



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, August 8, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

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

* Arrived at 7:04 p.m.

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Comptroller Alicia E. González
- Public Works Director Robert T. Williams
- Golf Director Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Recreation Director Omar L. Luna
- City Clerk Magali Valls

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

*Councilwoman Ator arrived at this time.

3A) Presentation from Robert Shafer – Renewal of RFP # 09-09/10 with Aetna, as the City's Health Insurance Carrier for the Fiscal Year 2011-2012

Robert Shafer thanked Council for the opportunity to speak at the meeting. He has been employed by the City for several years as a benefit consultant. His reason for being here tonight was to discuss the renewal of the health insurance program with Aetna.

Mr. Shafer explained that the anniversary date has been changed from November 1, 2011 to October 1, 2011, and that the reason for the change was so it aligns with the fiscal year and also to make it simpler for budgeting. He stated that they have received the renewal from Aetna effective on October 1, 2011 and the renewal rate is plus 8% over the current rate.

Mr. Shafer commented that he was quite excited to have the renewal. In his opinion, anything in single digits is a really good place to be. He explained that with the following reasons, hopefully the renewal would be accepted. The coverage had been bid out three of the last four years. He announced that in 2007, there were a few responses and in 2008 when it was put out to bid there were fewer responses. He explained that in 2009, it was not put out to bid because there was a rate cap involved at that point.

Mr. Shafer continued to explain that last year the insurance was bid out again with two responses; one being from the incumbent at the time, AvMed, and the other was Aetna. He noted that Aetna was chosen and it was a good situation for the City. He is seeing how the market place is recognizing the process and a lot of people are not really interested in bidding every year which is quite common in this area. At the same time there is something called "trim factors" which is the inflation factor and trim factors today are running in the 11-13% range.

Mr. Shafer explained that if everything was to break even, you would expect 11-13% rate increases. He noted that he and Finance Director William Alonso spoke early on about formulating ideas and to expect a 12 to 13% or maybe an even higher increase, so 8% is very good.

Mr. Shafer announced that the health care reform measures are a part of this since last November and they are not allowing rates to come down. He advised Council that everything that has been added at this point is still increasing the cost.

Mr. Shafer stated that the initial renewal was approximately 11.6% and they were able to lower it to 8% through negotiations and other means. Another reason why he feels confident with this is because in the insurance industry this is what they call an immature year. He noted that the first couple of months are typically slow because there is a certain amount of time it takes for claims to hit.

Mr. Shafer explained that the beginning of any new plan can become slow but at the same time it was a short year because of the early renewal date, therefore they had claims through the month of May. He reiterated that he felt very good that Aetna is optimistic about how things are going forward. He advised Council that one of his concerns is that if the insurance was to go out for bid there could be renewal increases.

Mr. Shafer said that he is in a position to show the market place some stability. He commented that if the City could go three or four years without bidding, it would allow some of the other carriers who are on the outside who are interested in the bidding to get involved and create more competition which is better for the City.

Mr. Shafer noted that from the City employees' standpoint it would be good not to bid or change companies. He announced that at the same time, this would build credibility with the current carrier which would be a good thing at this time next year.

Mr. Shafer reiterated that for those reasons, he believes that the City should accept the 8% increase and renew effective October 1, 2011 which would tie together with the fiscal year.

Mayor Garcia stated that Robert Shafer was present to provide Council with that information and they are not being asked to give any judgment at this time.

City Manager Borgmann explained that Council would need to make some type of decision soon because if they have to go out for bid the Administration will need to know that so the responses are received in time before October 1, 2011.

Mayor Garcia commented that he too was surprised that the renewal rate came in as low as it did.

City Manager Borgmann commented that one thing that Mr. Shafer did not mention was that one of the figures that were originally proposed was in the 13% range. He believes that the first response they received from Aetna was 11.6% and the second was 8.5% and then later it dropped to 8.0%. He stated that he knows that they are in a much better place than the first numbers that were offered to the City.

Mayor Garcia asked City Manager Borgmann if he would like to move forward and accept the offer.

City Manager Borgmann advised Council that the recommendation for approval would have to come back as an agenda item.

To answer Councilman Dan Espino's question, Finance Director William Alonso stated that the 8% equates to \$60,000.00.

Vice Mayor Best asked Mr. Shafer if he would see a reduced amount by going out to bid and what the employees are getting in addition to what they have now for an additional 8%.

City Manager Borgmann advised Council that the employees would not be paying for the additional 8% since the City picks up 100% of the employees' health insurance.

Vice Mayor Best asked what the City would be realizing other than an additional 8%. He commented that he is aware that the renewal percentages have increased before.

In response to Vice Mayor Best's question, Mr. Shafer stated that was the result of the RFP's in the past. He explained that the RFP goes out to anyone who is interested. He commented that the City has a good quality carrier with Aetna and they are coming in below market and will continue with the same program. He advised that costs continue to increase, so the cost of a procedure last year is more expensive this year and that is why the percentage continues to increase.

Vice Mayor Best explained that while he accepts Robert Shafer's opinion, he is not in agreement with it and wonders if it would make more sense to take another look at it.

Mr. Shafer said that he would not recommend that and that with an 8% increase the City is in a very good position.

City Manager Borgmann advised Council that when the City had gone out for bid in the past, he did not recall receiving a reduction from the prior year. He explained that about four years ago a lower response was received but the City could not accept the bid because they had set a particular standard of rating for the insurance companies, and it was below an "A" rated company. He stated that the following year they asked for permission to look for a "B+" rated company and the bid was awarded to AvMed.

Discussion ensued about bidding percentages in past years.

City Manager Borgmann advised Council that Robert Shafer works for different municipalities, one being Coral Gables and he asked Mr. Shafer what Coral Gables experiences were this year.

Mr. Shafer stated that Coral Gables remains with their current carrier and they have been with their carrier for approximately 5-6 years. He explained that Coral Gables is in a position where they are renewing with their carrier and maintaining that status.

To answer Mayor Garcia's question, Robert Shafer explained that Coral Gables' percentage of increase for this year was a low number, but could not recall the number. He noted that Coral Gables' size is different and they get into different rating methods.

Mr. Shafer announced that his company works for the City of Hialeah as well and they are completely self-funded. He noted that his company also works with smaller municipalities and they would love to be at 8%.

Councilman Espino asked Mr. Shafer if he is working with any other cities that have gone into a contract together with another City or that have piggy-backed from another City.

Mr. Shafer stated that he was not aware of that situation. He noted that he was aware of union plans that go together such as fire groups, but none that he is involved with.

City Manager Borgmann stated that piggy-backing is a very rare occurrence because Miami Springs has such a different population from one City to another.

Mr. Shafer noted that if they were to go out for an RFP, then they would have to bring the claims experience more up to date. He explained that there are certain claims that have not hit the experience as of renewal time. He advised Council that if they did this now, those claims would be included and it would not look as favorable, which is a concern because they would go above 8%.

Mr. Shafer commented that this was considered several years ago in trying to team up with Dade County as an option. He stated that they were actually in a better position than Dade County was. He explained that the idea of joining this really large group and taking advantage of size did not turn out to be beneficial because the really large group had bad claims experience. He advised Council that this year the City is in a very good position.

Vice Mayor Best explained that it is the system that he objects to overall and not his representation. He asked Mr. Shafer to exhaust all possibilities in terms of taking a look at this for the City.

Mr. Shafer responded that the history shows that there is nobody out there who is going to do better than Aetna has done for the City.

Councilman Lob stated that from a private standpoint the company that he works for has always gone out and looked for different policies and it just so happens that for the last three years they ended up renewing with the carrier that they had because it was less expensive. He noted that health care is a difficult subject to deal with because it increases every year. He explained that he always wants to make sure that the company he works for gets the best price possible and he knows that his company is very aggressive in doing that.

Mr. Shafer stated that the healthcare reform has made the option of staying with the current carrier more frequent because everyone is very tenuous about what is going forward and many times the current carrier is the best option.

3B) Presentation from the Springs River Festival Committee to Request Dates for the 2012 Festival

Constance Brandenburg of 190 Westward Drive spoke on behalf of Springs River Festival Committee Chair Sandy Martini who could not be present at the meeting. She requested the dates of April 13, 14, and 15 for the Springs River Festival.

Ms. Brandenburg stated that last year the festival did much better than they expected with the economy being the way it is. She explained that she did not have the figures with her, but between police, public works, and the local businesses they probably put out approximately \$30,000 and donated approximately \$13,000 to local charities.

Council agreed with the dates.

