



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 9, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:07 p.m.

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Building & Zoning Office Director Harold "Tex" Ziadie
- City Clerk Magalí Valls

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: Students from the Academy for International Education Charter School led the audience in the pledge of allegiance to the flag.

Mayor Garcia presented baseball caps to the students who participated.

3. Awards & Presentations:

3A) Certificate of Sincere Appreciation to Margaret Watson for Thirty-Six Years of Dedicated Service to the City

Margaret Watson was not present.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 03-26-2012 – Regular Meeting

Minutes of the March 26, 2012 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 03-19-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes

Minutes of the March 19, 2012 Revitalization and Redevelopment Ad-Hoc Committee meeting were received for information without comment.

6B) 03-20-2012 – Education Advisory Board – Minutes

Minutes of the March 20, 2012 Education Advisory Board meeting were received for information without comment.

6C) 03-27-2012 – Ecology Board – Minutes

Minutes of the March 27, 2012 Ecology Board meeting were received for information without comment.

6D) 04-02-2012 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the April 2, 2012 Zoning and Planning Board meeting was received for information without comment.

6E) 04-02-2012 – Board of Adjustment – Cancellation Notice

Cancellation Notice of the April 2, 2012 Board of Adjustment meeting was received for information without comment.

6F) 04-03-2012 – Code Enforcement Board - Minutes

Minutes of the April 3, 2012 Code Enforcement Board meeting were received for information without comment.

6G) 04-04-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the April 4, 2012 Architectural Review Board meeting was received for information without comment.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1033-2012 – An Ordinance of The City Council of The City Of Miami Springs Amending Code of Ordinance Section 150-025, Awnings and Canopies in All Zoning Districts, To Provide Clarifying Language to Better Differentiate and Describe Portable and Permanent Self-Supporting and Free-Standing Canopies; Establishing Rules and Regulations for the Location, Placement, and Installation of Self-Supporting and Free-Standing Canopies on Properties In the Single-Family Residential Zoning Districts of the City; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 03-26-2012 – Advertised: 03-29-2012)

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

Attorney Seiden stated that this is the second reading and public hearing. Changes were made to Section N (2) (c) dealing with portable and free standing canopies, so that they cannot be placed closer than 5-feet from any side or rear property line.

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

Vice Mayor Lob moved to adopt the ordinance on second reading. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for March 2012 in the Amount of \$12,885.75

There was no discussion regarding this item.

Councilwoman Ator moved the consent agenda. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8B) Recommendation that Council Approves the Renewal of the Contract with Severn Trent Services for an Additional One Year Ending on April 24, 2013

There was no discussion regarding this item.

Councilwoman Ator moved the consent agenda. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8C) Recommendation that Council Approve a Change Order to Wrangler Construction, Inc., in an Amount not to Exceed \$4,400.00 for Lime Rock and Top Soil for Road Base, Pursuant to Section 31.11 (F) (11) (b) of the City Code

There was no discussion regarding this item.

Councilwoman Ator moved the consent agenda. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

9. Old Business:

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

Councilman Best (Group I) **re-appointed** Tammy Johnston to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2015.

Councilman Best (Group I) **re-appointed** John Shapiro to the Recreation Commission for a full 3-year term ending on April 30, 2015.

Councilman Best moved to confirm the re-appointment John Shapiro to the Recreation Commission. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

Vice Mayor Lob (Group III) **re-appointed** Clark Rinehart to the Recreation Commission for a full term 3-year term ending on April 30, 2015.

Vice Mayor Lob moved to confirm the re-appointment of Clark Rinehart. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote

Councilman Espino (Group II) **re-appointed** Lynne V. Brooks to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2015.

Mayor Garcia **re-appointed** Eric Richey to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2015.

Vice Mayor Lob moved to confirm the re-appointment of Eric Richey. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

Mayor Garcia **re-appointed** Wendy Anderson-Booher to the Ecology Board for a full 3-year term ending on April 30, 2015.

9B) Resolution No. 2012-3541 – A Resolution of the City Council of the City of Miami Springs Calling for the Holding of a Special Election for the City on Tuesday, August 14, 2012; Delineating the City Charter Questions for the Election Ballot; Providing Authorizations and Directions to the City Clerk; Effective Date (Rescinding Prior Resolution No. 2012-3539)

Attorney Seiden explained that this is the same exact resolution that was passed at the last meeting. Charter amendments cannot be over 75 words and since question No. 2 was 80 words, as opposed to the permitted 75 words, it was amended to comply with the requirements in order to avoid any problems.

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

Vice Mayor Lob moved to adopt the resolution. Councilwoman Ator seconded the motion.

