



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 9, 2013, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:11 p.m.

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor Michael Windrem
- Councilman Billy Bain
- Councilman George V. Lob
- Councilman Jaime A. Petralanda

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Building & Code Compliance Director H. "Tex" Ziadie
- Acting City Clerk Suzanne S. Hitaffer
- Administrative Assistant II Elora R. Sakal

2. Invocation: Vice Mayor Windrem offered the Invocation.

Salute to the Flag: Students from Miami Springs Elementary School lead the audience in the Pledge of Allegiance and Salute to the Flag

The Mayor presented baseball caps to the students who participated in the salute to the flag.

3. Awards & Presentations:

3A) Yard of the Month – September 2013 – Dr. Anna M. Hernandez – 500 Plover Avenue

Dr. Anna Hernandez was not present to receive the award.

4. Open Forum:

2013 Springs River Festival

Constance Brandenburg of 851 Falcon Avenue presented a final report for the 2013 Springs River Festival. She said that it was a very successful year; they were able to give \$30,000 back to the community and they donated more than \$20,000 to local organizations, including CATS, Miami Springs Lions Club, Miami Springs Optimist Club, Village of Virginia Gardens Youth Soccer League, the Miami Springs Historical Society and the High School clubs. She submitted a final financial report to Assistant City Manager/Finance Director Alonso.

Springs River Festival Committee

Ms. Brandenburg advised Council that the Springs River Festival Committee will continue with their 501-c-3 status and conducting charity events throughout the year. The first event will be held on September 21, 2013, at the Miami Springs Lions Club called "Can't Stop the Serenity 2013", which is a double feature science fiction movie charity event benefiting the International Equality Now Project and the Pelican Harbor rescue station. Call 305.887.8666 for more information.

Sidewalk Request

Debbie Ferrero of 219 Miami Springs Avenue addressed Council regarding her request for a sidewalk since she had not heard back from the City since her first request.

Anonymous Letter

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue asked why she did not get a response from Staff or Council regarding the anonymous letter that she distributed to Council at the last meeting. She said that no one had the courtesy of calling her.

City Manager Ronald K. Gorland stated that he and Ms. Gannon had spoken about the letter and it was her decision not to give it to the Police.

Public Comment

Ms. Gannon said that residents do not come to Council meetings to voice their opinions and she wonders if they would be willing to have one meeting each month so residents can converse with the elected officials. She asked Council to consider her suggestion so that the residents can express their problems and concerns.

Protocol

Ms. Gannon stated that when a former elected official attends a public function it is proper etiquette to recognize that person. She feels that there is a disconnection with the community.

Pelican Playhouse

Nancy Jones of the Pelican Playhouse presented the "State of the Pelican Address" to inform Council of their prior year activities in anticipation of next year. Performances included "The Trials of Robin Hood", "Fairy Tale Theatre", the Summer Recital and "Greater Tuna." Senior citizens attended puppet and pantomime performances at the Rebeca Sosa Theatre and were treated to a dress rehearsal of "Greater Tuna."

Ms. Jones explained that they participated in the Fourth of July parade, a murder mystery fundraiser, and they also partnered with the High School Math Club and local service organizations to provide fundraising opportunities. She continued to thank the Recreation and Public Works Staff for their support.

"Greater Tuna"

Ralph Wakefield of 255 Springs Avenue stated that this is the first week run of "Greater Tuna" and it made great reviews. He introduced his co-star in the production.

Co-star Christopher Chisholm thanked Councilman Petralanda for attending the "Greater Tuna" this past week. He encouraged the rest of the City Council to attend the comedy show that is a great event for Miami Springs. Two actors play twenty different characters and it is a great comedy that is different from the typical G-rated productions at the Rebeca Sosa Theatre.

Mr. Wakefield thanked Tom Curtis of the River Cities Gazette for the article that was published about "Greater Tuna."

5. Approval of Council Minutes:

5A) 08-12-2013 – Regular Meeting

Minutes of the August 12, 2013 Regular Meeting were approved as written.

Councilman Lob moved to approve. Vice Mayor Windrem seconded the motion, which carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 08-27-2013 – Ecology Board – Cancellation Notice

Cancellation Notice of the August 27, 2013 Ecology Board meeting was received for information without comment.

6B) 09-03-2013 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the September 3, 2013 Zoning and Planning Board was received for information without comment.

6C) 09-03-2013 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the September 3, 2013 Code Enforcement Board meeting was received for information without comment.

6D) 09-04-2013 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the September 4, 2013 Architectural Review Board meeting was received for information without comment.

6E) 09-03-2013 – Board of Adjustment – Approval of Actions Taken at their Meeting of September 3, 2013, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of September 3, 2013, were approved subject to the 10-day appeal period.

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

7. Public Hearings:

7A) Fiscal Year 2013-2014 Budget Recap

City Manager Ronald K. Gorland stated that the first part of this agenda item is in reference to a required document that is critical to the entire budget. He continued to read the key parts of the document that was distributed to the Mayor and Council.

“The City Administration respectfully presents the tentative budget for the Fiscal Year ending September 30, 2014. The tentative budget was prepared through the collaborative efforts of the City Administration, Department Heads and City Council. Through these corporative efforts, we are able to present a tentative budget that maintains our current levels of service without any layoffs. These achievements are attributed to the spirit of cooperation and professionalism that exists between all parties involved in this process.

