



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 23, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:04 p.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
Recreation Director Omar L. Luna
Building & Zoning Office Supervisor Harold "Tex" Ziadie
Grant Writer/Public Information Specialist Carol A. Foster
City Clerk Magalí Valls

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: "I Led the Pledge" – Students from Miami Springs Elementary School led the audience in the Pledge of Allegiance and Salute to the Flag.

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

3. Awards & Presentations:

3A) Certificates of Recognition to Springs River Festival Art and Writing Contest Winners

Mayor Garcia and Melisa Pascual from Beyond the Bell Learning Center presented Certificates of Recognition to students who placed 1st, 2nd and 3rd in the Springs River Festival Art and Writing Contest.

4. Open Forum:

City Manager

Michael Gavila of 684 Morningside Drive thanked City Manager James R. Borgmann for the great job he has done.

Memorial Service

Carl Malek of 172 Curtiss Parkway said that on Thursday, May 5th he had the honor and privilege of attending the Police Memorial Service at Tropical Park. The service honors fallen police officers throughout Miami-Dade County and it is very moving. The memorial includes the names of all fallen officers in the County for the past 180 years. He thanked all police officers for the tremendous job that they do.

5. Approval of Council Minutes:

5A) 05-09-2011 – Regular Meeting

Minutes of the May 9, 2011 Regular Meeting were approved as written.

Vice Mayor Best moved to approve the minutes. Councilman Lob seconded the motion which was unanimously carried on roll call vote.

6. Reports from Boards & Commissions:

6A) 04-25-2011 – Board of Appeals – Minutes

Minutes of the April 25, 2011 Board of Appeals meeting were received for information without comment.

6B) 05-10-2011 – Recreation Commission – Cancellation Notice

Cancellation Notice of the May 10, 2011 Recreation Commission meeting was received for information without comment.

6C) 05-12-2011 – Board of Parks and Parkways – Minutes

Minutes of the May 12, 2011 Board of Parks and Parkways meeting were received for information without comment.

6D) 05-19-2011 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the May 19, 2011 Historic Preservation Board meeting was received for information without comment.

6E) 05-24-2011 – Ecology Board – Cancellation Notice

Cancellation Notice of the May 24, 2011 Ecology Board meeting was received for information.

Councilwoman Ator spoke with her Ecology Board appointee who asked her to bring to Council a few items that the Board members had discussed. She asked the City Manager to contact Public Works and to provide an updated report on City recycling bins. Her Board appointee also expressed a concern about compact fluorescent light bulbs since they cannot be disposed of in the same manner as normal light bulbs and to look into the possibility of coordinating with the County to have a drop-off site within the City. Another concern is that she was told that the recycling containers at the Recreation Center are picked up by the normal trash service.

City Manager Borgmann stated that individual haulers are supposed to offer recycling service to their commercial customers. He asked Public Works Director Robert Williams to approach one company to see if they could do a city-wide program. Mr. Williams met with one of the major haulers, but unfortunately his report was not ready for this meeting.

Councilwoman Ator understands that recycling is the responsibility of the business owner. The conversation was about the City’s recycling bins for public areas.

City Attorney Jan K. Seiden stated that an appeal had been filed and it was found in the City Planner’s office. Council agreed to hear the case during the June 13, 2011 Regular Meeting.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1018-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Providing a New Method of Calculating the Permitted Size of Utility Sheds on Residential Homesite Properties; Identifying a Further Limitation on Permitted Shed Sizes; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 5-9-2011 – Advertised: 5-11-2011)

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

Attorney Seiden stated that there have been no changes since the first reading of the ordinance.

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

8. Consent Agenda: (Items 8A and 8B were approved with one motion)

8A) Recommendation that Council Approve an Expenditure in an Amount Not to Exceed \$20,072.36 to Lou's Police Distributors, Inc., the Lowest Responsible Proposer, for the Purchase of Police Uniforms, Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Borgmann read the title of the award.

Councilwoman Ator moved Items 8A and 8B of the consent agenda. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

8B) Recommendation that Council Award a Bid to Wrangler Construction, Utilizing Florida City Contract in the Amount of \$21,600.00, Pursuant to Section 31.11 (E) (5) of the City Code for New Sidewalk Installation in Various Locations

City Manager Borgmann read the title of the award.

Councilwoman Ator moved Items 8A and 8B of the consent agenda. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

8C) Resolution Exercising Renewal Option for Extension of Professional Services Agreement with Limousines of South Florida to Provide Community Transit and Other Related Services

City Manager Borgmann explained that this is a request for the renewal of the City’s shuttle service. There has been no price increase and there was one issue that was discussed with the representative that is in charge of this particular project. There was an escalator clause that called for the City to pay for the diesel fuel and this clause was eliminated, although he has not received written confirmation. The approval could be subject to the receipt of the written statement.

City Attorney Seiden clarified that since the agreement involves Citizen Independent Transportation Trust (CITT) funds it must be approved by resolution. He read the resolution by title.

City Attorney Seiden suggested removing the item from the consent agenda for separate approval. Approval should be subject to confirmation of the provision that was mentioned by the City Manager since it would affect the price; by waiving the provision, the agreement would remain at the same service level.

Councilman Lob moved to adopt Resolution No. 2011-3517 pending the changes mentioned by the City Manager. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

Vice Mayor Best was impressed at the number of people using the shuttle bus over the last three years. He thanked the City Manager for providing the information.

City Manager Borgmann said that the numbers reflect heavy use by the school students since the numbers drop when school is not in session.

9. Old Business:

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

There were no appointments to advisory boards.

9B) Supporting Color Palette Code Addition/Amendment Discussion

City Manager Borgmann stated that in order to be able to enforce the color palette, it must be determined what the penalties will be for property owners who do not conform or if a permit should be required. He asked the Assistant City Manager and Code Enforcement Staff to make some suggestions.

Assistant City Manager Ronald K. Gorland stated that with the recent passing of the new commercial district color palette, it is recommended that Council consider incorporating the following into a new ordinance and/or revising existing ordinances to accommodate the following considerations:

1. Exterior painting of all commercial area buildings in an approved palette color is required by December 31, 2012, unless the current paint job is less than four years old and already painted in a palette color.
2. Consider providing an incentive such as a direct cost of paint reimbursement for up to \$1,000 for the first 25 buildings completing painting no later than June 30, 2012. Exclusions include property owners with any outstanding code violations at the time of painting.
3. Penalty for non-compliance of painting by December 31, 2012 is \$100.00 per day until painting is completed beginning the date the citation is issued after December 31, 2012.
4. Exterior painting is acceptable in up to a combination of three palette colors only.
5. Exterior painting must be permitted through a new zero-cost permit.
6. The City Manager must approve requested variations to the “shade” of the approved color palette.

Assistant City Manager Gorland explained that these are only recommendations and Council must determine the appropriate dates and consider adopting the provisions.

Councilwoman Ator calculated that the incentive, as outlined in number two, would total \$25,000. She asked whether or not funds are included in the budget.

