



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, January 14, 2013, at 7:00 p.m.

### **1. Call to Order/Roll Call**

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

The following were present:

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

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
- Planning and Zoning Director James H. Holland
- Building & Code Compliance Director H. "Tex" Ziadie
- City Clerk Magali Valls
- Deputy City Clerk Suzanne S. Hitaffer

### **2. Invocation: Councilman Best offered the invocation.**

**Salute to the Flag:** Students from Springview Elementary led the audience in the pledge of allegiance to the flag.

Mayor Garcia presented Certificates of Recognition to the students who participated.

### **3. Awards & Presentations:**

#### **3A) Certificate of Sincere Appreciation to Robert F. Whittington on the Occasion of his Retirement from the City's Public Works Department**

Mayor Garcia presented a Certificate of Sincere Appreciation to Robert F. Whittington in recognition of 17-1/2 years of dedicated service to the City's Public Works Department.

Mr. Whittington thanked everyone and stated that it was a pleasure working for the City of Miami Springs.

On behalf of the Administration, City Manager Ronald K. Gorland presented Mr. Whittington a commemorative clock for his service from May 24, 1995 to November 30, 2012.

**3B) Yard of the Month Award – Albin and Suzanne Medina – 209 Chippewa Street**

Mayor Garcia presented the Yard of the Month Award for January 2013 to Albin and Suzanne Medina of 209 Chippewa Street. He noted that the home is adjacent to the Community Center and he enjoys seeing it every day.

Ms. Media thanked the Mayor and Council. She stated that she is proud and enjoys living in Miami Springs.

**3C) Presentation of Reimbursement Check to Dr. Paul S. Sudak, M. D., 215 Westward Drive**

This item had been pulled by the Administration.

**3D) Miami-Dade County Aviation Department's 36<sup>th</sup> Street Development Plans – Greg Owens, Division Director**

Mayor Garcia explained that Mr. Greg Owens would be giving a presentation regarding the Miami-Dade County Aviation Department 36<sup>th</sup> Street Development Plans. He said that there has been a lot of movement at the airport and he felt that it was important for the residents to be informed as to what is happening in that area.

Greg Owens, Division Director of the Miami-Dade County Aviation Department commented that there has been a tremendous amount of construction at the airport. Approximately \$5.4 billion has been borrowed and of that, \$4.2 billion needs to be paid back. The Aviation Department creates a tremendous economic impact for the entire South Florida region. In Miami-Dade County, the Aviation Department is responsible for 282,000 jobs and one out of every four jobs in Dade County is associated in some way with the Aviation Department. Approximately \$27 billion has been generated in business revenue and they continue to grow.

Mr. Owens explained that the numbers are a result of the economic impact study that was concluded in 2009. He noted that 97% of air traffic comes through Miami-Dade County which means that there is a great amount of activity in the area and that Miami-Dade has the largest assortment of airlines of any other airport in the Country. The Aviation Department currently has 81 airlines servicing Miami International Airport (MIA). The \$5.4 billion that he discussed earlier generated roughly 6,200 jobs and of that generated over \$400 million in wages to the local community.

Mr. Owens stated that passenger growth is an important factor that is measured on an annual basis that tells the Aviation Department where they stand compared to the growth they have experienced over the last year; it also compares the Department with their peers in the industry. In 2011, the Aviation Department had 38 million passengers and this year they topped 39 million, or approximately a 3% growth.

Mr. Owens said that American Airlines is the number one carrier at Miami International Airport and they account for approximately 70% of the traffic at the airport. Despite bankruptcy protection and merger talks, American remains committed to expanding at MIA as one of its most profitable hubs. MIA continues to grow their destinations. MIA added five new carriers in 2012. The Centurion Air Cargo Development is a development of primary concern to the City. It is on the south side of 36<sup>th</sup> Street and is going to be approximately 500,000 square feet of cargo warehouse and an additional 300,000 square foot hangar which has been refurbished by Aero Term. The project is almost complete and he is anticipating a turnover tomorrow to Centurion from the developer Aero Term.