We attempted to address the economic realities facing the City of Miami Springs during the Fiscal Year 2013-2014 budget process. We have concentrated our efforts on maintaining the exceptional quality of life the citizens have grown to expect and appreciate. We will strive to accomplish this goal in a manner that will not jeopardize our ability to respond to local and regional economic changes, or compromise the financial future of the City. It is within the framework that this budget was developed.

Although taxable property values increased slightly from \$876,429,126 last year to \$906,260,900 for the current year (a 3.4% increase), increasing pension, fuel, other operating costs, and the approximately \$200,000 shortfall in ad valorem revenue collections from the Fiscal Year 2012-2013 budget, resulted in a budget shortfall that needed to be addressed. The city’s total taxable values have decreased by almost \$160 million over the past six years; a reduction of 15%. The following are some key factors in the proposed budget for Fiscal Year 2013-2014.

- *A proposed increase in millage of .7045 mils (\$606,538) or 10% from the current 6.9950 to 7.6995.*

City Manager Gorland stated that the other part of this agenda item is a short explanation of the General Fund balance overview that Mayor Garcia asked to be presented since it is important to the entire budget process, which Assistant City Manager/Finance Director Alonso will explain.

Assistant City Manager/Finance Director Alonso referred to a copy of a memorandum that was placed on the dais titled "General Fund Balance Overview." He elaborated on key points before answering questions.

Assistant City Manager/Finance Director Alonso explained that the discussion is being presented in an effort to provide Council with a brief overview of the need for a municipality to maintain a certain level of unassigned (undesignated) general fund balance and what is considered an acceptable level to be maintained. He continued to present definitions of a general fund balance, unassigned fund balance and assigned fund balance.

Mr. Alonso provided the Government Finance Officers Association's (GFOA) recommended appropriate levels of unassigned general fund balance. He explained that the GFOA recommends a minimum unassigned fund balance of no less than two months of regular general fund operating expenditures, which for the City of Miami Springs would be approximately \$2.34 million. A government's particular situation often may require a level of unassigned fund balance in the general fund in excess of the recommended minimum level. The City of Miami Springs' financial policies approved by Council in October 2009 set the minimum level at three months (25%) of regular general fund operating expenditures. This level was set by Council based on the fact that Miami Springs is a small city with hurricane coastal exposure and without a standby credit facility.

Mr. Alonso referred to Section IV on page six regarding replenishment of reserve deficits, explaining that if at the end of any fiscal year the actual amount of unassigned general fund balance falls below the 25% level, the City Manager and Council are to provide a plan for getting the level back to 25% no later than the end of the second fiscal year following the occurrence. This policy is in accordance to the GFOA's best practice recommendation which require that a city set a policy for replenishing the fund balance within one to three years.

Assistant City Manager/Finance Director Alonso noted that the GFOA clearly sets the responsibility for setting the acceptable level of unassigned fund balance on the appropriate policy body (Council). Municipalities must also take into consideration other factors in setting their fund balance policy. He referred to a list of five factors that influence that decision as follows:

1. The predictability of its revenues and volatility of its expenditures.
2. It is perceived exposure to significant one time outlays.
3. The potential drain upon general fund resources from other funds as well as availability of resources in other funds.
4. Liquidity.
5. Commitments and assignments.

To summarize, Council has directed that a 25% level of unassigned general fund balance should be maintained as an "emergency" fund. In addition to this, the City should also be setting aside assigned (designations) of fund balance to meet future needs, according to Mr. Alonso.

In order to give Council an idea of what other cities maintain as an unassigned general fund balance, the Administration reviewed the financial statements of four cities and found that Miami Shores maintains approximately 67%, South Miami 45%, Medley 74%, Pinecrest 46%, while Hialeah is at 10%. Miami Springs is currently at approximately 27%.

Assistant City Manager/Finance Director Alonso explained that it is important to note that Council has the ultimate responsibility in setting the amount for the "adequate" general fund balance to be maintained, keeping in mind that the levels ultimately affect the City's credit ratings. This would have a significant impact on the City's borrowing power and the costs paid for any borrowing in the future.

To answer Mayor Garcia's question in regard to the fund balance for other cities, Mr. Alonso clarified that the City of Miami Springs' fund balance is currently at 27% total. He said that all cities must follow the GFOA guidelines, but he is not familiar with the policies in other cities.

Mayor Garcia commented that none of the other cities are comparable to Miami Springs in terms of population and commercial versus residential tax base. This being the case, the City of Miami Springs will not have a fund balance of 47% or 67% since Council would not want to tax the residents to have that amount in reserves.

Assistant City Manager/Finance Director Alonso stated that designations are separate from the unassigned fund balance.

Mayor Garcia said that he would like additional information for cities that are similar to Miami Springs with the same commercial/residential tax base, if there are any. He does not want residents to think that Miami Springs should be at 45% or 67% as shown in the comparisons.

Mr. Alonso explained that the level is based on a review of the overall long-term needs of the City and Miami Springs has aging infrastructure that needs to be addressed in the next few years and this must be taken into consideration when setting an acceptable level of fund balance.

Mayor Garcia asked the Administration to provide Council with a report showing how the City stands on each of the five factors or benchmarks as outlined in the general fund balance overview.

City Manager Gorland announced that the tentative budget is available on the City's website for anyone to see. There is also a hard copy in the City Clerk's Office, while the Administration stands by to answer any questions regarding the budget.

7B) Resolution No. 2013-3585 – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2013-2014 Budget; Confirming Date, Time and Place of Final Public Hearing

City Attorney Seiden read the resolution in its entirety.