4. Open Forum:

Youth Curfew Ordinance

Matthew Latch of 125 Hunting Lodge Drive read the following letter to the Board:

"Mayor Garcia, Vice Mayor Best and Council members, I come before you today to request that they review an archaic City Ordinance that has long prevented the youth of this city from remaining outside past 10:00 p.m. My name is Matthew Latch and I am a long time resident of Miami Springs. I was born here and I was raised here. I recently turned 17 and am now exempt from said local youth curfew ordinance, but I cannot ignore the segregation of civil liberties that still affects my younger peers. Today I urge you to review and appeal the local city ordinance that unconstitutionally restricts the movement of law abiding minors. The first amendment secures the citizens' rights to peaceably assemble in public at any time of the day and the Supreme Court is long recognized teenagers as citizens of this country and as such every minor in this city is due this basic right.

Under the equal protection clause of the 14th Amendment, every citizen is due equal protection under law. How can a law that restricts the movement of a certain group of citizens be seen as equal protection? It cannot. I hope that you are willing to take my suggestions into serious consideration and rapidly move towards a repeal of Miami Springs youth curfew. Thank you all for your time."

Mayor Garcia announced that there were other citizens who wished to speak about item 9C and asked if there was anyone on the Open Forum list who did not want to speak about item 9C. He advised Council and the audience that they would listen to the speakers who were there to speak on other topics first, and then he would bring up agenda item 9C as the next item for discussion.

Rating System for Productions at the Rebeca Sosa Theatre

Ralph Wakefield of 255 Springs Avenue stated that before they went on break last summer, the Council voted on establishing guidelines for the Rebeca Sosa Theatre. He noted that a question was raised by City Manager Borgmann on whether or not they could legally do such a thing as County funds were used to build the theatre. He explained that he was charged by the Council to find out from County Commissioner Rebeca Sosa her opinions which he was able to receive in a letter he read as follows:

“Dear Mr. Wakefield I am in receipt of your letter and e-mail dated July 13, 2011, regarding the Rebeca Sosa Theatre at the Miami Springs Community Center. From your letter I understand that the Pelican Playhouse, Inc. has a contract with the City of Miami Springs to coordinate and secure performances by visiting companies at the theatre. Further, you indicate in your letter that the Pelican Playhouse would like, in conjunction and with the approval of the City of Miami Springs, to set standards as to the thematic and content suitability for audiences to the theatre so as to showcase productions that are appropriate for general audiences of all ages, including children. Finally, you ask whether, because Miami-Dade County provided Building Better Communities General Obligation Bond (“BBC GOB”) Program funds for the construction of the theatre, the City of Miami Springs is somehow barred or prohibited from setting such a standard for productions at the theatre.

Attached to this letter is the Inter-local Agreement between the City of Miami Springs and the County for the funding of the Miami Springs Community Center. This Agreement, along with the BBC GOB Administrative Rules, require that the City of Miami Springs (1) maintains the Community Center for 25 years, (2) keep the project open and safely maintained for all County residents, (3) allow all County residents equal access and use of Community Center and not discriminate when charging facility admission fees based on where a person resides in a County. There is nothing in this Agreement, nor in the BBC GOB Administrative Rules, that would prohibit the City and/or the Pelican Playhouse from setting standards for the theatre whereby all productions would be appropriate for general audiences of all ages.

*I appreciate you taking your time to contact me regarding this matter, and as always please do not hesitate to call me or e-mail me should you have any further questions or concerns.
- Sincerely Rebeca Sosa, County Commissioner District 6”*

Mr. Wakefield stated that it is clear that they are able to have standards for the theatre.

City Attorney Seiden advised Council that he does not believe that the City had ever adopted a standard. He explained that it would be appropriate to put the standard on the agenda as an item and Council could adopt it. In his opinion, it would not be appropriate for the Pelican Playhouse to tell the City what the standards are; the City will tell the Playhouse what the standards are.

Mayor Garcia asked City Manager Borgmann if Council could have the standards on the next agenda and City Manager Borgmann agreed.

Discussion ensued on whether or not Council had already set the standards during a previous meeting.

Mayor Garcia noted that the Administration would check the record to be certain and if there was no formal action taken, the item would be placed on the next agenda.

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 the Mayor and Council, as well as the Administration, to the Chamber's installation event on Tuesday, August 9th at 6:00 p.m. in the Tapas Room in Holleman's. She advised Council that the officers for 2011-2012 will be installed and it will also be a networking opportunity for everyone to meet each other. She noted that if anyone had any questions they may contact her.

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

Code Enforcement

Helen Gannon of 219 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 and was advised that they have to go through the Code Enforcement Board to do something about the motor home.

Ms. Gannon explained that the Code has to be reviewed. She said that driving around the City it looks absolutely terrible. 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 driveway.

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.

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

5B) 07-28-2011 – Special Meeting

Minutes of the July 28, 2011 Special 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) 06-28-2011 – Ecology Board – Minutes

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

6B) 08-02-2011 – Code Enforcement Board – Minutes

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

6C) 08-03-2011 – Architectural Review Board – Cancellation Notice

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

6D) 08-01-2011 – Zoning and Planning Board – Cancellation Notice

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

6E) 08-01-2011 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment at their Meeting of August 1, 2011

Actions taken by the Board of Adjustment at their meeting of August 1, 2011 were approved subject to the 10-day appeal period.

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

7. Public Hearings:

None.

Mayor Garcia called for a 5-minute recess

8. Consent Agenda: (approved with one motion)

City Manager Borgmann read the titles of the awards.

Councilwoman Ator removed Item 8E from the Consent Agenda.

Councilman Espino removed Item 8F from the Consent Agenda.

8A) Approval of the City Attorney's Invoice for July 2011 in the Amount of \$10,705.50

There was no discussion regarding this item.

Councilwoman Ator moved consent agenda items 8A - 8D. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

8B) Recommendation that Council Award a Bid to Wesco Turf, Inc., Utilizing Florida State Contract #760-000-10-1 in the Amount of \$36,352.12, pursuant to Section 31.11 (E) (5) of the City Code to Replace Two Riding Mowers in the Public Works Department

There was no discussion regarding this item.

Councilwoman Ator moved consent agenda items 8A - 8D. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

8C) Recommendation that Council Award City RFP # 03-10/11 to Leadex Corporation, the Lowest Responsible Proposer, in an Amount not to Exceed \$72,965.63 for Stafford Park Playground Equipment, Artificial Grass and Installation, pursuant to Section 31.11 (E) (2) of the City Code

City Manager Borgmann stated that this is an item that the City went out to bid on and received a price on a "piggy-back" situation of about \$85,000. The bid came back with about a \$12,000 savings.

Councilwoman Ator moved consent agenda items 8A - 8D. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

8D) Recommendation that Council Approve an Expenditure to Sunshine Trucking Corp., Utilizing Miami-Dade Bid # 5986-4/11-4, in an Amount of \$10,000, on an “As Needed Basis”, as Provided in Section 31.11 (E) (5) of the City Code to Purchase Ballast and Lime Rock to Continue Repairs of Alleys and Swale Areas

There was no discussion regarding this item.

Councilwoman Ator moved consent agenda items 8A - 8D. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

8E) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$14,500.00, on an “As Needed” Basis to Land and Sea, for Fuel and Oil, pursuant to Section 31.11 (E) (6) (g) of the City Code

Councilwoman Ator said that \$29,000 was budgeted and this is a request to go beyond the budget in the amount of \$14,500.00 for fuel and oil.

Golf Director Mike Aldridge explained that Land and Sea is the lowest bidder for the fuel and the price of gasoline has increased over last year. Funds are available in other accounts that can be transferred to cover the expense.

City Manager Borgmann stated that Land and Sea is the only company that has delivery trucks that are small enough to deliver an adequate quantity of fuel and negotiate the road leading to the Golf Course barn.

Councilwoman Ator said that it would be helpful to have more information in the future.

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

8F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount of \$5,500.00 on an “As Needed” Basis to Titleist for Purchase of Driving Range Supplies, Items for Resale, pursuant to Section 31.11 (E) (6) (g) of the City Code

Councilman Espino requested additional information regarding this agenda item.

Golf Director Aldridge explained that normally hats are purchased from Foot Joy and a purchase order was issued to that company. Subsequently, the order was switched to Titleist since they provide a better selling and less expensive hats. He is asking to increase the amount of the purchase order to Titleist.

To answer Councilwoman Ator's question, Mr. Aldridge confirmed that this transaction would not result in an increase in the budgeted amount of \$36,000. He explained that the budget for resale items varies because it is based on 65% of retail sales.

Councilman Espino moved the item. Councilman Lob seconded the motion, which was unanimously carried on roll call vote.