Mr. Owens explained that LAN Cargo plans to add a new hangar and aircraft parking on more than four and a half acres, scheduled for 2014. These plans will create approximately 150 jobs in the local community. The Florida Department of Transportation (FDOT) is widening N.W. 25<sup>th</sup> Street to six lanes and constructing an elevated viaduct to improve the lifeline for cargo ground transportation. The final phase of the project began in June and completion is scheduled for 2015. About 10,000 trucks per day transport cargo on 25<sup>th</sup> Street from MIA to the federal highway system, helping to distribute nearly 70% of all perishable imports to the U.S.

Mr. Owens commented that some Council members took a tour of the Federal Inspection Area in the new north terminal Concourse D. It is a tremendous facility that is 400,000 square feet with 72 passport control officers and six global kiosks. The only challenge that is holding them back is the number of officers that Customs and Border Protection (CBP) can staff. The facility is built to accommodate 3,000 passengers per hour provided all 72 booths are staffed. Congresswoman Ileana Ros-Lehtinen and Congressman Mario Diaz-Balart are partnering with MIA to visit with Secretary Janet Napolitano to see if more officers can be assigned to this terminal.

Mr. Owens stated that the North Terminal has been recognized by the Construction Owners Association of America as its annual Gold Award Winner. It was also a Merit Award winner in Engineering News-Record magazines Best Projects. Concessions in the North and South Terminals are wonderful and there are 80 new concessions in the North Terminal. The connectivity to Downtown has made the city a world class airport. The Miami-Dade Aviation Department, in concert with Miami-Dade Transit, worked closely together to create the Miami Intermodal Center.

Mr. Owens said that travelers now have a direct connection between MIA and all Metrorail stations within thirty minutes, including a trip to Downtown Miami that only takes about fifteen minutes. Capital improvement funds were spent on the North and South terminals. Some of the monies went to the general aviation airports and to the air field. The funds were spent well and were spent on projects that were needed. He showed photos of Central Boulevard as it is going to look when it is completed. Miami-Dade Expressway Authority and the Florida Department of Transportation will be funding the improvements to Central Boulevard in the amount of \$100MM.

Mr. Owens explained that the airport will have an area called "Airport City". Negotiations have been completed to invest anywhere from \$500MM to \$700MM for improvements. A 400 room four-star hotel will be developed between the Central Collection Plaza and the parking garage. There are plans for a shopping plaza that will include a gasoline station, dry cleaners and a pet resort. In addition, there will also be a 150 room limited service hotel on the north side. A redevelopment of a central terminal is lacking which consist of concourses E, F, and G.

Mr. Owens stated that the redevelopment concept would create a new terminal building with adjacent gates for at least three super-jumbo planes and a new midfield concourse with dual taxi-lanes. The County would like to have an eight-story facility which would be primarily retail so visitors can shop at the airport. There currently is no funding for that project but he hopes within time that they will be able to afford the development. To determine other capital needs from 2015 to the year 2050, the County began a Strategic Master Plan Study in 2009. They are currently in the final phases of completing the Master Plan.

Mr. Owens said that the County is looking at projects that will help them continue to maintain the number two spot in international passengers and the number one spot in international aircraft and to allow the County to continue to grow at a 3% to 5% rate. The County is projecting that MIA has adequate capacity in the cargo area to handle all the cargo until 2018. The cargo facilities are projected to reach capacity in the next five to ten years, but the expansions by Centurion and LAN will help offset that projection. In terms of terminal and gate area capacity, MIA is not projected to reach capacity until 2050.

The County currently owns three parcels within the city limits near the Airbus facility, according to Mr. Owens, and they would like to take all three parcels and put them out for a request for proposals (RFP) for development sometime this year. He has been working closely with City Manager Gorland to ensure that the City's vision is captured in the RFP and they want to be sure that whatever is done inside the City is something that the City will approve of.

City Manager Gorland asked if Mr. Owens could tell Council of the plans for the south side of N.W. 36<sup>th</sup> Street.