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

Vice Mayor Windrem moved to adopt the resolution. Councilman Lob seconded the motion.

Councilman Lob stated that the last time Council discussed the budget they included funds for Curtiss Mansion, Inc. that were conditional upon some requests. He asked if those requests had been fulfilled. There were two members of Council that asked for a more detailed budget for CMI and he would also like to see this information.

Councilman Petralanda said that he asked for more detail from CMI.

City Manager Gorland explained that he also asked CMI for more information and he has not received any further detail other than what was presented to Council. He pointed out that former Mayor Richard Wheeler is present representing CMI and that he may be able to speak on the matter.

Councilman Petralanda asked if Mr. Wheeler had the detailed summary of event revenue totaling approximately \$50,000. He explained that he would like a breakdown of the revenue for each type of event such as weddings, business events, etc.

Councilman Lob emphasized that he would like to have the questions answered because the funds are included in the budget and the citizens are entrusting Council with their tax dollars that are being given to an entity. He reiterated that two Council members had requested specific details and they are entitled to the answers.

Mayor Garcia asked if there were any additional questions pertaining to the budget, explaining that this is not the last opportunity to answer questions since there is another meeting. He would like Mr. Wheeler to understand that there are questions to be answered for Councilman Petralanda.

Councilman Lob pointed out that Councilman Bain also had questions for Mr. Wheeler to answer for CMI.

Mayor Garcia asked Council to send their questions via email so that they can be answered by Mr. Wheeler.

Councilman Lob would like the answers sent to every Council member.

Mayor Garcia asked Council to submit their questions through the City Clerk's office. He was under the impression that Council already had the answers to their questions. He called because he had specific questions that were clarified in regard to what direction CMI is heading as far as events and how much they are going to continue to rely on the City for assistance. He was satisfied with the numbers they presented for previous years and with how much less they are asking of the City every year.

Councilman Petralanda commented that he would like to see the numbers that CMI presented to the Mayor.

Mayor Garcia clarified that the numbers were presented to Council and the Administration can provide the information showing what the City provided to CMI last year. That is what he wanted clarified and his concern was that they might request more funds next year. He was satisfied once he sat down to meet with CMI and if Council wants answers in the public forum he would be more than happy to disclose the information.

The Mayor reiterated that Council should ask their questions via email so that the responses are public record. He asked the Acting City Clerk to copy Council on any responses that he or any Council member receive from CMI in reference to the requests. He asked to carbon copy the Acting City Clerk if Council has questions.

City Attorney Jan K. Seiden said that at this point Council should say what they want so it would become part of the record tonight or they should compose an email to the Acting City Clerk so she can distribute the questions and answers to the entire Council. He advised Council not to correspond directly with CMI.

Mayor Garcia stated that based on the discussion, he would assume that if the questions are not answered by the next meeting, the CMI request would most probably be removed from the budget.

On roll call vote, the motion to adopt the resolution failed 2-3 with Councilman Bain, Councilman Lob and Councilman Petralanda casting the dissenting votes.

City Attorney Seiden stated that the tentative budget must be approved this evening and Council should make the necessary changes so that it will be approved before the deadlines required by Florida Statute. He said that there are other means for Council to register their dissatisfaction.

Mayor Garcia explained that if Council does not like the fact that they did not get a response from CMI they can request that the funds be eliminated from the budget or they can give them until the next meeting. By voting against the resolution now, Council is not finalizing the budget that is required to move forward.

Vice Mayor Windrem offered to make the same motion again with the clarification that the approval is part of the budget process and Council can still make budget cuts at the next meeting.

City Attorney Seiden clarified that the budget is not final until after the second public hearing on September 23rd. It is eminently important for Council to follow the timeframes that are established by State law for notification to the public. If there is a problem with the budget it needs to be corrected.

Mayor Garcia noted that there might be other items discussed at this meeting that will impact the budget, whether it is the issue with the historical museum or other City contracts. The budget could change from this meeting to the next and it will probably happen.

To answer Councilman Petralanda's question, City Attorney Seiden explained that Council could remove a line item from the budget now or at the next meeting. If Council chooses to amend the amounts now, it will require an appropriate motion. If there is no motion in that regard then a motion to reconsider the resolution is in order.

Councilman Bain stated that there were certain obligations that Council had asked to be met before the budget is approved. One obligation is a response to the \$35,000 request from CMI and how the funds would be spent. There were statements made that if this request was not met, the funds would be removed from the budget. He is voting no for the budget because there are other issues that were not approved or accomplished.

Councilman Bain said that Council had not considered the pool issue and there were other proposals that he presented to the City Manager and Assistant City Manager that were not brought forward. He said that the City Attorney is passing the obligation to Council to approve the budget and City Attorney Seiden responded that Council is obligated by State law.

Councilman Bain reiterated that Council did not receive the requested information from CMI and negotiations will continue at the next meeting. He stated again that he would not vote for the budget aside from the CMI issue.

City Attorney Seiden said that whatever the issues are, throwing out the budget is not the way to address it. Council has a responsibility to the community to propose a budget and Council has worked hard during the budget hearings. The City Administration has held a number of personal meetings with management Staff and whatever is offensive in the budget at this point must be changed so that it can pass. An opposing Council member must make a motion to correct the budget.

Mayor Garcia asked Council what could be done in order to alleviate the issues in regard to the pool and to change anyone's mind about voting in favor of the budget. He said that there were discussions about the pool with the City management and the issues are so extensive that they cannot even be considered at this point. Council should put as much as possible into reserves and that is the solution to the pool.

