

Mr. Chaves clarified that the contract has an ultimate “out” provision for the City that Mr. Wishneff has not yet accepted. The decision would be for him to potentially go to contract with Wishneff without any real significant liability on the City’s part until there are hard numbers and facts.

Councilwoman Ator explained that if there is an “out” provision, it seems that the contract is for moving forward with negotiating with Wishneff in working out the problems and if that is not possible, the City will not go through the process.

Mr. Chaves said that the problem is not with Wishneff or the structure; the problems are internal between the City and CMI because a 55-year lease has a real impact to a property owner. Wishneff’s goal is to bring in an investor and earn his commission and until this is done, he will not get paid; he is looking to maximize the amount of credits and close the deal. The City’s interests are in common with Wishneff and the internal issues are not theirs.

Attorney Seiden clarified that Council would be giving approval for Mr. Chaves to negotiate a tax credit agreement, for final Council approval, with Wishneff to represent the interest of the City receiving historic tax credits. The City will have to deal with the other issues internally and externally.

Councilwoman Ator would like clarification that this is not authorization to sign an agreement with Wishneff and move forward with the process, although it would be nice if the issues can be resolved and there is a better idea of what is needed.

Councilman Espino explained that Council would be giving approval for Mr. Chaves to negotiate with Wishneff and come back in August to get Council approval to begin working on the issues.

City Attorney Seiden said that the issues will be addressed during the interim. Council is being asked to authorize Mr. Chaves to continue to negotiate the agreement and when he has an agreement that he believes is acceptable to him, and acceptable to the City, he will bring it back for final approval. When the agreement comes back, Council will consider the other issues in regard to control and the 55-year lease situation based on the alternatives presented by counsel to resolve them. Council’s agreement to sign the agreement maybe conditional upon final resolution of those issues.

Councilwoman Ator stated that it is not good business to enter into a contract that binds the City for 55 years based on the theory that the City and CMI are friends and they will deal with issues later. The urgency of the issue might motivate the parties to try to come to some resolution based on the legal advice being provided.

Mr. Chaves clarified that they are not entering into any agreement relative to the structure; the only agreement for consideration is a simple agreement with Mr. Wishneff that says the City would like to move forward and maximize the credits and make the deal. At the end of the day, the agreement has an out provision, although it has not been approved by Wishneff, because there are many issues to resolve, especially the bonds. He assured Council that they are not authorizing the signing of a 55-year lease or setting up operating agreements.

Mayor Garcia said that what Mr. Chaves presented is fine with him, especially if there is an out provision. If Council agrees, he would accept a motion to allow Mr. Chaves to move forward if nothing changes.

City Attorney Seiden clarified that Mr. Chaves would bring back the agreement for Council approval and he is only being allowed to continue to negotiate a basic agreement for the transaction.

Councilman Espino commented that there is no 55-year lease and it is giving approval to proceed forward on a matter that is paid on a contingency basis and there is no financial liability. Conditions must be solved afterwards that are called condition subsequent and most large deals have these or they could not proceed forward. He questioned why Mr. Chaves would have to come back for another approval if nothing changes.

Mr. Chaves said as a practical matter it might have to come back. He agrees with Councilman Espino's point about not coming back if there are no changes, but he has never been involved in a transaction when there were no changes. He envisions Mr. Wishneff coming back to say that if the City backs out at closing and he has spent \$50,000 he will want to get paid for his expenses.

Mayor Garcia stated that he would like to know the impact of securing the tax exempt dollars for the Curtiss Mansion.

Mr. Chaves explained that the time constraint is the placing of the Curtiss Mansion in service. Once the facility is used, the ability to sell the credits effectively through the 55-year lease is done. The key concept is the transfer of the property, prior to it being used under the IRS Code, which means before it is placed in service.

City Attorney Seiden stated that the City would have control over placing the building in service because there will be end of project items before issuing a certificate of occupancy. Councilwoman Ator would like some answers before getting involved in the agreement regarding CMI and control over the 55-year lease. If this is a condition preceding in her mind, she is not prepared to go forward.

Mayor Garcia explained that is why he wanted to know how this would affect the other negotiations with the other parts and this is only allowing Mr. Chaves to proceed with the negotiations with Wishneff. The City can still work out the details for the 55-year lease.

City Attorney Seiden reiterated that there is time to deal with the other issues before the agreement comes back for approval.

Jo Ellen Morgan Phillips of 372 De Leon Drive, President of CMI stated that when she was first notified of the tax credit issue, it was almost two years ago and she spoke with Kathleen Kauffman who is the County Director of Historic Preservation. Mr. Ivan Rodriguez ran the department for almost 35 years before Ms. Kauffman and both agree that the tax credit is very legitimate. Approximately 18 months ago, Mr. Wishneff met with the City Manager to discuss whether or not the program would be good for the Mansion and the City. She said that in the meantime CMI has not stopped raising funds by other means and basically they were told that the credit is like free money without any obligation to match funds.

Ms. Morgan Phillips emphasized that CMI raised all the funds through their volunteers and Project Manager Roy Rodriguez has devoted more than \$450,000 of his professional time had he not been on the Board. She said that she just heard all the details about the tax credit program this evening and it sounds complicated but it is not that complicated because the property will still be owned by the City and the City will have control over the additional entities.

Ms. Morgan Phillips explained that the people on the CMI Board like to get things done and move forward; they have accomplished much over the last twelve years. If it is not good for the City she would back off and she is not going to be here in 55 years. The Curtiss Mansion will play into the economic development of the City and they are planning to open the facility on October 9th since that was the day that Glenn Curtiss and his wife moved into the Mansion in 1925. Funding is still needed for the exhibits, landscaping, etc. and they will continue to write grants. The Events Coordinator for the Curtiss Mansion is ready to move forward with weddings and events and this cannot happen until they are issued a certificate of occupancy.

Ms. Morgan Phillips said that CMI is very glad for their accomplishments because they are giving something back to the City and the world. Glenn Curtiss was a man of the world and they are going to honor the nation's unsung heroes who have made America great.

Mayor Garcia stated that although October 9th might be symbolic, it is more important to make sure that the building is not put into service in order to be able to take advantage of the tax credit. He wants to make sure that all issues are addressed before signing an agreement.

Ms. Morgan Phillips stated that the CMI Board is getting new members, including one person that wrote the national landmark designation for the Freedom Tower.

Councilman Lob asked if CMI's timing for the issuance of the certificate of occupancy is flexible in case the City needs time to resolve the issues related to the tax credit.

Ms. Morgan Phillips confirmed that CMI is flexible with the opening date.

Councilwoman Ator explained that her intent is not to delay the opening of the Curtiss Mansion. She had asked for the solutions with the understanding that there are time related issues. She wants the City to do whatever needs to be done over the next 30-45 days to have resolution and move forward.

Ms. Morgan Phillips urged Council to begin the process and determine if it is good for the City.

Councilwoman Ator asked if the agreement does not work out if it would leave the City with any liability.

Mr. Chaves said that there are non-business issues to some extent that do not pertain specifically to obtaining the tax credit. He said that the City might have issues with control or with the County on the bond offering and there must be an ability to opt out.

Vice Mayor Best **withdrew** his motion that was on the floor.

City Attorney Jan K. Seiden explained that it would be appropriate for a motion to authorize Counsel to continue his negotiations with Wishneff & Associates in regard to the proposed contract that was presented this evening; if there are no further changes to be made it would not need to come back to Council and management would be authorized to sign it; if there are changes, it must come back to Council and at the same time the other issues will be dealt with by City Administrative Staff and others to investigate the bonding matters and the control matters regarding the 55-year lease.

Vice Mayor Best stated that he would move the item, with the condition that there is a timeline for Mr. Chaves to respond on the results of the negotiations with Wishneff at the first meeting in August.

Mr. Chaves said that Mr. Wishneff had been very cooperative for obvious reasons and he will move quickly to respond.

Vice Mayor Best moved to approve as stated by the City Attorney. Councilman Espino seconded the motion, which was carried 5-0 on roll call vote.

9C) Approval of Expenditure for Curtiss Mansion Federal Tax Credit Certification RJHA Project No. 06-3277 (Tabled: 6-13-2011)

City Manager Borgmann stated that this is a proposal from Heisenbottle Architects in the amount of \$10,500. Heisenbottle Architects have been working on the Curtiss Mansion project since its inception and they are offering to do the work needed to provide information to the appropriate parties.

CMI President Jo Ellen Morgan-Phillips commented that the original amount of the proposal from Heisenbottle Architects was more than \$10,500.

Councilman Espino moved to approve the expenditure of \$10,500 to R.J. Heisenbottle & Associates so that they can begin the work on qualifying the expenditures for historic certification. Vice Mayor Best seconded the motion.

Ivan Rodriguez of Heisenbottle Architects stated that they had worked with Brian Wishneff & Associates on other projects and they coordinate with the firm in order to make sure that what they are presenting to the State Historic Preservation Office and the National Park Service is in keeping with the legality of what the tax attorney will then be presenting for the tax credit application. It is a collaborative process with the offices of the attorney and the architect.

Councilman Espino said that the qualifying expenditures of the project are identified based on the criteria provided by the State and Federal government and that is what is submitted as part of the package to get the tax credit.

Mr. Rodriguez explained that landscape and furnishings do not qualify; it is only for construction related and design expenditures. The architect's role is to prepare the application that will state that they have done everything by the book, according to the Secretary of the Interior standards for rehabilitation. The point is to be able to certify that architecturally the work that was done is approved at the state and federal level.

Councilwoman Ator stated that the City would not need the services of Heisenbottle Architects if they do not make an agreement with Wishneff and she would wait until there is assurance of an agreement.

Mr. Rodriguez explained that there is a time factor involved and this is a lengthy, complicated process that involves Staff review at the state and federal level.

Mayor Garcia asked about Councilwoman Ator's suggestion to wait until there is assurance of an agreement and if this was an issue with Mr. Rodriguez.

City Attorney Seiden explained that the process will take between six to eight weeks at the state level and hopefully Mr. Chaves will come back with an agreement. The issues that need resolution are whether or not an agreement can be negotiated with Wishneff & Associates and the City must resolve the control issues for the 55-year lease and the clearance on the bond implications. He stated that Council would be making an investment for an investment and if they decide to wait that would be the conservative way to proceed or they could decide to invest \$10,000 to get the project going.

Vice Mayor Best said that his second to the motion stands to approve the expenditure of \$10,500.

The motion was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

To answer Councilwoman Ator's question, City Manager Borgmann said that this is an allowable expense against the entire project. He explained that the net to the City from the tax credit is estimated to be \$500,000 or \$600,000 after expenses. The \$10,500 expense would come from the undesignated fund balance and will be recaptured by the sale of the tax credits.

(Agenda Item 9D was discussed after Agenda Item 9A)

9D) Status Report Regarding City Hall Elevator

City Manager Borgmann stated that the original proposal for the new elevator included additional items for electrical and HVAC work as required by code and the City was able to cover the cost of both in the amount of \$6,600.00 by using the City's own contracted electrician therefore saving \$9,156.00 off the original cost from the elevator company.

City Manager Borgmann explained that the Administration checked to make sure there was not a problem in regard to the warranties and the elevator provider agreed that it would not be a problem.

As far as the actual schedule for the elevator repair, the electrical upgrades are being done and there will be issues once the elevator is shut down, according to Mr. Borgmann, since all the August meetings will have to be held at the Community Center.

9E) Strategic Planning Update

City Manager Borgmann stated that Council asked the Department Heads to contact the various advisory boards that they report through in order to get their input to develop a survey that would go to the residents. Since some boards do not have a particular department liaison such as Architectural Review, Education, and Historic Preservation, he and the Assistant City Manager would take the lead for those boards. The City Planner was responsible for the Zoning and Planning/Board of Adjustment and the Revitalization and Redevelopment Ad-Hoc Committee and he and the Assistant City Manager may be the contacts for those boards.

City Manager Borgmann spoke with the Chairman of the Zoning and Planning Board/Board of Adjustment and he offered some great ideas that are already being considered. The Administration compiled a list of companies that handle strategic planning retreats and they will be contacted.

