



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS
Regular Meeting of Monday, August 8, 2011 - 7:00 p.m. – Council Chambers

AGENDA

ITEM #

SUBJECT

ACTION TAKEN

- | | | |
|-----------|---|--|
| 1. | Call to Order/Roll Call | All present. The meeting was called to order at 7:02 p.m. (Councilwoman Ator arrived at 7:04 p.m.) |
| 2. | Invocation | Offered by Mayor Garcia. |
| | Salute to the Flag | The audience participated. |
| 3. | Awards & Presentations | |
| 3A) | Presentation Regarding Health Insurance | Robert Shafer recommended renewal of the health insurance contract with Aetna, effective October 1, 2011, with an 8% increase. To be scheduled for the next meeting. |
| 3B) | Presentation Regarding the Springs River Festival | Connie Brandenburg, Vice chair of the Springs River Festival, requested and obtained approval to hold the festival on April 13-15, 2012. |
| 4. | Open Forum: | |
| | Youth Curfew Ordinance | Matthew Latch of 125 Hunting Lodge Drive asked Council to reconsider Code Section 153.01 which refers to curfews for minors, as he considers that the ordinance unconstitutionally restricts the movement of law abiding minors. |

4. Rating System for Productions at the Rebeca Sosa Theater

Ralph Wakefield of 255 Springs Avenue, Manager of the Pelican Playhouse, stated that Council voted on establishing guidelines for the Rebeca Sosa Theatre, conditional upon the County's requirements. He contacted County Commissioner Rebeca Sosa to receive her opinions. Her letter answering his questions reads in part: *"There is nothing in this agreement or in the BBC GOB rules that would prohibit the City and/or Pelican Playhouse from setting standards for the theatre whereby all productions would be appropriate for general audiences of all ages."*

Pelican Playhouse Summer Recital

Mr. Wakefield said that his wife distributed a flyer announcing their upcoming summer recital on Saturday night, August 20, 2011 and on Sunday afternoon, August 21, 2011.

Chamber of Commerce: New Officers' Installation

Donna Wood-Beney of 3971 N.W. 65th Avenue, Virginia Gardens wanted to invite Mayor Garcia and Council, as well as the administration to the new officers' installation event tomorrow evening at 6:00 p.m. in the Tapas Room in Holleman's. The officers for 2011-2012 will be installed and it will also be a networking opportunity for everyone to meet each other.

Mayor Garcia announced that he would be moving agenda item 9C up to combine the speakers of Open Forum with the agenda item since they are speaking of that matter.

Code Enforcement

Helen Gannon of 215 Miami Springs Avenue stated that there was a mobile home parked in a driveway of a house for the summer and the rear end stuck out into the street. She explained that she had been to City Hall several times in order to notify Code Enforcement so that they could do something about the situation and was advised that they have to go through the Code Enforcement Board to do something about the motor home.

Code Enforcement (Continued)

Ms. Gannon said that the Code has to be reviewed. She questions why two Code Enforcement Officers were hired if they cannot perform their duties. She has a friend who was fined \$75 for parking a certain way in a drive way.

5. **Approval of Council Minutes**

(Simultaneously approved)

5A) 06-27-2011 Regular Meeting

Minutes of the June 27, 2011 Regular Meeting were **approved as written**.
Motion: Vice Mayor Best
Second: Councilman Lob
Vote: 5-0

5B) 07-28-2011 Special Meeting

Minutes of the July 28, 2011 Special Meeting were **approved as written**.
Motion: Vice Mayor Best
Second: Councilman Lob
Vote: 5-0

6. **Reports from Boards & Commissions**

6A) Ecology Board

Minutes of the June 28, 2011 Ecology Board meeting were received for information without comment.

6B) Code Enforcement Board

Minutes of the August 2, 2011 Code Enforcement Board meeting were received for information without comment.

6C) Architectural Review Board

Cancellation Notice of the August 3, 2011 Architectural Review Board meeting was received for information without comment.

6D) Zoning and Planning Board

Cancellation Notice of the August 1, 2011 Zoning and Planning Board meeting was received for information without comment.

