



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 13, 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 Zavier 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
- Police Captain Jon Kahn
- Finance Director William Alonso
- Building & Zoning Office Supervisor Harold "Tex" Ziadie
- Procurement Specialist Tammy Romero
- City Clerk Magali Valls

**2. Invocation:** Councilwoman Ator offered the invocation.

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

**3. Awards & Presentations:**

#### **3A) Presentation of Plaque to Officer Albert Sandoval in Memory of K-9 Grando**

Police Captain Jon Kahn presented a plaque to Officer Sandoval in memory of his K-9 partner Grando who served the Miami Springs Police Department for six years from February 2005 to April 2011.

Captain Kahn expressed his appreciation to Officer Sandoval and explained that the loss of the dog was a very traumatic experience for him. He shared an incident when there was a burglary call and Grando saved Officer Sandoval from serious injury when he was attacked by the suspect.

Officer Sandoval thanked everyone for their support and his friends and family who were present. He said that it is an honor to receive the plaque in memory of Grando who will be missed but not forgotten.

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

##### **Re-occupancy Certificate**

Alex Junco of 267 Nakhoda Drive congratulated the Mayor and Council members for their election victory and urged them to keep up the good work.

Mr. Junco said that when he purchased his home he was required to obtain a re-occupancy certificate and he was not aware of this until the closing on the property. He explained that the requirement was an expense and burden for him in his acquisition of the property that was under foreclosure. He has never had this issue before in his experience as a realtor and a mortgage broker. He was of the opinion that the ordinance should be repealed because there is no need for a re-occupancy certificate; home ownership should be encouraged and the City should make it easy for the buyers who will pay property taxes.

##### **Sights and Sounds of WW II!!**

Chamber of Commerce representative Donna Wood-Beney of 3971 N. W. 65<sup>th</sup> Avenue, Virginia Gardens, presented official invitations to Council to the Sights and Sound of WWII!! - "Tribute to the Andrews Sisters" that will be held at the Rebeca Sosa Theatre on July 2<sup>nd</sup> and 3<sup>rd</sup>.

Ms. Wood-Beney explained that an outside group will pay the not-for-profit rate for use of the theatre and the associated technical services. The Chamber of Commerce is sponsoring the event that will have a display of artifacts from World War II, the tribute, an appearance from Clark Gable, Alan Ladd and Barbara Stanwyk, dancing, singing and movies.

Ms. Wood-Beney asked veterans to contact the Chamber if they have any artifacts to display. The Mu Alpha Theta Math Club will be supplying 1940's treats based on their educational research of the 40's. She hopes that everyone can attend.

**5. Approval of Council Minutes:**

**5A) 05-23-2011 – Regular Meeting**

Minutes of the May 23, 2011 Regular Meeting were approved as written.

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

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

**6A) 05-11-2011 – Golf and Country Club Advisory Board – Minutes**

Minutes of the May 11, 2011 Golf and Country Advisory Board meeting were received for information without comment.

**6B) 05-16-2011 – Revitalization and Redevelopment Ad Hoc Committee – Minutes**

Minutes of the May 16, 2011 Revitalization and Redevelopment Ad-Hoc Committee meeting were received for information without comment.

**6C) 05-26-2011 – Code Review Board – Cancellation Notice**

Cancellation Notice of the May 26, 2011 Code Review Board meeting was received for information without comment.

**6D) 06-01-2011 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the June 1, 2011 Architectural Review Board meeting was received for information without comment.

**6E) 06-06-2011 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the June 6, 2011 Zoning and Planning Board meeting was received for information without comment.

**6F) 06-06-2011 – Board of Adjustment – Cancellation Notice**

Cancellation Notice of the June 6, 2011 Board of Adjustment meeting was received for information without comment.

**6G) 06-07-2011 – Code Enforcement Board – Minutes**

Minutes of the June 7, 2011 Code Enforcement Board meeting were received for information without comment.

**6H) 06-09-2011 – Board of Parks and Parkways – Cancellation Notice**

Cancellation Notice of the June 9, 2011 Board of Parks and Parkways meeting was received for information without comment.

**6I) 06-14-2011 – Recreation Commission – Cancellation Notice**

Cancellation Notice of the June 14, 2011 Recreation Commission meeting was received for information without comment.

**6J) 06-21-2011 – Education Advisory Board – Cancellation Notice**

Cancellation Notice of the June 21, 2011 Education Advisory Board meeting was received for information without comment.