Assistant City Manager Gorland explained that since this a new idea, funds would have to be appropriated in the budget.

City Manager Borgmann added that the proposal would need to be a budgeted item every year in order to continue the program, or it could only be a one-time incentive to the first 25 applicants.

Councilman Lob stated that he would like to add another year to the time limit given the economic times. He does not feel that the \$1,000 incentive is necessary since commercial building owners should have available funds for maintenance. The extra year should suffice and the City should not have to give out \$25,000. He also questioned the need for a permit because the building owners will receive a mailing with the information about the color palette.

Assistant City Manager Gorland explained that the permit would ensure that the property owner would not purchase paint that is not the proper color.

City Attorney Jan K. Seiden added that the permit would be for information purposes in order to create a data base.

Vice Mayor Best was of the opinion that once the plan is instituted that one year would be enough time for someone to paint their building. He would rather be more expedient instead of allowing compliance until 2013. The City would be dealing with the property owners since most of the people who own businesses do not own the property.

Councilman Lob explained his reasoning is that someone may have just painted their building in the past year and it would not be fair to paint sooner than is needed.

Councilman Espino said that the real issue is that there are many buildings that have a variety of code violations, including mildew, cracking paint, graffiti or inconsistent colors. In order to address this issue he would like to see a shorter time frame or December 31, 2012. He agreed that it is the responsibility of the property owner to maintain their property and subsidizing painting of the buildings is something he is not willing to approve. He will recommend that any violations or fines could be waived once they comply.

Councilman Espino stated that another issue to consider is how to address recently painted buildings that were not painted within the color palette. In regard to a permit, the color palette and notice to the property owners, along with proper code compliance, should suffice. He suggested that any variations to the color palette should be addressed by the Building Department instead of bogging down the City Manager's work load.

Councilman Lob agreed with Councilman Espino's recommendation to waive any fines in lieu of the \$1,000 incentive.

Councilwoman Ator understood the concern about spending \$25,000. She suggested that if a building was painted within the last few years and it is not the right color then there could be a reimbursement up to \$1,000 for the paint since not many buildings would fall into this category. This would be a reward for taking care of the property rather than giving paint to those who have not taken care of their property. In regard to the permit, her concern is that it could bog down the process.

City Manager Borgmann explained that there would not be a fee for the permit and it would establish a data base with the name, address and selected colors.

Councilwoman Ator expressed her concern about the permit process.

Assistant City Manager Gorland explained that the permit process could be done on-line and an e-mail response would approve the permit and color.

Councilman Espino suggested a drop down menu on the website for the color selection with an automatic response.

Mayor Garcia stated that there are programs in place for what Councilman Espino suggested.

City Manager Borgmann explained that the Administration could come back with a report on the system limitations and what is involved.

Assistant City Manager Gorland felt that Staff could commit to a 24-hour turnaround for permit approval whether it is done manually or automated.

Councilwoman Ator stated that she would approve of automating as many services as possible.

Councilman Lob explained that the goal is to have all businesses painted within the color palette and it would not make sense to automate the permit process unless it is going to be done for an on-going basis every year.

City Attorney Seiden said that if it is only for an initial time the problem could be solved by not requiring a permit and having the property owner respond that they have complied. Once everyone has complied, the ordinance will sunset automatically and maintenance of property will take over. Properties are subject to the color palette, which is a separate ordinance.

Vice Mayor Best stated that the Administration is asking for a response on six recommendations and they should be addressed first. Secondly, when the color palette goes out to the commercial businesses, the information based on Council's decision can be included.

Councilwoman Ator explained that the variation of the shade and using up to three palette colors was not in the original ordinance. These parts of the ordinance will not be moot after three years.

City Attorney Seiden explained that the intent of the ordinance is to have everyone on the color palette by some point in time; the rest is related to accomplishing that goal.

Mayor Garcia said that after everyone has complied, a building could be sold and the new property owner who did not receive the information could paint their building. He asked how this would be addressed if there is no permit requirement.

City Attorney Seiden explained that property owners should have the knowledge and a basic understanding of what is required by the City before improving their buildings.

Councilman Espino agreed with the Vice Mayor that Council should address the six recommendations. Numbers 1-3 deal with the amortization period and 4-6 are related to ongoing paint policies for the City.

Mayor Garcia asked if there were any objections to recommendation # 1 to require compliance before December 31, 2012, unless the current paint job is less than four years old.

City Attorney Seiden asked if there would be a different standard for people who have painted within the last four years.

Vice Mayor Best suggested eliminating the four year provision.

Attorney Seiden said that people who have painted within the past four years outside of the color palette could be offered an incentive as suggested by Councilwoman Ator.

Number 1 – Council agreed that exterior painting of all commercial buildings in an approved palette color is required by December 31, 2012.

Councilwoman Ator reiterated her proposal to offer an incentive to property owners that have painted their buildings in the last four years, but are not within the color palette.

Councilman Lob asked how the property owner would be able to prove when they painted their building.

Councilwoman Ator responded that most commercial property owners would hire a painter and they should have a receipt for the work.

Councilman Lob stated that going back four years is a long time and he would approve of two years.

Number 2 – Buildings that were painted within the last two years and are not in the color palette will be provided a reimbursement for paint with proof of painting.

City Attorney Seiden explained that the current provision that is enforceable through the citation system schedule has a \$50.00 per day fine for violation of the color palette and the Assistant City Manager has proposed \$100.00 per day.

Number 3 – Penalty for non-compliance of painting by December 31, 2012 is \$100.00 per day.

Number 4 – Exterior painting is acceptable in up to a combination of three palette colors only.

Councilman Lob expressed his objection to requiring a permit for a number of reasons.

Mayor Garcia suggested including a provision that permits would be approved within twenty-four hours.

City Attorney Seiden agreed that there could be a provision for a “no cost” permit for informational purposes only, it can be applied for on-line on the City’s website and the applicant can receive authorization within 24-hours.

Assistant City Manager Gorland said that he would not include an on-line provision at this time since the City does not have that capability.

City Attorney Seiden asked Council to consider if they would rather have a provision for post notification of compliance, as opposed to a permit at the beginning. The main concern in regard to the permit is for the purpose of notice; assuming that notice will not be a problem, all that is required is confirmation at the end that a property has complied.

City Manager Borgmann stated that the Administration would establish a new data base to track when buildings were last painted with certain criteria for checking buildings after five years and any buildings not in compliance would be required to repaint under maintenance of property.

City Attorney Seiden explained that a Notice of Compliance would provide the information that is required. The only issue is whether or not an extra process should be put in place to ensure that property owners receive proper notice in regard to the color palette. If people are notified in advance, then a permit is not required.

Mayor Garcia suggested that subsequent to initial notification, property owners could be reminded every year or two years in an informational pamphlet.

City Manager Borgmann stated that the reminder could be included in the annual renewal of the business license.