Mr. Owens explained that RFP's for development were placed approximately five years ago for the west side on 12<sup>th</sup> Street. An RFP was also placed for development at Tamiami Airport and included in that was a separate RFP for the development of the three parcels he mentioned earlier in the City's boundaries and a parcel on the south side of 36<sup>th</sup> Street, west of East Drive. The Department wanted to develop that area so that it is pedestrian friendly with an economical hotel and retail component, but they did not receive any responses, although the vision still exists for redevelopment of that area in order to create more revenue.

Councilman Best recalled that the Aviation Department in the past frowned upon facilities where carriers worked on their equipment, but Mr. Owens indicated that LAN Cargo has sanctioned an area to build a maintenance facility, while other airlines that attempted to do this in the past could not afford the cost. He asked if the position of the Aviation Administration had changed.

Mr. Owens responded that there were maintenance repair operations (MRO's) all along 36<sup>th</sup> Street, including Commercial Jet, Miami-Tech, etc. There is also a maintenance facility at the entranceway to the Airport and Miami has always been viewed as an aviation town that has been friendly to maintenance facilities. The Department was fortunate to locate an area for the LAN development that could have been lost to Colombia and the position has always been to accommodate the MRO's. As far as pricing, all aviation activities are priced the same at \$1.80 per square foot.

The Mayor thanked Mr. Owens for his presentation.

**4. Open Forum:**

Grace Loeb of 250 East 2<sup>nd</sup> Avenue, Hialeah who had signed up to speak was not present.

**Letter of Appreciation**

Councilman Best read a letter from Val Soler of 26 South Royal Poinciana Boulevard dated December 17, 2012, expressing his appreciation in connection with the prompt, professional assistance rendered by the Staff of the City's Building Department.

Councilman Best felt that the letter was significant due to the fact that Council generally hears complaints.

*(Agenda Item 10D was considered at this time)*

**5. Approval of Council Minutes: (approved with one motion)**

**5A) 12-10-2012 – Regular Meeting**

Minutes of the December 12, 2012 Regular Meeting were approved as amended.

Councilman Best moved to approve the minutes. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

**5B) 12-26-2012 – Special Meeting**

Minutes of the December 26, 2012 Special Meeting were approved as written.

Councilman Best moved to approve the minutes. Councilman Lob seconded the motion which was carried 4-0 on roll call vote. Councilwoman Bain did not vote since she was not present at the meeting.

**6. Reports from Boards & Commissions:**

**6A) 11-20-2012 – Education Advisory Board – Minutes**

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

**6B) 12-17-2012 – Revitalization and Redevelopment Ad Hoc Committee – Cancellation Notice**

Cancellation Notice of the December 17, 2012 Revitalization and Redevelopment Ad Hoc Committee meeting was received for information without comment.

**6C) 12-18-2012 – Education Advisory Board – Cancellation Notice**

Cancellation Notice of the December 18, 2012 Education Advisory Board meeting was received for information without comment.

**6D) 12-20-2012 – Historic Preservation Board – Cancellation Notice**

Cancellation Notice of the December 20, 2012 Historic Preservation Board meeting was received for information without comment.

**6E) 12-25-2012 – Ecology Board – Cancellation Notice**

Cancellation Notice of the December 25, 2012 Ecology Board meeting was received for information without comment.

**6F) 12-27-2012 – Code Review Board – Cancellation Notice**

Cancellation Notice of the December 27, 2012 Code Review Board meeting was received for information without comment.

**6G) 01-01-2013 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the January 1, 2013 Code Enforcement Board meeting was received for information without comment.

**6H) 01-02-2013 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the January 2, 2013 Architectural Review Board meeting was received for information without comment.

**6I) 01-08-2013 – Recreation Commission – Cancellation Notice**

Cancellation Notice of the January 8, 2013 Recreation Commission meeting was received for information without comment.

**6J) 01-07-2013 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the January 7, 2013 Zoning and Planning Board meeting was received for information without comment.

**6K) 01-21-2013 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice**

Cancellation Notice of the January 21, 2013 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

**6L) 01-07-2013 – Board of Adjustment – Approval of Actions Taken at their Meeting of January 7, 2013, Subject to the 10-day Appeal Period**

Actions taken by the Board of Adjustment at their meeting of January 7, 2013 was approved, subject to the 10-day appeal period.