**6K) 08-16-2011 – Education Advisory Board – Cancellation Notice**

Cancellation Notice of the August 16, 2011 Education Advisory Board meeting was received for information without comment.

**6L) 06-07-2011 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment at their Meeting of Tuesday, June 7, 2011, Subject to the 10-day Appeal Period**

Actions taken by the Board of Adjustment at their meeting of June 7, 2011 were approved subject to the 10-day appeal period.

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

*(Agenda Item 9C was considered at this time)*

**7. Public Hearings:**

Council sat as the Board of Appeals at 7:30 p.m.  
The Mayor reconvened the City Council meeting at 8:02 p.m.

**8. Consent Agenda:**

**8A) Approval of the City Attorney's Invoice for May 2011 in the Amount of \$12,757.50**

City Manager Borgmann read the titles of the consent agenda items.

There was no discussion regarding this item.

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

**8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$6,000.00 to Severn Trent Services for Electronic Mailing for Utility Billing Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City's Contract/Contract Vendor for an Additional 1-year Period**

There was no discussion regarding this item.

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

**9. Old Business:**

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

Councilman Espino (Group II) **appointed** Dr. Mara Zapata to the Education Advisory Board for a full 2-year term ending on May 31, 2013.

Councilman Lob (Group III) **re-appointed** John Salomon to the Education Advisory Board for a full 2-year term ending on May 31, 2013.

Mayor Garcia said that unfortunately Mindy McNichols stepped down as the Education Advisory Board Chairperson. He urged anyone wishing to serve on the Board to send him their resumes.

**9B) Discussion Regarding Code of Ordinances Chapter 33 – City of Miami Springs Conflict of Interest and Code of Ethics Ordinance (Tabled: 4/25/2011)**

City Attorney Jan K. Seiden stated that during the election he received a call from a Washington law firm that was interested in finding out the reason why the City of Miami Springs had a code provision limiting political contributions to \$50.00. The City Clerk, as the Supervisor of Elections, confirmed that the provision had never been followed and the code section has not been modified since 1973.

City Attorney Seiden explained that Chapter 33 is designated as the City of Miami Springs Conflict of Interest and Code of Ethics ordinance. No officer or official has ever been accused or charged of violation of the Chapter since they are more likely to be prosecuted in accordance with County provisions or State law. The Miami-Dade County Code of Ethics is updated every year.

City Attorney Seiden added that Chapter 33 does not include any enforcement powers. He recommended repealing that section of the code or changing it so that it can be enforced or the City can adopt or repeal all of it and adopt all of the Miami-Dade County Chapter.

To answer Councilwoman Ator’s question, City Attorney Seiden clarified that the Florida Statutes includes a State Ethics Code that City officials are subject to automatically.

City Attorney Seiden said that the Miami-Dade County Commission on Ethics is a very well organized institution and the City would be well served by them.

**Councilman Lob moved to repeal Chapter 33 of the Code of Ordinances and adopt the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance in its entirety and all future amendments thereto. Councilman Espino seconded the motion, which was carried 5-0 on roll call vote.**

*(Agenda item 9c considered after 6L)*

**9C) Council Review for Consideration of Adoption of Optional Amendments One, Two and Seven to Miami-Dade County’s Interlocal Agreement for Public School Facility Planning, as Recommended by the City of Miami Springs Education Advisory Board; per Florida Statutes Chapter 163.31777 (Discussed: 4/12/2011)**

**Resolution No. 2011-3513 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting Optional Amendments to Sections 9.2 (a), 9.2 (b) and 22 of the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County; Authorizing Execution of Amendment; Effective Date**

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

Attorney Seiden explained that the backup documentation outlines the optional amendments 9.2 (a), 9.2 (b) and 22 that are specifically set forth in full on Attachment 1. Section 9.2 (a) deals with assessing the effects of the geographic area; Section 9.2 (b) deals with the level of service standard and Section 22 deals with takings and vested rights in regards to property for schools.

City Manager Borgmann thanked Ms. Ana Rijo-Conde for coming to the meeting. He explained that she had been working closely with the former City Planner on this particular issue.

Ana Rijo-Conde with the Office of School Facilities, Miami-Dade County School Board, 1450 N. E. 2<sup>nd</sup> Avenue, stated that she previously appeared before Council to speak on this issue. At that time, Council decided to refer the matter to the Education Advisory Board for their review of the changes and a recommendation. She offered to answer any questions that Council might have.

