



City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, November 26, 2012, at 6:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 6:11 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best
- Councilman George Lob

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
- City Clerk Magali Valls
- Clerical Assistant Elora R. Sakal

2. Invocation: Councilwoman Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Discussion of an Ordinance Granting Either a \$50,000 Senior Exemption or the Amount of the Assessed Value of the Property Up to \$250,000, as Passed in the Recent Referendum Amendment No. 11.

City Manager Gorland stated that the State requires that this be done by December 1st. It is not possible because of the normal ordinance reading period which is at least ten days. Miami-Dade Tax Assessors Office is working with the State to try to change the deadline. The City was urged to move forward in the event that the Tax Assessors will get the authority from State. He said that he does not know what the deadline is going to be yet.

Assistant City Manager/Finance Director William Alonso stated that the Property Appraiser's office has advised him to use January 1st as the deadline because that is the date that he needs the information by. Miami Springs is among one of the communities that has only the \$25,000 exemption. The Property Appraiser is awaiting a legal opinion from the State regarding what would happen to the \$25,000 exemption that the cities currently have if the cities do not enact the new ordinance by January 1st for the \$50,000 exemption.

Mr. Alonso explained that if Council wanted to move forward with the \$50,000 exemption then they would create the ordinance and turn it in by January 1st. If Council wants to remain with the \$25,000 exemption then they would have to wait until the Property Appraiser receives a legal opinion from the State.

City Attorney Jan K. Seiden said that it is certainly a major issue. He does not believe that Council has heard the passage of this ordinance having a negative impact upon already existing legislation. He would doubt that the State is going to take the position of removing the \$25,000 exemption if the City chose not to use the \$50,000 exemption.

City Attorney Seiden noted that in the body of the proposed ordinance on page two there are two exemptions that are being proposed for the cities to have authority to enact pursuant to Florida Statute 196.075 which is the codification of the constitutional amendment not only from this election but from the prior election in 1998. He read the two exemptions as follows:

"An exemption not exceeding \$50,000 to any person who has legal or equitable title to real estate, maintains their permanent residence on the property, is 65 or older, and whose household income does not exceed the income limitation."

"An additional exemption equal to the assessed value of the property to an owner who has title to real estate in Florida with a just value less than Two Hundred and Fifty Thousand (\$250,000) Dollars, has maintained permanent residence on the property for not less than 25 years, is 65 or older and whose household income does not exceed the income limitation."

City Attorney Seiden said that Council may choose one or both exemptions. The income limitation is set forth in Section 196.075 and that is \$20,000. On page three, an amount of \$22,693 was stricken out and the reason it is such an odd number is because the City of Miami Springs did not choose to enact the initial citizen exemption at the time that they were first eligible to do it. Within the body of the Florida Statute and the constitutional amendment, it says that the eligibility amount originates at \$20,000 and increases by a percentage of consumer price index each year.

City Attorney Seiden stated that Mr. Alonso had originally calculated the \$22,693 for the opening minimum amount. It has been looked at internally and sent to the Property Appraiser and, as shown, the amount is going back to the original \$20,000 because Council is going to be enacting something from scratch.

City Attorney Seiden commented that he and City Clerk Valls have already corrected the ordinance. The provisions in paragraph (D) will be the 2013 tax roll instead of the 2014 tax roll. He said that Council has three options:

- To do nothing at this time as prior Council did when this other constitutional amendment was approved in 1998 and wait for a time when they feel that it would be appropriate to enact an additional amount up to the \$50,000.
- Council can direct that the ordinance be finalized for either the provision of the \$50,000
- Council can direct that the ordinance be finalized for the assessed value of up to \$250,000 or both.

City Attorney Seiden explained that if Council wanted to do this expeditiously, they would have to meet on Wednesday night without their attorney to pass it on first reading so that the City Clerk can advertise with enough time to place it on the agenda for second reading at the City Council Meeting of December 10th which would then allow the City to deal with the deadline of January 1st for the tax collector.