City Manager Borgmann referred to Bill Busutil who works for the Miami-Dade County Office of Strategic Business Management that was associated with a company that did strategic planning studies and was involved with the Miami Lakes and Cutler Bay studies.

There are many concepts and ideas based on wish lists, while some are based on the future needs of a department or particular activity for the City; normally these are identified in the budget, according to Mr. Borgmann. He explained that prioritizing is critical once a plan is developed and the Golf Course is an example because everything hinged on the installation of the new irrigation system and now that it is complete, other golf course projects can move forward.

Councilman Espino stated that Council had discussed a timeline with the anticipation that the survey would go out in August and he would like confirmation as to when the list of goals and challenges for each department and a list of five or six questions for the survey would be ready.

City Manager Borgmann responded that there was a 30-day challenge that the Administration is working toward and that would be after July 4th.

10. New Business:

(Agenda Item 10A was discussed after Agenda Item 9C)

10A) Approval of Food Service Subcontract Extension with Greater Miami Caterers, Inc.

City Attorney Seiden pointed out that the increase in the unit cost, as outlined in the memorandum from Elderly Services Director Karen Rosson, does not add up. He noted that the increase seems to be \$0.41 instead of \$0.11.

Elderly Services Director Karen Rosson clarified that the entire cost increased 3.1% based on the acceptable consumer price index for the 9th month, commencing the beginning of the contract. She said that the unit costs that are listed in her recommendation are accurate, although the percentage of increase may be incorrect. She is recommending that Council award a contract for one additional year, which is allowable by law.

To answer Councilwoman Ator's question, Ms. Rosson explained that the City is reimbursed through the contract with the Older American's Act and the State of Florida Local Alliance for Aging. This past calendar year, the award was \$72,752 to cover the cost of the congregate meal portion. Any difference would result in a request for Council to approve additional funding. In addition to the \$72,000, there is \$21,000 that was reinstated by the legislature for NSIP funds or cash in lieu of commodity funds. The combination of the two funding sources provides the opportunity to pay for the congregate meals.

To this point, \$37,414.00 has been spent of the \$72,000, which is on target for the year, according to Ms. Rosson. The congregate meals are separate from the home delivered meals. There is \$50,000 granted for home delivered meals on weekdays; Council approved funding for weekends and there is no grant subsidy for this service. To date, \$1,654.00 has been spent in the weekend home delivered meal category or 27 meals per weekend at a unit cost of \$3.27.

Councilwoman Ator asked if the grant monies are anticipated to continue in the future.

Ms. Rosson explained there is no way to tell if funding will continue; either way a contract must be in place to provide the meals.

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

(Agenda Item 10B was discussed after Agenda Item 10G)

10B) Report on Pool: Extended Hours and Rentals

Change Order

City Manager Borgmann presented a subsequent item for Council approval that he was just notified of today regarding an updated Miami-Dade County School policy and specifications for approved sports fencing at Stafford Park. The Administration is requesting approval of a change order to the original purchase order in the amount of \$3,918.75 in order to complete the project.

Parks and Recreation Director Omar Luna clarified that he found out this afternoon that the School Board is requesting stronger gauge fence posts and railings that involve a change order to the original purchase order. He would like to expedite approval instead of waiting another month in order to be able to finish the project.

City Manager Borgmann explained that Council approval is required because it is a change to an existing purchase order that is more than \$10,000. He said that the County had changed their method of operation because there was a six-month delay on approval from the School Board and many follow-up calls.

Councilwoman Ator asked about the relationship between the City and the School Board in regard to the lease and use of Stafford Park.

City Manager Borgmann clarified that the schools use Stafford Park on occasions for various sports teams. The education compact with the School Board also allows the schools to use the field with proper notification.

Mr. Luna explained that the agreement with Miami-Dade County Public Schools allows the schools to use the park upon notification and their use is very minimal.

City Manager Borgmann explained that the 25-year original lease for Stafford Park was renewed for an additional ten years and there is five or seven years left.

Councilman Lob moved to approve the change order in the amount of \$3,918.75 to complete the project. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.

Parks and Recreation Director Omar Luna said that the Aquatics Supervisor would provide a report on the extended pool hours from 5:00 to 7:00 p.m. that is being done as a test for a couple of weeks. There are some residents and non-residents that are requesting to rent the pool in the summer time and are hesitant because the extended pool hours would affect the rental time. A cost analysis was prepared based on the attendance with the extended hours. He emphasized that marketing is limited and now the rental income is limited as people are hesitant to rent the pool.

Mayor Garcia explained that he asked for the agenda item upon learning of the extended hours. His concern is that the rental requests were from residents for four hours of use and he wanted to know how many use the pool from 5:00 to 7:00 p.m.

Councilwoman Ator had a discussion with the Administration in regard to the change of hours for the pool. She understands that there is not a lot of traffic from 5-7 p.m. and asked for clarification of the report that only one adult and three children came in between that time on May 28th.

Mr. Luna clarified that one adult and three children came in between 5:00 and 7:00 p.m., but there were other people already there.

Councilwoman Ator stated that the income is not based upon those people that enter the pool between 5:00 and 7:00 p.m. She said that in the past she would not bring her kids to the pool at 4:00 p.m. knowing that it closed at 5:00 p.m. In her opinion, the numbers presented are not a good reflection of the actual use of the pool related to the extended hours. She asked if most of the rentals during the summer are on the weekends or on Sundays from 5:00 to 9:00 p.m.

Mr. Luna explained that last year all rentals were handled on Sunday and a policy was implemented to rent the upstairs for a party with a choice to use only one side of the pool. This allows a safety issue for younger children who should only use the shallow end.

Mayor Garcia said that many of the pool rentals are for parties that are planned in advance and the public can be notified that a party is going on. His concern was related to the liability and having to share the pool with the public. He does not understand why the public cannot be told that the pool is closed because it is being rented from 5:00 to 9:00 p.m. and if there is no rental it can remain open from 5:00 to 7:00 p.m. This would bring revenue to the City with the proper marketing of the pool.

Mayor Garcia said that many people are not aware of the swimming lessons and this is why he brought this to Council's attention. He wants to generate revenue and understands that the fees should be adjusted for the pool rental in order to cover the operating costs. With the proper marketing the pool can be a valuable asset and generate revenue to pay for the operating costs.

To answer Councilwoman Ator's question, Aquatics Supervisor Carolina Villaverde stated that the public rental fee is \$50.00 and a fee of \$4.00 per adult and \$2.00 per child is paid for everyone that enters the facility. The total fee varies on how many adults and children attend. The private rental is \$60.00 per hour for fifty people and it increases to \$80.00 per hour for more than 62 people.

Councilwoman Ator stated that she would agree with the Mayor's analysis. The private rental is too inexpensive and people are flexible enough to understand when a private party is booked.

Mayor Garcia said that he would like to generate more revenue from rentals without inconveniencing the residents. He knows that the pool is rented to private organizations like Miami-Dade Aquatics and other schools for swimming and polo teams. He requested information showing the rates that are charged the organizations and how much revenue has been generated from the various teams. Mayor Garcia explained that he would like the pool operation to be treated like the Community Center and the Golf Course in an effort to generate revenue.

To answer Councilwoman Ator's question, Ms. Villaverde clarified that the pool facility is only rented on Saturday and Sunday because it is used by swim teams and for lesson make-ups on Friday nights if they are rained out in the afternoon.

Councilman Lob felt that \$240.00 is very inexpensive for the pool rental for four hours because hall rentals start at \$400.00.

Mayor Garcia asked the Administration to prepare a report for August as part of the budget process. He also would like to know what other cities are charging for their pool rentals. He requested a complete list of groups and organizations that use the pool, including those that use it at no charge.

City Manager Borgmann added that the City has a reciprocal arrangement with the City of Hialeah for use of the pool facilities if either pool is shut down for repairs.

Mayor Garcia explained that he would also like to know about those arrangements as well.

Councilwoman Ator asked about the RecTrac system.

Mr. Luna responded that they are preparing and scanning identification cards and tracking attendance with RecTrac, but have not gone live financially.

Ms. Villaverde stated that all information is input into RecTrac and once she has a printer all the information will be printed out and they are ready to go live financially when the Community Center does.

Councilwoman Ator added that Council wanted to be able to track the people who use the facility, the memberships and the time of day, etc. for marketing purposes. She noticed that people were entering the pool without checking in and wondered how they are keeping track.

Ms. Villaverde pointed out that people were entering for swimming lessons and either herself or the head lifeguard will take a count of those taking lessons and that information is put into RecTrac. The pool is open from 11:00 a.m. to 1:00 p.m. for lap swimming and the morning use is limited to swimming lessons.

Mr. Luna confirmed that the financial component must be implemented before RecTrac can move on to the next step. They are still issuing hand written receipts and the information on the registration forms are entered into the RecTrac system. Most of the pool memberships are already entered into the system.

Councilman Espino suggested that the RecTrac information could be submitted in a memorandum and if Council has any questions they can contact Mr. Luna.

Mayor Garcia agreed that he would also like to have the information that was requested by Councilwoman Ator in a memorandum.

(Agenda Item 10C was discussed after Agenda Item 9E)

10C) Ordinance No. 1023-2011 – First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 31-11, Purchasing, Procurement and Sale Procedures; by Adding Thereto a Provision to Permit City “Piggybacking” Purchasing from Private Sector Cooperative Purchasing and Not-for Profit Companies; Repealing all Ordinances of 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. At the last meeting, Procurement Specialist Tammy Romero presented a comprehensive memorandum and after reviewing the purchasing ordinance he found two locations where the new language would be added if the City were authorized to take advantage of the private sector cooperative purchasing companies and not-for-profit companies and organizations. The goal is to more efficiently and cost effectively go after the lowest prices as another method of purchasing. It lowers the cost of the products as well as the cost of staff time.

Vice Mayor Best moved to approve ordinance No. 1023-2011 on first reading. Councilman Lob seconded the motion, which was carried 5-0 on roll call vote.

(Mayor Garcia called for a five- minute recess)

10D) Ordinance No. 1024-2011 – First Reading – An Ordinance of the City Council of the City of Miami Springs Repealing Chapter 33, Conflict of Interest; Code of Ethics; Lobbying of the Code of Ordinances of the City of Miami Springs, Containing Code Sections 33-01 Through 33-20; Enacting New Chapter 33, Conflict of Interest and Code of Ethics; Enacting Code of Ordinance Section 33-01, Adoption of Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Dates

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

Attorney Seiden stated that there are a number of stricken provisions and the language on the last page in Section (A) says that by and through the enactment of this ordinance, the City of Miami Springs hereby adopts the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, designated as Miami-Dade County Ordinance Section 2-11.1 and all future amendments thereto for applicability within the City. Section (B) states that for the purposes of this ordinance, all references contained in the adopted Miami-Dade County Ordinance to the county, its Ordinances, procedures, personnel and other related matters, are hereby declared to be intended and interpreted to refer to the City of Miami Springs, its Ordinances, procedures, personnel and other related matters, as may be applicable and necessary to accomplish the purpose of this Ordinance.

Councilwoman Ator asked about the language that was stricken through and if that would remove that language from the Code.

City Attorney Seiden responded that it is standard ordinance procedure to recreate the current language and strike through it.

Vice Mayor Best moved to approve Ordinance No. 1024-2011 on first reading. Councilwoman Ator seconded the motion, which was carried 5-0 on roll call vote.

10E) Ordinance No. 1025-2011 – First Reading – An Ordinance of the City Council of the City of Miami Springs Repealing Code of Ordinance Section 150-005, Alcoholic Beverages; by Repealing the Current Ordinance Provisions and Enacting New Code of Ordinance Section 150-005, Authorization for Endorsement of Applications for State of Florida Alcoholic Beverage Licenses; 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 proposed ordinance. As discussed previously, this may be radical, but the reality is that there is no location in the City of Miami Springs that could serve alcoholic beverages or obtain a license without a variance.

Attorney Seiden said that most of the provisions are distance related and the outdated provisions are related to the distance to residential districts, churches and schools. In substitution for all distance requirements, he is proposing to allow the Administration to deal with the requirements of the State of Florida to give zoning approval on an application for anyone applying for an alcoholic beverage license.

City Attorney Seiden explained that the intent of the ordinance is to authorize the City Manager, or designee of the City, to provide the required zoning approval endorsement on applications for the issuance of any State of Florida alcoholic beverage licenses for business establishments in the commercial districts of the City.