To answer the City Attorney's question, Ms. Rijo-Conde stated that there are nine local governments who had made different choices, while eighteen have not decided to adopt any of the options. Of the nine, a few adopted one amendment, others adopted three and there was nothing in common throughout the entire process.

Mayor Garcia asked what department would inform the City about the possibility of a Charter School in the area or any other type of facility that the County may have knowledge of based on the City's Compact with the School Board.

Ms. Rijo-Conde responded that one department at the School Board handles Charter school applications, or schools of choice, and there are several application periods throughout the year. The applications go through a Charter Review Committee and Technical Committee, although she is not aware of any communications back and forth between the School Board and the impacted municipality. She suggested that a provision could be added to the education compact asking the School Board to inform the City of any pending applications for Charter Schools.

Mayor Garcia commented that at the County level he wondered who the communication would come from and if there was any protocol for notification to the City. He expressed his concern about what happened with Charter Schools in the City of Coral Gables.

Ms. Rijo-Conde clarified that the applicants for the Charter Schools come to the School Board with the actual Charter contract and they review the educational piece, while the site planning is outside of the purview of the School Board and it falls under the purview of the municipality. She reiterated that the Compact could include a provision that the School Board must communicate the information to the City.

Councilwoman Ator said that the City has a lot of School Board property. She asked what would be the School Board's position if there were changes to the use of their property, since the City leases Stafford Park and there are other issues with the Middle School.

Ms. Rijo-Conde explained that any agreements the City has with the School Board will always be honored, including Stafford Park. As it relates to School Board property, they are required to go through a site plan review process and any major changes would go through City Staff. The concern about the Charter School review process could use additional oversight.

Councilwoman Ator referred to Amendment 1 which has been discussed many times. She said that it is related to the consensus in the Interlocal Agreement and the 2/3<sup>rd</sup> vote of the local government.

Ms. Rijo-Conde confirmed that Council had declined that amendment; it did not pass.

Vice Mayor Best felt that the Mayor's point was well founded in regards to additional schools in the City. If there is no mode of communication or means of advising the City it seems that it is not within the Compact with the School Board. The Compact should be reviewed in order to add this provision.

Ms. Rijo-Conde clarified that in regards to traditional public schools, the compact and the Interlocal Agreement provide for back and forth communication; the School Board does not have the purview over the location of Charter Schools and many times a contract is presented without a proposed location. This is the piece that could be refined and addressed in the Compact.

City Attorney Jan K. Seiden explained that there is a difference between public and private schools and Coral Gables and Pinecrest both had legislation. Coral Gables has an ordinance limiting the number of students that could be accommodated and the amount of traffic and they were successful in defending their position.

Councilman Lob asked if the City could limit Charter Schools within the City.

City Attorney Seiden has not researched Charter Schools but would imagine there is some way the number can be restricted within zoning districts. The Neighborhood Business District (NBD) and Central Business District (CBD) allow schools and it is a matter of legislation to control the location.

Ms. Rijo-Conde commented that recent legislation liberalized the regulatory control over Charter Schools and took away some local authority.

City Attorney Seiden offered to research the subject of Charter Schools.

Vice Mayor Best said that he would like to see the results of the research.

Mayor Garcia said that he would contact the City Attorney with his comments. He did not want to make an official request of the City Attorney at this point since there are other questions pertaining to this item that he would like to consider.

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



**10. New Business:**

**10A) 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 (Scheduled for consideration for the 5/23/11 meeting, but not discussed)**

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

Attorney Seiden stated that the “whereas” clause provisions explain what has transpired. The Code Compliance Department in prior years has had some difficulty in enforcing some of the provisions of Chapter 113 – Business Taxes. While the “occupancy” of a designated premises has never been questioned, the fact that there was never a category and it required conducting business from the premises it was an obstacle to enforcement.

Attorney Seiden explained that Staff believes that occupancy of a designated premises and not the actual conducting of a business was the determining factor in requiring securing of a receipt or the license for the business. The failure to provide a code provision in regard to the aforesaid issues has allowed a loophole to exist in the business receipt system of the City and this is the reason for the amendment to Section 113-11.

The new Section 113-11 - Occupancy of a Business Location; Receipt Required states: *“Any person, firm or business entity occupying any premises or location designated by the City for business use purposes shall be required to secure a receipt annually from the City. The failure to actually conduct business from the occupied business location shall have no bearing upon the duty and responsibility to secure an annual receipt from the City.”*

City Attorney Seiden noted that the Business License fee ordinance has a fee for occupancy only.