Councilman Lob said that Council had not discussed whether or not the pool should stay open. He understands that a new pool facility will cost a lot, but Council is facing a hard budget and putting \$170,000 into reserves, but there is going to be less because of the issue with the ad valorem tax revenue since some people appealed and the County ran behind in their meetings. The City is short by \$200,000 and this takes away from the reserves. He would not vote for repairing the pool even with the numbers that Council received to date; the numbers were very small compared to what the final outcome could be.

Councilman Lob would like to discuss if the pool should remain open or not and if the funds should continue to be spent to operate the facility. The funds could be put into reserves by closing the pool down and preparing a plan to rebuild it, which has not been discussed.

Mayor Garcia said that multiple meetings had been held with Staff in their office and there are still no answers to many questions. There are preliminary numbers and Council could decide to close the pool after thorough investigation. He felt that this issue with the shoring of the pool facility was only raised within the past few months; it has not been going on for years. Council must have all the facts before the discussion takes place. It might turn out that it is not feasible to repair the pool and it may have to be closed. This is not a decision to be made tonight.

Councilman Bain explained that his idea is to shut down the pool for the winter and keep the funds in the budget. There were preliminary amounts of \$50,000 to \$200,000 to shore the pool facility and he would recommend closing the pool facility for six months and place the Staff in a part-time situation. After six months, Council would have all the required information, the funds budgeted for the pool will not be used and then a decision can be made about reopening the pool. This should have been discussed earlier during the budget process and this is one of the reasons he cannot vote for the budget.

Mayor Garcia clarified that every Council member has the right to request that an item be put on an agenda for discussion.

Councilman Bain said that Council voted 4-1 about the CMI request at the last meeting.

City Attorney Seiden asked Councilman Bain if he wanted to remove funds from the budget and he responded that the funds could remain in the budget.

City Attorney Seiden did not understand why Councilman Bain's concern is a budget consideration since it did not involve removing funds from the budget.

Mayor Garcia asked the City Manager to prepare a report with the information on what funds would be saved by closing the pool during the winter months in order to be prepared to make a decision at the next meeting.

Councilman Bain reiterated that he would like the budget to remain the same with the minimal amount of operating costs for the pool for six months.

Vice Mayor Windrem understood that Councilman Bain wanted to leave the funds in the budget, close the pool and have the funds go into reserve.

Vice Mayor Windrem asked Council to consider whether or not the funds for CMI should remain in the budget. If CMI does not meet their responsibilities for answering the questions, the City would not issue the check.

Mayor Garcia commented that running a budget for a business is different than running a budget for the City. The funds must be in the budget in order to work and if Council decides not to spend the funds then they go into the reserves.

Councilman Lob would like to know what the savings would be if the pool was closed for six months.

Mayor Garcia said that there are many people who use the pool during the winter and it is used for swimming lessons. He would not vote to close the pool unless it makes sense, but he is willing to listen.

Councilman Lob explained that closing the pool had not been discussed as part of the budget and Councilman Bain came up with the idea. He added that there are a couple of other issues that Council had not addressed and they may have to consider.

Mayor Garcia said that if the issues are budget related they should be addressed now. He asked what the dollar amount is for CMI that is currently being discussed and the City Manager replied that the total is \$35,000.00, which consists of a number of pieces.

Councilman Lob reiterated that there were requests for information that was not provided.

Councilman Petralanda requested an income summary report from CMI.

Former Mayor Richard Wheeler came forward to respond on behalf of CMI. He said that he came to Council before and was asked to provide details on the \$10,000 request for the current budget year at the request of Councilman Bain. He provided a breakdown to the City Manager and Council for the replacement of logs as well as the marketing effort. Mr. Petralanda requested a separation of the revenues from other sources versus rentals and he also provided that information. He did not attend the meeting when the vote was 4-1 and if there was further information requested, he missed that specific request.

Mr. Wheeler appreciates the fact that the Acting City Clerk was requested to relay whatever further questions there may be so that he can answer them in a timely manner. He was not aware that there was missing information until it was mentioned by the City Manager outside the meeting tonight.

Councilman Bain asked the City Manager who he spoke with at CMI to request the information and City Manager Gorland responded that he spoke with CMI President Jo Ellen Phillips.

Mr. Wheeler explained that he was out of town for ten days and there was limited contact with CMI during that time. If there are any questions that need to be answered he would be happy to respond in writing in order to make it clear.

Councilman Bain said that there was a question about the detail for the \$25,000 request.

Mr. Wheeler said that the detail for the \$25,000 includes grounds maintenance, utilities and insurance and he would be happy to provide the information as long as Council makes it clear what they are requesting.

Mayor Garcia asked for the questions from Council to be included in an email from the Acting City Clerk and for her to confirm with each Councilmember what their questions are before they are sent to Mr. Wheeler.

Councilman Petralanda clarified that he would like an income and expense summary from CMI from last year. He would like a breakdown of how much revenue is for weddings, quinces, etc. He does not want to know who pays what amount; he would like a breakdown of events and an expense summary of what the funds are being spent on. He emphasized that Council must protect the taxpayers' money.

Mr. Wheeler added that an audit would be finished by the end of the month; the total income for last year was about \$10,000 and the outflow was about \$12,000. He can provide as much or as little detail as possible and break down the type of events, although he does not understand the purpose of the revenue breakdown. He agreed to break down the revenue by individual events at the request of Councilman Petralanda.