6E) Board of Adjustment

Actions taken by the Board of Adjustment at their meeting of August 1, 2011 were approved subject to the 10-day appeal period.
Motion: Councilman Espino
Second: Councilman Lob
Vote: 5-0

7. **Public Hearings:** None
8. **Consent Agenda:**
- 8A) City Attorney's Invoice Council **approved** payment of the City Attorney's invoice for July, 2011 in the amount of \$10,705.50.
Motion: Councilwoman Ator
Second: Vice Mayor Best
Vote: 5-0
- 8B) Purchase of Two Riding Mowers for the Public Works Department Council **awarded** a bid to Wesco Turf, Inc., utilizing Florida State Contract # 760-000-10-1 in the amount of \$36,352.12, pursuant to Section 31.11 (E) (5) of the City Code to replace two riding mowers in the Public Works Department.
Motion: Councilwoman Ator
Second: Vice Mayor Best
Vote: 5-0
- 8C) RFP # 03-10/11 – Stafford Park Playground Equipment Council **awarded** RFP # 03-10/11 to Leadex Corporation, the lowest responsible proposer, in an amount not to exceed \$72,965.63 for Stafford Park playground equipment, artificial grass and installation, pursuant to Section 31.11 (E) (2) of the City Code.
Motion: Councilwoman Ator
Second: Vice Mayor Best
Vote: 5-0
- 8D) Repairs of Alleys and Swale Areas Council **approved** an expenditure to Sunshine Trucking Corp., utilizing Miami-Dade Bid # 5986-4/11-4, in an amount of \$10,000.00, on an "As Needed" basis, as provided in Section 31.11 (E) (5) of the City Code to purchase ballast and lime rock to continue repairs of alleys and swale areas.
Motion: Councilwoman Ator
Second: Vice Mayor Best
Vote: 5-0

- 8E) Purchases of Fuel and Oil Council **waived** the competitive bid process and **approved** an expenditure in an amount not to exceed \$14,500.00, on an “As Needed” basis to Land and Sea, for fuel and oil, pursuant to Section 31.11 (E) (6) (g) of the City Code.
Motion: Vice Mayor Best
Second: Councilman Lob
Vote: 5-0
- 8F) Purchase of Driving Range Supplies Council **waived** the competitive bid process and **approved** an expenditure in the amount of \$5,500.00, on an “As Needed” basis to Titleist for purchase of driving range supplies, items for resale, pursuant to Section 31.11 (E) (6) (g) of the City Code.
Motion: Councilman Espino
Second: Councilman Lob
Vote: 5-0
9. **Old Business:**
- 9A) Advisory Board Appointments Councilman Espino (Group II) **appointed** Lynne V. Brooks to the Board of Parks and Parkways for an unexpired term ending on April 12, 2012.
- 9B) City Manager’s Contract Council **discussed** the figures presented by the Finance Director regarding proposed savings to the City in case of early termination of the City Manager’s contract. Council agreed it was in the City’s best interest to keep the City Manager on board until the end of the year. **No action taken.**
- 9C) Curtiss Mansion Historic Tax Credit Proposal *This item was discussed early in meeting (after Open Forum)*

City Manager Borgmann explained that this item was placed on the agenda for the purpose of updating the information from Attorney Chaves and Mr. Wishneff.

Curtiss Mansion Historic Tax
Credit Proposal (Continued)

City Attorney Jan K. Seiden reported that Council had received a copy of the signed agreement with Wishneff.

Council **received** comments from citizens regarding the proposed Curtiss Mansion Historic Tax Credit Proposal as follows:

Curtiss Mansion:
Tax Credit Agreement

Former Councilman Eric Elza of 1256 Ibis Avenue spoke about Item 9C, but there was no back-up in the agenda packet, no one knew what was going to transpire, but since the item was listed as a verbal status report he assumes that there would be no decisions made. He learned that Curtiss Mansion Inc. (CMI) was now going to be a company for profit and that there was a process going forward to lease out the Mansion for 55 years. He read the deed restrictions that Biscayne Properties imposed to the City when they deeded the property to Miami Springs many years ago.