To clarify Councilwoman Ator’s question, Building and Zoning Office Supervisor Ziadie said that the Neighborhood Business District is a commercially zoned district.

**Vice Mayor Best moved to approve Ordinance 1019-2011 on first reading. Councilman Espino seconded the motion, which was carried 5-0 on roll call vote.**

**10B) First 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**

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

Attorney Seiden stated that the applicability provision deals with the Neighborhood Business District (NBD) and Commercial Business District (CBD). He realized there had been no discussion in regard to the N. W. 36<sup>th</sup> Street District, the Abraham Tract or the Airport Golf District as they are in the development stages and perhaps it should not be applicable since the main focus is the Downtown area.

Compliance requires that all commercial buildings in the business district of the City shall conform to the color palette in accordance with the resolution that was passed adopting the color palette for all commercial areas, except for 36<sup>th</sup> Street, according to Attorney Seiden. The procedure states that all commercial buildings in the applicable districts are required to conform to the palette by no later than December 31, 2012; no building permit is required for the painting; commercial buildings that have been painted within two years prior to the enactment of the ordinance may, upon presentation of proof of painting, receive up to \$1,000 from the City towards the cost of re-painting required by the ordinance prior to December 31, 2010.

Councilman Espino would like clarification that buildings that have been painted, but are not in accordance with the color palette, will receive up to \$1,000 with proof. When dealing with monetary figures he would like to be very specific.

Mayor Garcia explained that Council discussed all the details at the last meeting. He is fine with setting the cap at \$25,000.

City Attorney Seiden explained that his notes from the last meeting indicated that \$25,000 was removed.

Councilwoman Ator would like to clarify that the entire building or a substantial portion of the building must be painted in order to receive the incentive.

Councilman Espino stated that the color palette is set for N. W. 36<sup>th</sup> Street although this ordinance does not address 36<sup>th</sup> Street.

City Attorney Seiden felt that it would be a discouraging factor to include 36<sup>th</sup> Street at this time.

Councilman Espino said that there were code violations on 36<sup>th</sup> Street and some buildings are being repaired and painted. He would like to address 36<sup>th</sup> Street.

Council was in agreement to include 36<sup>th</sup> Street in the ordinance provisions for the second reading.

**Councilwoman Ator moved to approve the ordinance on first reading, as amended. Vice Mayor Best seconded the motion.**

Councilman Espino clarified that the amendments include 36<sup>th</sup> St. and the change to subsection (C)3.

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

**10C) First 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**

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

Attorney Seiden stated that at the last meeting when he said that the provisions of the ordinance would sunset, Councilman Lob was right in pointing out that some of the provisions should be kept for future use. He added that the palette can be of any three colors, approval of the shading requirement and notification upon completion of painting.

**Councilman Espino moved to approve the Ordinance 1021-2011 on first reading, as amended. Councilman Lob seconded the motion, which was carried 5-0 on roll call vote.**

*(Agenda Item 10D considered after 10E)*

**10D) First 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**

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

**Councilwoman Ator moved to approve the ordinance on first reading. Councilman Espino seconded the motion.**

Councilman Espino said that the last increase was two years ago and before that time the fees had not been increased for twenty years. He would like everyone to understand that other municipalities had been increasing fees every two years, while the City of Miami Springs has not; this is the only reason he approves of the increase.

City Attorney Seiden clarified that the total increase would only generate revenues of \$2,700.00.

Councilman Espino added that it actually was a disservice to the City not to increase the fees.

Building and Code Compliance Officer Supervisor Ziadie referred to a comparison of the City’s fees with other communities in 2009, explaining that state law allows an increase of 5% every two years.

City Manager Borgmann explained that the concern in past years was that an increase of 5% that would amount to \$2.50 for a \$50.00 license would send a bad message to the business community; on the other hand, having the lowest rates did nothing to attract businesses to the City.

Councilwoman Ator asked what the actual current annual business tax income is.

Mr. Ziadie explained that the total annual revenue is approximately \$70,000.

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

*(Agenda Item 10E considered after 9B)*

**10E) Recommendation to Expand the Authority of the Current Purchasing Ordinance to Include Independent Cooperative Purchasing and Not-for-Profit Organizations**

City Manager Borgmann stated that this item is a recommendation to expand the authority of the current purchasing ordinance to include independent cooperative purchasing and not-for-profit organizations.

City Manager Borgmann explained that currently the City utilizes bids from other cities or states and this is called piggy-backing. Procurement Specialist Tammy Romero has been researching additional options and opportunities to continue to find the best pricing for all purchases.