To answer City Attorney Seiden's question, Mr. Wheeler said that the \$58,000 is revenue for quinces, weddings, and business meetings in one lump sum.

Councilman Bain stated that he would like to have the details on the \$25,000.

Mayor Garcia commented that the \$25,000 that Mr. Wheeler requested is based on a shortfall that he estimated. He does not understand how Mr. Wheeler is going to be able to answer Councilman Bain's question regarding the detail of the \$25,000.

To answer Mayor Garcia's question, Mr. Wheeler explained that it is to his understanding that Council wants to ensure that what they are funding are hard expenses.

Councilman Petralanda asked Mr. Wheeler why he foresees a shortfall and Mr. Wheeler replied that the shortfall is due to limited revenue, some of which come from starting up the mansion, construction that was previously underway, and some will come from shortage due to the parking lot construction.

Councilman Bain explained that Staff should have given the information to Mr. Wheeler so that Council would have had their answers tonight or given Council a memo advising them that Mr. Wheeler would be out of town. He felt that there was a lack of communication between Staff and CMI.

Mayor Garcia said that everyone is very busy, but if they do not get a response in the next four or five days they should call the Acting City Clerk to ask her to follow up with Mr. Wheeler.

Mayor Garcia stated that he directed his questions to Jo Ellen Phillips and they were answered.

Councilman Bain emphasized that the information should be in the public records and Ms. Phillips should have reported to the entire Council. When one Council member receives information it should be distributed to everyone.

City Attorney Seiden said that when the information is not sent through the proper channel it may not get to everyone.

Mayor Garcia said that if Mr. Wheeler does not respond to the emails he receives, Council is not going to call him to ask for it. He would like to see the Curtiss Mansion and CMI succeed and they are asking for a minimal amount of funds for the property. He is satisfied with the information he has received so far, but if Council does not get a response in the next four or five days, they should let him know so he can follow up with the Acting City Clerk.

City Attorney Seiden explained that a motion is needed from one of the three Council members who voted against the budget if they intend to reconsider the budget.

Councilman Lob moved to approve the budget. Vice Mayor Windrem seconded the motion, which was carried 3-2 on roll call vote with Councilman Bain and Councilman Petralanda casting the dissenting votes.

Mayor Garcia clarified that the City has had Workshop meetings that have been open to the public and advertised multiple times in the local paper. During each meeting there were not any Miami Springs residents attending. Residents are welcome to come to the meetings, email Council or call Council for any questions or concerns about the budget.

Councilman Bain said that it is not the responsibility of the Mayor to follow up with items; it is the responsibility of the City Manager.

City Manager Gorland stated that he requested a detailed budget from Ms. Phillips.

Councilman Bain asked why City Manager Gorland did not receive the detailed budget and City Manager Gorland responded that the detailed budget was not forthcoming to Staff. He does not believe that CMI has that level of detail in their budget.

Mayor Garcia commented that if there are Council members that do not want to fund CMI then they should make that statement.

City Manager Gorland stated that this is a \$19MM budget and to be worried about \$35,000 is inexcusable. He explained that there are a number of options that the City has to balance the budget quickly and revisit these items at a later date.

Councilman Bain does not agree with having the residents pay the \$35,000 out of their ad valorem taxes.

City Manager Gorland stated that he wants to remove the funds from the budget and move forward and if it is going to be put back into the budget it can be discussed at the next meeting.

Mayor Garcia said that Council has been in agreement to improve the reserves. If the \$35,000 for CMI is going to be removed, he would like to put it into the reserves.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for August 2013 in the Amount of \$13,236.75

There was no discussion regarding this item.

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

8B) Recommendation that Council Award a Bid to Miami Tiresoles, Utilizing Miami Dade Contract # 863-000-10-1-A-2, in the Amount of \$10,000.00 on an "As Needed" Basis, for Purchase of Tires, Pursuant to Section 31.11 (E) (5) of the City Code

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

8C) Recommendation that Council Approve an Expenditure of \$120,000, to Musco Lighting for Replacing the Light Fixtures at Stafford Park, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) of the City Code

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

8D) Acceptance of Grant Addendum Attachment A-1 for the Renovation and Replacement of Lighting at Stafford Park in the Amount of \$120,000, and Authorization to Amend Executed Grant Agreement ARE070

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

9. Old Business:

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

Councilman Lob appointed Marielys Acosta to the Ecology Board for an unexpired term ending on April 30, 2016.

9B) Miami Springs Historical Society's Plans for the Relocation of the Museum to 501 East Drive

Yvonne Shonberger of 85 Deer Run stated that she recently had a chance to visit the Coral Gables Museum and once she entered the museum it was a disappointment. The museum had one room that gave the history of George Merrick, a room that had motorcycles from Italy, a room that had cars from Italy, and a room with drawings of Italian buildings and Coral Gables buildings. The museum does not compare to the museum that Miami Springs has.

Ms. Shonberger said that the City is lucky because the history was collected since the very beginning. John Stadnik was here in the 1940's and Miami Springs was started in the 1920's. Mr. Stadnik started preserving things from the early administration building. The museum has historical memorabilia such as the 1932 tax rolls of Miami Springs and architectural drawings of the Villas. What the Historical Society is asking for is a place to keep all of the memorabilia safe.

Jim Watson of 350 Cardinal Street representing the Historical Society, showed a PowerPoint presentation to Council. He said that at a prior meeting, the Historical Society implied a request to Council and now they will be making an official request. The goal of the Society is to preserve and share the history of Miami Springs. The Society is here tonight to hopefully reduce the museums burden upon the City in terms of making the museum more independent and also to establish a viable location for the museum.