Vice Mayor Ator moved to approve the actions taken by the Board of Adjustment on January 7, 2013. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

**7. Public Hearings:**

**7A) Second Reading – Ordinance No. 1042-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-034, Installation of Central Air Conditioning and Heating Units, Pool Pumps and Equipment, and Sprinkler Pumps and Equipment; By Providing an Additional Site Location for the Placement of Such Equipment on Newly Constructed Properties and Clarifying That All Approved Locations Are Not to Be Within Required Setback Areas; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11-19-2012 – Advertised: 01-02-2013)**

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

Attorney Seiden stated that there was one modification that required an additional second reading of the ordinance. Section A was amended to state that *“nothing contained herein shall permit the location of any equipment or screening materials, except the planting of appropriate landscaping materials within the required rear or side yard setback areas of the property.”*

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

Councilman Best moved to adopt the ordinance on second reading. Councilwoman Bain seconded the motion which was carried 4-1 on roll call vote, with Vice Mayor Ator casting the dissenting vote.

**8. Consent Agenda: (approved with one motion)**

**8A) Approval of City Attorney’s Invoice for December 2012 in the Amount of \$10,867.50**

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

**8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$19,800.00 to Branching Out, Inc., for Completing the Replacement of the 250 Gallon Diesel Tanks, Certifying the Existing 500 Gallon Fuel Tank and Providing All Documentation as Required by Miami-Dade Department of Regulatory & Economic Resources (RER), Pursuant to Section 31.11 (E)(6)(g) of the City Code**

City Manager Gorland read the title of the award. He explained that on October 8, 2012, Council approved the Administration's recommendation to hire Atkins for resolution of the DERM complaints regarding the City's violation issues at the Golf Course. The proposal from Branching Out, Inc. is favorable since they are correcting the outside work and the inside tank violations. There is a rush to get the work done quickly since the violations are long standing and Atkins can only buy the City so much time before more punitive and costly penalties are assessed. The total cost is \$19,800.00.

Councilman Lob said that because the funds are being derived from the dedicated fund balance, he would like to know what the fund balance would be after this expenditure.

Assistant City Manager/Finance Director William Alonso stated that he would provide the information on the fund balance at the next meeting as part of the budget report.

Vice Mayor Ator moved the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

**9. Old Business:**

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

Councilman Best (Group I) appointed James Caudle to the Recreation Commission for an unexpired term ending on April 30, 2015.

Councilman Best (Group I) appointed Valentine Soler to the Architectural Review Board for an unexpired term ending on October 31, 2014.

**9B) Discussion of Alternatives for City Energy Saving Contractual Services**

City Manager Ronald K. Gorland stated that information was received from a resident that read an article in the River Cities Gazette and they gave Staff some insight to other alternatives which the Administration is actively pursuing. The alternatives are in line with what Energy Savings Group (ESG) had recommended and there is a process that includes the review of other firms. He informed Council that the Administration would present a final recommendation at one of the upcoming meetings.

10. New Business:

10A) Discussion and Recommendation Regarding the Acceptable Levels of City Debt

City Manager Ronald K. Gorland explained that this item is a result of some questions that were raised at the last Council meeting in regard to debt.

Assistant City Manager/Finance Department William Alonso stated that the question that was raised was about acceptable debt levels and how a City knows that they have too much debt. There are certain ratios that are used by financial institutions, credit rating agencies and other users of the City's financial statements and they have certain thresholds to make this determination.

Mr. Alonso explained that there are two basic ratios, which are long-term debt as a ratio to the assessed value of the City and total debt service payments as a ratio compared to the total operating revenues of the General Fund. He provided charts and explained that the City currently stands at 0.53% in regard to the long-term debt to assessed value ratio, while the accepted level is 10%. The City's ratio for net direct debt service to net operating revenues is 3.84% and the acceptable level is anything below 20%. He said that the City's ratio is very low.

Mr. Alonso explained that the third ratio that is used is debt per capita versus top Miami-Dade Cities, which is shown on the chart that he provided with a list of twenty cities ranging from a low of \$19.00 to a high of \$3,100.00. The City's debt per capita is at \$487.00.