Vice Mayor Lob wondered what would happen if Councilman Espino takes longer than necessary to submit his resignation and asked if the questions could be removed from the ballot, once the resolution is submitted. He does not want to incur any additional expense.

City Attorney Seiden said that the question is whether or not the City can remove questions from the ballot. The Elections Department is very conservative in regard to answers to questions and there is probably a date that would allow the City to remove a question from the ballot without penalty. The City Clerk can check with the Elections Department before forwarding the resolution. He understands that Vice Mayor Lob wants to save the duplicate cost of an election and he would handle it administratively.

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

Mayor Garcia introduced Senator René Garcia who was in the audience.

Senator René Garcia presented an update of what transpired during the recent legislative session. He explained that local governments were not hurt too much, especially in regard to the occupational license fees.

Senator Garcia reported that this is a redistricting year and the house maps were approved by the Supreme Court, although the senate maps were not approved. He said that Miami Springs remains intact in both maps and will not be separated. The Legislature approved a bill authorizing local governments to pass homestead exemptions up to the value of the home for senior citizens based on certain criteria. There is \$1BB more for education that will recover funds that were cut last year.

Senator Garcia wants to make sure that Miami Springs knows he is available and will help move forward the City's agenda in Tallahassee. He looks forward to working with the City and submitting future requests for funding. He feels that the economy is turning around and things should be better in the future.

The Mayor and Council thanked Senator Garcia for everything he has done for the City.

Agenda Item 9C discussed after Agenda Item 10B.

9C) Consideration of Proposed Term Sheets Received from FTL Capital, LLC and FOSS Historic Preservation Funding, LLC; Discussion Led by Erik Wishneff and Robert Chaves

Nery Owens of 332 Payne Drive stated that she read the proposed term sheet and would like clarification on a couple of questions in regard to the 32-year term referenced in Attachment "B" and the 10% interest for the Master Tenant provided for in Attachment "A".

City Manager Ronald K. Gorland stated that this is consideration of proposed term sheets received from FTL Capital L.L.C. and FOSS Historic Preservations Funding L.L.C. and the discussion will be led by Erik Wishneff and Robert Chaves. Additionally, CMI President Jo Ellen Phillips and Project Manager Roy Rodriguez are present to answer questions.

City Manager Gorland explained that Mr. Wishneff was engaged to bring Federal Historic Rehabilitation Tax Credit investment offers to the City for which there are two term sheets. Robert Chaves, the City's tax advisor for the transaction and Mr. Wishneff have been working together and will make the presentation to Council.

City Manager Gorland stated that the key issues to be addressed, but are not limited to the transaction, include: legal structure; estimated cash flow and time line; potential downside issues (including costs if market acceptable deal is not approved by Council after term sheet agreement); potential tax issues (either directly related to the tax credit sale and/or deal structure) and ongoing costs.

City Manager Gorland noted that the revised term sheet was not received from FTL Capital and he understands that the date requirement was extended.

Robert Chaves of 3767 N. W. 53rd Street, Boca Raton, stated that in regard to the questions that were raised, the City itself will not be the owner of the property for tax purposes. There will be a long term lease between the City and a LLC in which a corporation owned 100% by the City will own 90% and 10% will be owned by an investor entity. This is a long term lease in excess of 50 years and there will be an additional 32-year lease from that entity that is required for tax purposes to pass the tax credits through to the new entity of which the investor will own 99%; this is the method in which the investor can obtain the tax credits.

Mr. Chaves explained that this method is based on tested law and it is the recommended lease term, with the understanding that the City is in control directly or indirectly of the landlord entity and the entity leasing the property. There were two proposals on the table that were somewhat different and one seemed higher with a payment due in five years of approximately \$99,000, and the first proposal does not have this provision. The FTL proposal ends up being \$80,000 ahead of the other proposal and this is the basis of moving forward with this particular proposal.

Erik Wishneff of Brian Wishneff & Associates, 1090 Vermont Avenue, Washington, explained that there were two proposals and they look at the gross price and net out the anticipated payments to the investor, as well as the anticipated transaction costs. The FTL term sheet would net a higher amount in their opinion, which has been the focus of discussions. The modifications would make the term sheet better and they will hopefully make it even better than it is currently written. As far as timing, they made it clear that they would like to close with an investor as soon as possible after the events take place at the Mansion. He offered to review the anticipated benefits, transaction costs and risks.

City Attorney Seiden commented that he is becoming more educated and now has a better understanding of the transaction. He pointed out that there is an agreement with Wishneff & Associates and up until the time the deal is consummated there is a \$5,000 limit on costs incurred by the City. The City has moved into a different avenue of the transaction and now FTL is involved and they are proposing to be the investor in the tax credit situation.