Procurement Specialist Tammy Romero stated that there were a few situations in which better pricing was received utilizing other contracts such as the GSA, NJPA, etc. and one was specifically for communications. The City has an opportunity to piggy-back off a GSA contract that would save substantially on the communications system and it would be beneficial to expand the purchasing ordinance to include this entity.

City Attorney Seiden said that the current Code deals only with governmental piggy-backing of state and local contracts and does not mention private not-for-profit or cooperative organizations. He suggested bringing the recommendation to Council for their consideration. He added that it is expensive for the City to write their own specifications and if there are like specifications that already exist there is no need to create them again. The key to purchasing is always to consider what is in the best interest of the citizens. The idea is to save the most funds possible and this is another alternative that is being used by several other cities.

Mayor Garcia commented that when a recommendation is made to piggy-back on another governmental agency there is a list of the requirements and specifications.

Councilwoman Ator said that a code change would have to be made and she understands that Information Technology has an issue.

To answer City Attorney Seiden's question, Ms. Romero explained that changing the ordinance would benefit with the purchase of the telephone system. The Administration is in the development stages and obtaining quotations in an effort to determine what system would be best for the City.

Assistant City Manager Gorland added that the City of North Miami is going through the same process and there are different fronts regarding the particular issue with the telephone system.

Councilwoman Ator said that it is clear that the Administration routinely looks for the best pricing and does not rely only on the fact that another entity has a contract.

Councilman Lob explained that the Procurement Specialist is asking for additional tools to utilize and that Council should give her all the tools possible for her to do the job.

To answer Mayor Garcia's question, City Manager Borgmann explained that the majority of the purchasing is handled by the Procurement Specialist, although she does rely on the departments to assist her in putting together the specifications and go out to bid or determine if another contract exists for that item. He clarified that the purchasing ordinance pertains to all City departments.

Councilman Espino expressed his approval because everything possible must be done to save money. He would like Council to receive more background information so that they can see the difference between other government procurement packages.

City Attorney Jan K. Seiden said that in the final analysis, Council will receive all documentation for every purchase and if there is some objection, it can always be rejected.

Ms. Romero clarified that all procurement processes will remain in place; all purchases over \$10,000 are presented to Council.

Vice Mayor Best applauded Ms. Romero and the Administration for making the recommendation to include independent cooperative purchasing and not-for-profit organizations.

**Vice Mayor Best moved to direct the City Attorney to amend the ordinance in accordance with the recommendation from the Procurement Specialist. Councilman Lob seconded the motion, which was carried 5-0 on roll call vote.**

#### **10F) Discussion Regarding Fiscal Year 2011-2012 Budget Assumptions**

City Manager Borgmann stated that the Finance Director came up with comments and questions that he would like Council to consider as part of the budget process. He referred to Fiscal Year 2011-2012 budget assumptions and a list of major cost increases over last year for health insurance, pension, police replacement vehicles, the City Manager's contracted payout and the increase in annual operating expenditures influenced by cost of living factors.

City Manager Borgmann explained that the Administration is focusing on the major issues in order to be able to present a balanced budget that is within the basic structure of the current millage rate, considering that there is approximately \$500,000 for increased costs over last year.

Mayor Garcia asked the estimated amount for the 3% merit increase for General Employees.

Finance Director William Alonso stated that the dollar amount is \$126,000 for merit increases.

Councilman Espino asked the Mayor and Council to consider not giving merit increases because 1/10<sup>th</sup> of a mill is \$86,000. This was also his position last year and he fully intends to speak with the City Manager about investigating cost reduction measures that will be presented in August.

Finance Director Alonso clarified that he would like consensus as to what direction they want to take and what information is needed for the workshops.

City Manager Borgmann explained that the purpose of the agenda item is to begin discussion. Councilman Espino is correct in bringing up his point of no merit increases and it will certainly be considered.

Councilwoman Ator commented that the rollback rate is 6.7853 and the current millage rate is 6.9408. She asked if the budget deficit at the current millage rate takes into account the projected revenues.

Finance Director Alonso explained that the \$530,000 deficit is based on the projected revenues, minus the departmental budgets. The projected revenue is based on the current millage rate of 6.9408. Assessed values increased by 3% and the current millage rate will generate an additional \$70,000 to \$80,000. He clarified that based on current revenues the budget deficit would have been \$672,000.

Finance Director Alonso said that Council has the option of cutting expenses, utilizing reserves or increasing the millage rate.