City Attorney Seiden stated that zoning approval endorsement by the City Manager or designee of the City shall be specifically conditioned upon the agreement of each license holder that at least 51% of all revenues received by the licensed establishment shall be from the sale of food and food products. The aforesaid agreement shall be memorialized in a Covenant Running with the Land which shall be recorded in the public records of Miami-Dade County contemporaneously with the City's endorsement of the application for the alcoholic beverage license.

The execution and the recording of Covenant Running with the Land shall not be required for applicants for alcoholic beverage license for the following uses:

1. Supermarkets or other retail food sale establishments.
2. Convenience stores; stand alone or in conjunction with a gas/service station.
3. Restaurants operating under an SRX State of Florida Alcoholic Beverage License.
4. Package stores; where permitted by District Boundary Regulations.
5. Bars; where permitted by District Boundary Regulations.
6. Entertainment establishments and private clubs; where permitted by District Boundary Regulations.

City Attorney Seiden explained that all applicants seeking zoning approval endorsement must send a sworn letter of intent/explanation of the business venture to the City Manager's office and the City Manager designee shall review and either approve or disapprove within ten business days.

By enactment of the ordinance this will eliminate all prior distance restrictions and limitations previously utilized by the City to withhold or condition the City's endorsement of zoning applications, according to Attorney Seiden.

Councilwoman Ator was concerned about protecting the community because currently 51% of the revenue must be derived from the sale of food in order to have an alcoholic beverage license.

City Attorney Seiden said that bars can serve food but the primary service obligation is serving beverages, not food.

Councilwoman Ator referred to the change in the smoking law and the food sale requirements. She said that bars/restaurants in Miami Springs were not complying with the non-smoking ban.

Mayor Garcia explained that certain uses are allowed within certain districts.

City Attorney Seiden said that there are certain uses that cannot be prohibited like adult related businesses in the Abraham Tract. There is no regulation that says the City must allow a bar; the use can be removed from the district boundary regulations and it cannot be allowed as a secondary use in some of the 36th Street buildings. A hotel might want a private club or entertainment facility and a bar to make it more attractive to generate business and those are the instances being considered; no one wants a stand-alone bar.

Councilman Espino thanked the City Attorney for drafting the ordinance, which is exactly what is needed to promote business. He explained that someone wanting a beer and wine license would be able to obtain approval the same day as opposed to waiting 30-days for a Board of Adjustment meeting.

Councilman Espino moved to approve Ordinance No. 1025-2011 on first reading. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

10F) Appointment of Voting Delegate to the Florida League of Cities 85th Annual Conference

Mayor Garcia asked if anyone wanted to make a recommendation for the voting delegate.

Councilman Lob moved to appoint Vice Mayor Best.

Vice Mayor Best stated that he had been the voting delegate for the past six years and he would like to move to approve Councilman Espino since he has indicated an interest and traveled to many of the conventions.

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

City Clerk Magali Valls asked Council to let her know if they would be attending the conference so that she could make their reservations.

(Agenda Item 10G was discussed after Agenda Item 10A)

10G) Consideration of Rating System for Productions in the Sosa Theater

Pelican Playhouse Artistic Director Ralph Wakefield and Chairman of the Board and Theater Manager Nancy Jones, of 255 Springs Avenue, were present to speak on the item.

City Manager Borgmann stated that Mr. Wakefield submitted a document referencing the current standard guide for movie entertainment nationally and a recent letter expressing his concern about language in a production that is tentatively scheduled for later this year, although it has since been cancelled by the production company.

City Manager Borgmann explained that the purpose of this agenda item is to allow the screening of future productions that might be on the horizon and for Council to adopt the rating chart with guidance to the Administration on what is the most adult level they will consider. A survey will be conducted of other cities that have theatres to ascertain what restrictions they might have.

Mayor Garcia thanked Mr. Wakefield for reviewing the language content of the proposed play. He asked if this falls under the purview of his contract for the Pelican Playhouse.

Mr. Wakefield explained that the responsibility falls upon him as the Theatre Manager.

Ms. Jones added that Ralph Wakefield spoke with the Coral Springs Institute for the Performing Arts and they responded that they only approve of family oriented productions. She explained that they reviewed the movie ratings and "G" rated movies are films that contain no strong language, nudity, sex or drug usage and violence is minimal.

Mr. Wakefield stated that a "G" rating is for General Audience and it includes a wide variety of productions; anything above "G" or "PG" allows some violence, profanity, brief nudity and no drug use.

Ms. Jones stated that the Pelican Playhouse board met to go over the ratings and all agreed that they are a family oriented, children's theatre program so they approve of the "G" rating. Other visiting companies might want to perform something beyond "G" and that is why they are recommending a standard that can be included on the application to show what the theatre will allow.

City Manager Borgmann explained that one caveat was brought to his attention, although the validity is unknown at this time. The majority of the Community Center construction was paid for with County funds and there could be guidelines on what they allow.

Councilwoman Ator said that her concern with the rating system is that what is seen in a movie theatre is different from what is seen in a live production.

Vice Mayor Best explained that in motion pictures the audience sees what the movie director wants them to see, while the audience is the judge of what they see in a theatrical stage play. He thanked Ralph and Nancy for bringing this matter to Council's attention.

Councilman Lob stated that the use of the theatre is regulated by the City's use of public funds for its construction. He does not have an issue with limiting the productions to a "G" rating, but would like to find out if the City is allowed to do this based on the County's regulations.

Councilwoman Ator suggested adopting a “G” rating unless it is determined that this is not allowed by the County.

Ms. Jones stated that they would be happy to check with the County to find out if there are any restrictions on ratings and in the meantime Council could make a decision to limit productions to a “G” rating until they come back with a report in August.

City Attorney Seiden explained that Council would be establishing a community standard for Miami Springs and just because the County funded a portion of the construction does not mean they have the right to set community standards.

Mayor Garcia suggested that Council could consider exceptions for any productions that might fall into the “PG” rating.

City Attorney Seiden explained that Council could set a standard for “G” rated productions, with a proviso in the motion that they would consider exceptions on a case-by-case basis.

Councilwoman Ator moved to accept the recommendation of the Pelican Playhouse to institute the “G” rating conditional upon the County’s requirements, with exceptions approved by Council on a case-by-case basis. Councilman Lob seconded the motion, which was carried 5-0 on roll call vote.

11. Other Business:

11A) Mid-year Evaluation of City Manager (Requested by Councilman Espino)

Councilman Espino stated that this situation involves the City’s finances and ways to lessen expenditures. This is a particular situation that has significant financial ramifications.

Councilman Espino said that in a continued effort to be fiscally responsible for City funds, the Mayor and Council should consider accepting the City Manager’s resignation immediately and appoint Ronald K. Gorland as Interim City Manager saving upwards of \$140,000.00. Should the Manager give his resignation, and be willing to do so now, it would save six months compensation/expenses totaling \$99,834.96. His memo outlines expenses for the year, salaries, car allowance, pension contributions and miscellaneous benefits such as insurance, workers compensation, payroll taxes, and a cell phone, totaling almost \$200,000 and monthly expenses of \$16,639.00.

Councilman Espino explained that there is also an opportunity to save on the Assistant City Manager’s compensation presuming that the new City Manager will not begin to work officially with the City until January 1, 2012. The Assistant City Manager, working as the Interim City Manager, could save the City three months of his salary in the amount of almost \$40,000. He also outlined the Assistant City Manager’s yearly expenses and compensation totaling \$158,000.

Councilman Espino said that the recent budget presumptions show that the City must resolve approximately \$537,000 in a proposed budget deficit; \$120,000 of which is a payout to the City Manager for accrued sick and vacation leave. He said that the City must identify all possible savings and it is not appropriate for someone who wants to retire at a certain time to do so at the cost to the residents. He said that if the resignation is not forthcoming or if January 1st is a hard and fast date, earlier termination with the payout in the severance clause in the contract would still save a dramatic amount of money.

Councilman Espino explained that the City Manager's contract provides for a severance payout of three or four months of base salary, which is \$12,259.33 per month and this would be a little more than \$36,000 for three months and just under \$50,000 for four months. Having one administrator would be \$88,584 up to \$102,606, which is significant considering the \$120,000 payout. He asked Council to move forward with his recommendation and to appoint Assistant City Manager Gorland as Interim City Manager while the search for a new City Manager continues. He said that Mr. Gorland would be welcome to apply.

Vice Mayor Best said that he is not in favor of Councilman Espino's proposal, except for having Ron Gorland as City Manager. He is not sure that Councilman Espino has the correct numbers and would like to review the figures. The City Manager has a contract and monies will have to be paid in regard to severance. He said that having the City Manager and his knowledge during the budget process will be more of an asset to the City than the meager savings.

Mayor Garcia said that he contacted the Finance Department to obtain the numbers based on the estimate of saving \$140,000.

Councilman Espino explained that the figures noted with an asterisk were based on what was allocated in the budget and there is only a question in regard to some of the numbers.

Mayor Garcia explained that he would like to wait for the Finance Director to confirm the figures and get all the details and facts from the Human Resources Director and City Attorney. He agrees that \$140,000 is a tempting number but there must be confirmation of the numbers.

Council agreed to table the item until the August 8, 2011 Regular Meeting.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Fourth of July

City Manager Borgmann reminded everyone of the Fourth of July activities for the upcoming weekend beginning with a free Car Show at the Circle on Sunday, July 3rd from 6:00 to 10:00 p.m. followed by the parade at 10:00 a.m. on Monday, July 4th starting at the Community Center and moving toward the Golf Course. The fireworks will commence at approximately 9:00 p.m. that evening.

City Manager Borgmann announced that Bob Calvert stepped up and was able to get County approval for a fire truck for the parade that will spray water in permitted areas.

Code Compliance Officers

City Manager Borgmann announced that two part-time Code Compliance Officers started work today. The Office Administrative Assistant began work last week and everyone seems to be very happy with her.

Parade Grand Marshal

City Manager Borgmann took the liberty of appointing Jo Ellen Morgan-Phillips and CMI collectively (based on last year's recommendation from Mayor Bain) as the Grand Marshal for all the work they have done to restore the Curtiss Mansion.

12C) City Council

Recess

Vice Mayor Bob Best wished everyone a safe recess in July.

Fourth of July

Councilman Espino looks forward to the Fourth of July activities. He hopes that everyone has a great summer.

Fourth of July

Councilman Lob hopes that everyone has a wonderful and safe Fourth of July.

Good Luck

Councilwoman Ator wished Mayor Garcia the best of luck on his trip and his convalescence.

Dot Miller

Councilwoman Ator recognized former resident Dot Miller who recently moved to Plantation and died a few days ago. She was very involved in the community and the Daughters of the American Revolution. The services will be held on Thursday, June 30th at the Presbyterian Church from 6:00 to 8:00 p.m. followed by the funeral on Friday, July 1st at 11:00 a.m.

Check

Mayor Garcia presented a check from the Florida League of Cities to the City Manager for the delinquent occupational licenses in the amount of \$2,596.13.

Fourth of July

Mayor Garcia is looking forward to the Fourth of July parade. There are new rules about the dispensing of water along the parade route since there had been complaints in the past.

City Manager Borgmann announced that police will patrol the parade route and advise the participants that no water will be sprayed onto the participants. He clarified that no inflatable pools of water will be allowed in pick-up trucks in the parade.

Rotary Club

Mayor Garcia spoke to the Rotary Club last week and was able to answer many questions. He urged more people to participate in the meetings since the Club provides a wonderful service to the community.

King and Queen Coronation

Mayor Garcia announced that he will crown the King and Queen at the Senior Center on Thursday, June 30th and they will be sitting on the Fourth of July parade float.

Election Day

Mayor Garcia reminded everyone that Election Day is Tuesday, June 28th to elect the next Mayor of Miami-Dade County. He urged everyone to vote from 7:00 a.m. to 7:00 p.m. The precincts that normally vote at the Community Center will vote at the Golf Course.

13. Adjourn.

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

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

Approved 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 **SPECIAL MEETING** in the Council Chambers at City Hall on Thursday, July 28, 2011, at 5:01 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 5:01p.m.