City Attorney Seiden explained that the agreement for the City not to incur monetary loss does not apply to FTL. The nature of the transaction is that once a term sheet is signed the City becomes a guarantor of their costs and the agreement with Wishneff does not apply; they have clearly said that the City will be incurring a certain amount of dollars in costs. If the closing documents do not meet the City's approval, the City can walk away from the transaction, except that the City would be responsible for the related investor costs such as attorney and accounting fees estimated to be \$25,000.

City Attorney Seiden added that there must be a certification audit and that cost is included. There are additional costs in regard to Part 3 – National Park Service certification that could be \$5,000. Mr. Chaves costs are also included and the amount should be less than \$25,000, but it depends on how far the transaction goes.

Mr. Wishneff explained that as part of their success fee, they are also responsible for a fee for the tax credit law firm opinion.

City Attorney Seiden clarified that there would be ongoing annual costs for returns and audits.

Mr. Wishneff added that the term sheet includes a few additional expenses that he anticipates to be \$15,000 to \$20,000.

Mr. Wishneff explained that Miami Springs Properties, Inc. is 100% owned and controlled by the City and that entity will enter into a LLC partnership in which it will be a 90% owner and managing member. The entity will be 10% owned by another entity that is called the Master Tenant and the LLC partnership will have a long term lease from the City, as owner of the property. The entity is referred to as the Landlord and they will sublease to the Master Tenant entity. The Master Tenant is 10% owner of the Landlord and the Master Tenant entity is 99.9% owned by the tax credit investor and .01% owned by the City's entity. The City will not lose any control over operation of the building by entering into this agreement and the investor's ability to take any action is limited.

Mr. Wishneff stated that he is aware that there is going to be some type of agreement where CMI is going to essentially operate the building whether it be via a management agreement or a lease, however Council wants to ultimately handle that, the structure will be able to accommodate the agreement. It is something that still needs to be worked on and he is willing to accommodate whatever agreement Council would like to effectuate.

Councilman Espino asked what are the terms that FTL is pursuing that are going to be better than the terms presented at this time.

City Attorney Seiden replied that the term sheet has a line item across that starts with Federal Historic Tax Credit and it indicates a price per credit that is \$0.88. One of the things that Mr. Wishneff is trying to do on the City's behalf is negotiate a higher tax rate.

City Attorney Seiden said that some of the title policies and insurances are not applicable to the City because the City is not dealing with a construction situation where there is going to be a change of ownership. One of the things that need to change that is very important to the core of the transaction is the certificates of occupancy. He added that it would be impossible because the City will not be able to obtain a Certificate of Occupancy (C.O.).

Councilman Espino understood that the whole point was that the City should not be able to offer a C.O.

City Attorney Seiden clarified that the City would not need to offer a Total Cost of Ownership (T.C.O.) instead of a Certificate of Occupancy (C.O.) because the funds that will be received theoretically in the format of the transaction are returned to the City. The City reimburses itself for the funds that it has previously advanced on behalf of the CMI rehabilitation efforts.

City Attorney Seiden explained that after the accounts are back at zero, there has to be a certain amount of funds for a permanent parking facility. It is very clear that the City will not receive a C.O. until the City has a permanently established approved parking facility. He stated that the Placed in Service Dates are required and if the projects are not placed by June 15th, there would be some minor penalties. If the projects are not placed in service by September 15th, then the transaction is subject to default.

Mr. Wishneff commented that the Placed in Service Dates are key factors for the investor because that is what allows them to take the tax credit. Placed in Service means available for use and a temporary C.O. or permanent C.O. will allow the City to use the building and that is sufficient for the investors' purposes. He noted that there is no deadline that states that the City has to convert the temporary C.O. to a permanent C.O.

City Attorney Seiden referred to the box on the second page stating that the numbers are the equity from the investor and the larger amount would be paid some months later.

Mr. Chaves explained that in the box on the second page, the \$36,916 was not included in the total consideration for the purchase amount. The reason that this is probably more realistic and results in better economic results, is that the likelihood is at sixty months the investors are going to put their interest back to the City in the Tenant entity and as said before, the tenant entity owns 10% of the Master entity. For all intensive purposes, FTL is treating it as if the City is not going to get compensated for that amount which is exactly why this offer is substantially better than the other offer.

City Attorney Seiden said that despite the fact that the investor might be going out of the transaction because of the call situations, the structure will continue to exist for that period of time and it does not change the City's control of the property but the structure will have to be maintained. It is believed that the tax liability will be minimal through the entities. He stated that FTL is a group that Wishneff and Associates has never dealt with before though FTL as a group has a good reputation according to Mr. Wishneff. There is a remaining question as to who is going to be responsible for the documentation and if it will add anything to the transaction.