Mayor Garcia commented that property tax assessments for Miami Springs increased by 1%, while other municipalities experienced a decrease. He would like to maintain the millage rate.

City Manager Borgmann reminded Council that \$750,000 was utilized last year from the sewer fund toward balancing the budget and that was a one-time appropriation.

Finance Director Alonso assured Council that the numbers will change after meeting with Department Heads to go over their budgets this week. He wanted to give Council a preliminary idea of what they will be facing this year.

Mayor Garcia asked the Administration to provide information on the total revenue based on the current millage rate and the increase in property values.

Councilwoman Ator requested the history of the past three years because of the non-recurring income that was used to reduce the millage rate.

Councilman Espino said that other municipalities across the county have taken dramatic steps to reduce their expenditures and this has not been done in Miami Springs. Some departmental budgets were cut, but there have been no measures to cut benefits. He does not want to do anything hasty that will affect services, but there could be significant savings found.

Vice Mayor Best stated that by the time Council enters into the budget deliberations, the numbers presented by the Finance Director will be much less, the same as in past years.

**10G) Approval of Expenditure for Curtiss Mansion Federal Tax Credit Certification RJHA Project No. 06-3277**

City Manager Borgmann stated that the City has secured a price of \$10,500 to do the tax credit certification and the tax attorney will not be present until the next meeting and there is some concern about approving this before hearing from the attorney. Council could pass it, subject to an agreement that if Council decides not to pursue the tax credit issue at the June 27<sup>th</sup> meeting, the Administration would not issue the purchase order.

Councilwoman Ator would prefer to wait until hearing from the tax attorney. She did speak with him regarding her concern with the 55-year lease issue and possible solutions. She would not want to authorize the architect to go forward and would suggest that this item be tabled until the next meeting.

City Attorney Seiden stated that he sent Council a copy of the preliminary report from the tax attorney. He is also working on an agreement that Mr. Wishneff sent to him and City Staff and he had some questions about it that he is in the process of working through. The tax attorney confirmed that he hopes to have a final opinion and proposed agreement with Wishneff before the next meeting on June 27<sup>th</sup>.

Councilwoman Ator added that the tax attorney has some ideas to make it work, but Council should hear from all parties involved and hopefully within the next two weeks the pieces will fall into place and CMI can move forward.

Vice Mayor Best also would like to hear the presentation from the tax attorney on June 27<sup>th</sup>.

Councilman Espino explained that there is a window of opportunity and if Council does not come to an agreement in the various areas on June 27<sup>th</sup> there probably will not be an agreement at all. Council will recess until August and if the Certificate of Occupancy for the Mansion is issued before that time, the City will lose \$800,000 to \$900,000. It is a very complicated issue with many parts and he would like to make some recommendations in terms of explaining the IRS regulations. There is a reason for the 55-year lease and there are solutions.

Councilman Espino stated that the future of the Curtiss Mansion project may rest with the program depending on other funding. Based on the history of CMI and what has happened to the economy, they missed the time when people were doling out cash and it is amazing what the group has done during the recession.

Vice Mayor Best reiterated that he would wait two weeks for an adequate explanation from the tax attorney. He concurred with Councilman Espino that the timing is important and critical to the project.

Councilwoman Ator explained that everyone involved is trying to find a solution so that the money can be obtained; it might be \$800,000 to \$900,000 in tax credits while the net benefit is \$500,000 to CMI. Her concern is with the 55-year lease because it is essentially like a sale and there is a history of occurrences with CMI and no guarantee of what will happen in the future. She hears the agreement to wait two weeks and can say that everyone she spoke to has tried to explore the different options to protect the asset while still providing CMI with what they need to move forward.

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

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Surgery**

City Manager Borgmann joked that it was certainly not his intention to miss the last Council meeting when he was having his appendix removed. He thanked everyone for their well wishes.

**TV Series Filming**

City Manager Borgmann reported that the TV series "Burn Notice" will be filming an episode on the outgoing bridge on Wednesday, June 15, 2011 between 9 a.m. and 4 p.m.



Mr. Borgmann said that permissions have been granted from the County and the State Highway Patrol, the City of Hialeah Police and Miami Springs Police. The particular shot involves blowing up a car on the outgoing bridge and all precautions are being taken and the company will be responsible for any damage to the bridge. They will also be filming along a portion of Westward Drive.

### **Summer Camp**

City Manager Borgmann announced that 178 kids are participating in the Summer Camp program.