Councilman Best asked if the term "just" on page two of the ordinance in the second bullet point meant that it has to stay under \$250,000 and City Attorney Seiden responded in agreement.

To answer Councilman Best's question, Mr. Alonso replied that the cost to the City of the additional \$25,000 would be approximately \$38,000 in loss of ad valorem taxes. There are a total of 218 seniors and 210 will be eligible.

Councilman Best clarified that if the 210 seniors are affected, \$38,000 would need to be made up for the next budget.

To answer Vice Mayor Ator's question, Mr. Alonso replied that he does not know how many of the 210 seniors have maintained permanent residence on the property for not less than 25 years.

City Attorney Seiden clarified that on page two of the ordinance it states that either or both of the additional Homestead Tax Exemptions are allowed and the word "or" is between the two exemptions and can be removed.

To answer Mayor Garcia's question, City Attorney Seiden replied that if spouses are of different ages and both of their names are on the title, he believes that they would both have to be of age to be eligible.

Councilman Best moved to go to the \$50,000 for the seniors. Councilwoman Bain seconded the motion, which was carried 5-0 on roll call vote.

Council agreed to hold a Special Meeting on Wednesday, November 28th at 5:30 p.m.

4. Discussion and response to Dade County PBA Miami Springs Police Bargaining Unit counter proposal dated November 21, 2012.

City Manager Gorland read the memo regarding the counter proposal. He said that at this point he is looking for Council agreement with the PBA counter proposal and direction to prepare all the documentation that is required to execute this agreement as preliminarily agreed to by the union because they have to ratify what has been drafted.

City Attorney Seiden said that there needs to be a ratification vote. The proposed original language from Mr. Crosland regarding the DROP plan and the other provision was distributed to Council. If Council approves the counter proposal then there would be some acknowledgement that the City would absorb the cost. Mr. Linn will assist the City in preparing the necessary documentation required to be submitted to Tallahassee to request State approval to use the excess Chapter 185 funds as agreed upon with the PBA. The contract language will then be amended to provide the additional DROP language that has been proposed and he will create an ordinance to amend the DROP plan as provided in the documentation.

City Attorney Seiden stated that the deal would not be finalized until the second reading of the ordinance is complete.

Councilman Best asked if this would be to the City's advantage if Council was to succeed in moving forward and to the satisfaction to the PBA.

City Attorney Seiden replied that it is up to the Administration, but he believes that it is their plan. The Administration has done a good job in showing their position of not only wanting to do a short term solution to show their good faith to the Union and getting some kind of immediate relief. At the same time they did not shrink away from the philosophy of continuing negotiations in the future to get a new contract done.

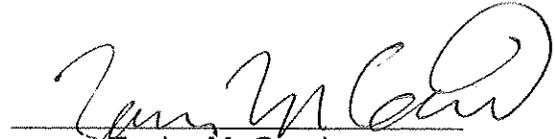
Councilman Best moved to approve the counter proposal by the PBA and to direct Staff to move forward accordingly. Councilwoman Bain seconded the motion.

City Attorney Seiden clarified that the City will not move forward until final verification of ratification from the Union is received as promised to be given to the City by Friday.

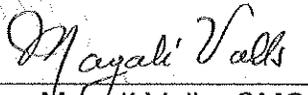
The motion was carried unanimously (5-0) on roll call vote.

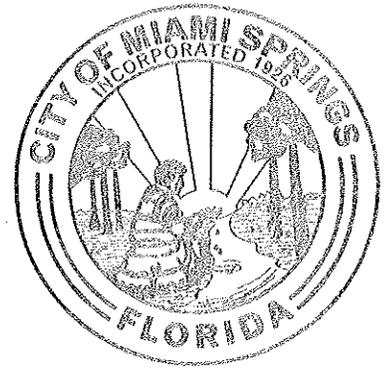
5. Adjourn.

There being no further business to be discussed the meeting was adjourned at 6:37 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



Approved as written during meeting of: 12-10-2012.

Transcription assistance provided by Elora R. Sakal.

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