City Attorney Seiden explained that there is a joint tax counsel that works for everyone. Counsel received the resume of Carl Desenburg and he will be issuing tax opinions to both the City and the investor in the transaction.

Mr. Wishneff noted that Mr. Desenburg will be representing the City and the City's interest in negotiating the documents.

City Attorney Seiden commented that the City has considered a developer under the transaction who will also consider the guarantor. He reiterated that the timing of the closing on page six will be changed.

Councilman Espino clarified that what FTL is asking from Council is approval on terms no worse than the ones given with the latitude to be able to sign with better terms.

City Attorney Seiden agreed with Councilman Espino and explained that if Council wanted to issue an authorization to the management to go forward with the execution of the term sheet then that could be done. There could also be a revised term sheet that is brought back to Council.

City Manager Ronald K. Gorland asked about the possibility of the transaction being audited, and if so, if it would pass the audit and Mr. Chaves replied that in planning any transaction, he assumes it will be audited otherwise he would be doing the City a disservice. He assumes that every transaction that he undertakes will be reviewed by the IRS.

Mr. Chaves said that every part of this transaction has support in the law. The only things that can take it off track are not interpretations of law, but factual things that have already occurred that take it out of the context of being available credits. He noted that cities, municipalities and tax exempt entities are not supposed to get credits directly, but FTL is making sure to create taxable entities and making long term leases to shift the ownership of this property, at least in the eyes of the tax law to the landlord, or in this case to the LLC that is acting as the landlord. The provision is in place in order to subsidize restoration of historic projects.

Mr. Chaves added that the City is getting a tax opinion on this transaction. It is not a guarantee, but if it is blatantly bad it exposes the lawyer and his law firm. The City is not compensating the gentleman who is writing the opinion enough to write a false opinion; this transaction has merit under the tax law or else he would not be writing the final opinion both for the benefit of the City and the ultimate investor in this transaction.

Councilman Best asked if there is an option for other investors to work with this project or if there is exclusivity to one investor.

Mr. Wishneff replied that once the City places the billing in service, that is the trigger that whoever is going to take the credits needs to be in the transaction at that point. It could be more than one entity, but it would need to be in before placing the billing in service.

Councilman Best asked if the 10% entity would increase to 20% and Mr. Wishneff responded that it would not. Indirectly the investor group would only own 10% through that entity.

Councilman Best asked if in the future if FTL, L.L.C. no longer wants to do this project if there would be an escape clause and what would happen to the City as a result.

Mr. Wishneff replied that there is a put call option and FTL will have the option to exercise their put upon which the payment would be due to them. The entity that the City has 100% of would be buying their interest. If for whatever reason the investors elected not to exercise their put after a six month period, they would have to exercise their put and there would be a call provision where the City could force the investors to sell their interest.

To answer Vice Mayor Lob's question, Mr. Wishneff stated that the City would be liable immediately after the papers are signed.

Mr. Chaves clarified that even without the put call right, the City is always in control. As a practical matter, the industry is dependent more often than not at exercising their put right. The difference is that in the put right, it is affectively the \$36,916 payment that they were to otherwise pay the City. The City does not have to come out of pocket to pay the investors to take them out of the deal under the put right scenario.

Mr. Chaves stated that the call right is based on the fair market value, but when long term leases to the City are factored in, the revenues that are contemplated to be generated from this project, subject to that liability of paying the City, it is assumed that there is not a lot of fair market value in those entities below the City's ownership of the entities. The fair market value would not be an exorbitantly high amount if at all.

Mr. Chaves commented that there is a provision in the document which says that the City would reimburse the investors for their taxes and it is somewhat of a loose term. It means that the government does not allow the City to take the depreciation deductions for the amount of credit they give the City. Unfortunately, the owner of the property is different from the person leasing the property. The way that depreciation is denied is that income is added to the entity that is the ultimate and in this case the tenant entity.

To answer Councilman Best's question, Mr. Chaves stated that the reason that the City is not looking at a schedule going for fifty years is that the City has to retain an account to do a proforma. He noted that he does not mind bringing in an accountant early on with a projection forward fifty years.

Councilman Best asked if it would be favorable for the City to know this going forward and Mr. Chaves responded that he does not know if the City could get an answer on this specific issue because there is no guidance from the service. He noted that the City's deductions will likely exceed the income based on the factors he has at this point.

To answer Councilwoman Ator's question regarding the earlier conversation from Vice Mayor Lob and being liable, City Attorney Seiden replied that the City would be comfortable at an amount with something less than \$50,000.

City Manager Gorland asked if the care is extensive or if it involves annual filings and audits and Mr. Chaves replied that the annual filings are relatively small; for each entity the amount is approximately \$500. He is going to try to stay away from the accounting side because it is an additional expense, but there will be tax returns that are required. He estimated that it would be under \$10,000 annually to maintain the structure.