Mr. Watson stated that he has met with the City Manager and has looked at the building located at 501 East Drive. The Historical Society has voted to pursue this opportunity. The benefits of the move would be the educational outreach in terms of what could be done with the local schools, programmable space to hold events, improvements on parking, and more fundraising opportunities. There may be some opportunities of working with the City to reconfigure the space. Another need includes air conditioning to preserve the artifacts.

Mr. Watson commented that there will be a new curatorial approach in terms of solidifying the collection to make a stronger presentation of the history of Miami Springs. The move will also involve transition expenses. The Historical Society is requesting the use of 501 East Drive as the new museum location. The transition will take some time. He showed the different events that will be taking place such as fundraisers, a dinner at Johnny's, and a kick-off party.

Mr. Watson said that in October they are looking at some by-law changes and construction estimates. They will be looking for ways to get help from the community without having to spend funds. In November the museum will be looking at consolidating the collection and also some construction within. He envisions December being the moving month for the museum and then to open in January. There will be fundraisers throughout the months and the Society hopes to be established in the new building by June.

Beverly Roetz, President of the Historical Society, stated that one implementation that will begin at the museum is to have it open one night a week. The hours will possibly be from 6:00 p.m. to 8:00 p.m. on Wednesdays. She thanked the Administration, Mayor, and Council for their time.

City Manager Gorland noted that 501 East Drive is in pretty rough shape from the standpoint of the fire code. It is a change of use which the City is currently trying to get around because apparently when it was decommissioned as a Recreation field house, the change of use was designated as a warehouse or storage facility. Many things need to be done before Council can make a recommendation and the price will vary with what needs to be done with the facility.

To answer Mayor Garcia's question, City Manager Gorland stated that the request is to keep the funds in the budget. He hopes to have an estimate on what it is going to cost to relocate at the next meeting.

Mayor Garcia said that he is okay with the dollar amount. He also did a site check and was very happy to see that there was some room for the museum and the possibility of maybe expanding. He is prepared to leave the \$11,000 that is currently in the budget.

Mayor Garcia asked how many more months the Historical Society will have to pay rent past their December date and Mr. Watson responded that they hope to pay the rent up to December.

Mayor Garcia proposed to leave the \$11,000 in the budget and said that he would really like to see only \$3,000 be designated to rent and to use the rest of the funds towards the building to bring it up to par.

Councilman Petralanda asked if the Museum can be moved in two months and City Manager Gorland said that it cannot be done in two months due to the fire issues that were outlined today.

10. New Business:

10A) Approval of Agreement for Theatrical Services – Pelican Playhouse Inc.

City Manager Ronald K. Gorland stated that Council should be aware that a new schedule has been added to the agreement to make it more accessible from a cost standpoint to non-profit organizations that reside within the City limits. He distributed a copy of the schedule. He explained that Mr. Wakefield reduced the rate from \$350 to \$105 per hour for a four hour day of usage. It is a mandatory fee that covers the theatre, the manager, and the set up. For each additional hour, the cost is \$25 an hour. There is a charge of \$50 for every four hours for the use of the Pelican Playhouse technicians, lights, and sound.

City Manager Gorland continued explaining that reservations are 30 days in advance subject to availability with a \$50 deposit fee. Total reservation days in a fiscal year are six days which is the maximum days that it can be used this way and maximum use per fiscal year per organization is only two days. This is another way to try and support local organizations.

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

Mayor Garcia called for a five minute recess.

(Agenda Item 10D was discussed at this time)

10B) Request from Manuel Perez-Vichot, AIA of Southeast Design, for Council approval to Begin the Process of Acquiring the City's Fenced Area at 627 Eldron Drive

Manuel Perez-Vichot of 1056 Hunting Lodge Drive, and his business associate Enrique Aguerrevere requested Council's approval to purchase a sliver of land adjacent to his property at 627 Eldron Drive for the construction of a Quality Hotel.

Mr. Perez-Vichot explained that a plan with more detail will be submitted for the resident voters in Miami Springs for ratification per the 2004 Charter amendment that requires any change in the golf course property to be voted upon by the electorate.

Mr. Perez-Vichot displayed an aerial view of the golf course property with 182 acres that was founded in 1923 by the City of Miami and purchased by the City of Miami Springs in 1997. The southern edge has a sliver of land that is adjacent to his property that is unique because it has always been part of the golf course, but it has never been used as part of the golf course. The property has been enclosed by a chain link fence that is on the golf course side of the piece of land that is approximately 10,000 square feet.

Mr. Perez-Vichot said that there would be no negative effects on Miami Springs' residents. It will perhaps create some incentives in improving the Eldron Fairway corner. In order to build at 627 Eldron Drive, he would have to improve the infrastructure and utilities. There would be many benefits and some would be immediate. The 10,000 square feet would be purchased from the City at an appraised value. Long-term benefits would be that the taxes generated by a hotel that is approximately \$10MM would probably be twenty times the amount that is currently being paid for the current structure.

Mr. Perez-Vichot commented that construction will take approximately one year and in terms of the operation, there will be approximately 25 job opportunities at the hotel. There will also be many indirect jobs as well. He is reaching out to local schools in terms of providing internships and mentoring for those students who are interested in hospitality. He is requesting approval from Council to move forward with acquiring the fenced area at 627 Eldron Drive.