9. Old Business:

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

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) Discussion Regarding Cost of Early Termination of City Manager's Contract

City Manager Borgmann stated that Council asked the Finance Director to verify the numbers that were presented in regard to an early termination of his services and the information was provided in the agenda packet.

Councilman Espino thanked the Finance Director for his response. He explained that his numbers slightly varied with the Finance Director's because he left out the two 5% increases for the Assistant City Manager's other duties in regard to Building and Zoning and the IT Departments. Initially his comment was that if the City Manager would tender his resignation early for retirement that the net savings would in effect be \$98,016.00 plus the savings over three months time during October through December when there would only be one City administrator or a total of approximately \$112,000; if not, the net savings would be \$44,019.00 inclusive of the payout for accrued medical and sick leave.

Councilman Espino stated that his position is clear for the record. He appreciates the City Manager's service, although he does not think that the City is in a position right now to facilitate someone coasting to retirement with a payout of \$114,000. If the City Manager were to retire right now, there would be no severance payout and if Council's decision is to terminate him the net savings would be the number presented by the Finance Director.

Vice Mayor Best thanked Finance Director Alonso for his time and effort in his response to Councilman Espino's concern. He stated that in his opinion the savings does not offset the value of the current City Manager remaining with the City during the budget process and staying for the remainder of the year. In addition, the advertisement for the City Manager's position was placed in The Herald as requested by Council and the resumes will be accepted for review by Human Resources. He reiterated that the savings and value of having City Manager Borgmann on board for this period of time does not offset the savings suggested by Councilman Espino.

Councilwoman Ator also thanked Finance Director Alonso for his diligent work. She added that the way the memorandum is written it shows that there would be a savings of \$44,000 if the City Manager were terminated as of June 27th so really the savings today is not \$44,000.

Finance Director William Alonso clarified that the savings of \$44,000 was estimated as of the June 27th Council meeting. Today, the savings would vary from \$27,000 to \$30,000.

Councilwoman Ator agreed with Vice Mayor Best that the service of the City Manager is valuable as Council works through the budget process and the various projects and events planned for the next few months. She explained that it makes sense since he will be paid anyway.

Councilman Lob stated that he could not add much to what Council had already said. He was of the opinion that at this point the subject is not relevant.

Mayor Garcia was happy to see that when he searched the internet for Miami Springs City Manager the position that is available came up number three on the list.

No action was taken.

Agenda Item 9E discussed at this time.

9C) Verbal Status Report Regarding the Curtiss Mansion Historic Tax Credit Proposal

Former Councilman Eric Elza of 1256 Ibis Avenue spoke about item 9C, but there was no back up in the agenda packet and it said that it is a verbal status report, and no one knew what was going to transpire. He noted that he has come once before and was unable to speak and tonight he would like to address his feelings about the Curtiss Mansion.

Mr. Elza stated that since it is a verbal status report he assumed that there will be no decisions made to move forward. He commented that when he was here the last time he was kind of set back when Ms. Morgan-Phillips came forward and made a reference 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.

Mr. Elza announced that as the week went by he became agitated because he could not comprehend how all the time that was spent over the years on the Mansion by a lot of people, especially Mary Ann Taylor, would not be part of what was going on. He found out that in the proposal that was circulating around by CMI is that the museum is not even going to be a part of the new CMI plan for the Curtiss Mansion.

Mr. Elza explained that he had the deed to the Mansion because he happened to be on the Council when they were able to negotiate the gift of the Mansion to the City from Sunburst who at the time owned the property, and actually turned out to be Biscayne Properties. He stated that there are a few restrictions in the deed that he is going to skip over but wanted to include in the record that the conveyance of the deed was made with the following conditions:

“The grantee shall restore the historic Curtiss Mansion to habitable condition within five years from the date of the warranty deed.

The grantee shall use and occupy the subject property exclusively for municipal, historic preservation, museum, park or educational purposes or any combination thereof and customary accessory uses which may include social and recreational functions of a nature customarily held in museums. In no event shall the subject property be used as a hotel or a lodging facility.

If the grantee does not restore the museum to habitable conditions within five years of the date of the warranty deed, the grantee shall demolish and completely remove the Curtiss Mansion from the subject property within six years of the date of this warranty deed. Thereafter grantee shall use the subject property exclusively as a public park.

And if the grantee violates any of the following conditions, then the grantee shall have a right to render the land and terminate the grantee’s estate. The conveyance was made also with one other condition that the grantee shall make no use of the East 106 ft. of parcel A except for restoration of the existing historic Curtiss Mansion, landscaping, open space, surface water management, utilities and the existing pond or as it may be reconfigured by the City. The foregoing restrictions shall be attached to and run with the land, and shall be for the benefit of and shall be binding upon any future owners and tenants of parcel A. In addition, the foregoing restrictions shall be enforced by the Grantor, its successors and assigns through an appropriate civil action in the Circuit Court in and for Miami-Dade County, Florida or any other actions permitted by law. There are no intended third party beneficiaries of this restriction and no other persons, entities or parties except those named or described herein shall have any right to enforce this restriction.”

Mr. Elza explained that he and many citizens have contributed a lot of time to the City. He noted that he gave a lot of time as a member of the City Council along with trips to Tallahassee. He wants to see the Curtiss Mansion property put back in the hands of the City. He feels that giving away the Curtiss Mansion for 55 years is not the right answer. He emphasized that he is not in agreement that CMI will become a company for profit. Mr. Elza asked Council to save the Mansion for the children of the community.

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue presented a display of how Miami-Dade County advertised Glenn Curtiss and what he did for the City. She would like to spread the word about Glenn Curtiss to the younger 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 the first U.S Marine Aviation unit.

Ms. Gannon emphasized that there were 1,400 men who were trained at that field. She stated that Curtiss purchased additional 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. 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 noted that they used a large cypress to carry the water from our springs to Dade County. She pointed out that the City floated a bond for \$5MM dollars to get the Golf Course back. She stated that for the price of \$1.00, Glenn Curtiss leased his flying school to the Marine Corp. for the duration of the war which trained 500 unlisted men and officers with 23 Curtiss Flying Jennies. She announced that many of those men became distinguished aviators during the war in Europe. She commented that in July 1930, Glenn Curtiss at the age of 52, died from complications of appendicitis. She wonders how many people at the age of 52 had accomplished as much as Glenn Curtiss did.

Ms. Gannon distributed some photos of the Curtiss Mansion living room, a photo of Glenn Curtiss and his family in front of the Mansion during a wedding, a photo of the Gazebo, and a photo the Curtiss Aviation Airport where Amelia Earhart began her attempt to fly around the world. She also distributed a photo of the Curtiss Mansion designation by the Preservation Board dated February 22, 1990, along with a plaque. She added that Glenn Curtiss donated the land for the Presbyterian Church. She continued to read a story about Glenn Curtiss so people are aware of the man who lived in Curtiss Mansion.

Nery Owens of 332 Payne Drive stated that she heard the presentation that Tax Attorney Robert A. Chaves presented on June 27, 2011. She noted that he was trying to figure out the IRS code so the City 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 reminded Council of the Public Record Law and Florida Statute 286. She explained that she would like to see some transparency and would like to know what Chaves and Wishneff are being compensated and what is the percentage.

Ms. Owens would like for 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 advised Councilman Espino that it will be \$500,000.00 gained in tax credit from the IRS, divided by 55 years, is \$9,900.00 a year.

Councilman Espino disagreed with the \$9,900.00 a year figure, but asked Ms. Owens to continue.

Ms. Owens emphasized that that is an average and that is what the residents are giving up the property for. She believes that the property should be used for the children and grandchildren and the City's history should not be sold or used for profit. She asked Council to respect the rights of the citizens in this issue.

Shirley Taylor-Prakelt of 376 Linwood Drive explained that the Curtiss Mansion belongs to all the residents of Miami Springs who pay for it and own it. She commented about her growing up and visiting the Mansion for tea after church on Sundays. Her mother, Mary Ann Goodlett-Taylor and her family members were a big part of the Mansion whether they worked there or just visited there.

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 Curtiss Mansion, Inc. (CMI) was founded by a variety of people of all ages. She was one of the original founders of CMI, although she is no longer affiliated with the organization. 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 reiterated that she would like for Council to tell the residents what they are proposing and make them aware of what is going on in their City. She explained that she is frustrated with how hard it is for the residents to obtain information.

Ms. Taylor-Prakelt stated that Councilman Espino is a voting member of CMI and her question to City Attorney Seiden is how it cannot be a conflict of interest for him to speak, vote or have an input on a party that is going to be a profit making venture. She asked City Attorney Seiden to re-evaluate the issue because from what she understands, without having the benefit to any documentation, there was a for profit venture being formed to go along with a not-for-profit.