### **Sherryl Bowein**

City Manager Borgmann informed Council that Sherryl Bowein from BB&T is retiring effective July 1, 2011. He wished her the best in her retirement.

### **Bill Wolar's Funeral**

City Manager Borgmann reported that he attended the funeral services for former Councilman Bill Wolar who was the creator of Cheesecake, etc. and he was a good man who will be missed.

### **Police Memorials**

City Manager Borgmann stated that the memorial services on Saturday, June 11<sup>th</sup> went very well and they were very emotional events.

### **New Employees**

City Manager Borgmann informed Council that one full time Administrative Assistant for the Building Department has been hired and two part-time Code Compliance Officers have also been hired and they all will be starting work soon.

### **City Planner**

City Manager Borgmann announced that the selection for a City Planner is under way for a full time employee.

### **PBA Negotiations**

City Manager Borgmann stated that PBA negotiations have re-started.

## **Fourth of July**

City Manager Borgmann announced that the Classic Car Show will be held at the Circle on Sunday, July 3<sup>rd</sup> from 6:00 to 10:00 p.m. The Fourth of July Parade will take place on Monday, July 4<sup>th</sup> at 10:00 a.m. and the fireworks will begin at 9:00 p.m.

To answer the Mayor's question, Assistant City Manager Gorland explained that there will be no water guns, throwing of water from bottles or hoses allowed along the parade route due to unsafe incidents. Unlicensed drivers will be prohibited from operating vehicles and the Police Department will ensure that the parade moves along.

## **Hurricane Season**

City Manager Borgmann reminded everyone that the hurricane season has begun and he has posted information on Channel 77. The City has signed contracts with the first three companies out of the six that were selected to provide debris removal services to the City.

## **12C) City Council**

### **Ethics Commission Luncheon**

Councilman Espino reported that he attended the Miami-Dade County Ethics Commission luncheon and the topic of discussion was about municipalities using Facebook. They are close to setting parameters for cities use of Facebook and at some point he would like to address the issue.

### **Swearing-in Ceremony**

Councilman Espino reported that he attended the swearing-in of new County Commissioners Esteban Bovo and Xavier Suarez. He said that Commissioner Bovo is a tremendous neighbor compared to the former Commissioner who held that seat and he will be a friend to Miami Springs.

### **Groupon Sales**

Councilman Espino stated that 793 rounds of golf were sold through Groupon and since it was a best selling item it was moved up to preferred customer status for future sales. The majority of the sales were from people who live outside the state and other counties and hopefully it will shed some light on the future marketing efforts for the Golf Course.

### **Airbus 380**

Councilman Espino said that he and Councilman Lob attended the arrival of the Airbus 380 at Miami International Airport on Friday, June 10<sup>th</sup>. He spoke with Tony Quintero who extended an invitation for a delegation from the City to walk through an A380.

### **Re-occupancy Certification**

Councilman Espino referred to the comments made during Open Forum in regard to the re-occupancy certification and that relates to dealing with illegal changes to a home. He spoke with Mr. Junco before and asked him to come forward with some solutions.

### **Lions Club Benefit**

Vice Mayor Best reported that on Thursday, June 16<sup>th</sup> at 7:00 p.m. the Lions Club is holding a benefit for the lead guitarist of “Room Service” who is going through some medical concerns. There is a small admission fee.

### **Street Signs**

Vice Mayor Best reported that he has noticed missing street signs in the City and there are several at major arteries on Ludlam Drive. He suggested that it could be addressed by either the Police or Public Works Department because he has seen people who seem to be lost.

Mayor Garcia reported that on Hunting Lodge Drive at 59<sup>th</sup> Avenue there is an incorrect sign that reads N.W. 41<sup>st</sup> Street.

### **Website**

Councilwoman Ator reported that she has updated her election website and she now has a blog at [www.jenniferator.com](http://www.jenniferator.com) with posts for many City events.

### **Code Enforcement Board**

Councilwoman Ator attended the Code Enforcement Board meeting on June 7<sup>th</sup> when Mr. Ziadie announced the approved changes to the Code Compliance Department and the Board seemed appreciative since they are looking forward to addressing issues in the business district. The Board members received copies of the color palette and the associated time limit for compliance. She applauded the Code Enforcement Board for their work.

### **Bill Wolar’s Funeral**

Councilwoman Ator said that she attended the funeral and interment at Vista Memorial. There was a military presentation which was very impressive. He was an important businessman and active member of the community for many years and he will certainly be missed.