The following were present:

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

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Human Resources Director Loretta M. Boucher
- City Planner James H. Holland
- Recreation Director Omar L. Luna
- Programs Supervisor Patricia A. Bradley
- Deputy City Clerk Suzanne Hitaffer

2. Invocation: Councilman Espino offered the invocation.

Salute to the Flag: The audience participated.

3. Approval of the City Attorney's Invoice for June 2011 in the Amount of \$12,717.00

There was no discussion regarding this item.

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

4. Resolution No. 2011-3518 – A Resolution of the City Council of the City of Miami Springs Setting the Tentative Operating Millage Levy for Fiscal Year 2011-2012; Setting Time, Date and Place for Public Hearings on the Proposed 2011-2012 Budget and Tentative Millage Rate

City Attorney Jan K. Seiden read the first part of the resolution.

Finance Director Alonso explained that Council must set the tentative millage levy.

To answer Mayor Garcia's question, Mr. Alonso stated that the Administration is recommending a tentative millage rate of 6.92 as outlined in the memorandum dated July 20th. This millage rate is lower than last year's rate of 6.9408 and creates a shortfall of \$405,000. He referred to a listing of items that would cover the deficit in addition to alternative items to be considered during the budget workshops.

Councilman Espino asked how the slight increase that people will experience could be neutralized.

Finance Director Alonso responded that 6.8 mills would create a deficit of \$508,000 or an additional \$103,000 and this would be a zero increase for homesteaded properties.

City Attorney Seiden reminded Council that once the tentative millage rate is set it cannot go higher, but it can be reduced.

Vice Mayor Best asked if the additional \$91,000 that was required for the operation of the Community Center was factored into the budget.

Finance Director Alonso responded that the additional personnel for the Recreation Department are already factored into the budget.

Councilman Espino said that there had been a slight increase in property values. The roll back rate generates the same amount of funds and people will see an increase in the property taxes. He wanted to know what the millage rate would be in order for the residents to pay the same as last year.

Finance Director Alonso clarified that property values increased 1.5%.

City Manager James R. Borgmann referred to a fund balance analysis prepared by the Finance Director.

Finance Director Alonso explained that the calculations do not take into account any budget savings the City may experience at the end of the fiscal year. He was asked to provide a rough estimate of what the fund balance would be and he estimated \$288,000. This is not a savings; it is a reduction of the fund balance that has already been appropriated.

Vice Mayor Best stated that he appreciated the analysis provided by the Administration, but the financial times are not going to get better over the next budget year and he would like to reduce the tentative rate by at least 1/10th of a mill over the recommendation.

Councilman Lob explained that Council is going to be discussing ways to reduce the millage rate and that 6.92 is a good starting point.

To answer Councilwoman Ator's question, Mr. Alonso confirmed that last year's tentative millage rate was set at 6.9628.

Councilwoman Ator moved to set the tentative millage rate at 6.9628. Councilman Lob seconded the motion.

Councilwoman Ator stated that she would agree to reduce the millage rate and 6.9628 seems like a good starting point.

Vice Mayor Best would like to set the tentative millage rate so that it is a message to the residents that Council's intention is to reduce taxes in some fashion.

Mayor Garcia added that Council's intention is to try hard to reduce taxes without jeopardizing the quality of life and the quality of services.

Councilman Espino stated that even though the tentative millage rate can be lowered, he would not want to expand it so much so that it allows too much flexibility. He said that setting the millage rate at 6.9628 would allow the possibility of going above the roll back rate and he would vote against the motion on the floor. He is committed to lowering the millage to 6.8 and to ensure efficiency without cutting services.

Vice Mayor Best was in full accord with Councilman Espino's opinion and will also vote against the motion.

To answer Councilwoman Ator's question, Mr. Alonso stated that the roll back rate is 6.9208. He said that the tentative millage rate will be proposed on the tax bill that goes out to the residents in 30 days. The County has lowered its millage and the residents will see a savings; a tentative millage rate of 6.9628 would really be higher than the current 6.9408 and residents will see a slightly higher increase on their bill for the City side.

Mayor Garcia asked what would be the amount of the increase if the millage is set at 6.9628.

Finance Director Alonso responded that the average increase would be \$21.00 versus \$15.00.

Mayor Garcia asked Councilwoman Ator if she would consider retracting her motion.

Councilwoman Ator said that someone could suggest an amendment to her motion, but she was not interested in retracting.

The motion failed 1-4 on roll call vote with Vice Mayor Best, Councilman Espino, Councilman Lob and Mayor Garcia casting the dissenting votes.

Councilman Espino moved to set the tentative millage rate at 6.9200, or the roll back rate, with the intention of setting it below that rate. Vice Mayor Best seconded the motion.

Mayor Garcia stated that Council is going to work hard to reduce the millage rate and he would like to set the tentative millage so that there is no increase to the residents on the proposed tax bill.

Councilman Lob stated that Council is committed to reducing the millage rate but he does not want to set the tentative rate too low. He felt that 6.9200 is fine.

To answer the Mayor's question, Mr. Alonso stated that setting the millage rate at 6.8 would increase the deficit to \$508,000 instead of \$405,000. The Administration has provided a list of \$900,000 of potential reductions for various items.

Councilman Espino suggested setting the millage rate at 6.8600 and work down from that point.

Councilwoman Ator commented that the tax bill includes other taxing authorities, although the residents look at the bottom line.

Mayor Garcia would like to send a clear message that Miami Springs is lowering the millage rate and the City's tax is only one portion of the bill.

Councilman Espino said that Council has an obligation to reduce the millage rate and not to hide increases within the other reductions. If the County and the School Board have reduced their millage rates, the City should be able to do the same.

Finance Director Alonso stated that the County lowered their millage rate to the 2009 levels and the City's millage rate in 2009 was 6.7992.

Assistant Superintendent Helen Blanch with Schools of Choice, Miami-Dade County, stated that the School Board set the tentative operating millage levy at .472 mills and capital outlay millage levy of 1.600 mills. The State established and required local effort millage levy was set at .693 mills and a debt service levy of .240 for a total millage levy of 8.005 mills.

Councilman Espino withdrew his motion. He moved to set the tentative millage rate of 6.8600. Vice Mayor Best withdrew his second and seconded the amended motion.

Councilwoman Ator stated that she very much approves of lowering the tax rate for the residents, but she would not vote to set it lower than the Administration's recommendation before the workshop discussions.

The motion carried 4-1 on roll call vote, with Councilwoman Ator casting the dissenting vote.

City Attorney Seiden read the resolution in its entirety.

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

5. Presentation by Miami-Dade Public Schools Regarding a Charter School to be Opened at the Old Glenn Curtiss Elementary School

City Manager Borgmann stated that Council requested a presentation and it was determined that this meeting would be the appropriate time since time is of the essence.

Helen Blanch, Assistant Superintendent for School Choice, Miami-Dade County Public Schools of 13660 S. W. 100 Avenue, 33176 and Vera Hirsh, President of the Miami-Dade Foundation for Educational Innovation, Inc. of 10270 S. W. 109 Street, 33176 introduced themselves for the record.

Ms. Blanch stated that the budget discussions began approximately six months ago and their elected board gave very direct instructions to the Superintendent that the end result at the close of the school year would be a smaller school system without touching the classrooms or firing any teachers. She explained that there was a resolution for a complete reorganization of the District and a reduction on district level operations by \$13.7MM through salary reductions, demotions and the loss of some jobs.

Ms. Blanch said that she currently oversees 91 charter schools and there will be 109 schools beginning this year and they are the most popular and rapidly growing choice option for parents. She said that the Superintendent's goal is for all parents to have more than one option. By Charter law, as the District has available space, it is offered to charter schools and they would hire the District as the management company. She explained that they are a not-for-profit school and everything must be invested in the school so they had to make sure it is financially feasible for the District.

Ms. Blanch explained that Glenn Curtiss is still set up as an elementary school and will require less time to open. Part of the proposal is to have a very detailed lease and management agreement according to the Statute. This is a Charter School that is being hired to provide services, including security, food, transportation, etc. The school will begin with kindergarten, first and second grades and will be called "The Glenn Curtiss Academy for International Education."

Ms. Vera Hirsh stated that the community is very excited about the school and they have received hundreds of telephone calls. She explained the children will be taught Spanish beginning in kindergarten with a goal of them being bilingual and bi-literate. In the future if the grades expand to twelfth grade they are hoping to have students graduate with a third language. The school will be ready to open on August 22nd and they hope to gain community support. She has met with the Miami Springs Police Department to go over the student drop-off and the school hours will be from 8:20 a.m. to 2:50 p.m.

Ms. Blanch explained the current application is for a K-8 facility. The school was designed as a K-5. The Foundation would have to come back to the Board to amend the contract if the school was to go to a K-8 and it would also depend on space. For the current year they are hoping for one kindergarten class, one first grade class and one second grade class.

Mayor Garcia informed Council that he has received telephone calls from concerned residents who just found out about the school. He said that there was no outreach or information given to the residents or the elected body and that is disturbing since the City has an education compact.

Ms. Blanch explained that the first notice to the Board was July 13th and there was no discussion allowed outside the school district without approval. They are trying to get the word out as quickly as possible; this is a pilot program and that is why they are starting out very small with minimum impact.

Mayor Garcia continued to explain the resident's concerns about the charter school.

Ms. Blanch stated that next week at the regularly scheduled Board meeting the Superintendent will unveil his new programs for next year, including eighteen new magnet programs, increase in charter schools, etc. She said that hopefully they can work with the City to ensure that the school meets the needs of the community.

Mayor Garcia stated that because the School District owns the property there is not much the City can say about the charter school.

City Attorney Seiden agreed that the School District owns the property, they are not building a new facility and it seems like a logical situation. He hopes that the City's cooperation will be taken into consideration when the City asks for the School Board's cooperation in regard to Stafford Park and other locations.

Mayor Garcia stated that the K-8 potential is a concern for him. He said that there is not much the City can do and he would like to maintain communication and the relationship with the City and the neighboring residents in regard to traffic.

Councilman Lob explained that he also received telephone calls from concerned residents. He would like the City to be informed of any meetings so that the residents or elected officials can attend.

To answer Mayor Garcia's question, Ms. Blanch stated that the City Manager was informed of the agenda item and the meetings are publicly noted as required by the Sunshine Law.

Vice Mayor Best asked if the certification process for the charter school is complete.

Ms. Blanch responded that the contract has been approved by the Board and the final piece will be the approval of the lease agreement for \$1.00 per year and the actual cost of utilities. She said that the classrooms are very big and there cannot be more than 18 children per class according to the class-size amendment.

To answer Vice Mayor Best's question, Ms. Hirsh clarified that the school offers 90-minutes of reading and literature every day as well as mathematics and social studies in addition to other enhancements for learning.

Councilman Espino stated that he is a proponent of charter schools and applauded the efforts of Ms. Blanch and Ms. Hirsh. He received calls from the Springview Elementary School P.T.A. and they are concerned about losing their Vice Principal because the number of administrative positions are based on the number of students.

Ms. Blanch said that the Assistant Principal positions had been set for this year and the allocation is done by a formula based on the size of the school. She said that the conversion to a K-8 is a process that takes an entire year from the time the application is submitted and traffic studies must take place. In this case the application is being developed and it is highly unlikely that Springview will move to a K-8 because the school is at 95% capacity and there are no capital dollars.

Councilman Espino asked about the need for police services and if the charter school would draw from the City's funds.

City Manager Borgmann explained that the Miami-Dade County School Police are not actively involved in traffic control or those types of issues. He said that three classes of eighteen students is not going to generate that much traffic, but if the school grows there will be other issues.

Chief of Police Peter G. Baan stated that when he prepared his memorandum he did not have all the pertinent information in regard to the enrollment or operating hours. There is a significant amount of police response on a daily basis to the schools within the City because Miami-Dade School Police handles everything from the sidewalk to inside the school and Miami Springs handles incidents from the sidewalk out, including traffic problems.

Chief of Police Baan added that the City employs school crossing guards for the existing elementary schools and the charter school might also require a crossing guard. The positions are funded from County funds and any overages would be at the City's expense. He does not feel that three classes will have much of an impact, but future plans for a K-8 will add a significant amount of traffic.