In conclusion, Ms. Taylor-Prakelt asked for Council to provide a report, make the documents available, tell the residents what is being proposed and hold a public hearing. She said that under no circumstances will anyone in the City allow a 55-year lease agreement that gives away their rights, control or the use of the Curtiss Mansion. She emphasized the importance of the Miami Springs Historical Museum and noted that many people had donated their time to make it a special place. She urged Council to not give away the Curtiss Mansion because there is nothing more important in the City than the Golf Course and the Curtiss Mansion.

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

City Attorney Jan K. Seiden reported that Council received a copy of the signed agreement with Wishneff. The motion that was passed stated that if there were any difficulties with the agreement or any changes that it would come back to Council, and if there were no changes to go forward with it. The agreement was not changed; it was accepted as presented except for a couple of added provisions for the protection of the City in regard to future investigations and opinions to be rendered in regard to issues that were discussed at the previous meeting. The issues were in regard to the impact of the transaction on the bond and grants that were acquired by CMI and the control of the Mansion property during the 55-year lease period and opinions on these are forthcoming.

City Attorney Seiden explained that the provisions in the agreement provide that the City has absolute discretion and there are no leases in existence at this time. The product is being marketed to people who have an interest in historic tax credits and there is no document other than the contract with the Wishneff Group. The City has the absolute right to either go forward or not depending on the answers to various questions.

In response to comments that were made tonight, City Attorney Seiden explained that although Mr. Elza is correct that there was a deed with a number of restrictions, a number of those restrictions were removed, waived or released at some time subsequent to the granting of the deed. In addition, in regard to the control of the 55-year lease and whether or not CMI will be a profit or not-for-profit entity, it is really a part of the public presentation that Council has already heard from the Wishneff Group and also from the tax attorney representing the City.

City Attorney Seiden said that the Wishneff Group does not get any compensation if they do not complete their job and the City is responsible for out of pocket costs for a total of \$5,000. At this point, there are many issues; this is far from a "done deal".

City Attorney Seiden said that he cannot speak for CMI and one of the issues that may come up as part of the transaction is that at some point CMI may become the City of Miami Springs or the Board of CMI may be the City Council so that the control of the property remains with the City. This is one mechanism that is being looked at by the two tax counsels for Wishneff and the City.

City Attorney Seiden reiterated that there are issues and no one is giving anything away. This is strictly a transaction and if it renders the financial benefit to the City that is anticipated, it could be profitable. There is no commitment at this point; the only thing the City is committed to is to allow the Wishneff Group to solicit potential parties that might be interested in partnering with the program so that the City can receive the historic tax credit benefit, at their own risk. It is a contingency agreement.

Councilman Espino stated that the City and CMI stand on the shoulders of the efforts of many people in the room and the Curtiss Mansion would not be where it is if not for people like Shirley Taylor-Prakelt, Eric Elza, Fred Suco and certainly Mary Ann Goodlett-Taylor and Nikki Jester.

Councilman Espino explained that two years ago the Mansion was a pile of rubble and with the efforts of CMI, funding was gathered to begin the project and people worked very hard to get another \$1MM from the County, based on an agreement from the City to guarantee \$475,000. CMI does not want the City to have to pay \$475,000 and additional funding is needed for the parking lot or else the doors cannot be opened for any use.

Councilman Espino stated that CMI was approached by other people who had been involved in tax credits. Basically, the IRS recognizes a tax credit when engaging in historical redevelopment. The problem is that the City and CMI, being non-profit organizations, they do not have tax liability. The tax credit could generate between \$500,000 to \$800,000 to pay for outstanding items that are needed to get the project up and running.

Councilman Espino continued explaining that the 55-year lease creates a mechanism by which there is an entity where a party can invest and take the tax credits. The process has to be in place for five years and that means the investor is in the entity for five years; they pay in and they receive the tax credit; after five years they leave and the only remaining parties are CMI and the City. Ultimately, the City is the landlord who has control and authority as to what happens in the lease and the operating documents going forward.

There is no way to know whether or not the venture is a good idea, according to Councilman Espino, and that is part of the due diligence. The agreements that have been entered into are preliminary and information has been sent to the State and Federal government in order to determine if the historical attribute to the project is sufficient to generate the historic tax credits. He said that the intention is for the Mansion to do exactly what everyone has planned to do and without the endeavor there is no immediate way to generate the remainder of the funds. CMI is doing corporate fundraising all the time and he has met with the John Batchelor Foundation.

Councilman Espino stated that CMI wants to continue its partnership with the City and see the Mansion open its doors for the purpose of being a cultural center and a location where the history of Miami Springs, Glenn Curtiss and all the unsung heroes can be celebrated. In reality, if the necessary funding sources cannot be found, there is nothing going to happen at the Mansion.

Councilman Espino clarified that there is no effort to make CMI a for-profit entity. Ultimately, it is part of a convoluted mechanism by which a private entity partners with the City and CMI in order to take advantage of the tax credits for that limited purpose only.

Councilman Espino said that the implications he has heard about selling the property for hotels or for development are ridiculous. The mission is to have a building that stands as a symbol for the City of Miami Springs that reflects its past, celebrates its heritage and makes a place for the future. He said that Council may decide that the tax credit is not appropriate, but it might be possible with the documents that will be created to protect the City and set the control measures without transferring the property. The City is basically taking advantage of an IRS tax loophole that has been done for other historical locations. He would like everyone to move forward with the understanding of the final goal to have an open and dynamic Curtiss Mansion. The process is under preliminary investigation.

Councilwoman Ator stated that the agreement was attached to the agenda on June 27th, but it was not attached in red line form. She said that she also had concerns about the 55-year lease and a tax lawyer was hired to render an independent opinion. The tax attorney did provide an opinion that was included in the packet for the second meeting and it said that a 55-year lease is treated like a sale under the IRS guidelines. She continued to explain that a lot of provisions were removed from the Wishneff agreement and it was left with only the basics, which allows Wishneff the opportunity, at their own detriment, to essentially shop the tax credits if they work out.

Councilwoman Ator explained that the City's tax attorney said that he would have to move forward and see what organizations could be put together and if the corporate entities cannot be set in a way that provides the City with sufficient control over the property in the future, the City can decide not to move forward. In this case, the City would owe Wishneff an amount up to \$5,000.00 in recoverable costs for which receipts are provided.

Councilwoman Ator stated that the 55-year lease is still a problem and Council has not yet seen the answers from the tax attorney who suggested that Wishneff's attorney could come up with some proposals and he would then review them to see if they protect the City.

Councilwoman Ator agreed that there are concerns and that the process has not been as transparent as it could have been. If the public is interested in knowing what is happening, she would encourage them to watch the meetings on-line. She explained that the editorial in the River Cities Gazette about the 55-year lease was not accurate because there was a misunderstanding of what Council decided. The issue is complicated and that is why the City hired a tax attorney and Council is moving forward in an attempt to assess whether or not it is a good idea. She will continue to argue that if the City does not have control, there is no possible way they should enter into a 55-year lease.

Councilwoman Ator agreed with Councilman Espino that the intention is not to give the property away and there must be protections in place for the City. She explained that the tax attorney was paid \$10,000 as an initial retainer and it was money well spent.

Vice Mayor Best stated that he appreciated the public input on this issue. Although he is not a lawyer he can say that this is not a done deal, there is no intent to keep anything from anybody and nothing is final yet until it is determined it makes sense for the City. He concurs with everyone who offered their comments that the Curtiss Mansion is important to the City and future generations. He gives credit to the City Manager for not putting documentation in the agenda packet because he was not prepared with the backup information or the answers that are needed.

Vice Mayor Best explained that the tax credit issue was put on a "fast track" because it had to be closed out within a certain time for it to be effective. He welcomed the President of CMI to come to the next meeting in order to give an explanation for the residents.

Councilman Lob stated that transparency of the City is very important and he would like to know if the residents had asked for any of the past Council minutes dealing with this issue. He commended Councilwoman Ator whose platform during the election campaign was transparency of the local government. If anyone has any questions about the subject, the videos of the meetings are on-line for viewing and they have been for approximately two years. Council wants to be transparent and for all the information to be available.

Councilman Lob emphasized that there is no lease agreement at this point. He reiterated that transparency is very important and the information is available on-line. The intent is not to give the Curtiss Mansion property away; the tax credit is only a funding mechanism and if it does not work out, or the City loses control of the property, Council will not go through with it.

City Manager Borgmann clarified that what Mr. Elza read into the record about the deed restrictions was correct at that time, but there was an addendum to the deed that allowed more time to restore the Curtiss Mansion.