Vice Mayor Best asked to consider what vehicle would be in place to properly notify an owner when the building is sold since the property owners are the key, not the business owners. He said that there should be continuity of coverage.

City Attorney Seiden explained that either a permit or notice of compliance by the owner will not solve the problem of ongoing notification. He reiterated that a property owner should have the common sense to make sure they are improving their property according to the regulations.

Councilman Lob explained that there are many code regulations and anyone who paints their building should ask if there are any requirements; he did not see the need for a permit.

Councilwoman Ator said that there are two different issues; one is notice of compliance and the other is the ongoing notice issue to new building owners. She did not feel that a permit should be required and the notice of compliance will assist the City. When a property is sold, there must be confirmation from the City that no liens exist on the property and this would be the opportune time to give notice of the color palette.

One of the best sources of information is the local realtors in the City and they could be provided with the color palette since they are selling the buildings, according to Attorney Seiden. He agreed with Councilwoman Ator that these are two separate issues. One is an ongoing program to keep people informed.

Mayor Garcia explained that he would be okay with not requiring a permit as long as there is an ongoing program to keep property owners informed.

Vice Mayor Best said that when a property is sold the new owner should retain benefit of the information. He is not saying that there should be a permit.

City Attorney Seiden explained that notification will be an ongoing process through other means and the impact of the ordinance will be gone after December 31, 2012, except for a couple of provisions.

Number 5 – Require written notification of compliance from the property owner upon completion of the painting.

Number 6 – The Building Department will make a decision in regard to approval of variations to the “shade” of the approved color.

City Attorney Seiden asked Council to address the suggestion for removing fines for violations once a property owner has complied.

Council agreed to remove the fines if the property owner complies within 30 days.

(Agenda Item 9E was considered at this time)

9C) Florida League of Cities Conference Ad Design

City Manager Borgmann stated that there were four flyers placed on the dais, including the suggested ad for the Florida League of Cities and the other three were designed to be used in various publications for marketing purposes. He thanked Jo Ellen Phillips for providing the designs on such short notice.

City Manager Borgmann pointed out that the only difference between one and two is the group photograph of Council with a slightly different layout.

Jo Ellen Phillips explained that there was some discussion about the inclusion of the Council photograph and that is why two designs are exactly the same with the exception of the photograph. She understood that Council was looking for two different ads. One ad addresses the Florida League of Cities and their 85th anniversary.

City Manager Borgmann recommended changing the word “thanks” the Florida League of Cities to either “congratulates” or “salutes”.

Ms. Phillips clarified that the general ad could be used to attract businesses to Miami Springs and the other one is specific to the Florida League of Cities to congratulate or salute them.

Councilman Espino liked the Florida League of Cities ad because it includes everything that Council wanted.

Ms. Phillips explained that she prepared four ads for the price of one with custom photographs.

Councilman Espino moved to approve the Florida League of Cities advertising with the change in the word thanks to salutes or congratulates and the first design for the regular advertising.

Councilwoman Ator asked for a slight change so that the “Q” in Quality does not touch the “E” in Years.

Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote.

(Agenda item 10A considered at this time)

9D) Westward Drive Charter Amendment Petitions

City Clerk Magali Valls stated that in her memorandum addressed to Council and attached as back-up information for the agenda item, she provided a detailed summary of all the activities and correspondence pertaining to the Westward Drive Charter amendment petitions, since she had been informed that although she was not present at the Council Meeting of May 9, 2011, Council had directed her to make a determination about the sufficiency of the petitions.

The City Clerk stated that after careful consideration and based on Miami-Dade County Code of Ordinances 12-23, her recommendation is to disqualify the petitions based on the following sections of the Code:

1. Section 12-23(2), the form of the submitted petitions was incorrect and therefore insufficient and has failed.
2. Section 12-23(2)(G), the title and text of the petitions are not in English, Spanish and Creole as required and therefore are insufficient and have failed.
3. Section 12-23(3)(A), the title and text of the petitions are not in English, Spanish and Creole as required and are therefore disqualified.
4. Section 12-23 (B)(C)(D)(E), 26 of the 136 original petitions submitted fail to meet the requirements of subsections (B), (C), (D) and (E) and are therefore disqualified.

The City Clerk also informed Council that as required by law, she sent a letter to Mr. Jaime Petralanda, on behalf of all petition circulators, to advise him of the insufficiency, failure, and disqualification of the Westward Drive Charter Amendment Petitions.

City Attorney Seiden stated that there is nothing to prohibit the organizers circulating proper petitions with all the appropriate language. He advised Council that the County has a question on the ballot in regard to the petition form and whether or not notarization should be required for the signature of the circulator and that it is the responsibility of the persons initiating the petition to ensure that their performance in the petition process, form requirements and acceptance of petition signatures is correct.

City Attorney Seiden explained that it is quite clear that the City Clerk is a one person Supervisor of Elections for the City and traditionally she has relied on assistance from the County Elections Department. The letters to the County show that both he and the City Clerk made a legitimate attempt to secure as much information as possible from the County Supervisor of Elections. It is clear that the County is not going to respond further and a decision had to be made both for the Council and the circulators.

Vice Mayor Best thanked City Clerk Magali Valls for everything she has done relative to this issue. He knows it was an arduous process to keep Council informed and to handle the various citizen questions in regard to the issue. He also thanked City Attorney Seiden.

(Agenda Item 9E considered after 9B)

9E) Using Historic Tax Credits to Help Finance the Curtiss Mansion Renovation

Erik Wishneff of Brian Wishneff & Associates, Washington D.C., stated that he had been speaking with various members of City Staff for the past year in regard to the Curtiss Mansion project. He said that there is an opportunity to use the federal tax credit program that encourages the renovation of certified historic structures.

Mr. Wishneff presented a slide show, explaining that they have worked on various projects throughout the country with municipalities and 501-C-3 entities. He explained that the federal historic tax credit was first created in 1976, and one program is the 20% tax credit for the rehabilitation of certified historic structures.

Mr. Wishneff clarified that the Curtiss Mansion is considered a certified building because it is listed on the National Register. The renovation plans must also comply with the Secretary of Interior Standards for Historic Renovation, which are guidelines for renovation of historic buildings and this has not officially been determined since there is an application process through the State and the National Park Service. He did speak with the Architect who is familiar with the program and it is likely that the Mansion will qualify.

The application process has three parts; part one certifies that the building is eligible, part two is the submission of the renovation plan and part three requires evidence of compliance with the renovation plans, according to Mr. Wishneff. The renovation must be a substantial expenditure, which does not apply to the Curtiss Mansion and the user or tenant of the building must be different than the tenant previous to the renovation.

Mr. Wishneff explained that the tax credit is based on qualified rehabilitation expense that is basically all renovation costs and architecture fees related to the project. Site work like landscaping and parking lots, furnishings or new additions do not qualify.