There are two types of debt, according to Mr. Alonso, which are general obligation debt and revenue bonds. The residents must vote on general obligation debt because the debt is paid through a millage assessment that does not affect the operating millage that is capped by state law at 10.000 and the City's millage is 6.995. The City currently has revenue bonds on the Community Center and the Golf Course, which is paid from different revenue streams and paid by the operating millage.

Mr. Alonso clarified that the City Charter only addresses general obligation debt and according to Section 1.04, the City shall not issue ad valorem bonds, the outstanding total amount of which shall obligate the City in excess of 15% of the assessed valuation of real property within the City. The City's assessed valuation in 2012 was \$876MM and that means the City can borrow up to \$131MM in general obligation debt.

Mr. Alonso reiterated that revenue bonds are paid from the operating millage, which is capped at 10% and financial agencies look at how much room there is between the millage rate and the 10% level. He added that cities borrow funds because they can increase the millage rate to pay for the debt.

City Manager Gorland reminded Council that when he came to work for the City there were negative reserves with a combined tax rate of more than 9.000 mills. Through the efforts of the City Council and the Administration, the situation was corrected within four years, increasing the reserves to \$8MM, which have been reduced due to the Community Center construction and Senior Center improvements, while there are no issues with debt. He added that the Administration is conservative and they will continue to make conservative recommendations to Council. The residents can rest easily based on the strength of the City's financials at this time.

10B) Recommendation that Council Authorizes Staff to Reserve a Table of Ten at a Cost of \$1,300.00 for the Miami-Dade County League of Cities 59<sup>th</sup> Annual Installation Gala to be Held on Saturday, February 9, 2013 at Jungle Island and to also Approve a 1/2 Page, Color ad at a Cost of \$750.00

Mayor Garcia explained that he asked the City Manager to have the City Clerk call the Council members to see if they would be able to attend. He asked Council if they had made a decision.

Councilman Best confirmed that he would attend with his wife.

The Mayor stated that purchasing six tickets would be a lot less than purchasing an entire table and he already spoke with the League to let them know the City's position.

Councilman Lob moved to approve the purchase of six tickets, with no ad. Councilwoman Bain seconded the motion, which carried 5-0 on roll call vote.

10C) Resolution No. 2013-3568 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Golf Charged and Fees for the Operation of the Miami Springs Golf and Country Club; Reserving the Right and Authority to Amend or Supplement the Schedule of Charges; Effective Date

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

Vice Mayor Ator moved to adopt Resolution 2013-3568. Councilman Best seconded the motion which was carried unanimously on roll call vote.

10D) Consideration of Request from All Angels Academy to Waive the Fee Associated with the Use of the Miami Springs Recreation Center on March 16, 2013 to Host the Miami-Dade County History Fair

Nery Owens of 332 Payne Drive stated that this item is a request to waive fees for All Angels to hold a historic forum and she has a problem with waving fees for any religious institution, based on the Florida Constitution, Article 1, Section 3 regarding religious freedom. She continued to read the constitutional provision into the record.

Ms. Owens feels that All Angels is doing an outstanding job, but it is the responsibility of the residents, citizens and Council not to use public funds for religious institutions.

Terry Alexander of 6080 N. W. 38<sup>th</sup> Street, Virginia Gardens, Co-Coordinator for the Miami-Dade County History Fair was present with Guillermo Ramos from Miami-Dade County Public Schools who is also a Co-Coordinator. Ms. Alexander referred to an email that was sent from Miami-Dade County Public Schools, Division of Social Sciences for the request of the waiver of fees.

Mr. Ramos stated that he works for the Curriculum Support and the Department of Social Sciences and this is the first year that Miami-Dade County Public Schools will partner with All Angels Academy for the History Fair.

Mr. Ramos stated that they are requesting that Council approve the waiver of fees for the event scheduled for March 16, 2013 at the Community Center, which is a great location that is centrally located in the County. So far, there are twelve schools participating in the History Fair, which is a growing competition as part of the public school system.

Ms. Alexander clarified that she has been the County Coordinator for the Florida History Fair for the past five years and it has nothing to do with her position at All Angels Academy, which is a separate role.