City Attorney Jan K. Seiden explained that there is a release document that also exists to most of the conditions. He thinks Council has made an extraordinary effort to be transparent in regard to this matter since it is convoluted and complex. He made sure that all correspondence in his possession became part of the record of the minutes of every meeting when the matter was discussed. The documentation can be requested from the City Clerk and anyone who is unfamiliar with the format of the proposed transaction needs to take a look at the proposal from the Wishneff Group in their early presentation.

City Attorney Seiden clarified for the record that there is no lease agreement. There is an agreement between the City and Wishneff to explore the transaction.

Agenda Item 9D discussed after 9E.

9D) Strategic Plan Progress: Survey questionnaire Development

City Manager Borgmann stated that the Administration was directed to begin the process of putting together a survey questionnaire regarding a strategic plan for the City. The charge was to have the responsible department heads that work with the individual advisory boards to contact the chairpersons and develop five or six questions that would garner answers from the residents in regard to the future of the City.

City Manager Borgmann explained that there had been mixed responses and three advisory boards are currently without chairpersons, although former board chairs had provided assistance and promised more. There was an e-mail correspondence from one Ad-Hoc Committee Chair questioning the process and similar discussions were held with another board about the type of questions and what responses are anticipated.

City Manager Borgmann stated that he had interviewed Manny Perez-Vichot and discussed his concerns as the Chairman of the Board of Adjustment/Zoning and Planning Board regarding variances for undersize lots. He will be meeting with former Architectural Review Board Chair Mark Trowbridge this week.

City Manager Borgmann explained that the various Department Heads had been meeting with the respective Board Chairs. The process is not complete with all the responses from the Board Chairs and it would be helpful if the Council Liaisons could call the Chairs to ask for assistance.

Vice Mayor Best hoped to get the strategic planning process off the ground and to date the information that has come back has been very valuable. He lauded the Board Chairs and members for collecting their thoughts. There are some concerns in regard to Education and the Architecture Boards that do not have Chairs and hopefully the survey can be completed as Council enters into the budget process. He felt that it is a good start and thanked those persons that were responsible.

Councilwoman Ator said that she is the Liaison to the Board of Parks and Parkways and she called the Chairperson who came to see her. She agrees that useful information had come to the surface through the process; her concern is that the Board Chairs do not have the expertise to put together a proper survey and the questions should be formulated in an appropriate way in order to get the proper responses. She felt that a survey could be effective, but not in the way that it has been put together.

City Manager Borgmann said that during his meeting today with the Board of Parks and Parkways Chair a concern was raised with “yes” and “no” answers and he agreed that there should be five categories for answers to a particular statement or question.

Councilwoman Ator felt that someone with expertise is needed to structure the questions if Council decides to move forward. It has been a good exercise and she agreed with the Chair of the Board of Parks and Parkways that the questions could be formulated to generate any answer that is desired and they must be scientifically appropriate.

City Manager Borgmann explained his background in market research. He does not want to inundate the respondents with a lot of questions and wants to make sure the questions are salient and will have benefit to the City. The concept of making sure the questions are scientifically valid is a critical point so that they are in a non-leading fashion and generate proper answers.

Councilman Lob referred to the correspondence that Council received from Revitalization and Redevelopment Ad-Hoc Committee Chair Laz Martinez and said that he agreed with some of the points he made. He said that the questions must be carefully posed so that they are not misleading, especially in regard to revitalization. The questions must be specific.

Councilman Espino spoke with several advisory board chairs including Laz Martinez, Eric Richey, Mark Trowbridge and George Heider. He reviewed the questions and found the exercise to be good in developing a small focus group and there are some areas of concern or areas that need to be addressed but they do not necessarily belong in a survey. He does not like the idea of putting out policy questions that Council should be deciding. Some questions are so specific that they are not direction leading questions.

Councilman Espino stated that Revitalization and Redevelopment Ad-Hoc Committee Chair Laz Martinez was extremely on point with the comments in his letter. He said that four or five questions per area would generate a booklet on every topic across the City and the idea of breaking down the questions and forming focus groups is an excellent idea presented by Eric Richey. As far as revitalization, the work has already been done in the past studies and perhaps that information needs updating.

Councilman Espino asked Council to consider asking the Chairs, not to submit questions, but to submit topics of concern or areas for discussion that can be flushed out and discussed in focus groups. His initial thought for strategic planning was to break out in focus groups. He reiterated that the survey is enormous and it would be hard to digest. There is a desire to move forward and this is a good start but the community needs to come together and he does not feel the survey will do that.

Councilman Lob felt that the Recreation survey that was done a few years ago was a good survey that generated a lot of response.

City Manager Borgmann explained that the Recreation Survey was mailed to every household and there was a 25% response or approximately 1,000 returned. The cost was approximately \$20,000.

Councilman Lob felt that the questionnaire would be valid if it is done correctly and it might get some people to think about certain issues. Some residents might respond to the survey that would not attend a meeting at a specific time. He also is a proponent of the break out sessions like other cities have successfully done, but he would like to take a step at a time with only two topics of discussion instead of addressing all departments of the City at the same time.

City Manager Borgmann explained that the first step in the recreation study was to assemble focus groups of kids at the various schools who were asked questions about what they wanted to see in the City for recreation. There was another focus group for anyone who wanted to attend and the questions were developed based on the discussion in the focus groups.

City Manager Borgmann said that he knows a gentleman who was involved in the strategic planning for Miami Lakes that works for the County and he is sure that he would be more than happy to address Council to give his advice on the best way to formulate these types of studies. He can invite him to come if Council would like to do so.

Councilman Espino stated that the recreation survey was targeted and developed by a professional and the economic development survey targeted Miami Springs and the surrounding areas.

Vice Mayor Best stated that he shared some of the same concerns and while it is a good process initially, it is not really strategic planning. He likes the fact of getting citizen input and three or four areas of concern from the various Board chairs. From that point, focus groups could be formed and bringing in someone from outside might be valuable.

Mayor Garcia stated that although Council recessed for July, revitalization of the Downtown has not fallen on the wayside and they will aggressively approach revitalization of the commercial areas.

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 (Tabled for 60 days on 2-28-2011)

City Manager Borgmann stated that the previous Council was prepared to consider approval of a contract with American Traffic Solutions (ATS) and it was agreed to put the item on hold for at least sixty-days until the end of the legislative session in Tallahassee. There were rumors that the cameras were going to be addressed on a state-wide basis and since no activity was concluded at that level, the Administration began to reevaluate the cameras one more time.

City Manager Borgmann explained that during the interim, there were many news articles pro and con and at this point there has also been a case in which a judge ruled on certain aspects of the enforceability and the applicability of the law as it pertains to the cameras versus being caught in the act of running a red light by a police officer.

Mayor Garcia stated that there were internal questions between the City and ATS regarding some concerns. He asked if these concerns could be addressed.

City Manager Borgmann referred to information that was distributed on the dais in regard to new thoughts and questions that were sent to Senior Vice President Greg Parks at ATS. He explained that there was a question about the City's cost for the initial installation including warning signs, utilities, data connections, etc. The response was that the installation of the red light safety camera system and all recurring costs to maintain and operate the system are included in the monthly fee of \$4,750.00 per approach.

Greg Parks, Senior Vice President with American Traffic Solutions (ATS) confirmed that there are no up-front costs to the City for anything. The Town of Medley has a piggy-back agreement that the City found favorable at one point and this agreement clearly delineates this point as well.

City Manager Borgmann explained that the second question was in regard to all recurring costs to the City to maintain and operate the system. The response was that the installation of the red light camera system and all recurring costs to maintain and operate the system are included in the monthly fee of \$4,750.00 per approach. The one exception is for officer review and court time that should be well less than one full-time employee.

Mr. Parks said that it would be up to Chief of Police Baan and the Administration to split the time between staff; generally it would be one or two traffic officers per shift and it should not require new staff.

City Manager Borgmann clarified that there would be a cost associated with the shifting of the productivity of the particular employee.

According to Mr. Borgmann, the projection for revenues in the second, third and fourth years dropped drastically. This is a tribute to the program itself because the safety issue is paramount in everyone's mind and some cities experienced a reduction in revenue the second year. The projected revenue in year one, including "right-on-red" violations is \$825,000 and excluding "right-on-red" violations it drops to \$600,000. Estimates project that revenue will decrease between 40-50% over the length of the program as violators adjust their driving behavior, which is attributable to a decrease in citations issued.