Mr. Wishneff stated that the City of Miami Springs and Curtiss Mansion, Inc. do not have a need for a tax credit and the legal structure allows a third party to take the credit in exchange for paying funds into the project. An investor can take advantage of the tax credit through a series of leases and the credits cannot be sold. The building would be leased to a newly created LLC and Curtiss Mansion, Inc. would create a for-profit affiliate or a Curtiss Mansion manager that would manage and own the majority of the Curtiss Mansion landlord. The landlord is the entity that the building would be leased to. In turn, the building is sub-leased to the Curtiss Mansion master tenant. The master tenant is the level at which the credit is taken so the investor would own 99.9% of the entity and the Curtiss Mansion manager would own .01%.

Mr. Wishneff explained that in no way would the City lose any control over the use of the building from an operational standpoint; the investor is only there to obtain the tax credit. The leases and operating agreements would be created to assure the necessary control over the project.

City Attorney Jan K. Seiden said that he contacted a tax attorney that specializes in this type of work because he is not familiar with the program. The attorney has done preliminary work and provided a letter with a price for a conceptual review of \$10,000.

Councilman Espino asked how much money can be raised from the tax credit program.

Mr. Wishneff said that the tax credit is estimated to be \$800,000 and the City could net approximately \$500,000, including all fees.

City Attorney Seiden explained that monies have been secured from government grant funds and the impact on this is unknown. The City signed grant agreements with various entities and if this would create a taxable incident or issue for them, obviously it could not be done, and the answer is unknown.

Mr. Wishneff confirmed that he had not reviewed the grant documents for the Curtiss Mansion project, but that they had done quite a few projects in the past that had received grants from all levels of government.

Mayor Garcia stated that Curtiss Mansion, Inc. would be very careful before considering the tax credit program if it would affect the grant opportunities.

Mr. Wishneff reported that he will be meeting with the County Attorney and that he would raise the issue in regard to the County grant funds.

Councilman Espino asked if the reference to Curtiss Mansion Foundation 501-C-3 is the same entity as Curtiss Mansion, Inc. (CMI) and Mr. Wishneff answered affirmatively.

Councilman Espino inquired who would be the third party tenants.

Mr. Wishneff thought that there might be other tenants in the building besides CMI that would lease space.

Councilman Espino asked about the discrepancy in the number of years for the lease.

Mr. Wishneff explained that the 55-year plus or landlord entity needs to be the “owner” for tax purposes or have a long-term lease in excess of the useful life of the building. Thirty-two years applies to a technical tax reason and the fifteen-year lease applies when the tenant is a tax-exempt entity. The legal structure would remain in place for five years from the end of renovation. At the end of five years the investor would exit and at that point the owner of the entities would be CMI.

Councilman Espino asked why it is necessary to have a manager entity and a landlord entity.

Mr. Wishneff explained the landlord’s role is to generate the tax credit that is passed down to the master tenant entity. The entity generating the tax credit needs to be owned by for-profit entities and that is why the manager entity is created in between.

To answer Vice Mayor Best’s question, Mr. Wishneff explained that the IRS Code allows for the entity generating a tax credit or the landlord, to pass it through to the tenant. There would be a pass-through agreement that passes the credit to the master tenant. The master tenant level is owned by the investor and the credit is taken at that level based on ownership. The structure allows the equity to come in as a capital contribution.

Mr. Wishneff stated that most people who take advantage of the program are using the funds to finish their project and in the case of the Curtiss Mansion, there is no restriction on what the funds can be used for and it could be used for ongoing operations of the building.

Mayor Garcia asked what would be the downside to the program.

Mr. Wishneff responded that it is unknown at this time if the renovation would qualify. There is a recapture risk after the credits are taken by the investor and incidents when the credits can be lost. This can happen if the legal structure is terminated or if there was a loan on the property and the building was foreclosed upon. The building cannot be materially altered or torn down.

City Attorney Seiden asked what would happen if the building was to burn down.

Mr. Wishneff explained that there is a risk because the credit “burns off” at 20% each year and the investor would look for repayment from the insurance proceeds.

Councilwoman Ator asked for clarification in regard to the five-year tax credit.

Mr. Wishneff clarified that the tax credit can be taken by the investor in the year that the project is completed and they will remain in the structure for five years from the end of renovation. The investor exits through a “put call” option that is an option to put their interest back to the manager entity for an agreed upon price. The investor may pay a certain amount for the credits and the amount will be known when they exit; it will be something material. The amount is agreed to upfront and it gives the incentive for the investor to exit as opposed to staying in the lease structure.

Councilwoman Ator asked if the relationship is with CMI if the City could renegotiate the lease after five years.

Councilman Espino explained that the tax credits are pertinent only for the expenditures; they do not pertain to a timeframe. By virtue of the IRS Code, the structure has to be in place for five years. After the tenant exits, according to the documents up front, there are no more historic tax credits and they exit with no consequences.

Councilwoman Ator felt that it must be recognized that the City would be entering into a 55-year lease.

Councilman Espino explained that the lease is only a technicality as long as the threshold issues are okay.

To answer City Attorney Seiden’s question, Mr. Wishneff clarified that the City could start its own Miami Springs 501-C-3 and not use CMI. An entity is needed that can enter into a LLC because the City itself cannot do that.

Vice Mayor Best asked if it would be a benefit to the City if the equity flow was constant and the fifteen years was satisfied using the estimate of \$500,000 as mentioned earlier based on 10%.

Mr. Wishneff explained that the 100% would be distributed from the landlord to the Curtiss Mansion manager and the distribution from that point on is up to the City and CMI.

Vice Mayor Best stated that the bottom line is whether or not the program will work for the City and according to the City Attorney the City will have to check with a tax attorney.

Councilwoman Ator emphasized that the details are important when considering a long-term agreement for 55-years.

City Attorney Seiden reiterated that this is above and beyond his expertise and that is why another attorney would be consulted.

Mr. Wishneff said that many corporations enter into partnerships and take advantage of the tax credits and they might require a tax opinion from counsel. The City could also get a tax opinion, if there is a concern.

City Attorney Seiden asked if there were any more downsides.

Mr. Wishneff mentioned that part two of the approval process will typically take up to 90 days after submittal and because of where the Curtiss Mansion renovation stands at this point, the structure will have to be implemented before knowing with 100% certainty that it is approved. There can be preliminary review of the plans, but given the timeframe of the project the admission of the investor would need to be implemented prior to the approvals. There could be language in the agreement saying the investor would exit and the structure would collapse because there will be no credits. The investor will not want to stay in the partnership unless they benefit from it.

To answer City Attorney Seiden's question, Mr. Wishneff said that the investor must be in place before the building is placed in service.

CMI President Jo Ellen Phillips of 372 DeLeon Drive stated that arrangements had been made with All Angels to utilize their classrooms for the STEM academy if the Mansion is not ready by June 20th. She stated that she had been to Tallahassee three times with the plans and they were approved by the State. Plans are still in place to be able to accommodate the STEM academy by June 20th, pending the completion of the drywall, plumbing and flooring.