To answer City Manager Gorland's question, Mr. Chaves replied that he does not know how long the structure will last based on cash flow and other issues, but it is supposed to last longer than five years.

Nery Owens of 332 Payne Drive asked if FTL, L.L.C. will be buying shares of Miami Springs Properties if the City enters into the term sheet with the entity and Mayor Garcia responded that they will not be buying shares.

Mr. Wishneff clarified that it is an indirect 10% and the investor owns 99% of the Master Tenant in which the Master Tenant will have 10% of an LLC and they affectively are partners with the City on the 90/10% basis.

To answer Ms. Owens' question, Mayor Garcia said that the Curtiss Mansion does not fit anywhere in this equation.

Ms. Owens stated that she personally does not want to lose CMI and feels that they have done a great job.

Mr. Wishneff explained that it is somewhat of an independent issue. The Master Tenant is getting a lease. If the City Council elects to have CMI be a lessee and get a lease as well, the structure can accommodate it. If the City Council decides that it should be a type of management agreement that could be done as well.

Ms. Owens expressed her concerns for wanting CMI to be included in the plan.

City Attorney Seiden commented that it is difficult to understand for the simple reason that it is based upon the fact that it is a tax structure that has been developed and CMI is not part of it at all.

Mr. Wishneff added that CMI cannot be a part of the structure because the ownership of the property has been taken away from the City because it is an exempt entity. The Master Tenant has also been taken away from being a tax exempt entity because if the City had a tax exempt entity in the structure, the City would not qualify for the tax benefits.

Ms. Owens clarified that this lease will be in effect until 2044, and she feels that it is a long time.

Mr. Chaves explained that the relationship with CMI can be short term or long term. When the put in call rights are set into place, the City is leasing to an entity that is effectively owned and controlled by the City. He said that from this point forward, the City is in control and five years out, it does not need to answer to FTL. During that five year period the only time it has to answer to FTL is if they are fooling around with the credits where they can adversely affect them.

Councilman Espino stated that it would ultimately be up to Council to determine exactly how the relationship is with CMI. It is always going to be within the purview of the Council.

City Attorney Seiden said that there are a couple of worst case scenarios that Council must be aware of. If the City gets audited and for some reason there could be the possibility that the City might owe back all the funds that it is receiving in this transaction. Secondly, the transaction could collapse and the City could suffer the same penalty that was mentioned if there is a casualty loss at the Curtiss Mansion.

Councilman Espino clarified that it could happen if the insurance does not cover and replace the damages.

Mr. Wishneff also noted that the credit burns off effectively at 20% a year and the recapture risk goes down by 20% a year.

City Attorney Seiden explained that the first option is to vote to give City Administration authorization to enter into a term sheet with FTL at no worse terms than Council has been presented at this time should a new term sheet be presented to Council within the next few days. He noted that the second option is that when he receives the term sheet, he will bring it to Council on a special meeting basis and let Council vote on the term sheet at that time.

Councilman Espino moved to approve the first option, to give City Administration authorization to enter into a term sheet with FTL at no worse terms than Council has been presented at this time should a new term sheet be presented to Council within the next few days. Councilwoman Ator seconded the motion which was carried 5-0 on roll call vote.

10. New Business:

10A) Recommendation from the Education Advisory Board Regarding the Youth Advisory Council

Mayor Garcia clarified for Council what the Education Advisory Board is proposing in the memo. He stated that Blessed Trinity is not within Miami Springs' boundaries but the majority of the children that attend that school live in Miami Springs. He suggested that Council leave Blessed Trinity on the Youth Advisory Board and adding an additional position on the Youth Advisory Board for the AIE Charter School.

Councilman Espino moved to approve leaving Blessed Trinity on the Youth Advisory Council and to add an additional position on the Youth Advisory Board for the AIE Charter School. Vice Mayor Lob seconded the motion.

Councilwoman Ator asked what if Council discussed the reason that there were specifically seven schools.

Mayor Garcia replied that it was because of the schools and that is how many there were that could have a Youth Advisory Board. He clarified that he was not on Council when the Youth Advisory Board started, but there had been discussions on the Youth Advisory Board since he has been on Council.

To answer Councilman Best's question, Mayor Garcia explained that the address that Blessed Trinity uses is a Virginia Gardens address.

Councilman Best stated that many Miami Springs residents send their children to Blessed Trinity and the school has been a big part of the community.

Councilwoman Ator was concerned why the Education Advisory Board wanted to remove Blessed Trinity and add the AIE Charter School.