To answer City Manager Borgmann's question, Mr. Parks agreed that the figures are accurate; it is a good thing when violations go down because that is the purpose of the program. There has been tremendous success in South Florida as drivers modify their behavior and accidents in two large Miami-Dade programs are down 60%.

City Manager Borgmann explained that it was also asked what percentage of violations were contested in Miami-Dade County and how this is expected to change. The response was that from July 2010 through May 2011, there were 196,630 issued citations and of these, 34,818 have scheduled a hearing or have had their case heard by the court; this equates to 17.7% of all citations issued.

In regard to the percentage of violations that were overturned, 2,732 were contested in Miami-Dade County and had a hearing held and the defendant was found to be not guilty, according to Mr. Borgmann. An additional 3,298 were dismissed for various reasons. This signifies that of the total 196,630 citations, 3.1% were contested and overturned or of the total 25,240 hearings that have been held, 23.9% have been overturned. He noted that 9,578 have not yet been adjudicated at this time.

Mr. Parks stated that there is a dramatic trend based on the favorable ruling for the government, the technology and the program. Many cases that were originally contested were contested as the judge's ruling was in abeyance. The fine is \$158.00 if it is paid as a Notice of Violation and it increases to \$277.00 if it is a Uniform Traffic Citation.

The projected revenue based on the right-on-red is the one issue that is more easily contested, according to Mr. Borgmann. He asked the City Attorney to comment on this point.

City Attorney Jan K. Seiden referred to his memoranda that were sent and the actual Order of the Court that is favorable to the use of the cameras. There are no constitutional issues remaining and the decisions have not yet been appealed, but there is a 50/50 chance that they will be appealed. He would agree that the trend is towards less contestability because Judge Leifman controls the magistrate system as the Administrative Judge of the Traffic Division of the Circuit Court. He will issue a memorandum based upon his Order of the Court that will set the rules of the road for the Magistrates under his authority. Other judges are not bound by his ruling or his memorandum because they have their own jurisdictional authority.

City Attorney Seiden stated that he met with the City Manager, Assistant City Manager, Finance Director and the Chief of Police to go over the concerns. He reviewed the contract and made notes based upon the Medley contract and some of the things that the City Manager mentioned. At this point, Council should consider this, ask questions and reschedule the matter as an agenda item for the next Council meeting in order to determine whether to proceed or not. It would be a waiver of competitive bidding process and must be done with proper documentation within the agenda packet. This agenda item was really intended to be a status report or informational processing system.

City Attorney Seiden advised Council that if they decided to waive the competitive bidding process and award a contract then any approval would be subject to negotiations with ATS. He explained that some provisions need clarification from a legal aspect.

Councilwoman Ator said that the City does not have that many locations to place the cameras. She asked if the City would have to pay if the cameras do not generate the monthly fee of \$4,750.00 for the benefit of ATS.

Mr. Parks responded that all contracts in Florida include revenue neutrality language and if the cameras do not generate enough revenue to pay for the program the most the City will pay is what they take in.

Councilman Espino referred to a newspaper article that implied that municipalities were upset because the cameras were working too well. The goal of the cameras is to make the road conditions safer and hopefully the City of Hialeah will go forward with the program since he personally has almost been hit crossing Okeechobee Road. If the end result is that people in Miami-Dade County become more cognizant of red lights it will benefit the community. He suggested that Council could give approval for the Administration to enter into negotiations and come back with the contract.

City Attorney Seiden explained that he would like to proceed cautiously and appropriately; there is not enough documentation in the record at this point to waive the competitive bidding.

City Manager Borgmann commented that there was a modified process and every vendor who had sent a business card or literature was invited to come in for an interview. He believes that ATS was superior to the other companies that responded. The interview committee consisted of himself, the Assistant City Manager, the Procurement Specialist and the Chief of Police and each company representative was asked the same questions. ATS has contracts with the majority of the cities in Miami-Dade County and their presence is already here as opposed to some of the other companies that made presentations.

City Attorney Jan K. Seiden stated that he would not have a problem with Council giving him preliminary directions to begin contract negotiations, subject to a final decision to be made at a subsequent meeting. In regard to awarding a contract, everything the City Manager said was excellent and should be placed in a memorandum for the public record that would fully support the basis for the waiver of the competitive bidding process.

To answer the Mayor's question, City Attorney Seiden clarified that the supporting documents must be included in the agenda packet. It is only a discussion item for this evening, not an award.

Mayor Garcia said that in preparation for this meeting he asked a lot of questions and reviewed the agenda item when it was tabled on February 28th and it was a waiver of the competitive bid process at that time. He concurs with the other Council members to give direction to begin preliminary contract negotiations.

Vice Mayor Best said that the red light camera issue is a heavily talked about issue in the City at the moment. He asked if ATS is involved with the cameras that are used on the Turnpike to monitor the tolls.

Mr. Parks responded that ATS developed the violation processing system for Sun Pass more than ten years ago and they operate a program called "Plate Pass" for the Turnpike Enterprise Authority.

Vice Mayor Best explained that safety is a concern of many people and although some might feel that cameras are an invasion, public safety is paramount. He said that the Chief of Police had indicated in February that the Police Department would be in favor of moving forward with the red light camera system and Council tabled a decision at the time.

Vice Mayor Best referred to the possible locations in the City for the installation of the cameras. He would like to see statistics showing how many tickets had been issued at the proposed locations over the years, as well as how many serious accidents had occurred at the intersections.

Mayor Garcia commented that there were two accidents this past weekend at the intersection of Curtiss Parkway and N. W. 36th Street and lives have been lost at that location as well as other intersections.

Councilman Lob stated that what Vice Mayor Best is requesting would be favorable so that everyone will know exactly what the City is facing at those intersections.

City Attorney Seiden asked Council if they wanted to give specific direction for the Administration to accumulate the information requested by Vice Mayor Best and for him to initiate contractual negotiations.

Mayor Garcia would like to have the information presented to Council at the next meeting. He knows that sometimes accidents on N. W. 36th Street are handled by the County or Virginia Gardens and would like that information as well.

Chief of Police Baan said that ATS had mentioned approximately twenty approaches that would be appropriate for camera installation and they might not be within the County's jurisdiction. If cameras are installed outside the City's jurisdiction, that would have to be covered by some type of mutual aid agreement that is not in the plan right now. The statistics for the City's accidents and citations are readily available but it might be difficult to acquire them from other jurisdictions.

Councilman Lob would like the City to talk to the County regarding a westbound camera for N. W. 36th Street.

Chief of Police Baan responded that involving the County would slow down the process, although it could be done in the future. He recommended dealing with the City's approaches first and explore the possibility of other jurisdictions later.

To answer City Manager Borgmann's question, Mr. Parks explained that the County has passed an ordinance and given every indication of the process of procurement. House Bill 325 allows for a memorandum of understanding between jurisdictions and in his opinion it would be difficult to deal with the County at this time.

Mayor Garcia stated that he would like a motion directing the City Attorney to begin preliminary negotiations with ATS and for the Administration to come back to Council with all the information and final approval.

City Attorney Seiden asked for clarification if the information is being requested for all the approaches that ATS is proposing installation of cameras.

Council **agreed** that they wanted the information for all the recommended approaches.

Vice Mayor Best moved to direct the Administration to accumulate the data on all approaches deemed appropriate within the City limits of Miami Springs relative to that information being submitted to Council and for the City Attorney to enter into preliminary negotiations with ATS relative to a forthcoming agreement. Councilman Espino seconded the motion.

City Attorney Seiden stated that the next Council agenda would include an item for which the City Manager will put together a statement, as required by the City Code, to waive the competitive bidding process.

The motion carried 5-0 on roll call vote.

9F) Swimming Pool Information

City Manager Borgmann stated that Council had requested continuing reports and updates on the pool activities and Recreation Director Omar Luna provided the information for the agenda packet.

Recreation Director Omar Luna provided a list of programs, program fees and a comparison of what other cities charge for rentals. The information includes the fees for the high school teams, Miami-Dade County Aquatic Club, the water polo team, etc. He said that there are 97 participants with yearly memberships totaling \$5,000 additional revenue and it is drawing more people to the pool.

To answer the Mayor's question, Mr. Luna stated that the total revenue for general admission is approximately \$13,458.00; the swim lessons are approximately \$43,735; the swim meet and team rentals is \$8,228. The revenue averages \$23,000 monthly during the summer. In June, the swim lessons totaled \$16,500, memberships totaled \$1,440 and rentals totaled \$1,182. Day-to-day admission is approximately \$2,208.

Mr. Luna stated that the only school that currently owes money is the Hialeah High water polo team and he has been in communication with the Coach about a payment plan. The School Board is normally billed for the total season and they send a check and everyone else must pay in advance monthly.