Councilwoman Ator was concerned that fifty-five years is a long time to obligate the City to a group that could look completely different in ten years.

Attorney Seiden explained that there are more questions than answers and the initial contact with the attorney indicated that it is a legitimate program, although there are potential downsides. He said that as long as the funds go toward the CMI project it would not matter what corporation would be the funding conduit.

Mr. Wishneff stated that the lease could restrict the use of the building and that the City would have to approve any other uses.

Councilman Espino added that the agreement could include any provisions that are necessary.

City Attorney Seiden advised Council that they would only be giving conceptual approval to proceed and it would require approval to hire a tax attorney. At some point, counsel may make recommendations as to the format and how it should be handled.

Vice Mayor Best stated that Council must decide whether or not they want the Administration to proceed in terms of hiring somebody of authority or a tax attorney to advise if this will work for the City and/or if it can be done.

City Attorney Seiden explained that the summation has already been made on an initial level that the tax credits are legitimate. He would not feel comfortable giving his opinion since it does not fall under his expertise, but listening to the comments, he assumes that if Brian Wishneff & Associates is hired that they would prepare the documentation, subject to City Council review. At that level, recommendations would be made for approval of the documentation and the process.

Because of the timeframes involved, Council must move quickly because the renovation is almost at the end of the road, according to Attorney Seiden. If the building opens, the City cannot take advantage of the program and if the schedule is correct, there is less than thirty-days left.

Vice Mayor Best was of the opinion that Council should proceed with determining whether or not the tax credit makes sense.

Councilman Espino added that a legal opinion is needed and the work-up is part of contracting with this group. He understands that the agreement is contingent upon success.

Mr. Wishneff confirmed that his firm works on a success fee and they take a percentage of the equity if the City successfully closes with a tax credit investor. If the legal opinion comes back negative or if part two is not approved they would not receive a fee, except for a trip reimbursement if they come back again.

Councilman Espino moved to give conceptual approval to empower the proper City official to contract with a tax attorney; direct the City Attorney to review the agreement with Brian Wishneff & Associates and come back with a proposal for the next Council meeting; direct the Administration to begin whatever preliminary matters that can be started before officially entering into a contract to facilitate movement and the threshold issues. Vice Mayor Best seconded the motion.

Councilwoman Ator asked the City Attorney if he was comfortable in reviewing the agreement.

The City Attorney will look at the agreement and if he is not comfortable he will pass it along to the tax counselor.

Councilwoman Ator said that it is very confusing since there would be another entity in the relationship with the Curtiss Mansion.

City Attorney Seiden explained that there is really no option since a 501-C-3 company cannot be approved within the timeframe. The conceptual approval will have to be based upon the chart and the ongoing relationship with Curtiss Mansion, Inc.

City Attorney Seiden asked if the motion passes giving approval in concept, if it would be enough to begin the application process.

Mr. Wishneff clarified that the part two application that goes to the State is not included in the proposal; it is separate and aside and typically an architect would complete it since they are familiar with the project. He would strongly urge the City to select someone who is familiar with the tax credit programs and regulations.

City Attorney Seiden added that it would be another cost item because Mr. Heisenbottle would not offer his services for free. He would suggest that CMI contact him to find out what it would cost.

To answer Mayor Garcia's question, City Attorney Seiden said that he asked the tax attorney for an estimate for the preliminary review and he said that he charges \$450.00 per hour based upon an estimate of twenty hours or \$10,000.00.

Mr. Wishneff said that typically they engage third party counsel to prepare agreements and they might charge for a formal opinion.

City Attorney Seiden said that the City needs a third party opinion and someone to represent their interests since he does not feel comfortable.

Mr. Wishneff explained that he could have the attorney contract directly with the City and arrange a situation where they would not charge.

Councilwoman Ator explained that she is not comfortable with Mr. Wishneff's suggestion.

Councilman Espino would solicit legal opinions from the County.

Councilwoman Ator felt that the motion on the floor is too overbroad. She would like to move the completion of the Curtiss Mansion as quickly as possible, but as a lawyer and without having an independent opinion on some of the issues related to ownership and the lease, she would want to have that clarified before proceeding with a motion that will involve a lot of administration and attorney review time. She also has some problems with the agreement in its current form.

Vice Mayor Best felt that the motion covers all areas and if something comes back that is not appropriate then Council will not move forward. It does not make sense to waste any more time.

Councilman Lob said that there is a lot of money at stake, there is a tight timeframe and Council must move forward relying heavily on counsel to advise if something is incorrect.

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

Mayor Garcia called for a 5-minute recess at 9:36 p.m.

9F) City Manager Job Description and Qualifications

City Manager Borgmann stated that he was not at the last meeting when this item was discussed and Council asked for additional information on the scope of the search. He provided his personal opinion on the scope explaining that with today's technology it will go global as soon as the position is advertised. He highly recommends experience in the State of Florida and Miami-Dade County because this is extremely important. During his 30-years working in local government he has seen people brought in from outside the state and they are gone in a short period of time.

City Manager Borgmann explained that Human Resources Director Loretta Boucher provided the position description and the executive search factors that were used the last time the position was advertised.

Mayor Garcia stated that he reviewed the information and everyone should agree that it is an important issue that will require extra time. He suggested holding a Special Meeting on this issue as soon as possible.

Council scheduled a Special Meeting for Monday, June 6, 2011 at 7:00 p.m. to discuss this item.

(9G considered after the recess at 9:45 p.m.)

9G) Code Compliance Sign Ordinance Discussion

Building and Zoning Office Supervisor Tex Ziadie stated that Council had requested information about the upcoming sweep of the commercial area, some of the issues that would be addressed and some that may require Council action and he prepared a presentation for Council's review.

Mr. Ziadie said that the number one problem is signage, including signs on closed businesses, but it would require action to incorporate a provision into the Code of Ordinances in order to be able to enforce the removal of these signs.

Councilman Lob commented that some signs can be reused and Mayor Garcia agreed that this had been done at one business on Westward Drive.

Mr. Ziadie continued his presentation showing illegal signs, including banners throughout the community that are prohibited except for grand opening signs that are allowed for 30-days. The Code also limits sign coverage of windows to no more than 15% of the window area and many businesses have this issue. Every exterior commercial sign must be permitted and even window signs require a permit if they are permanently attached to the window, according to Mr. Ziadie. He said that the problem has existed for years and it will take time to bring the signs into compliance.

City Manager Borgmann noted that sign permits are required to ensure that signs are attached properly to the building and will not lift off during a windstorm and there are size limitations.

Mr. Ziadie said that illegal signs are sometimes posted on poles and it is difficult to enforce by calling the listed telephone numbers. There is no way to penalize the owner of the sign and they are removed by the Code Compliance Officers.

The presentation continued with photographs of maintenance of property violations, paint color issues and graffiti.