Vice Mayor Lob stated that he believes it is the fact that the Education Advisory Board questions whether or not the Youth Advisory Board can have eight members.

Mayor Garcia explained that Council's decision will be in the minutes and they can be sent to the Chairman and read to the board explaining what Council has moved and approved.

Vice Mayor Lob said that Council should give the Education Advisory Board a solution for voting if they are going to have eight members on the Youth Advisory Board.

Councilman Espino stated that if there is something that rises to the level that requires a tie breaker, Council will find a solution.

Mayor Garcia clarified for Councilman Best that the Education Advisory Board wanted to add the AIE Charter School to the Youth Advisory Board but wanted to remove Blessed Trinity in order to keep at board with an odd number of members. Council has made a motion and seconded to keep Blessed Trinity and include the AIE Charter School to be the eighth member of the board.

Councilman Best stated that he can support that decision but cannot support anything that will eliminate Blessed Trinity.

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

Agenda Item 10B was discussed after Agenda Item 9B.

10B) Recommendation that Council Amend Code Section 150-011 – Utility Sheds

City Manager Ronald K. Gorland stated that this is a recommendation to amend the code on utility sheds. He recommends that the code be revised along the lines of portable storage modules, a hold harmless form, size limitations, and permanent shed regulations according to the current code.

Building and Zoning Office Director Tex Ziadie noted that Code Compliance has been monitoring the proliferation of these rubber made life-time sheds. They are not permissible under the current code because the Florida Building Code and the City code require the sheds to handle high velocity wind zones. He spoke with the engineering department for Rubbermaid and Life Time Sheds and asked if he could be provided the information that shows that the sheds meet those requirements and they could not.

Mr. Ziadie stated that the alternative would be to ask every resident who owns one of those sheds to remove it. He explained that he has decided to call them portable storage modules and to allow them under the stipulations set forth in the memo.

Councilman Best asked what the repercussion would be if a person chose not to sign the hold harmless agreement and Mr. Ziadie replied that they would be asked to remove the shed.

Councilman Espino asked City Attorney Seiden if allowing a structure that is not up to code compliance could incur a liability in the event that one of the sheds gets picked up in a hurricane.

City Attorney Seiden responded that it is a matter of enforcing the code. He stated that anything below six feet will not require any regulations except the hold harmless form.

To answer Councilwoman Ator's question, Mr. Ziadie replied that the dimension for the shed is six feet in height at the center point of the unit and larger than fifty square feet in total size. There are some sheds that are very low but large in square footage. He noted that anything smaller than six feet in height and over fifty square feet will not be regulated.

City Attorney Seiden clarified that Councilwoman Ator is suggesting that any shed over six feet and regardless of square footage should be considered and he agreed with her.

To answer Councilwoman Ator's question, Mr. Ziadie replied that there are approximately three shed companies near Home Depot that sell sheds that are within code compliance.

Mayor Garcia asked what the difference was between hold harmless forms for temporary tents and the sheds and Mr. Ziadie replied that wind blows through the temporary tents and sheds have walls and the winds will make them collapse. He also noted that canopies are very simple and quick to dismantle.

City Attorney Seiden explained to Council that this is solely for discussion and it will have to be brought back to them for first reading at the next Council meeting.

By consensus, Council directed the City Attorney to draft an ordinance for first reading.

10C) Discussion Regarding City Administration Entering Into Revenue Producing Sponsorships

City Manager Ronald K. Gorland stated that selling total or partial co-sponsorships provides an opportunity to produce revenues for the City. He said that a well known financial institution wants to wholly or partially sponsor specific City events creating local advertising opportunities for them. He addressed some events that are under consideration for sponsoring.

City Manager Gorland said that it would be approximately \$10,000 or less split into different events. He noted that he has been encouraging the financial institution and hopes to be able to sit with them and move forward on a single transaction basis. Anything that would include an ongoing relationship with a contractor would have to come before Council.

Mayor Garcia asked what guidance is needed from Council and City Manager Gorland replied that he wants to make sure that he has the authority to move into these transactions and know that he can commit the City to them.

To answer Mayor Garcia's question, City Manager Gorland said that he is asking for a general direction from Council to have sponsors.

City Attorney Seiden explained that in his opinion, all the events that are listed in the memo are within his authority to do. He stated that City Manager Gorland would like Council to confirm their understanding that single events are not a problem and long term events need to come before Council for approval.

Mayor Garcia asked what would happen with the additional funds if an entity wanted to sponsor an event such as the Fourth of July and the cost for that event is approximately \$20,000 and the entity wanted to sponsor it for \$30,000.

City Manager Gorland responded that the extra \$10,000 would go to the general coffers of the City.