To answer Councilman Espino's question, Chief of Police Baan explained that crossing guards are funded through parking ticket revenues.

Councilwoman Ator stated that she understands that the charter school is hiring the School Board. She would like to know what the agreement would cover.

Ms. Blanch stated that the management agreement covers the operation of the school. The teachers and Principal work for the governing board of the school and the School Board will provide custodial and food services, accounting and payroll assistance and writing grants. The School Board serves as the regional office and the curriculum is the school's responsibility. The school police and teacher training center will continue to occupy a small portion of the building until the school expands.

To answer Councilwoman Ator's question, Ms. Blanch explained that the charter school has a governing board that must publicly notice their meetings. The next meeting will be held at 5:00 p.m. on Thursday, August 4th at the Hialeah campus.

Councilwoman Ator asked if the school has a separate website.

Ms. Hirsh stated that the website address is www.aiecharter.net and she can be reached at 305.883.3900.

Mayor Garcia urged Ms. Blanch and Ms. Hirsh to keep Council and the community informed.

Councilman Lob added that the charter school is invited to attend the Education Advisory Board meetings that are held on the third Tuesday of the month.

City Attorney Seiden advised Ms. Blanch and Ms. Hirsh to advise the City Clerk of any meetings in regard to a K-8 in light of past issues with a proposed ele-middle school.

6. Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Year 2012-2014

City Manager Borgmann stated that he is withdrawing this item from the agenda. The Administration is preparing a package; there was a glitch with a resident who tried to participate with the County through one of the programs and it was just resolved two days ago. There was not enough time to get all the information together and the item will be placed on the agenda for the August 8, 2011 City Council Regular Meeting.

7. Discussion Regarding Ad for City Manager's Position

City Manager Borgmann stated that Council received information from Human Resources Director Loretta Boucher regarding the qualifications that will be placed in the advertisement for a new City Manager. Since Councilman Espino called Ms. Boucher with his concerns, the Administration felt that it would be appropriate to bring this to the attention of the entire Council before anything is added or changed.

Mayor Garcia asked Councilman Espino to explain his concerns or recommendations in regard to the advertisement.

Councilman Espino stated that Human Resources Director Boucher had solicited questions or comments from Council and he passed on a few of his comments in an e-mail and any changes should be agreed upon by Council.

Councilman Espino felt that the general requirements section in the notice and advertisement contains a confusing provision since it says "Masters Degree preferred" and that means it is not a general requirement. Personally, he would like this clarified and it does not specify what type of Masters Degree and a Masters Degree should be a requirement in conjunction with some of the qualifying experiences.

Human Resources Director Loretta Boucher explained that most cities that advertise for a City Manager's position list a Masters Degree as a preferred requirement and three years experience for a BA Degree in Public Administration with five years experience. She agreed with Councilman Espino that the advertisement should list that a BA Degree is accepted along with the necessary experience. The requirements say that a Masters Degree is preferred, but it does not specify what type of Masters Degree; it could be Public Administration or Political Science.

Councilman Espino would like to make the Masters Degree a requirement regardless of what type because someone could be well qualified that has a Masters Degree in Business Administration. If it is a general requirement he would like to eliminate "preferred" and leave it open ended with the experience or a BA Degree with the referenced experience.

Vice Mayor Best suggested that "related" experience would cover everything. He agrees that Business Administration, Public Administration and/or Political Science and five years experience is critical.

City Attorney Jan K. Seiden asked Councilman Espino to clarify that he is recommending a change from "preferred" to "required".

Councilman Espino explained that he would not say that a Masters is explicitly required, but a Masters with experience or a BA with five years experience.

Councilman Lob said that a Masters Degree with three years experience or a BA Degree in Public Administration with five years experience would be required.

Councilman Espino agreed with Councilman Lob.

Assistant City Manager Ronald K. Gorland explained that he does not have those qualifications.

Mayor Garcia stated that he made some calls to other cities and they use the language “preferred” so it is not mandatory because some City Manager candidates do not possess the qualifications. This would be something for Council to consider if there are two or three candidates and one without a Masters Degree might be better qualified for a number of reasons.

Councilman Espino commented that Council could carve out an exception for Assistant City Manager Gorland.

Mayor Garcia would not want to carve out an exception for one person; there might be other candidates with all the qualifications except for a Masters Degree.

Councilman Espino suggested a Masters Degree with three years experience or a BA in Public Administration with five years experience or a third category with a certain number of years experience in City Administration.

City Manager Borgmann clarified that what Councilman Espino is suggesting is called “progressive experience”.

To answer Councilman Lob’s question, Assistant City Manager Gorland explained that he has a Bachelors of Science in Business Administration.

Councilwoman Ator asked what the objection is to saying “Masters Degree preferred” with five years experience.

Councilman Espino explained that it is confusing because a Masters Degree is listed as a preference under General Requirements. He is trying to separate the categories of qualifications. Someone with business and city experience could be qualified to operate a city. The requirements could be a BA Degree in Public Administration and/or Business Administration.

Human Resources Director Boucher suggested language stating that a Masters Degree is preferred with five years experience in a City Manager or Assistant City Manager position or equivalent administrative experience with municipalities of similar size and complexity.

Councilman Lob clarified that Councilman Espino wants to eliminate “preferred” and say “Masters Degree with three years experience or a BA Degree in Public Administration and/or Business Administration with five years experience.”

Councilman Espino reiterated that “preferred” does not make a Masters Degree a requirement and it should be eliminated from General Requirements. He said most people would be covered by saying “Masters Degree with three years experience or a BA in Public or Business Administration with five years experience.”

Councilwoman Ator explained that someone with a BA Degree or Masters Degree in English could have been a City Manager for ten years; she would not want to limit it to Public or Business Administration.

Councilman Espino suggested creating a third category of a certain amount of years in progressive local government experience. The categories would be a Masters Degree with three years experience; a BA Degree in Public Administration or Business Administration with five years experience, or progressive experience in local government of at least five years.

By **consensus**, Council agreed with the requirements of a Masters Degree with three years experience; or a BA Degree in Public Administration or Business Administration with five years experience, or progressive experience in local government of at least five years.

Councilman Espino continued to explain that there was a discord between the preferred characteristics on the notice and the requirements in the advertising that candidates must possess strong financial management, human resources and communication skills. He asked for a consensus on what the preferred characteristics would be and to include the same in both the notice and the advertisement.

Human Resources Director Boucher explained that she referred to the past Council minutes when the requirements were discussed and incorporated those comments into the preferred characteristics.

Councilman Espino reiterated that the advertisement states that “Candidates must possess strong financial management, human resources and communication skills”.

Councilwoman Ator said that the advertisement would go out globally and the notice of employment would appear on the website. She said that going through the process the notice could be updated with additional characteristics and her concern is the advertisement that the City will pay to publish does not need to include all the preferred characteristics.

Councilman Espino stated that there was a discord between the terms “general”, “must”, “preferred” and “should”. He would like economic development to be one of the top policy objectives. He agreed with Councilwoman Ator that not all characteristics would be included in the ad.

Councilwoman Ator was in favor of including “strong financial management, human resources, and communication skills with economic development closer to the front such as “strong financial, economic development management, human resources and communication skills.”

City Attorney Seiden clarified that “should” would replace “must.”

City Manager Borgmann added that the website could have a very specific job description and the advertisement could refer to www.miamisprings-fl.gov

Mayor Garcia said that Council had to make sure that all the questions were answered before advertising for the position.

City Manager Borgmann explained that the Administration could send the information to Council one more time with the changes that were made.

Councilman Espino expressed his desire to send out the ad if everyone agreed.

Human Resources Director Boucher stated that the advertisement must go out this week in order to be included in the August issue of the Florida League of Cities Datagram.

By consensus, Council agreed to move forward with the advertisement with the appropriate changes.

(Mayor Garcia called for a five-minute recess at 6:45 p.m.)

8. City's 85th Birthday Celebration Discussion

City Manager Borgmann stated that while making plans for the City's 85th birthday celebration a suggestion was made that generated a great deal of discussion among the business community and staff. The purpose of tonight's discussion is to seek direction from Council on how to proceed.

City Manager Borgmann explained that the City is in the economic development mode and the suggestion of bringing in food trucks seemed like an intrusion on the existing businesses in the Downtown area since there are eleven food establishments close to the Circle. He is not for or against the trucks; it is simply a question of whether or not the business community is being interfered with by this suggestion.

City Manager Borgmann commented that the businesses were approached around the Circle, along N. W. 36th Street and the west end of the City and very little response was received because the owners do not want to come to the Circle to set up a food operation on a Saturday night. This left a void as to how the City will be able to prepare food for a crowd, except for being able to eat at the local establishments.

The food trucks are a new and exciting issue for the County and they are a very good experience, according to Mr. Borgmann. The Chamber of Commerce also likes the idea of having the trucks at the proposed "Green Market" in the fall. He asked Council for direction as to how they would like to proceed and if they are interested in five to seven trucks.

Councilwoman Ator provided additional information on how the idea for the food trucks came about and her ideas to bring them to the City. She has been in contact with a representative from Miami Food Trucks and thought of the City's birthday party because she does not want the City to have the additional expense of serving hotdogs or hamburgers. The food trucks are an opportunity to bring people into the City and she presented the idea to Programs Supervisor Patti Bradley.

Councilwoman Ator explained that Miami Food Trucks set aside August 27th for the City and she feels it is important for Council to make a decision. She reiterated that the Recreation Staff should not spend the time or energy to serve food for 750 to 1,000 people. She spoke with the Chief of Police about the potential of attracting 1,200 people and he said that there would not be a problem.

Councilwoman Ator felt that it would be a good potential for the businesses by exposing them to hundreds of people that would not have come into the City otherwise. She said that if the City remains the best kept secret no one will know that they should buy a house, open a business or come to dinner here.

Mayor Garcia said that in checking with some of the businesses he found that some had a problem, others did not care and some welcome the food trucks. The birthday event is proposed for Saturday night from 6:00 p.m. to 10:00 p.m. and other Circle events have not affected the businesses. He hopes to market the events and reach out to the public. He is not opposed to bringing in the food trucks because he spoke with the restaurant owners and they approve of attracting people to the area.

Mayor Garcia would like to see people discover and learn about Miami Springs. He spoke with the Chamber of Commerce to see how they felt about the event.

Donna Wood-Beney of 3971 N. W. 65th Avenue, Virginia Gardens, spoke on behalf of the Chamber of Commerce, explaining that the consensus of the Chamber members was that the food trucks would bring an uncomfortable message to the local restaurants. They decided to poll the restaurants to see how they felt about the birthday event on August 27th and most agreed to stay open and provide food service but they would not agree to setting up on the Circle due to the expense. She said that whatever the City decides to do the Chamber is willing to help.

Ms. Wood-Beney stated that she continued checking with the businesses in order to see if they would cooperate by serving food on the Circle and they will not be able to do that. The Chamber likes the food trucks and wants to utilize them for the "Green Market" in the fall.

To answer the Mayor's question, Ms. Wood-Beney said that the Chamber would be willing to put together a card listing the businesses and restaurants so that people that are standing in line at the food trucks can sample some of the food.

Councilman Espino stated that having the food trucks in Miami Springs on the 85th anniversary celebration is a secondary point. The number one issue is to celebrate the anniversary. He said that the food trucks attract more than 1,000 people with lines of more than 45-minutes and merged with the 85th anniversary it will “swallow up” that event and the other activities. Most of the restaurants are within close proximity and they could set up order stands and run the food to the Circle.

Councilman Espino would not be opposed to bringing in the food trucks on another day or during the “Green Market”. He said that the birthday celebration should be held with those people that are interested in celebrating the event. He does not want to bring in 2,000 people that are not Miami Springs’ residents to take away from the birthday celebration.

Mayor Garcia said that he had been to other municipal celebrations and they want everyone to come and see what their cities have to offer.

Councilman Espino explained that he had been advocating for marketing and better public relations for awhile, but the food trucks will attract people who will tailgate and bring their own coolers. Police presence is required and there will be trash all over the place. The 85th birthday is a special event, it should have been better publicized and plans should have been finalized a while back.

Mayor Garcia reiterated that other municipalities have had food trucks for their celebrations in addition to other activities. He said that people who do not want to stand in line will be given a list of all the other restaurants.