To answer Mayor Garcia's question, Mr. Perez-Vichot explained that the current building is appraised at about \$500,000. The proposed project would be approximately \$10MM. He is currently paying \$12,000 in taxes which would raise the amount more than \$200,000.

Mayor Garcia would like to know how much revenue the sliver of land would generate.

Mr. Aguerrevere clarified that the proportional area would be approximately \$4,000 as a house and as a commercial project it would add up.

Councilman Petralanda asked what the land value would be and Mr. Perez-Vichot replied that it would be difficult to provide the land value. The value for the building he is currently in is approximately \$500,000.

Vice Mayor Windrem said that the County tax assessment will not correlate for the market value.

To answer Vice Mayor Windrem's question, Mr. Perez-Vichot commented that he paid approximately \$400,000 for his property about two years ago and the building is 3,500 square feet.

City Attorney Seiden explained that there are two ways to go about this. The City is required by Code and by State Law to follow a very specific process in terms of purchases and sales of real property. Mr. Perez-Vichot will need to secure an appraisal and depending on the amount of the appraisal, if it goes over a certain level, the City is then required to get another appraisal. At that point, the City then has to conduct public negotiations and Mr. Perez-Vichot would submit a contract for purchase to the City based upon the negotiated value and the City would then consider it.

City Attorney Seiden continued stating that the biggest condition is the charter amendment provision which requires a referendum. As a part of that approval process for the contract on a conditional basis, the City would agree based upon what they find out from the Clerk's Office on when an election could be set for this matter to be considered by the electorate of the City. It has already been discovered that Mr. Perez-Vichot will not be able to be on any other elections during the balance of this year. It is more than likely that a separate election will be held or they might be able to piggy-back on another election that is held in 2014.

City Attorney Seiden said that after the City finds out some of the information, a resolution would have to be passed calling for the election. If the City agrees to the contract price conditionally, there should be no problem in calling for the election. He suggested that Council give Mr. Perez-Vichot a consensus to proceed or not proceed. If they are given the chance to proceed then they should get an appraisal.

Mr. Perez-Vichot stated that they are willing to get an appraisal, but they were waiting to get approval from Council to build the hotel at the site.

Councilman Petralanda asked who would be paying for the election and Mr. Perez-Vichot responded that he would pay for the election.

Mr. Aguerrevere clarified that the land value for 2013 on the property appraiser's website is \$320,000 and the building value is \$174,000.

Mr. Perez-Vichot commented that the sliver of land that he would like to purchase is not accessible from Eldron Drive.

By consensus, Council agreed to allow Mr. Perez-Vichot of AIA of Southeast Design to proceed with the process of acquiring the City's fenced area at 627 Eldron Drive.

Mr. Perez-Vichot stated that it will be a high quality project. Mr. Aguerrevere is working with him because of his expertise in hotels. It is a brand name that would guarantee success and encourage development in that area.

Mayor Garcia commented that this is not only about convincing Council; there are approximately 14,000 residents who will have to be convinced for this project as well. Even though he agreed to move forward with this process, if it is not something of quality, he will be the first one to say no.

Mr. Perez-Vichot said that he has reached out to the community and they seem to be content with the idea.

To answer Mr. Perez-Vichot's question, City Attorney Seiden explained that since Council has given him consensus, he needs to get an appraisal of the property. If the amount of the appraisal does not require another appraisal, Mr. Perez-Vichot can propose a real estate contract to submit to Council. If it is approved subject to the specific condition regarding the election on the charter provision and if the charter provision passes, the contract could be closed.

Mr. Aguerrevere asked if the City had a list of property appraisers that they felt comfortable with and City Attorney Seiden replied that it would look as though the City was involved in the process and the City should not be involved.

Mayor Garcia asked if the City has to sell the land for the appraised value because Mr. Perez-Vichot is willing to pay that amount and City Attorney Seiden replied that depending on the value, it can be negotiated.

10C) First Reading - Ordinance No. 1057-2013 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-01, Uniform Administrative Rules, Regulations, and Procedures for Boards, Agencies, Commissions, and Committees of the City; By Authorizing Quarterly, Rather than Monthly, Regular Meetings for City Advisory Boards; Repealing All Ordinance or Parts of Ordinances in Conflict; Providing an Effective Date

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

City Attorney Seiden stated that at the budget hearings Council decided that a cost savings measure would be to ask the advisory boards of the City to meet quarterly. According to the Code, each board has its own enabling legislation as outlined in the memorandum from the City Clerk regarding quarterly advisory board meetings.

City Attorney Seiden explained that he found two provisions that were an issue. In the old section of the code it mentions monthly instead of quarterly and that is being changed. In the actual legislation involving the various codes, the provision does not deal with quasi-judicial boards or boards that meet based upon other criteria like the Memorial Committee. The only other board that uses the word "monthly" is related to the Charter Review Board that does not function in the City.

Councilman Bain moved the item. Councilman Petralanda seconded the motion.

Councilman Petralanda spoke to the Chair of the Education Advisory Board who agreed the Board could meet quarterly, but the meetings would have to fall within the school year. City Attorney Seiden said that since the Education Advisory Board does not normally meet in June, July or August, they could meet every other month beginning in September.