### **Aviation Academy**

Councilwoman Ator announced that the Experience Aviation STEM Academy begins next week and All Angels has agreed to host the program on its campus for the summer since the Curtiss Mansion is not ready.

### **Miami Springs Maps**

Councilwoman Ator suggested that the Police Department should have maps of the City available for people who do not know their way around.

### **Good Government Initiative**

Councilwoman Ator informed Council that she is attending a Good Government Initiative Seminar at the University of Miami with seventeen officials and school board members from Palm Beach to Monroe County that is sponsored by Katy Sorenson. She said that it is going to be very interesting and informative and she is looking forward to sharing what she learns.

### **Building Permits**

Councilwoman Ator shared her experiences about obtaining permits from the Building Department and stressed the need to improve the time required to obtain them. She was told that a permit to replace the air conditioning system would take six days and it was never easy throughout the permitting and inspection process. She recognized that everyone she dealt with was very pleasant during the process, but clearly the process should be streamlined, especially to help encourage business development within the City.

Assistant City Manager Gorland stated that a gentleman who is an expert in the field will provide free consulting in the Building Department for a few days in order to determine if substantial changes can be made.

### **Pool Hours**

Councilwoman Ator announced that the municipal pool is open until 7:00 p.m. on Saturdays and Sundays and she hopes that everyone has a wonderful summer.

### **Airbus 380**

Councilman Lob reported that he also attended the arrival of the Airbus 380 and it was very impressive. Some of the statistics were amazing and Germany is the number one destination. The City should be able to attract business in light of the revitalization efforts for N. W. 36<sup>th</sup> Street.

## **Fishing**

Councilman Lob said that he, along with the former Mayor, won second place in a fishing tournament.

## **Optimist Club Fishing Tournament**

Mayor Garcia said that the Optimist Club is also having a Fishing Tournament on Saturday, July 16, 2011.

## **Summer Camp**

Mayor Garcia said that this is the first day of Summer Camp and he has already heard many wonderful things about the program.

## **Pool Hours**

Mayor Garcia asked about the extended pool hours and City Manager Borgmann clarified that the hours were extended from 4:00 to 7:00 p.m. to see how this schedule works out.

Mayor Garcia would like to market the pool, inform people about the swimming lessons and get more people involved in the program. He will assist with promoting the pool, not only as the Mayor, but also through his private business. He knows that the pool facility is rented out for private parties and he would like a report to show the rental use.

Assistant City Manager Gorland explained that the pool is not rented during the summer time from Memorial Day to Labor Day. Parties can be held upstairs or in the grassy area, but it does not include the pool water itself unless it is after hours.

Mayor Garcia reiterated that he would like to see a report of the use of the pool because it is a revenue generating stream.

## **Trophy Ceremony**

Mayor Garcia attended the end of the season Little League trophy ceremony and he thanked Councilwoman Ator's husband for supplying extra water for the event. He congratulated Otto Camejo for his first year as President of the League and looks forward to helping him next year.

## **Flyers**

Mayor Garcia asked for copies of the flyers with the information about the sports programs.

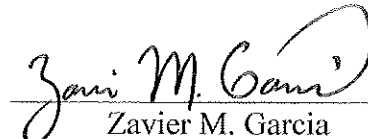
Assistant City Manager Gorland explained that the flyers are finished and two posters are displayed in the City Hall and Community Center lobbies.

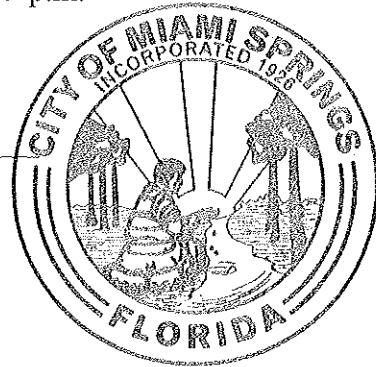
**Bill Wolar**

Mayor Garcia extended his condolences to the family of Bill Wolar. He had the pleasure and privilege of knowing him well and he was his advisor when he first considered running for office. It is nice having families like this who have deep roots in the community. He is a man who will definitely be missed and may he rest in peace.

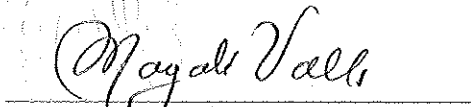
**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 9:49 p.m.

  
Zavier M. Garcia  
Mayor



**ATTEST:**

  
Magali Vallis, CMC  
City Clerk

Approved during meeting of: 6-27-2011.

Transcription assistance provided by Suzanne S. Hitaffer.