Mr. Elza explained that he and many citizens have contributed a lot of time to this City. He wants the Curtiss Mansion to remain in the hands of the City. He commented that giving the Mansion away for 55 years is not the right answer. He urged Council to save the Mansion for future generations.

Curtiss Mansion:
Tax Credit Agreement

Ms. Gannon presented a display of how Miami-Dade County advertised Glenn Curtiss. She stated that they are proud of him and what he did for the City. She wanted to spread the word about Glenn Curtiss to the young generation of the City. She commented that one of the display captions said that the U.S Marine Corp. desperately needed a field to train aviators for the war, and Glenn Curtiss gladly donated his air field for that purpose.

Curtiss Mansion:
Tax Credit Agreement (Continued)

Ms. Gannon stated that Curtiss purchased land to the North and built two more landing fields, one of which he eventually donated to the City of Miami in 1927 for the development of the Miami Municipal Airport which was located at Rodney Road. She explained that Glenn Curtiss helped James Bright with a project in Hialeah and when he finished the project he came back to complete the Country Club Estates which today is called Miami Springs. She commented that when a well that was on the Golf Course produced clear spring water, Glenn Curtiss sold the Golf Course to the City of Miami for \$1.00.

Ms. Gannon continued reciting historical facts about Glenn Curtiss and distributed some photos of him and his family in front of the Mansion, along with other historic documents.

Curtiss Mansion:
Tax Credit Agreement

Nery Owens of 332 Payne Drive stated that she heard the presentation that Robert A. Chaves presented on June 27, 2011. She noted that he was trying to figure out the IRS code so they could get into a 55 year lease of the Curtiss Mansion property that was deeded to the City of Miami Springs for the use of all residents. She referred to the Public Record Laws and Florida Statute 286. She would like to know what Chaves and Wishneff are being paid for their services.

Ms. Owens would like Council to inform the citizens of what is going on and to include them in the details. She wanted to thank Eric Elza for bringing up the deed restrictions because she believes they are infinitely more important than \$9,900.00 a year for 55 years that the City is going to gain from this transaction. She urged Council to not sell the City's history. She explained that she would like to see it as a complete museum.

Curtiss Mansion:
Tax Credit Agreement

Shirley Taylor-Prakelt of 376 Linwood Drive stated that the Curtiss Mansion belongs to all the residents of Miami Springs. The citizens pay for it, own it, and are tax payers.

Ms. Taylor-Prakelt commented that the very first pilot's license issued in the United States of America was to Glenn Curtiss. She stated that CMI was founded by a variety of people of all ages and that she was one of the original founders of CMI but is no longer affiliated with it. She informed Council that she worked as a Government official and is aware of how tax credits work. She advised Council that they need to discuss with the residents what is going on with their City and keep them involved so there will not be any rumors or harm in the community.

Ms. Taylor-Prakelt said that she is frustrated with how hard the officials are making things for the residents.

Ms. Taylor-Prakelt wondered if it would be a conflict of interest for Councilman Espino as a voting member on CMI and her question is to City Attorney Seiden asking how it cannot be a conflict of interest for Councilman Espino to speak, vote or have an input on a party that is now going to be a profit making venture. She reiterated to the Council to not give away their Curtiss Mansion and that there is nothing more important in their City than the Golf Course and the Curtiss Mansion.

9D) Strategic Planning

Council **directed** the Administration to invite Bill Busutil to make a presentation at the next meeting, since he is experienced in meeting with focus groups and preparing questions for resident surveys regarding strategic plans.

9E) Red-Light Camera System Council **directed** the Administration to accumulate the data on all approaches deemed appropriate within the City limits of Miami Springs relative to the information being submitted to Council and for the City Attorney to enter into preliminary negotiations with ATS relative to a forthcoming agreement.
Motion: Vice Mayor Best
Second: Councilman Espino
Vote: 5-0

9F) Swimming Pool Information Council **received** information regarding the swimming pool activities and income.