Councilman Espino agreed that the food trucks are good for using their social network to bring in people but it does not have to be on the 85th anniversary of the City.

Councilman Lob stated that many times a Circle event is not well known and when people see what is going on it peaks their curiosity whether or not it is a resident or someone just driving through. The food trucks will draw a lot of people and get their interest.

Mayor Garcia explained that the food trucks have followers and most people who refuse to wait in line will have the option of eating at the local restaurants.

Councilman Lob said that most restaurant owners want to be near other food establishments because that is what draws people. This will be a celebration of Miami Springs and a good time to advertise the City. He agreed that some people will come only for the trucks, but they will see what a beautiful City it is.

Councilman Espino thought that the 85th birthday celebration was going to be something special and he is disappointed at the way the plans are going.

Mayor Garcia referred to past Council minutes and the reference to plans to kick off the birthday celebration during the Springs River Festival with a secondary event. To this point, none of this has happened. He said that there is less than four weeks to the date.

Vice Mayor Best thanked Donna Wood-Beney for her efforts in soliciting the businesses in terms of their participation in this event. He said that the City has exercised due diligence in going to the businesses and they have not demonstrated much interest.

Vice Mayor Best also thanked Councilwoman Ator for bringing the idea to Council and thinks it would be wonderful to introduce the food trucks to the 85th birthday. He does not see any difference between the vendors that line the streets of the Springs River Festival versus four hours on the evening of August 27th.

Councilwoman Ator agreed that it is a great opportunity for the restaurants around the Circle to accommodate those people who do not want to deal with the food trucks. She would encourage the Recreation Department Staff to work with the food truck representative to discuss the options for food that will not conflict with the local businesses. She would also encourage the restaurants to stay open and prepare a flyer or card to inform the people of their options for food.

Mayor Garcia was of the opinion that the number one obstacle is for Staff to determine what the activities will be in order to impress and inform people about Miami Springs. He would like Staff to brainstorm ideas that could be presented to Council at the next meeting.

Parks and Recreation Director Omar Luna stated that Staff had been waiting for a decision on what to do about food before finalizing plans. They are planning for a concert band that will play music, and a slide show with guest speakers. The decorations will include balloons; there will be face painting and cupcakes among other ideas.

To answer the Mayor's question, Mr. Luna clarified that the food trucks will not cost anything. Public Works can set up the trash cans that will be emptied. The Police service will be the largest cost and they estimate \$1,100 without food trucks and \$1,300 with the trucks.

Mayor Garcia asked the Chief of Police if it is less expensive to close the entire Circle as opposed to leaving one lane open.

Chief of Police Peter G. Baan said that the food trucks will require the closing of the entire Circle earlier and the estimate is \$1,300 for the event that runs from 6:00 p.m. to 10:00 p.m.

Mayor Garcia requested another report at the August 8th Council meeting on the plans for the event. He asked what plans there are for marketing the event besides the Gazette, Channel 77 and the marquee.

Mr. Luna explained that posters and flyers are being made for posting in local restaurants and businesses around town.

Chief of Police Baan asked if two hours would be enough time for the food trucks to set up.

Councilwoman Ator said that the food trucks are self-contained and they do not require any set up.

Chief Baan added that there must be plenty of portable restrooms.

Councilwoman Ator clarified that in all her conversations with the food truck representative she emphasized that she is not responsible for the event and she does not want to overstep her bounds. She said that all dealings should be with the Recreation Department Staff.

Chief of Police Baan said that all participants should be notified not to set up prior to 4:00 p.m. or it will create more issues.

Mr. Luna stated that the trucks drive in and are ready to go; they are self-contained and are responsible for cleaning up their own areas.

Vice Mayor Best suggested expanding the event by a few hours since it is the 85th anniversary.

Councilwoman Ator said that she would expand the time by starting at 5:00 p.m. instead of 6:00 p.m.

Vice Mayor Best added that some of the activities could begin earlier with the introduction of the food trucks later.

Councilwoman Ator said that starting at 5:00 p.m. would draw family oriented people with young children who normally eat early. Even though the flyers advertise 6:00 p.m. she would not be opposed to starting at 5:00 p.m. and advertising that on the Circle.

City Attorney Seiden advised Staff to obtain as many food trucks as possible with a variety of food. He said that everyone should be told to bring their own chairs and get there early.

Tom Curtis from the River Cities Gazette, 53 Curtiss Parkway, stated that the City's birthday is a celebration and the food trucks will be a great news story. He offered to prepare a special news section with the City's history and restaurant advertisements. He said that the restaurants will benefit by bringing people into the City. He urged one person to be in control of the positioning of the food trucks and determining the variety of food.

Mayor Garcia said that the food trucks are operated by professionals with large restaurant chains and they know their business.

City Manager Borgmann explained that a map has already been prepared for the positioning of the food trucks in anticipation of approval. They will not be parked in front of existing restaurants.

Mr. Curtis reiterated his offer to publish a special section that will be published in the Gazette that goes to all the residents two days before the event with extra handouts for the event. He asked the Administration to keep him informed.

By **consensus**, Council approved of bringing in food trucks for the City's 85th birthday celebration.

9. Adjourn.

There being no further business to be discussed the meeting was adjourned at 7:49 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Suzanne Hitaffer, CMC
Deputy City Clerk

Approved during meeting of: ____

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



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The **Ecology Board** met in Regular Session at 7:00 p.m., on Tuesday, June 28, 2011 in the Council Chambers at City Hall.

1. ROLL CALL/CALL TO ORDER

Meeting was called to order at 7:08 p.m.

Present were: Chairman Martin Crossland
 Vice Chair Wendy Anderson-Booher
 Board Member Ann Trina Aguila
 Board Member Carl Malek

Also present: Board Secretary Aly Paz

2. APPROVAL OF MINUTES

The minutes of the April 26, 2011 regular meeting were approved as written.

The motion to approve the minutes was offered by Vice Chair Wendy Anderson-Booher, seconded by Board member Ann Trina Aguila and it was unanimously carried on voice vote.

3. OLD BUSINESS

A. Commercial Recycling Memo

Chair Martin Crossland opened discussion on the Commercial Recycling Memo that previous Board member Marta Zapata created.

Discussion followed.

Board members agreed this issue was out of the hands of this board and would not pursue unless directed by Council.

Chair Crossland commended Board member Aguila for contacting her respective Council member and discussing recycling issues with her.

Board members discussed recycle containers being available throughout the City and agreed to contact their respective Council member to ask for direction on this issue.

B. Recycling at City Buildings

Chair Crossland opened discussion on recycling at City buildings. He agreed to check if the various locations are recycling and would speak with Councilman Best about his findings.

Discussion followed.

Board member Aguila understood the liaison Council member was to attend this board's meeting. Chair Crossland agreed to check into it, as this would help with guidance for this board to look into the various recycling issues they have been discussing.

C. Recycling at City Events

Chair Crossland opened discussion on recycling containers being at the various City events. Board members saw bins available at the Springs River Festival and will be looking for them at the various 4th of July events being held in the City.

D. Adopt Clean Up Month

Board members would like to readdress this issue after the Board of Parks and Parkways completes the Adopt-A-Park Program.

E. Sunshine Law Video

Board members would like to view the Sunshine Law Video when they have a full quota of members.

F. Anchor Club

Board member Aguila informed the Board that she has spoken to the person who is taking over the Anchor Club at Miami Springs Senior High School. Her name is Ana Karlick and she is very willing to help out the Ecology Board in any way she can.

4. NEW BUSINESS

A. Adopt-A-Tree

Board member Aguila had a request from Councilwoman Ator to see if Miami Springs would be a good location for an Adopt-A-Tree giveaway. Board member Aguila called the contact person for this program with Miami-Dade County, Stephen Thompson at 786-473-2272. He informed

her that the cities that have done this before have spent about \$20,000 of city funds, would need to have police coverage and adequate parking, since the event is open to all County residents.

Discussion followed.

The Board members agreed this program was not under the Ecology Board jurisdiction and would be best handled by the Board of Parks & Parkways.

5. ADJOURNMENT

There was no further business to be discussed and the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Aly Paz
Board Secretary

Attachments

Approved as _____ during 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”.



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The regular meeting of the **Miami Springs Code Enforcement Board** was held on **Tuesday, August 2, 2011** at 7:00 p.m. in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:04 p.m. by Chairman Marlene B. Jimenez.

Present: Chairman Marlene B. Jimenez
Vice-Chairman Raul Saenz
Jacqueline Martinez-Regueira
John Bankston
Rhonda Calvert
Walter Dworak

Also Present: Code Compliance Officer Harold (Tex) Ziadie
Code Compliance Officer Lourdes Taveras
Code Compliance Officer Awilda Rivera
Code Compliance Officer Jose Sadin
Council Liaison-Councilwoman Jennifer Ator

Absent: Robert Williams

2) Invocation/Salute to the Flag

All present participated.

3) Approval of Minutes:

Minutes of the June 7, 2011 meeting were **approved as written.**

Board member John Bankston moved to approve the minutes of June 7, 2011. Vice-Chairman Raul Saenz seconded the motion, which was passed unanimously by acclamation, all members voting "aye".

Prior to the case presentations, Tex Ziadie introduced the two new Code Compliance Officers, Awilda Rivera and Jose Sadin to the Board. He also shared some statistics with the Board from the first full month of the new Officers being on the road. Together, during the month of July, they created 132 new cases, performed 164 initial inspections and 46 follow up inspections and inspected 34 Garage Sales. The Board members welcomed the new officers.

4) OLD BUSINESS- CASES

- 1) Case# 08-2178
Address: 240 Lenape Drive
Owner: Domingo Santana & Milagros Solis
Violation: Section 151-04 Work Without a Permit

Code Compliance Officer Tex Ziadie stated that a letter had been received from Ms Solis, stating that she is out of the State caring for her sick father. This case, with the approval of the Board, will be carried over until September. Since it was not a part of the Board's packet, a copy of the letter is attached to these minutes for the official record.

- 2) Case# 11-205
Address: 144 South Drive
Owner: Doris E. Boiesen
Violation: Section 93-13 Maintenance of Property

Tex Ziadie stated that this case did not require any action by the Board. The Board already acted in this case in their June meeting and the Officers only wanted to give the Board an update. Officer Lourdes Taveras stated the following:

At the June 7, 2011 Board meeting, member Robert Williams made a motion to grant Ms Boiesen 30 days until July 7, 2011 to come into compliance. If she did not, then a fine of \$25 per day would begin on July 8, 2011. Vice-Chairman Saenz seconded the motion and it passed with five "Aye" votes and with Member Rhonda Calvert abstaining. As of today, the location was still not in compliance and therefore, the fine started running on July 8th. To date, the fine total was \$625. The fine will continue to run until compliance is reached. Officer Taveras displayed pictures from the previous meeting, as well as pictures taken today.

- 3) Case# 10-1075
Address: 273 Navajo Street
Owner: Sonja J. Broom for the Estate of Robert Denton
Violation: Section 93-13 Maintenance of Property

This being the only case requiring sworn testimony, Tex Ziadie swore in all those who were present to speak on this matter.

Officer Taveras stated the case as follows:

On June 15, 2010 based on a citizen complaint regarding the condition of the property, a visual inspection of the property was made. At the time of the inspection it was noticed that the house was vacant and in an unsafe and unsightly condition. The roof needed replacement, the exterior walls were deteriorated, there were vines growing out of the roof and walls, the windows and doors were broken and needed replacing, the house was full of piled up furniture and bushes were overgrown around the house. There were two very deteriorated mobile homes in the rear yard. This property has been cited for the same violations since 1992. After researching the property owner, in the Miami Dade County Clerk of Courts website it was found that Sonja Broom is the Personal Representative for the Estate of Robert Denton. A Courtesy Notice was sent via regular mail and certified mail to: 272 Navajo St. and to 426 S.E. 3rd Terr. Dania, FL 33004. Thirty days was granted to comply by completely demolishing the structure or repairing it and removing the two mobile homes from the property.