Mayor Garcia asked if there is a specific budget for marketing the swimming pool or if it is part of the entire recreation budget.

Mr. Luna said that the marketing is not separated for the pool; it is combined within the recreation budget.

Mayor Garcia asked the Administration to provide information on what is spent yearly for total recreational marketing. He would like to increase the flow of traffic through the pool because the swimming lessons will bring in more revenue and perhaps the fees are not enough.

Mr. Luna explained that the swimming lesson fees are standard with other cities and they were recently increased by \$5.00 to cover an increase from the American Red Cross. LivingSocial is being used to market swimming lessons in the winter when revenue is down.

City Manager Borgmann added that a program was introduced years ago to entice some of the northern swimming teams to utilize the heated pool over the Christmas break and it was unsuccessful. He said that it is probably too late to market this program for this year, but perhaps Miami Springs could offer a better deal than the other local pools.

Mayor Garcia said that marketing could be as simple as posting a .pdf file on the website and contacting the swim coaches at the schools.

Vice Mayor Best asked Mr. Luna if he felt that the public and private rental fees were in line with the additional five pool facilities listed in attachment "B" and, if so, are there any more than the five pools that could be added for comparison purposes.

Mr. Luna responded that he relies on the Aquatics Supervisor for her professional opinion and they feel that the fees could be raised, but it might not make a difference if customers are lost because of the increase. Right now, the goal is to bring people to the pool and experience what the pool has to offer and he is okay with the current fees. He explained that the fees are standard depending on whether the pools are operated by Miami-Dade County or the City of Miami.

Councilwoman Ator commented that the evening swimming class lessons are full. She asked if it would be possible to increase the capacity of the classes.

Mr. Luna explained that increasing the classes would require extra staff, lifeguards and instructors. Another factor is the space in the pool, which is limited.

Agenda Item 9G discussed after 10G.

9G) Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Year 2012-2014

City Manager Borgmann stated that this item is a recommendation that the City enter into an agreement with Miami-Dade County to access state and federal funds for community development activities, specifically Community Development Block Grant funds. There has not been much success in obtaining these type of grants without assistance because the City falls outside of the criteria for many of the grants, while some citizens do qualify. There was a dispute with the County of whether or not individual citizens could qualify for certain housing improvement grants and the item was pulled from the last agenda.

City Manager Borgmann said that he is recommending approval because it is the best way of having a chance of getting to the funds. The agreement itself includes some provisions that Council must make sure they are comfortable with and if there is any concern, he would not recommend passing the resolution that the City Attorney prepared.

City Manager Borgmann explained that the City may receive an allocation under the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) Programs through the County's request for the application process; there are no guarantees. The City may not apply for grants from appropriations under the State CDBG Program for the fiscal years the City participates in the County's program, which is a three-year cycle (FY 2012-2014). The City may receive an allocation under the Emergency Shelter Grant (ESG) program only through the County. The City cannot terminate or withdraw from the agreement while the agreement remains in effect.

The agreement may be automatically renewed for successive three-year qualification periods at the discretion of the County unless the County or the City provides written notice that it elects not to extend the City's participation, according to Mr. Borgmann. After three years, the City has an "out", but there is no guarantee that whoever is managing the City at that time would remember to notify the County and the City would automatically be qualified for another three years.

City Manager Borgmann explained that the agreement states that the County and City agree to cooperate to undertake, or assist in undertaking community renewal and lower-income housing assistance activities. This does not mean that the City is required to put in Section 8 housing or anything to that effect, but it is unknown what this might mean to the City in the future. Currently the City does have low income housing based on a survey by the former City Planner of the apartment buildings on South Royal Poinciana Boulevard, although it is not identified as Section 8 housing.

The City would acknowledge that the County has final responsibility and authority for selecting activities to fund with the Federal Funds and submitting the Consolidated Plan to HUD. The City would be at the County's mercy; there are no guarantees and he wanted Council to be aware of the commitments within the agreement. The Mayor received a letter in June, and he responded in order to inform the County of the City's interest, but that he had to present all the information for Council approval by resolution.

City Attorney Jan K. Seiden stated that Section 13 deals with funds for housing and community development activities and Section 16 states that the City and the County acknowledge that it might be necessary to dispose of real property that was originally acquired or improved in whole or in part using Federal Funds. The County is basically saying that they will give the City the funds, but that they would remain in control. In addition, the City would be bound for three years.

Councilman Lob asked how many of the citizens would be eligible for the program.

City Manager Borgmann responded that he did not have the information; the latest Census has not been broken down into various statistics at this time, although he could ask Elderly Services Director Karen Rosson. One resident was told that they would qualify and subsequently they were told that they did not qualify because they lived in Miami Springs.

Councilman Lob stated that he would like to know approximately how many people would benefit from the program. He asked if the City had applied for any other CDBG grants.

City Manager Borgmann explained that the City had applied with limited success. The largest source of funding that was received totaled \$249,000 about nine years ago and because of what happened at that time the City was placed on a "black list."

Councilman Espino expressed his concern about the contract due to the restrictions. He is afraid that entering into this agreement would prohibit the City from getting other CDBG monies.

City Manager Borgmann stated that when the stimulus funds first came out the City was in line to get \$135,000 for bus benches and signage for the shuttle. It is still unknown where the project stands and where the funds are because the County was going to purchase the benches and signs for all cities that applied in order to get better pricing. He explained there were numerous calls made to the County with no success.

Vice Mayor Best commented that based on what happened with the stimulus funds and the years involved in the agreement it does not seem logical that there will be much more funding forthcoming. He asked how successful the County had been with the federal programs.

City Manager Borgmann responded that he did not have the answer to the question because the monies are siphoned through the State first before it goes to the County. All federal funds were coordinated through the State.

Vice Mayor Best would also like to know how many of the residents would actually qualify for the program and based on discussions in past years, he thinks that the number is very minute. He was of the opinion that the agreement does not make sense for the City of Miami Springs.

City Manager Borgmann offered to call the County to let them know about the additional information that Council is requesting before passing a resolution. He agreed that the number of residents that would be involved would be part of the forthcoming information.

Vice Mayor Best moved to table the item for further information. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

City Manager Borgmann stated that the item would be placed on the agenda for August 22nd.

10. New Business:

10A) Recommendation from the Education Advisory Board

City Manager Borgmann stated that the Education Advisory Board is recommending that Council adopt a resolution to approve a public art event in the City of Miami Springs in the public right-of-way and private right-of-way for a period of one year to benefit Miami Springs' schools. He said that the Education Advisory Board had a presentation and Board member Salomon is present to explain the proposal.

John Salomon of 48 Palmetto Drive and member of the Education Advisory Board stated that the Education Advisory Board came up with this idea to support the local schools that are in need of funding. He teaches at Palmetto Senior High School and the Mayor of Pinecrest met with Heather Bettner of Prince Media Relations and developed the idea of creating fiberglass sculptures that are painted by artists, displayed in the streets and after six to eight months are auctioned off.

Mr. Salomon explained that the Village of Pinecrest raised money for smart boards and their program was called "Smarty Dogs". He worked on one of the dogs with his classroom. The cost of the dog was donated and the Palmetto High School Art Department designed the dog and gave it back to the City.

Mr. Salomon mentioned that the local schools need funding for various projects and this idea stemmed from the Education Advisory Board to hold the art event in the City not only for the benefit of the schools, but also to benefit the community. The City can select the type of animal it wants and it is an exciting program because it adds culture and attracts people to the City. He offered to contact Heather Bettner to ask her to make a presentation if Council is interested in the idea.

Vice Mayor Best thanked John Salomon, he supports the idea and would like a presentation from Heather Bettner.

To answer Councilwoman Ator's question, Mr. Salomon explained that the Education Advisory Board did not discuss what type of animal to use for the sculptures.

Councilman Espino thanked Mr. Salomon for his work on the civics initiative.

Mr. Salomon thanked the City Manager for his work on Civics Week with the participation of all the schools and it was a big success.

By consensus, Council agreed to move forward with the idea and to schedule an agenda item to hear a presentation from Heather Bettner of Prince Media Relations.

10B) Recommendation from the Revitalization and Redevelopment Ad-Hoc Committee

City Manager Borgmann stated that there were two recommendations that came forth from the Revitalization and Redevelopment Ad-Hoc Committee that Councilwoman Ator brought to Council's attention. The first was to contact Florida International University and the University of Miami Schools of Architecture to see if the students were interested in undertaking a project to review the district boundary regulations for N. W. 36th Street and come up with a design that would take into consideration all the setbacks, landscaping, etc. The new City Planner has taken on the assignment to make the contacts with the schools.