9G) Resolution No. 2011-3520:
CDBG Grant – FY201202014 Council **tabled** approval of the resolution and requested additional information. To be scheduled for the next meeting.
Motion: Vice Mayor Best
Second: Councilman Lob
Vote: 5-0

10. New Business:

10A) Recommendations from the Education Advisory Board Council **received** information from Education Advisory Board member John Solomon regarding a project which consists of creating fiberglass sculptures that are painted by artists and are displayed in the streets, and after a few months are auctioned off to benefit the schools. Council supported the idea and asked Mr. Solomon to invite Heather Bettner of Prince Media Development to make a presentation at the next Council meeting.

10B) Recommendations from the Revitalization and Redevelopment Ad-Hoc Committee Council **directed** the Administration to contact Juan Calvo and Joe Valencia to see what direction they have to move forward.

Motion to **extend the meeting** until 11:15 p.m.

Motion: Vice Mayor Best

Second: Councilman Lob

Vice Mayor Best: "aye"

Councilman Espino: "aye"

Councilman Lob: "aye"

Councilwoman Ator: "no"

Mayor Garcia: "aye"

Voice Vote: 4-1

10C) Budget Transfers

Council **approved** the budget transfers within departments as submitted by the Finance Department.

Motion: Councilwoman Ator

Second: Councilman Lob

Vote: 5-0

10D) Resolution No. 2011-3519

Council **adopted** a resolution providing for the fourth amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; by increasing General Fund revenues from undesignated reserves to cover authorized and approved general fund expenditures; by increasing the Road and Transportation Fund of the Special Revenue and Capital Projects Budget to account for additional C.I.T.T. funded sidewalk and road repairs.

Motion: Councilwoman Ator

Second: Vice Mayor Best

Vote: 5-0

10E) Amendments to Code §102-01 --
Re-Occupancy Certification

Council **tabled** the item due to the late hour.

Motion: Councilwoman Ator

Second: Vice Mayor Best

Voice Vote: 5-0

- 10F) Request from the Police Officer Assistance Trust (POAT) Council **approved** the request of the Police Officer Assistance Trust (POAT) to use the basketball courts at the Community Center for a 3-day tournament in September.
Motion: Vice Mayor Best
Second: Councilman Lob
Vote: 5-0
- 10G) 85th Birthday Logo Council **approved** the 85th birthday logo designed by the River Cities Gazette and **approved** a payment of \$800.00.
Motion: Councilman Espino
Second: Councilman Lob
Vote: 5-0
11. **Other Business:**
- 11A) Third Quarter Budget Status Report: FY2010-11 (Unaudited) Council **received** the third quarter (unaudited) budget status report for Fiscal Year 2010-2011.
12. **Reports & Recommendations:**
- 12A) **City Attorney** None
- 12B) **City Manager**
City Manager's Reports City Manager Borgmann stated that he would be sending an e-mail with all his reports.
- 12C) **City Council**
Wade Smith Vice Mayor Best announced that Wade Smith has recently been diagnosed with a very serious disease. He asked everyone to remember him and pray for remission.
P.B.A. Publication Councilman Espino reported that in the recent publication of the P.B.A. newspaper the "Heat" there was a story on the memorial services that were held for Officers in Miami Springs and Officer Amanda Haworth that was written by resident Peter Newman.

Congressman Mario Diaz-Balart

Councilman Espino announced that Congressman Mario Diaz-Balart opened his office at 8669 N. W. 36th Street, Suite 100, Doral and Senator Rubio's District Office is next door in Suite 110.

Florida League of Cities
Conference (FLC)

Councilman Espino reported that he will attend the FLC conference on Thursday, August 11-13, 2011. There will be a significant amount of information on a number of topics and he offered to keep an eye out for any information that Council would like him to bring back.

12C) Miami Food Trucks

Councilwoman Ator noticed today that the Miami Food Trucks posted the City's 85th Birthday Party and placed the information on Twitter.

Back-to-School Supply Drive

Mayor Garcia reported that the Optimist Club will be sponsoring a Back-to-School supply drive at the municipal swimming pool on Sunday, August 21st for residents to drop off school supplies. The food will be sponsored by J. R.'s Gourmet Burgers and there will be a disc jockey for entertainment. He will provide more information as soon as it is available.

13. Adjourn

Meeting adjourned at 11:15 p.m.