City Attorney Seiden explained that if \$15,000 were spent on fireworks and an entity wanted to give an additional \$5,000, the Administration would have to make a decision on how to best use that \$5,000.

City Manager Gorland stated that if it were to get to the level then it would have to come back to Council because there is a budget that has been approved.

City Attorney Seiden reiterated what the City Manager is asking for from Council regarding general direction from Council for single event sponsors and long term event sponsors.

Councilwoman Ator commented that a notification should be included in the packet so that it is provided to the citizens and everyone can see what the City has begun to do and will generate more business.

City Manager Gorland agreed to Councilwoman Ator's suggestion.

Councilman Espino looks forward to this idea of sponsoring events and agrees to moving forward with it.

Mayor Garcia asked if it is tax deductible if someone makes the donation or sponsorship amount and City Attorney Seiden replied that it is up to the entity whether or not it will be tax deductible.

10D) Request that Council Provide the Administration with Consensus as to Whether or not they Want to Proceed with the Westward Median Project

City Manager Ronald K. Gorland stated that the Administration was requested by Mayor Garcia to research the possibility of constructing a bike/walking path similar to the one on Curtiss Parkway, beginning at the median across and slightly west of the library and ending on Hammond Drive.

City Manager Gorland explained that the City is at the agreement phase where architectural plans, drawings and surveys will be obtained that cost approximately \$9,000. He continued stating that phase two of the pathway, including landscaping and benches would cost approximately \$75,000 to \$100,000. Phase three would also cost approximately \$200,000 to \$300,000 to light the pathway.

City Manager Gorland noted that phase three may be funded in part or whole through the FDOT depending on availability of funds. This project would be funded with CITT funds of which we currently project having \$338,000 available this year. He noted that he is looking for Council's direction to move forward on this project. He believes that it is a project that fits in with what the City is trying to get done in the community.

Nery Owens of 332 Payne Drive stated that it is a good idea as long as no trees are removed from Westward Drive. She said that it is an excellent idea to utilize the CITT funds.

City Manager Gorland assured Ms. Owens that the objective is not to remove trees.

Councilman Best said that he is certainly in favor of the project and thinks that it is a wonderful idea. He likes that Westward Drive is being talked about going west instead of going east towards the Circle.

Councilman Espino likes the idea and suggested that the project could be spread over two years.

Vice Mayor Lob agreed with Councilman Espino to spread the project over a two-year period so that there are funds available for signage. He asked for a cost analysis on the signage.

Councilwoman Ator said that she is interested in seeing the estimates and would like to move forward. She added that there should be numbers based on dividing the project over two years and also one-year.

The architectural fees should be approximately \$9,000, according to City Manager Gorland.

11. Other Business:

11A) Consideration of Rescheduling the May 28, 2012 City Council Regular Meeting due to the Memorial Day Holiday

By consensus, Council **rescheduled** the meeting to Tuesday, May 29, 2012 at 7:00 p.m.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Miami-Dade Economic Advisory Trust

City Manager Gorland reported that the Miami-Dade County Economic Advisory Trust Youth Action Committee will host "The State of Youth in Miami-Dade County – West Forum" at the Community Center on Wednesday, April 11th from 6:00 to 8:30 p.m. The forum will feature a panelist addressing issues facing youth in education, criminal justice, faith and employment. Miami-Dade County Commissioner Rebeca Sosa will be attending.

Springs River Festival

City Manager Gorland reminded everyone of the 2012 Springs River Festival at the Circle on Friday, April 13th through Sunday, April 15th.

Springs River Festival 5K Run

City Manager Gorland stated that the 2nd Annual Springs River Festival 5K will begin at 7:00 a.m. on the Circle on Saturday, April 14th. Pre-registration is \$10.00 and race day registration will be held from 6:00 a.m. – 6:45 a.m. for \$15.00. There are registration forms on-line.

Stafford Memorial Golf Tournament

City Manager Gorland reported that the Miami Springs Fraternal Order of Police Circle Lodge # 11 will hold its Sixth Annual Stafford Memorial Golf Tournament at the Miami Springs Golf and Country Club on Friday, April 20th. The cost is \$100 per golfer, which includes green fees, golf cart, complimentary beverages, a gift bag and a post-tournament reception dinner. Registration will begin at 11:30 a.m. with a 1:00 p.m. shotgun start.

Barry University Health Fair

City Manager Gorland announced that the Barry University Health Fair will be held at the Community Center on Friday, April 20th from 4:00-9:00 p.m.

Easter Egg Hunt

City Manager Gorland informed Council that the Easter Egg Hunt was more successful than the previous year; the Recreation Staff did an excellent job hosting it and everyone had a great time.

12C) City Council

Happy Holidays

Councilwoman Ator wished everyone a happy post holiday weekend. Everyone seemed to be having a good time.