Mr. Ziadie stated that in 2008, the City Council placed a moratorium on enforcing the Code in regard to using storm shutters as security devices on commercial buildings and there are at least three cases that have been on hold since that time. The Code also states that a vacant building can apply some type of paper to cover the windows, but when the building is occupied it is not allowed.

In 2002, the Code was modified to require that all commercial and multi-family units have enclosed dumpsters and a letter was supposed to be sent out but there is no record in the file. As a result, the property owners have never been notified of the regulation, according to Mr. Ziadie. All property owners should be notified that they are required to enclose their dumpsters and in some cases it might be impossible to do this due to the lack of space, although they could apply for a variance.

Councilwoman Ator asked if door-to-door solicitors are allowed within the City.

Mr. Ziadie explained that the solicitors are required to register with the Police Department and there is an application process.

Councilwoman Ator suggested developing a data base with accessible information for residents in order to be able to see if solicitors are registered.

Mr. Ziadie added that contractors must apply for a permit to place advertising signs in residential yards.

Councilman Lob stated that he would like to look into the possibility of allowing banners for special events.

Mr. Ziadie explained that someone can apply for a special event and the City Manager has the authority to give permission for the placement of a banner for a limited time.

Vice Mayor Best asked if the Administration is looking for some relief or direction from Council relative to correcting the violations.

Mr. Ziadie responded that most of the violations can be handled by the Code Compliance Department, while some guidance is needed in regard to big issues like the dumpster enclosures.

City Manager Borgmann clarified that new commercial buildings must meet specifications for dumpster enclosures as part of the new construction. The problem is that the rule was instituted after buildings were constructed without the enclosures.

To answer City Attorney Seiden's question, Mr. Ziadie explained that he searched the records and could not find any evidence that letters had been sent to property owners in regard to the dumpster enclosures.

Councilman Espino felt that it would be appropriate to address the dumpster enclosures and the window shutters as separate agenda items.

Councilman Espino stated that he received calls from residents living next to Fair Havens with ongoing complaints about a series of issues, specifically overgrown grass, trash, debris and parking.

Mr. Ziadie said that he addressed a complaint in regard to parking and employees eating lunch and throwing trash on the ground. He told the person complaining to call him when there was a problem and he has never called him back.

Councilman Espino felt that residents do not want to act as enforcement officers. He asked if there is some process that addresses repeated violations.

Mr. Ziadie explained that there is a repeat offender process that was implemented in 2004, and any property cited more than once for the same violation within a two-year period is notified that they are repeat violators and future violations will be immediately ticketed without warning.

Councilman Espino stated that there was a story in the River Cities Gazette about illegal rentals in Miami Springs and he received calls telling him that there was advertising on the internet for the rental of detached cottages and rooms. He asked to consider what can be done to stop illegal rentals in the future.

Mr. Ziadie clarified that a list is maintained of properties that are alleged to have multi-family violations with approximately 300 addresses. Every six months approximately twenty of the properties are sent a letter that was approved by the City Attorney and the property owner is asked to sign an affidavit that they are not doing anything illegal. The owner has the option of signing the affidavit or allowing an inspection of the house.

Councilwoman Ator asked if any extra steps were taken to notify the owner of Fair Havens to maintain or place a few trash containers on the property in order to keep the facility looking nice.

Assistant City Manager Gorland explained that the Administration held several meetings with the Administrator of Fair Havens and initially there is some success. They appear to be good corporate citizens and comply, but the problems are ongoing.

Vice Mayor Best agreed that the Administration could approach Fair Havens to ask them to place a few trash containers on the property and have them emptied as part of the routine maintenance. The issue with illegal rentals is difficult since people have had in-law cottages for more than fifty years.

City Attorney Seiden explained that he would bring back information to Council in regard to illegal rentals when there is more time.

9H) Ecology Board – Commercial Recycling

This item was **not considered**.

9I) Strategic Planning Retreat – Proposed Compromise

This item was **tabled** until the June 6, 2011 City Council Special meeting.

10. New Business:

10A) Part-Time Year Round Budget – Recreation Department

Recreation Director Omar Luna stated that the Recreation Department is requesting a budget amendment in the amount of \$91,118.00 in order to meet part-time needs. However, due to increased revenues the net effect on this year's budget would be \$51,118.00.

Mayor Garcia asked if additional activities and new programming is the reason for the increase in part-time employees.

Mr. Luna clarified that there is new programming and the expansion of the football, cheerleading, baseball and soccer programs and adequate staff is necessary in order to provide a safe environment. The Community Center programs are growing and this is positive for the department.

City Manager Borgmann explained that more people have come to the new Community Center and the programming that was added to accommodate the needs and desires of the community is greater than anticipated.

To answer Councilwoman Ator's question, Mr. Luna explained that two part-time employees work Monday through Friday from 8:00 a.m. to 12:00 p.m. maintaining the fields and from 6:00 a.m. to 8:00 a.m. at the Community Center.

Councilwoman Ator said that on the weekend there is a certain amount of maintenance required at the fields to empty the trash containers.

Mr. Luna said that the Public Works Department empties the containers during the week and the Recreation Staff does it on the weekends. Last weekend there was a large tournament and there was not enough staff to handle the overflow.

Councilwoman Ator suggested posting a telephone number that people can call if they find conditions that need attention on the weekend.

Vice Mayor Best asked if additional funds would also be considered during the upcoming budget process.

Mr. Luna assured Council that he would be better prepared for what to expect during the next year.

Assistant City Manager Gorland stated that there will be discussion forthcoming about major changes in sports activities since the cost is being driven up by the number of kids participating in the sports programs.

Mayor Garcia commented that the football program is holding early registration and they already know there will be seven teams, while last year there were only four teams.

Vice Mayor Best moved to approve the request of the Recreation Director. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

10B) Recommendation that Council Award a Bid to Thyssenkrupp Elevator Americas, Utilizing Miami-Dade County Bid # 1233-5/19, in the Amount of \$52,276.00, Pursuant to Section 31.11 (E) (5) of the City Code for Emergency Upgrade and Replacement of Elevator at City Hall

There was no discussion regarding this item.

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

(Item 10C considered after 10A)

10C) Resolution – Resolution No. 2011-3516 - A Resolution of the City Council of the City of Miami Springs, Authorizing and Approving the Submittal of an Application for a 2011 Transportation Enhancement Program (“TEP”) Grant Administered by the State of Florida Department of Transportation; Authorizing Execution of the Required Grant Application Documentation by the Proper Officers and Officials of the City; Effective Date

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

Attorney Seiden stated that the resolution authorizes the application of a non-matching grant of \$145,000 to the Miami-Dade County Metropolitan Planning Organization (MPO) that is scheduled for funding in 2015.

Curtiss Mansion, Inc. President Jo Ellen Phillips explained that they are asking for \$145,000 since the Curtiss Mansion is a trailhead on the bike path and the enhancement funds would be used to hook up the bike path with the Mansion itself, including the pathway and landscaping.

City Attorney Seiden reviewed the provisions contained in the “whereas” clauses.