On August 5, 2010 a follow up inspection was performed and no action had been taken to improve the condition of the house and no contact had been made by the property owner or by his representative. A Notice of Violation was sent via Certified mail, regular mail and posted at the property. The notice specified the actions that were required to bring the property into compliance:

- 1) Remove inoperable vehicles (Mobile homes)
- 2) Empty house of all derelict property.
- 3) Repair and paint house.
- 4) Repair roof.
- 5) If structure is unsafe and beyond repair, structure should be demolished.

On Sept. 13, 2010 Ms. Broom contacted Officer Taveras via email stating that she would comply by demolishing the house, also that she needed information on a company to remove the campers.

On Sept. 15, 2010 During a follow up inspection there were still two vehicles parked on the property and it seemed that it was being emptied.

On Nov. 30, 2010 on a follow up inspection it seemed that progress to clean the property had stopped, the trailers were still on the property, the house was still full of debris, and in need of maintenance.

On Jan. 27, 2011 no improvements had been made and the case was referred to the CEB.

On May 16, 2011 a Summons to appear was sent via Certified mail and regular mail, service by Police was not performed because the property representative lives in Dania, Fl.

On May 30, 2011 letters were returned to Code Compliance due to a wrong address on the envelopes. Summons was re-mailed via Certified mail and regular mail.

On June 13, 2011 a Summons to Appear was sent via Certified Mail and regular mail, and email. A Return Receipt for Merchandise was signed and returned on June 4, 2011. Also, an email reply was received from the property representative Sonja J. Broom.

Officer Taveras displayed pictures of the property taken prior to the last meeting and pictures taken today. In addition to the prior mentioned violations, there was a large tree fallen down on the property.

Ms Sonja Broom was called to the podium and stated her name and address. The Chairman asked her to explain what was going on with the property. Ms Broom stated that she wanted the Board to have the big picture. She said that she was the Personal Representative of the estate and that she had one brother involved in the estate with her and another brother who she was joint guardian of. She said that she was the only one really responsible to get things done and it all fell back on her. She said that she was not going to make excuses, but wanted the Board to understand what she was faced with. She said that the house was full of material saved by her father. She had to account for 14 years of back tax issues for the estate and that they had to go through the entire house as it was filled with papers and they had to sort through them all. She said that the roof was fairly new, she thought it had been put on in 1994, but that they had not repaired the rotted wood under the tile. That was why they had not cleaned the roof as it was not safe to walk on. She said she had hired people to take care of the vines on the house, but they hadn't done it. She had tried to get someone to haul away the campers, but had been unsuccessful. She knows that she has to take action and she wanted help from the Board to establish a timetable.

Board members asked Ms Broom various questions about the sale of the house or its demolition. They asked her how much time she needed. She stated that she wanted to Board to tell her how much time.

Board member Rhonda Calvert made a motion to grant Ms Broom 30 days to:

- 1-Get rid of the two vehicles (campers).**
- 2-Remove the vines and clean up around the house.**
- 3-Remove the fallen tree.**

In addition, Ms Broom was to come back to the Board at the September 6th, 2011 meeting and provide the Board with a timetable for the sale or demolition of the house. The motion was seconded by Vice-Chairman Raul Saenz and it passed unanimously on roll call vote.

Ms Broom was offered help by various Board members to get someone to haul away the campers and also help from the Building Department if she decided to demolish the house.

5) NEW BUSINESS-NONE

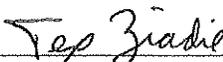
6) **Council Liaison Report and Request**

Councilwoman Ator was present. She approached the podium and once again thanked the members for their service. She said that she was glad that Code Compliance was up and running and it would result in more cases for the Board. She asked if the Board had any questions for her. There were no questions. The Board members thanked her for coming.

7) **Adjournment**

There being no further business the meeting was duly adjourned at 7:45 p.m.

Respectfully Submitted:



Tex Ziadie
Code Compliance Officer
Supervisor-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.

RECEIVED

AUG 01 2011

MIAMI SPRINGS
BUILDING DEPT

July 28, 2011

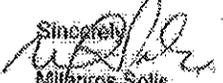
City of Miami Springs, Florida

Code compliance officer

To whom it may concern,

I Milagros Solis would like to excuse myself once again for not being able to attend the hearing summoned on August 2, 2011. For the reason that, I'm out of the state with my father Santana Solis who suffered a stroke and now had a very bad fall, and due to this situation I need to stay until I know that he is going to overcome this accident and that he is in a more stable condition.

I thank you again for the patience and consideration you have granted me in the past and I look forward to your decision.

Sincerely,

Milagros Solis

240 Lenape dr. Miami Springs fl.

*

YO, DRA. RUTH E. ACEVEDO SOSA, Abogado Notario Público de los del número para el Municipio de Nagua Matrícula No. 3094, CERTIFICO Y DOY FE: Que la firma que antecede ha sido puesta en mi presencia libre y voluntariamente por la señora MILAGROS SOLIS, de generales que constan, quienes me han manifestado bajo la fe del juramento que esas son las mismas firmas que usan en todos los actos de sus vidas públicas y privadas, por lo que merecen entera fe y crédito. En la Ciudad de Nagua, Provincia María Trinidad Sánchez, República Dominicana, Hoy día Veintiocho (28) del Mes de Julio del Año 2011.


DRA. RUTH E. ACEVEDO SOSA
ABOGADO NOTARIO



City of Miami Springs, Florida

Architectural Review Board

CANCELLATION NOTICE

The Architectural Review Board meeting of August 3, 2011 has been canceled in advance.


Eloga 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 1, 2011 has been canceled in advance.


Elora Sakal
Board Secretary

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

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CITY OF MIAMI SPRINGS, FLORIDA

The **Board of Adjustment** met in Regular Session at 7:00 p.m., on August 1, 2011 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

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

The following were present:

Chairman Manuel Pérez-Vichot
Vice Chairman Francisco Fernández*
Ernie Aloma
Kevin Berounsky
Alternate Bill Tallman

* Francisco Fernández arrived at 7:07 p.m.

Absent: Ariana Fajardo

Also present: City Attorney Jan K. Seiden
City Planner James Holland
Board Secretary Elora Sakal

2) Approval of Minutes

Minutes of the May 2, 2011 meeting were approved as written.

Board member Bill Tallman moved to approve the minutes. Board member Kevin Berounsky seconded the motion which was carried unanimously by voice vote.

Minutes of the June 7, 2011 meeting were approved as amended.

Board member Bill Tallman moved to approve the minutes. Board member Kevin Berounsky seconded the motion which was carried unanimously by voice vote.

Before Old Business began, Chairman Pérez-Vichot welcomed Jim Holland as the City's new City Planner.

3) Old Business

- A) CASE # 13-V-11
Jason D. and Lara S. Hamwey
1249 Bluebird Avenue
R-1B Single Family Residential
Lot Size: 75 ft. x 122 ft.**

Applicants are seeking a variance from Code Section 150-017 Recreational vehicles (B) *Parking and storage*: To store a boat in the side yard of their property.

City Attorney Jan Seiden stated that the applicants are seeking a variance for the location of a recreational vehicle, a boat, in the side yard area for parking storage. He noted that as the board would notice from his memo, there were pictures, one important picture in particular which was listed as "View from Bluebird Avenue". From review of the application for variance of the photos and the properties surveys submitted, it appears that request for variance to allow a Boston Whaler boat and trailer to be located in the right side yard of the property.

Attorney Seiden commented that while it appears that parking the boat in the rear is not an option; the board has two clear alternative options in considering the granting of variance in this case. He stated that the first alternative was since the boat appears to fit quite nicely into the carport the applicants are able to allow the boat to remain there. Conditionally they would need to have a gate installed in the front to screen it off from the frontal view.

Attorney Seiden noted that it is not technically in accordance with the code provision that deals with enclosed structures, because evidently an open carport is not an enclosed structure. He stated that they would not have to make it an enclosed structure to be able to put it there, but they could put a gate in front of it making it permissible.

Attorney Seiden stated that a second option, if that was not acceptable to the board or the applicant, is the traditional variance where they place the boat in the side yard as far back as it could be as long as it is properly screened.

Chairman Pérez-Vichot stated that he believes that that is the option the applicant was requesting.

Applicant Lara Hamwey agreed.

Board member Tallman asked the applicant if they wanted to move the boat into the side yard.

Applicant Lara Hamwey reiterated that she does. She stated that they need to keep the boat in the side yard because at the end of the year they plan to put in an application to close in the carport.

Chairman Pérez-Vichot stated that he noticed that they have a door from the house into the carport.

Applicant Lara Hamwey noted that they do.

Chairman Pérez-Vichot noted that that could also be an impact if they had a boat sitting there getting egress.

Applicant Lara Hamwey commented that the carport is not a convenient place for the boat to sit. She stated that the boat fits more than adequately in the side yard. She noted that she handed in a letter from their neighbors stating that they didn't mind if the boat were placed there.

Chairman Pérez-Vichot stated that they would actually be encroaching on their neighbor's property. He noted that they had two feet or so in between fencing.

Applicant Lara Hamwey was in agreement because there is somewhat of a crooked line.

Chairman Pérez-Vichot asked the applicant how high the boat is.

Applicant Lara Hamwey stated that she has not measured the boat, but she stated it should not be any more than 5 feet.

Chairman Pérez-Vichot asked if they could move the boat farther back to the gate.

Applicant Lara Hamwey stated that they could. She noted that the gate is dilapidated and their plans would be to put a gate to obstruct the view of the boat from the street and remove the dilapidated gate.

Chairman Pérez-Vichot asked if they would be willing to move the boat back as far as they can.

Applicant Lara Hamwey agreed that they could.

Chairman Pérez-Vichot asked City Planner Jim Holland if he received any courtesy notice responses.

City Planner Jim Holland replied that he did not receive any letters.

Applicant Lara Hamwey stated that she did submit a courtesy notice letter with the application.

Chairman Pérez-Vichot noted that the letter was from their neighbor allowing them to place the boat or any fencing on the side yard next to their home.

Attorney Seiden clarified the name of the neighbor was Angel Morales.

Attorney Seiden asked how wide the boat was.

Chairman Pérez-Vichot stated that it is 7.1'.

Attorney Seiden noted that looking at the side yard it is 8.35 ft.

Chairman Pérez-Vichot commented that the side yard is plus 1.9' to the neighbor's fence. So it would be approximately 10 ft.

Attorney Seiden stated that it would be part of the variance.

Chairman Pérez-Vichot agreed. He stated that it would give the applicants the 3 ft. on the side as long as the neighbors were in agreement to it.

Attorney Seiden noted that instead of looking at the fence, he is looking at the property line.

Chairman Pérez-Vichot stated that then they would be meeting right on the property line.

Attorney Seiden asked the applicant if she had any other pictures.

Applicant Lara Hamwey stated that she indeed did bring pictures. She noted that there was some discussion between her and former City Planner Richard Ventura regarding the previous scheduled meeting. She noted that he needed the boat moved so that is why they did not go to the original meeting. She notified him that they had moved the boat, but she was unsure if he had taken photos, so she took them herself and brought them.

Attorney Seiden asked her to distribute them to the board. He asked if these pictures show where she would like the boat to be placed.

Applicant Lara Hamwey replied in agreement.

Attorney Seiden asked if the wall in the photo was her neighbor's wall.

Applicant Lara Hamwey noted that it is her neighbor's wall.

Attorney Seiden commented that if their neighbor's wall ever came down, they would have to put something there to screen the boat.

Applicant Lara Hamwey replied in agreement.

Board member Fernandez asked City Attorney Seiden if at some point they would like to enclose the carport, if they would have to put the boat there.

Board member Fernandez noted that for the permit itself the variance states that you cannot put it in the garage and you cannot put it in the back yard.

Attorney Seiden stated that if the boat cannot be put in an enclosed structure, then that would be the third option.

Applicant Jason Hamwey noted that the intention of enclosing the carport was to make it another room to the house.

Chairman Pérez-Vichot stated that since they have a door swinging into the carport, something the size of a boat, egress would become a problem.

Board member Fernandez asked about the detached garage in the rear of the property.

Applicant Lara Hamwey stated that the angle of getting into that garage with the length of the boat is a challenge.

Board member Fernandez asked if the doors and access to the garage are through the back of the alley.

Applicant Lara Hamwey replied in agreement.