FCAT

Councilwoman Ator reminded everyone that FCAT testing is this week and it is a very stressful time for parents.

Little League Baseball

Councilwoman Ator announced that baseball season is in full swing. She attended her son's game and it was better than the Marlin's.

Springs River Festival 5K Run

Councilwoman Ator is disappointed that she will not be able to run in the Springs River Festival 5K run on Saturday April 14th as she will be out of town until late next week. She encourages everyone to participate

Florida Panthers

Vice Mayor Lob reported that the Florida Panthers have made it to the playoffs and he is glad to see them back.

Weekend Events

Vice Mayor Lob is sorry that he missed the events last weekend because he was not feeling well.

Happy Holidays

Councilman Espino hoped that everyone had a great Easter weekend and those of the Jewish faith continue to have a great Passover.

Marlin's Stadium

Councilman Espino said that in spite of the Marlin's coach and the sorry performance the stadium is incredible and it is a very intimate setting. There are many things to work out but it was great to be there on the Opening Day with other local elected officials that are involved in the community.

Miami-Dade Economic Advisory Trust

Councilman Espino mentioned that County Commissioner Rebeca Sosa will be at the Community Center on Wednesday, April 11th at 6:00 p.m. for the "The State of Youth in Miami-Dade County – West Forum".

Springs River Festival

Councilman Espino is looking forward to the Springs River Festival that begins on Friday, April 13th.

Superintendent's Bus Tour

Councilman Espino reported that the Miami-Dade County Public School Superintendent will conduct a bus tour on Friday, April 27th that visits all the schools in Miami Springs.

MSVG Soccer Fundraiser

Councilman Espino announced that the MSVG soccer club will hold a fundraiser at Woody's on Sunday, April 29th to raise money for a couple of tournaments.

Springs River Festival

Councilman Best is looking forward to the Springs River Festival on Friday, April 13th.

Happy Holidays

Councilman Best hoped that everyone had a happy Easter and Passover.

Curtiss Mansion Historic Tax Credit

Councilman Best is thankful that Attorney Chaves and Mr. Wishneff were present this evening to inform Council about the historic tax credit. He feels that the City is on the right track and that it will move to fruition very quickly with tax credits in light of the upcoming budget process for next fiscal year.

"Wizards in Wonderlands"

Councilman Best announced that the Pelican Playhouse Friends of the Theatre featuring "Wizards in Wonderlands" will be on Thursday, April 19th, and County Commissioner Rebeca Sosa will present a proclamation that evening to the Pelican Playhouse Theatre group. The production will run Friday, Saturday and Sunday for two consecutive weeks.

Springs River Festival

Mayor Garcia reminded everyone of the Springs River Festival on Friday, April 13th through Sunday, April 15th.

River Clean-Up

Mayor Garcia received a message that the Clean-Up did not happen this year on the canal and the river. He asked the Administration to let him know if anyone participated in the Clean-Up as he would like to recognize the participants.

City Manager Gorland informed Council that the Anchor Club linked up with the Boy and Girl Scouts for the Clean-Up.

Curtiss Mansion

Mayor Garcia congratulated Curtiss Mansion, Inc. (CMI) for the walk-through tour of the Curtiss Mansion on Sunday, April 1st. He said that it was a wonderful event and that County Commissioner Rebeca Sosa was pleased with the progress that occurred and she is looking forward to the Grand Opening. The City Staff, Recreation and Public Works Department helped to make it a wonderful community event.

MSVG Soccer Club

Mayor Garcia announced that the MSVG Soccer Club will hold a Movie Night fundraiser on Saturday, April 21st at 7:30 p.m. at the Virginia Gardens Field. They will also hold a Bingo Night fundraiser at Tom's NFL Club on Saturday, April 28th. He urged everyone to support the Club's fundraising efforts.

Senator René Garcia

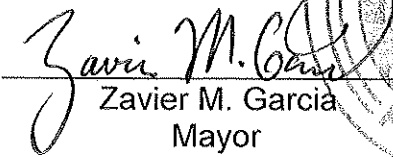
Mayor Garcia thanked Senator Rene Garcia for visiting the City to report on the legislative session.

Happy Holidays


Mayor Garcia hoped that everyone had a happy Easter and Passover.

13. Adjourn.

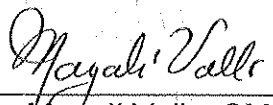
There being no further business to be discussed the meeting was adjourned at 9:19 p.m.



Zavier M. Garcia
Mayor



ATTEST:



Magali Valls, CMC
City Clerk

Approved as written during meeting of: 4-23-2012.

Transcription assistance provided by Suzanne S. Hitafter and Elora R. Sakal.