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

10D) First 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

Item not considered.

10E) Children’s Covenant in Support of Public Education for our Community

Item not considered.

11. Other Business:

11A) Consideration of Change of July 4th Parade Route

City Manager Borgmann stated that he sent a memorandum out a few weeks ago regarding a problem with the parade over the past couple of years that incorporates the proposed changes.

The City Manager explained that years ago the parade began in front of Fair Havens on Curtiss Parkway and proceeded to the Recreation Center with all the activities at that location. This route ended when the City took over the Golf Course and made improvements to the building under the concept that if the parade ended at the Country Club it would promote the Golf Course and Country Club. As a marketing tool it may have been a benefit, but the current validity can be questioned.

City Manager Borgmann explained that Councilwoman Ator asked if consideration had been given to going back to the old route and he placed this item on the agenda to see if Council was interested in her suggestion. It would shorten the route by two blocks and he wanted to make sure that Council was in agreement with the four items that would be instituted for the parade itself.

Mayor Garcia explained that the agenda item is related to changing the route and he would like to focus on this item.

Vice Mayor Best said that he would not oppose changing the route. His only concern would be the activities that take place at the end and if they would be able to accommodate the Optimist and Lions Clubs and all the activities that take place at the end of the route.

City Manager Borgmann clarified that there is enough room at Prince Field for the activities. The problem is the space for parking and staging the event at the Community Center.

Councilman Espino had concerns about the end result of changing the route due to the many vehicles that will come to the area immediately following the parade to participate in the activities, including the floats and trucks. Another concern is that not everyone will dress appropriately to use the gym since they might be wet or not have the proper shoes. The Lions Club and Optimist Club will be cooking and the inflatable bounce houses and tents will tear up the grass.

Motion to extend the meeting was offered by Councilman Espino and seconded by Councilman Lob. The motion carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Councilwoman Ator said that the proposal was rejected last year due to certain issues at the Recreation Center that have apparently been resolved. She said that the Tot-lot, Community Center, and Senior Center could be utilized and the problem at the Country Club is that the facility is not available during the heat of the day or if it rains. The pool might also be open and it would maximize the resources for the citizens.

Councilman Lob stated that there is plenty of room at Prince Field for the Optimist Club or any other clubs. The parade route was changed in order to promote the Golf Course. Most people that attend the parade know about the Golf Course and Country Club. He agrees that Prince Field looks beautiful and he is not sure if the activities will ruin the grass. The facilities at the Community Center will add to the enjoyment of the day.

Mayor Garcia said that this is an important issue that the Recreation Department Staff should be included in before making a decision. He is concerned about the use of the inside of the Community Center and monitoring who goes in and out of the facility. He added that that he would have liked more than one month notice for the people who participate in the parade and the residents who use the Community Center. Consideration should also be given to the condition of the fields that are already heavily used.

Mayor Garcia explained that he would have to be shown the benefits of switching the route before making a decision one month before the date.

Councilwoman Ator moved to change the route of the parade. Vice Mayor Best seconded the motion.

Vice Mayor Best said that the parade begins at 10:00 a.m. and lasts for approximately two hours. He has worked selling snow cones for the Lions Club and after one hour there is no one there because it is too hot. The issue of trampling the fields is not that significant, nor will the residents be inconvenienced. Based upon the Mayor's concern, if the change is approved, he would like the residents to be notified as soon as possible about the change.

Mayor Garcia recalled that in previous years the Dynasty Room at the Country Club was used for the baby contest and for people to cool off and eat. The reverse route would provide shelter at the Senior Center. He reiterated that he would like to know the benefits of holding the activities at Prince Field.

Councilwoman Ator said that the Dynasty Room is in the back of the Country Club and the bounce house is set up outside where there is no natural shade or trees. Prince Field has bleachers and benches and the kids will not tear up the fields. She will leave it to the discretion of the Recreation Department if they want to close the gym during those hours. It seems to be the ideal location for that number of people on a very hot day.

Vice Mayor Best commented that there is an area where the Little League sets up that is adjacent to the Tot-lot and it would not affect the field.

Councilman Lob also wanted to know how the Recreation Director feels about switching the route and if the Staff is prepared for the change.

City Manager Borgmann stated that Programs Supervisor Patricia Bradley was a proponent of the idea for changing the route years ago, but it met resistance from Council because they wanted to bring people to the Country Club.

Mayor Garcia expressed his confidence in Parks and Recreation Director Omar Luna and that department is not here to speak to the issue or to voice there concerns. His only argument against postponing a decision to the next meeting is because of the importance of having enough time to notify the residents.

Councilman Lob recalled the last time the idea was presented it was also at a late date, which was a concern. He also had an issue of voting on the proposal without the knowledge of the Recreation Department Staff.

Vice Mayor Best felt that the City Manager has confidence in Staff and placed this item on the agenda knowing that the Recreation Department Staff will be able to handle the change. He said that the Recreation Department will be involved regardless of the change in the route. He added that people are more likely to go to the pool than the gym after the parade and the same number of employees would be involved in the operation.

Councilwoman Ator was under the impression that the change would be okay with Programs Supervisor Patricia Bradley.

City Manager Borgmann suggested that Council could make a decision and if the Recreation Department disagrees it will not be done if they feel it is not a viable plan, unless Council wants to consider it next year at an earlier date.

Councilwoman Ator withdrew her motion and Vice Mayor Best withdrew his second.

Councilwoman Ator moved to change the Fourth of July parade route pursuant to the City Manager's suggestion, subject to approval from the Recreation Department. Vice Mayor Best seconded the motion.

Mayor Garcia stated that he would like to know the pros and cons from the Recreation Department Staff and to be able to ask them questions. He asked the City Manager if changing the route was his recommendation.

City Manager Borgmann clarified that the item was presented for Council's consideration. He presented information explaining why the route was changed in the first place. The parade was a marketing tool for the Golf Course and because that may no longer be valid, this is an opportunity for Council to consider reversing the route; it is strictly information.

Mayor Garcia said that the parade route should not be changed back and forth and he wants to do it right.

City Manager Borgmann said that the current route does allow for more viewers along Curtiss Parkway, which is in the shade and many people park along there.

Mayor Garcia asked what is the urgency to change the route one month before the event.

Vice Mayor Best commented that it was only a suggestion made last year by one Council member and to accommodate the request he is agreeing to do it; there is no urgency and anyone can disagree.

Mayor Garcia reiterated his desire to have input from the Recreation Department.

Vice Mayor Best disagreed with the Mayor and **withdrew his second** to the motion.

The motion died for lack of a second.

Councilman Lob stated that the item could be discussed earlier for consideration again next year.

Councilwoman Ator did not see any reason that Council should have to approve the parade route since it should be the decision of the Recreation Department. She has made it clear for a variety of reasons why she would like to change the route.

City Manager Borgmann explained that it is an item that impacts a major event that the City hosts every year and if the route is changed, it has been brought to Council in the past for their approval as an event. This is a decision that Council should make.