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

10D) Resolution No. 2013-3596 - A Resolution of the City Council of the City of Miami Springs Amending the Current "Schedule of Charges" for Building, Plumbing, Electrical, Mechanical and Other Related Permit Charges or Fees; Effective Date

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

City Attorney Seiden explained that the schedule of charges is attached to the resolution and one change was an increase to the building fees. There was a charge in the prior schedule for change of contractor fees which provided for a flat 30% of the original permit fee when contractors were changed and so the amount was reduced to make it more reasonable and fair. The biggest change is that when a job is up to 75% complete, the 30% permit fee goes to 20%. When a job is over 75% to 100% complete, the 30% permit fee goes to 10%.

City Attorney Seiden said that the change of contractor fees are generally intended to be penal in nature and the reason for that is because it becomes an issue for the Building Department to allow contractor changes during the progress of a project. There was some language that was added and other changes that were suggested by the Planning and Zoning Director. A tentative plat fee, a final plat fee, a street and alley vacation abandonment fee, and a re-notification fee was added to the schedule of charges.

Councilman Lob explained a situation that his neighbor is dealing with which will be affected due to the new schedule of charges.

City Attorney Seiden commented that he feels sorry for anyone in that situation. The recovery for Councilman Lob's neighbor may be in a civil proceeding somewhere. Unfortunately, both sides will suffer; not only the person individually, but the City also. The City has to be responsible to the citizens of Miami Springs.

Councilman Lob said that he understands the City Attorney's explanation. His neighbor's home is an unfinished project and if he cannot recover the cost of the project and wants to sell the home he will not make a profit, which will not help the City either.

City Attorney Seiden stated that the positive outcome is that although the initial purchase price is generally lower, there will be a very motivated purchaser who then comes in and hires their own contractor who gets proper permitting and eventually completes the project. There is a division of the relationships and the responsibility of the Building Department is to the Administration, the City Council, and the citizens.

Building and Code Compliance Director Harold "Tex" Ziadie stated that there had not been many issues on larger projects. There have been some issues with smaller projects. He advises the residents to check with the Building Department to ensure that the contractors are registered with the City and to check on their reputation.

Mayor Garcia asked for an explanation on the need for the fees and City Attorney Seiden replied that the fees are penal in nature. All communities have similar fees and they are standard procedure because it is a difficult situation for Building Departments to have to gear up for new contractors.

City Attorney Seiden clarified that the permit belongs to the contractors unless the owner is the builder.

To answer Mayor Garcia's question, City Attorney Seiden commented that if there is a change of contractor for whatever reason, it needs to be dealt with in the appropriate way. As far as permitting fees go, if the contractor is willing to sign over his affidavit and fill out a hold harmless form then there is no additional permit fee.

Mr. Ziadie explained that the code says that if a contractor is going off of a job and the contractor waives their rights, they are entitled to a refund of a portion of the fees because the job is not completed. If the contractor waives his right to that refund, then the new contractor can get a new permit without any additional fees but will still have to pay for the change of contractor.

Discussion ensued regarding issues that the City has previously had with contractors.

City Attorney Seiden said that he, the City Manager, Mr. Ziadie and Mr. Alonso discussed the changes and he would recommend what is being proposed.

Manny Murias of 1121 Redbird Avenue stated that he and his brother are currently rebuilding homes on Bluebird Avenue. He can appreciate the view of the City Attorney but he personally believes that the revisions to the ordinance are not customer focused. He is having an issue where the Building Official has caught many errors at the home that is being rebuilt and he feels that he deserves a better contractor. He is in a situation where he cannot change contractors and do what is better for his family and the City because now there is a punitive fee to consider.

Mr. Murias said that the fee would be \$4,400 each for himself and his brother. They have already paid for many permit fees. The Building Department has been of great help and he respectfully is asking the City to be more focused on the customer.

Mayor Garcia asked how far along Mr. Murias was with his project and Mr. Ziadie replied that his project is approximately 75% complete and he would probably have to pay the 10% fee which is \$1,500.

To answer Mr. Murias' question, Mr. Ziadie said that the Building Official determines the percentage of completion.

To answer Councilman Bain's question, City Attorney Seiden clarified anything that is struck through or underlined represents a change. Items 13, 14, 15, and 16 on page 12 are new. The other changes are on page 3 and 4.

Vice Mayor Windrem moved to adopt the resolution. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

10E) Okeechobee Ramp and Canal Usage Discussion

Per Councilman Bain's request, the item was tabled.

11. Other Business: None

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

None.

12C) City Council

Federal Action Strike Team

Vice Mayor Windrem reported that he received a letter from the President of the Florida League of Cities congratulating him on his appointment to the Federal Action Strike Team (FAST), which is the federal lobbying arm of the organization. He will attend a seminar in November and then to Washington, D.C.

Economic Development Board

Councilman Petralanda announced that he was appointed to the Florida League of Cities Economic Development Board.

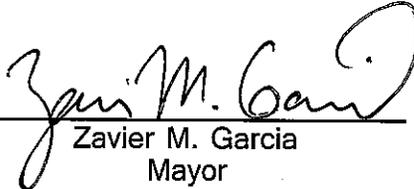
School Board Member Castillo

Councilman Petralanda reported that School Board Member Susie Castillo will attend the Education Advisory Board meeting on Tuesday, September 17th and he invited everyone to attend.

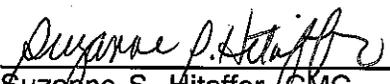
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13. Adjournment

There being no further business to be discussed the meeting was adjourned at 10:03 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Suzanne S. Mitaffer, CMC
Acting City Clerk



Approved as written during meeting of: 10-14-2013

Transcription assistance provided by Elora R. Sakal.

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