The second recommendation from the Ad-Hoc Committee was an architectural design competition for the gateways to the City and to look at new codes to work out some of the bugs, according to Mr. Borgmann. The new City Planner has already found two areas in conflict and he has already been a tremendous asset to the City.

Councilman Espino stated that he attended the meetings when the topics were discussed and there was mention of Architectural Review Board member Juan Calvo and his involvement with the university. He said that it seems like a great way to bring attention to Miami Springs and he would like to see a presentation when the projects are finalized. He would like the Administration to contact Architectural Review Board member Juan Calvo and Revitalization and Redevelopment Ad-Hoc Committee member Joe Valencia to see what direction they have in regard to moving forward.

By consensus, Council directed the Administration to contact Juan Calvo and Joe Valencia to see what direction they have to move forward.

Vice Mayor Best moved to extend the meeting until 11:15 p.m. Councilman Lob seconded the motion, which carried 4-1 on voice vote, with Councilwoman Ator casting the dissenting vote.

10C) Approval of Budget Transfers Within Departments

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.

10D) Resolution No. 2011-3519 – A Resolution of the City Council of the City of Miami Springs, Providing for the Fourth Amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Undesignated Reserves to Cover Authorized and Approved General Fund Expenditures; by Increasing the Road and Transportation Fund of the Special Revenue and Capital Projects Budget to Account for Additional C.I.T.T. Funded Sidewalk and Road Repairs; Providing Intent; Specifying Compliance with Accepted Budgetary Processed and Procedures; Effective Date

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

Attorney Seiden stated that Exhibit “A” outlines the transfers and budget amendment processes.

Councilwoman Ator moved to adopt Resolution 2011-3519. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

10E) Discussion Regarding Proposed Amendment to Code Section 102-01, Re-Occupancy Certification

There was no discussion regarding this item due to the late hour.

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

Agenda Item 10F was discussed after 9F.

10F) Request from the Police Officer Assistance Trust (POAT) to Use the Basketball Courts at the Community Center for a 3-day Tournament in September

Recreation Director Omar Luna stated that he was approached by the Miami-Dade County Police Department about hosting a basketball tournament at the Community Center. He feels this is a great opportunity to promote the City because it involves a lot of marketing and it involves sponsorship dollars. They are requesting free use of the facility since it is for the Police Officer Assistance Trust Program that helps the families of fallen officers.

Mr. Luna stated that the event will draw police officers from New York, California, Texas, and Puerto Rico and twenty-four teams are expected to come and stay in the local hotels. He said that he could make the gym available for the entire weekend on Friday, Saturday and Sunday with proper notification to the residents.

Mayor Garcia explained that it would be the City's responsibility to notify the public that the gym will be closed if there is an agreement to go forward with the event. He hopes that the Administration would do a very good job of letting the people know through information to the parents and the River Cities Gazette. He would support this type of basketball tournament, it is a good idea and he would like to move forward.

Councilman Lob agreed that this is the type of event that the City needs to attract people and promote the City and local business establishments. He definitely supports the proposal.

Mayor Garcia recommended contacting the Chamber of Commerce to obtain the restaurant flyers that they are planning to hand out during the 85th Anniversary, specifically for these types of events.

To answer Councilwoman Ator's question, Mr. Luna said that the fitness room and the jogging track would remain open during the event.

Chief of Police Peter G. Baan explained that the Police Officers Assistance Trust (POAT) is a non-profit organization that is sponsored by the Miami-Dade Police Department for the purpose of benefiting the families of fallen police officers, including the family of Officer Stafford.

Vice Mayor Best moved for approval of the event for the 23rd, 24th and 25th of September. Councilman Lob seconded the motion.

Mr. Luna added that the cost for the event would be approximately \$3,000.00, and the POAT has offered to donate basketballs and equipment for the Community Center.

Councilwoman Ator concurred with Mayor Garcia that the basketball players who normally play on the weekends should be notified.

City Manager Borgmann agreed that signs would be posted to advise people and the River Cities Gazette could write an article.

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

10G) Consideration of 85th Birthday Logo Presented by Tom Curtis

City Manager Borgmann stated that this item was listed on an addendum to the agenda. He referred to a copy of the proposed 85th Birthday Logo and said that he supports its use and the related expense for the supplement to the River Cities Gazette.

Tom Curtis of 53 Curtiss Parkway stated that he would like the proposed logo to be the official logo for the birthday celebration. He spoke to the City Manager about purchasing the back page in four colors on the special section with the logo design included for a total cost of \$800.00. The logo incorporates the "At the Heart of it All!" theme and the City seal.

Councilman Espino moved to approve the logo designed by the River Cities Gazette and payment of \$800.00. Councilman Lob seconded the motion, which was unanimously carried on roll call vote.

11. Other Business:

11A) Fiscal Year 2010-2011 Third Quarter Budget Status Report (Unaudited)

Finance Director William Alonso presented the Fiscal Year 2010-2011 third quarter budget status report. The projected fund balance on page two is approximately \$288,000 assuming there are no unforeseen changes between now and the end of the fiscal year. The financial indicators on page three show that revenues are 79-89%. The percentage of recreation expenditures collected in fees is a statistic that is always used and most cities run between 17-20% and the City is running at about 22.1% this year, compared to 14.9% last year; last year's percentage was misleading since the Community Center was under construction and just opened. The Recreation Department is beginning to generate revenues in excess of what was expected.

Finance Director Alonso referred to the Golf Course financials and noted that Golf Director Aldridge was present to address any concerns. For the nine months ending June 30th, the loss stands at \$252,000. The Pro Shop and maintenance costs have gone down this year and revenues are down from \$862,000 last year to \$828,000 this year.

Councilman Lob asked if the new marketing campaign would help stop the losses.

Golf Director Mike Aldridge replied that the marketing would definitely help; last quarter the greens fee revenue was down \$45,000 and now it is only \$13,000 down. The month of July was up \$10,000 over last year and the first week of August is up \$7,000 over last year. Groupon and LivingSocial have definitely helped.

To answer Councilman Lob's question, Mr. Aldridge clarified that he is only allowed one Groupon offer per year. He explained that there is another website that is affiliated with Google that he is considering.

Golf Director Aldridge added that \$95,000 was spent this year for equipment and this amount will drop to \$18,000 next fiscal year. The irrigation system information caused a loss of \$30,000 in memberships and cart fees. He said that he is beginning to see players return to the course including those that were attracted by Groupon and LivingSocial. The driving range fees have increased 15%.

Councilwoman Ator inquired about the availability of gift cards or debit cards.

Finance Director Alonso responded that gift certificates were available, but actual gift cards had not been considered, although it would not be difficult to do.

Vice Mayor Best commented that the local hotels have brochures that customers may or may not see and he suggested marketing the Golf Course on-line with the actual hotel reservation.

Golf Director Aldridge explained that he uses U.S.A. Tee Times and "Golf Now" on the Golf Channel. He has not considered marketing with the various hotels through their reservations, but he can definitely look into the possibility.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

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, a good friend to many people, 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 be attending the Florida League of Cities conference on Thursday, August 11th through Saturday, August 13th. 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.

Miami Food Trucks

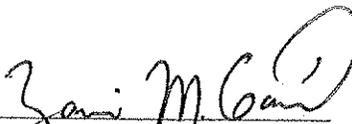
Councilwoman Ator noticed that the Miami Food Trucks posted the City's 85th Birthday Party and placed the information on Twitter.

Back-to-School Supply Drive

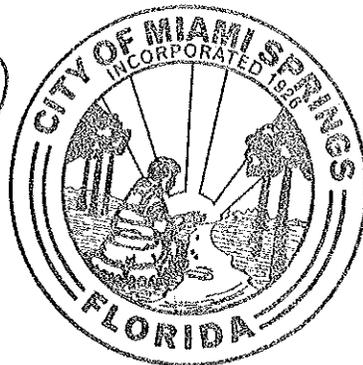
Mayor Garcia reported that the Optimist Club will be sponsoring a Back-to-School supply drive at the municipal swimming pool on Sunday, August 21st for residents to drop off school supplies. The food will be sponsored by J. R.'s Gourmet Burgers and there will be a disc jockey for entertainment. He will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

13. **Adjourn.**

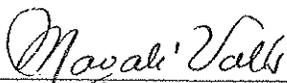
There being no further business to be discussed the meeting was adjourned at 11:15 p.m.



Zavier M. Garcia
Mayor



ATTEST:



Magali Valls, CMC
City Clerk

Approved as written during meeting of: 8-22-2011.

Transcription assistance provided by Suzanne S. Hitaffer and Elora Sakal.