Attorney Seiden stated that if the applicants were granted the variance they would have to put a gate in front of the boat screening it and attaching it to the wall.

Chairman Pérez-Vichot commented that the gate must be six feet high so the boat is not visible.

Attorney Seiden noted that part of the variance would have to be the fact that there is not a three foot distance between the boat and the wall or the house for that matter.

Chairman Pérez-Vichot commented that if there is a change with the owner or the neighbor, they would have to come back for a variance due to the lack of space from the boat.

Attorney Seiden asked the applicant if she understood the issue.

Applicant Lara Hamwey noted that she understands and she did not have an issue of it being written into the variance. She commented that they do not foresee having the boat for more than a couple of years, so it probably will not be an issue.

Chairman Pérez-Vichot reiterated that the variance is based on the height of the boat as it is now and nothing higher.

Chairman Pérez-Vichot asked for any comments from the audience in favor or opposed to the proposed variance and there were no responses.

Kevin Berounsky moved to approve the variance to put the boat in the side yard with the condition that if that wall ever comes down, they will need to have another variance or show the board that they can install the proper screening. Ernie Aloma seconded the motion which was carried unanimously by voice vote.

City Attorney Seiden explained that this Board only makes recommendations to Council who will review the minutes at their regular meeting on Monday, August 12th, but they will not discuss the case. He reminded the Applicant of the ten-day appeal period and advised him to see the City Planner after the appeal period and if the Council approved it and there was no appeal filed then the applicant may go ahead and install the gate.

Applicant Lara Hamwey asked if she will receive a copy of the variance for her own personal files.

Attorney Seiden stated that it is part of the record and it will be put in the file that is maintained on her property in the City records so it will always be there. He noted that a copy of their pictures will also be in the file.

4) New Business:

- A) CASE # 16-V-11
Luis and Madeleine Rumayor
650 Cardinal Street
Single Family Residential
Lot Size: 67.50 ft. x 140.17 ft.**

Applicants are requesting a variance from Code Section 150-043 (E) (1) and 150-002 (C) (79) side yard setback encroachment.

Jan Seiden stated that there was no statement by the applicant but from a review of the application for variance, the photos taken by the Building Department and the marked up property survey provided by our staff and the survey provided by the applicant, it appears that there is an opened roof trellis that was constructed in the side yard of a property with one of the decorative columns encroaching into the required setback of 1.75 ft. when there is supposedly only a 6.75' required setback. He noted that Chairman Pérez-Vichot pointed out to him that since the house is adjacent to a street, they have to have a minimum of 15 ft. He commented that the memo is in error in that their required setback should be 15 ft. and therefore every one of the posts is in violation of the side setback requirement.

Attorney Seiden stated that there was no permit secured for this structure so there was no determination of approval by the department prior to the construction. He noted that while it does not appear to be impactful, the structure itself to the area adjacent to the property because it is on the street, the decision of the board should consider these three items.

Chairman Pérez-Vichot asked the applicant if the structure was built by her or if it was built for her.

Applicant Madeleine Rumayor began by handing out photos to the board. She stated that she was unaware that she needed a permit to build the structure and she was apologetic for doing so. She noted that after Code Enforcement went to their home, she did submit plans for what was made.

Chairman Pérez-Vichot asked if it was done after the fact without a permit.

Applicant Madeleine Rumayor replied in agreement.

Chairman Pérez-Vichot asked if there was any correspondence received regarding the proposed variance.

City Planner Holland replied that they received one objection that was sent anonymously.

City Planner Holland read the objection:

"The yard has a 6 foot fence that borders the alley and sidewalk. The back yard is full of items. There are 5 cars parked in front and on the side. Their garage is full of cars and motorcycles. There is a tent from the garage to the fence along the sidewalk. The yard is very cluttered. Allowing a variance would only encourage more vehicles (clutter) to be parked in the yard".

Applicant Madeleine Rumayor stated that in defense of that letter, they have a two car garage constructed in the back of the house. She noted that they have motorcycles that go right after the two car garage. She commented that they have a gazebo for entertainment.

Chairman Pérez-Vichot mentioned that they have a couple of removable canvases as well.

Applicant Madeleine Rumayor stated that one of the canvases is for coverage when they have guests over.

Applicant Madeleine Rumayor distributed some photos of another home in Miami Springs with the similar situation as to having a trellis in the back yard in a corner house property.

Chairman Pérez-Vichot recognized the house as the "Suco's House".

Applicant Madeleine Rumayor commented that she constructed the trellis because they liked the columns around the pool area.

Board member Fernandez stated that she could put the trellis any other place with the 15 ft. requirement.

Chairman Pérez-Vichot noted that they would have to move the whole structure and not just one of the columns.

Applicant Madeleine Rumayor stated that the problem is that she cannot move it 15 ft. because it would fall in the pool.

Attorney Seiden explained that the furthest post towards the house is okay; it is 16 ft. He said the one next to it is 12 ft. but the other posts do not meet the requirements.

Chairman Pérez-Vichot emphasized that if she moved one post, she will have to move them all.

Applicant Madeleine Rumayor reiterated that if she moved one post, it would be on top of the pool.

Board member Fernandez asked Attorney Seiden if they rewrote the code so that an AC unit on the side yard would have some latitude on the 15 ft. set back.

Chairman Pérez-Vichot replied in agreement.

Attorney Seiden announced that the AC unit was in the rear yard.

Attorney Seiden clarified for Board member Fernandez that the point he was trying to make was that it does not impact their neighbor. He noted that like he said in his memo, it obviously is not very impactful on the neighbor because the neighbor is a street.

Chairman Pérez-Vichot pointed out that there is also a 16 ft. parkway.

City Planner Holland advised that the only issue is that she did not get a permit, but that she is working towards that now.

Applicant Madeleine Rumayor stated that she has already applied for a permit.

Attorney Seiden explained that if it was the inclination of the board to grant the variance, the only thing that is important to put on the record is why it is not impactful and that it is on an open area so that if it were ever tried to be used against her, there would be appropriate reasoning.

Chairman Pérez-Vichot asked for any additional comments.

Board member Fernandez moved to approve the variance request. Kevin Berounsky seconded the motion and it was unanimously carried by voice vote.

Attorney Seiden advised the applicant to let the Building Department know that the variance request was approved. He stated that the applicant should not incur any expenses until after the 10 day appeal process and the permit has been approved.

**B) CASE # 18-V-11
 Marbely Taylor
 241 Cherokee Street
 Single Family Residential
 Lot Size: 80 ft. x 135 ft.**

City Attorney Jan Seiden stated that from review of the application and photos taken and plans submitted it appears that an opened roof structure like a carport was constructed onto the side of this house without the benefit of a building permit. The structure in fact provides no side yard set back at all from the house to the property line adjacent to the structure. He commented that this came to the attention of the City because they tried to legalize it.

Attorney Seiden explained that the existing structure constitutes a serious violation of the code. He commented that it is an unauthorized intrusion into the side yard setback which impacts the adjacent property. He noted that despite the applicants apparent desire to legalize the construction by securing an after the fact building permit, the evasion of the side yard area of this magnitude, both in terms of size of the structure and the side encroachment could never be justified or authorized.

Attorney Seiden advised that the granting of this case would cause a creation of a dangerous precedent for the City going forward in addition to the property referred back to Code Compliance Department for determination of the validity of the two structures in the rear.

Attorney Seiden stated that he checked the two structures in the rear and they were permitted. Both permits were issued before the current owner got the property. He explained that the shed permit was dated 1979 and the garage permit was dated 1983.

Attorney Seiden advised that he had spoken to the applicant over the phone prior to the meeting and she seemed to understand what the problems were. He noted that the only thing the applicant said to him that made any real difference in his mind was that when she purchased the house, there was something there which they do not know exactly what it was. He said that she removed it and re-did something else on the slab.

Attorney Seiden commented that when looking at the survey, on the other side there is 43 ft. of empty area where she could put exactly what she wanted with no issue. He stated that to his knowledge he has never granted a variance like this that gives zero side yard setbacks for any type of living structure.

Chairman Pérez-Vichot asked if there was any correspondence received regarding the proposed variance.

City Planner Holland stated that there were two letters of support. He noted that one is a resident at 249 Cherokee Street and the other was at 1085 Westward Drive.

City Planner Holland read the first support letter from 249 Cherokee Street

"Marbely Taylor may have the variance on the side yard set back encroachment".

City Planner Holland then read the second support letter from 1085 Westward Drive

"No objections to the request by the Taylor family".

Chairman Pérez-Vichot advised that he sees a lot of problems including the Florida Building Code and separation from the property line. He stated that the fact that the structure was there but was not permitted before, it has no significance. He explained that the structure had not been permitted by the previous owners, so the structure was illegal and the applicant inherited this problem.

Chairman Pérez-Vichot advised the applicant that it is a quite serious problem. It's not just a few feet of encroachment, but almost the entire structure is encroached.

Board member Fernandez stated that especially when the applicant has so much room available where she could do the same thing.

Attorney Seiden explained to the applicant that had the City been aware of the structure when she was not the owner of it, the structure would have been a violation and they would be cited and the same process would have occurred.

Chairman Pérez-Vichot commented that it is a shame that the architect or the engineer did not check with the City before doing a set of drawings which are unfortunately of no use.

Attorney Seiden asked the applicant if she had any comments or questions and if she needed someone to interpret the board members conversation.

Applicant Marbely Taylor asked if the conversation could be interpreted for her.

Board member Ernie Aloma interpreted whatever the board has said so far.

Applicant Marbely Taylor stated that all she did to the structure was change the material that was already on it.

Chairman Pérez-Vichot asked the applicant if she knew what was on the structure previously.

Board member Aloma explained that the applicant said it was an aluminum material and roof with a screen almost like a carport.

Attorney Seiden reiterated that the structure would have been in violation also.

Board member Aloma continued to interpret information from the board to the applicant.

Board member Aloma explained to the board that the applicant wanted to know if the opinion of the neighbors accounts for anything because they were also in agreement when the previous structure was built and are obviously in agreement now.

Attorney Seiden noted that the board can take into consideration anything that they are told.

Board member Aloma interpreted to the board that the applicant does not know if this will count or not but that she spent all her savings to be able to build this structure and be able to legalize it and to bring her mother to live in that space.

Chairman Pérez-Vichot advised the applicant that there is enough space for her to do what she wants on the other side.

Applicant Marbely Taylor stated that she was aware of that but there was already a slab and a door there.

Board member Aloma interpreted to the board that she stated that she was obviously unaware so she went ahead and did it but the person who helped her should have known and obviously did not either.

Attorney Seiden explained that it was illegal when the structure existed before and if it had any chance of approvability, once the structure was taken down it would take all chance of approval from that standpoint because it lost all of its non conformant protections.

Attorney Seiden noted that at this point it would have to be a strict variance from the beginning.

Board member Aloma interpreted to the board that the applicant stated that another factor that the covered area protects the house from the elements as far as from the rain, sun and raccoons.

Kevin Berounsky moved to deny the variance based on the encroachment and no permit being pulled. Bill Tallman seconded the motion which carried unanimously by voice vote.

Attorney Seiden asked if someone could interpret the 10 day appeal process.

Chairman Pérez-Vichot interpreted the 10 day appeal process.

Board member Aloma interpreted to the board that the applicant asked if she could keep the roof.

Chairman Pérez-Vichot explained that she could keep some of it, but the majority needs to be removed.

Board member Aloma interpreted the answer to the applicant.

Attorney Seiden asked if Board member Aloma could interpret that if the applicant decides not to appeal, she has 30 days to remove the structure.

Board member Aloma interpreted to the board that the applicant said she may not have the money to demolish it in 30 days.

Chairman Pérez-Vichot asked how much time she will need.

Applicant Marbely Taylor stated that it depends on how much they are going to charge her.

Board member Aloma interpreted to the board that the applicant wants to know how to appeal.

Attorney Seiden explained that she can come and speak with the City Planner.

5) **Other Business**

Discussion ensued regarding the September 5, 2011 meeting. The Board agreed to postpone the meeting until October 3, 2011. Chairman Pérez-Vichot stated that if something of importance comes up, they can prepare a special meeting.

6) **Adjournment**

There was no further business to be discussed and the meeting was adjourned at 7:43 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.

“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”.