Mayor Garcia requested to address the proposal during the budget process.

11B) Consideration of Proposal to Host a Fallen Officer Ceremony on June 11, 2011, the 20th Anniversary of Officer Stafford's Death

Councilman Espino stated that the recent discussion of the field naming and memorial for fallen Officer Amanda Haworth motivated a resident to advise him that June 11, 2011 will mark the 20th anniversary of Officer Stafford's death. He is proposing to host a fallen officer's ceremony at Stafford Park to appropriately honor and commemorate the lives and services of both Officers Stafford and Haworth.

Councilman Espino said that he would leave the specifics of such an event open for discussion by and amongst Council, the Administration and the Police. He further proposes to take the opportunity, if possible, to have this event serve as the official naming of the respective field for Officer Haworth and unveil the plaque/memorial/sign indicating the naming.

Councilman Espino spoke with the Chief of Police and Officer Garcia and they both feel it is a great idea and they would volunteer their time for the event. He spoke with the Fraternal Order of Police and Sergeant Gurney is willing to give her support. He explained that he does not want financial considerations to be a part of the decision and he will personally donate a tent, tables, chairs, wreaths and food. Officer Lynn Brooks has also offered her assistance and advised him that the family is available on that date.

Councilman Espino apologized for bringing the item forward at such a late date.

Councilman Espino moved to extend the meeting and Vice Mayor Best seconded the motion, which carried 4-1 on voice vote with Councilwoman Ator casting the dissenting vote.

Councilman Espino said that he would put together a committee and move this forward in order to commemorate and honor the lives of the police officers.

Vice Mayor Best commended Councilman Espino for bringing forth this recommendation. He asked if there is enough time to construct the monument before the ceremony; it is a wonderful idea and he would certainly welcome it.

Chief of Police Peter G. Baan stated that he spoke briefly with Councilman Espino and he had a different understanding. The twenty-year anniversary of Officer Stafford's death is coming up and there were plans to do something in front of the Police Station.

Councilman Espino explained that Stafford Park bears the name and it is part of Officer Stafford's lasting legacy in the community, as it will be Officer Haworth's.

Chief Baan said that he would not have a problem with Councilman Espino's proposal. He spoke with Cecilia Stafford who is the widow of Officer Stafford and she would like to attend, although the plans were to hold a ceremony by the monument outside the Police Station. He suggested that the two ceremonies could be combined.

Every year there is a memorial at Tropical Park for all police officers and twelve members of the Police Department participated in the event with more than 1,000 people, according to Chief Baan.

Councilman Espino said that he has a tentative plan and he would love to work with Chief Baan, Officer Garcia, Sergeant Gurney, Patricia Bradley or anyone who would like to work out the logistics. He explained that the scale is small and he will vouch for the incurred expenses.

Councilwoman Ator explained that she is not concerned about the expense or the location. Her concern is that the memorial would not be ready in two weeks and that would be a disservice. She felt that the official field naming and unveiling of the plaque should be separate from Officer Stafford's ceremony.

City Attorney Seiden clarified that Council decided on a monument behind the backstop on the field, similar to the one for Dr. James.

City Manager Borgmann felt that there was enough time for the preparation of the bronze plaque and someone in Public Works might be able to prepare the stand.

Vice Mayor Best said that it seems to be a conflict with the two locations and events, although he likes the idea.

Councilman Espino reiterated that the field will bear Officer Haworth's name at a park named after Officer Stafford. He is not adverse to doing something in front of the Police Station as well; he thought it would raise the prominence of the event by combining the two ceremonies.

Mayor Garcia agreed that the park is named after Officer Stafford and the Chief has said that he would not have a problem with honoring both officers together in that area. It is only a matter of schematics and having everything in time, which can probably happen with the joint effort of the Police Department, Fraternal Order of Police and the Public Works. He knows that the brass plaque can be prepared within five days and the pedestal would have to be built.

Councilman Lob agreed that it would be good to have as many people as possible attend as long as the Police Department is willing and it would benefit both causes. It should not take long to prepare the plaque and the stand.

Councilman Espino moved to host a fallen officer ceremony on June 11th to honor both Officer Stafford and Officer Haworth with the memorial ceremony and the naming of the field with the appropriate designated plaque. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

City Planner

City Manager Borgmann stated that the Administration would be working as fast as possible to fill the position of City Planner.

The variance appeal and the school board items were not on tonight's agenda. He contacted the School Board and advised that the presentation from Ana Rijo-Conde would be rescheduled.

Code Enforcement Officer

City Manager Borgmann announced that the testing for the Code Enforcement Officer positions will be held on Tuesday May 24th. There were seventy-five applicants for two part-time jobs.

Memorial Day Ceremony

City Manager Borgmann announced that the Memorial Day ceremony would be held on Monday, May 30th at 9:30 a.m.

Stafford Park

City Manager Borgmann reported that the Stafford Park handicap parking and the bleacher repairs should be finalized by Friday, May 27th.

Election Day

City Manager Borgmann reminded everyone to vote in the County Election on Tuesday, May 24th.

City Planner

City Manager Borgmann stated that in regard to City Planner Richard Ventura, he does not have any additional information other than last reported in his e-mail. He certainly would like to know what happened as soon as possible and the toxicology report could take three or four months since there was no trauma to the body. He said that it is a very sad situation that has certainly touched everyone at City Hall and Richard remains in everyone's prayers and thoughts.

City Attorney Seiden explained that there were five agenda items that were not considered tonight and it is Council's prerogative as to how they would like to handle them.

Mayor Garcia stated that he would like to consider Agenda Item 10B for the award of the elevator bid at this time.

Vice Mayor Best moved agenda item 10B for the elevator renovation. Councilwoman Ator seconded the motion, which carried unanimously on roll call vote.

Councilman Espino requested that agenda item 9I on the Strategic Planning Retreat be added to the Special meeting agenda.

Councilwoman Ator stated that the item should be placed on an agenda that allows enough time for Council to provide their comments in order to allow a well rounded conversation.

Mayor Garcia said that he would try to make sure that the agenda for the next Regular meeting is not as heavy and the Strategic Planning Retreat item could be addressed at that time.

Councilman Espino explained his reason for requesting to consider the item at the Special meeting on Monday, June 6th is so that Council could come to a compromise on the event and settle on the large policy areas; any follow up could be addressed at the June 13th Regular meeting.

Councilman Lob said that the Special meeting would be a good time to discuss the item because placing it on the agenda for the next Regular meeting would end up being a night like this.

Councilwoman Ator reiterated her desire for Council to respond with their comments before the agenda for the June 6th Special meeting is finalized on June 2nd.

12C) City Council

None.

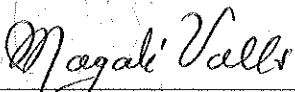
13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:50 p.m.



Zavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk



Approved as written during meeting of: 6-13-2011.

Transcription assistance provided by Suzanne S. Hitaffer.

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