Mayor Garcia said that he understood Ms. Owens' concern since the original request was submitted to the City on All Angels Academy letterhead. He stated that there are Miami-Dade County Public Schools involved in the event.

Mr. Ramos clarified that there are ten public schools, one charter school and two private schools involved in the competition and Ms. Alexander added that the event is open to all schools.

Ms. Alexander apologized for the confusion and the use of All Angels' letterhead.

Councilman Best asked if this was a religious event and Ms. Alexander explained that she had been the County Coordinator for the History Fair for the last six years and she is employed by All Angels Academy, but the event is separate and apart from her work at All Angels.

Nery Owens referred to the Certificate of Insurance which shows All Angels. She asked to see a Certificate of Insurance from Miami-Dade County Public Schools.

Ms. Alexander stated that they submitted the documents that were requested by the City and she would be glad to supply further documentation from Miami-Dade County Public Schools.

To answer Councilman Best's question regarding the documents in the agenda packet, Ms. Alexander said that she met with Recreation Director Omar Luna who asked for a letter requesting waiver of the fee and a Certificate of Insurance. Since she works at All Angels, she contacted their insurance company, which was her mistake, and she will take care of submitting the appropriate Certificate from Miami-Dade County Public Schools.

City Manager Ronald K. Gorland stated that it would be Council's decision to waive the fee of \$2,300.00, pending the proper insurance documentation being submitted by Miami-Dade County Public Schools.

Councilman Lob moved to waive the \$2,300 fee for Miami-Dade County Public Schools for the use of the Community Center. Councilman Best seconded the motion, which carried 4-0 on roll call vote with Vice Mayor Ator abstaining.

Councilman Lob added that the School Board had done a lot for the City and this is a good gesture on behalf of the City Council to continue the symbiotic relationship.

#### 10E) Discussion Regarding Sign Ordinance Revisions

City Manager Ronald K. Gorland stated that this item was placed on the agenda at the request of Vice Mayor Ator.

Mr. Gorland said that she is asking where the Administration stands on developing a new sign code or making necessary changes to the existing code. He explained that the Administration had been working on the sign code, but it had not been a top priority for the interior commercial areas.

Vice Mayor Ator was disappointed that the Administration had only provided a memorandum. It was suggested that Council hold a general workshop so that they can flush out the sign code, which has been a topic of discussion for eighteen months, including code enforcement in the Downtown area. She has questioned for a long time where the document stands and she has been told that the Administration is working on it. She feels that if a workshop meeting is necessary then that is what should be done.

Councilman Best recalled a lot of discussion with several advisory boards and felt that there is a lot of information available.

Vice Mayor Ator commented that the topic was discussed; she has never seen a document and she expected to receive information showing the existing code and suggestions for amending the code so that it could be reviewed item by item. She added that perhaps a special meeting is necessary in order to move forward.

City Attorney Seiden stated that Council, for the last eight years, had taken a "hands on" approach with code enforcement and dictating policy as to what should and should not be enforced. Clearly, the Downtown area buildings are very inconsistent with the sign code in many respects. This can be seen while walking down Westward Drive and there is certainly a need to be consistent. The question is if there should be a new code or a revision to the code and what Council's policy will be on enforcement and how rigorous and consistent they want to make it.

Attorney Seiden said that business owners might feel that more signage is better, while others may feel that sign pollution is a problem. For example, the day care has a new innovative sign that cannot be enforced by the current code, while others might have signage inside the window or on the blinds. There are many issues and the sign coverage on a window is probably the least of the concerns. He added that Staff needs direction and there has been no firm Council directive up to this point in regard to the Downtown area, while the sign ordinance also deals with the other districts.

Mayor Garcia commented that there are numerous ordinances in the code that are antiquated and he wished it could be reviewed in its entirety, which would take a long time. The sign code is only one that is being brought to Council's attention now. He would like Council and Staff to develop a priority list for codes that need to be revised, including the sign code.

City Attorney Seiden reminded Council that he and the Building and Code Compliance Director had developed an extensive report on code enforcement issues almost two years ago, which is almost completed with the exception of commercial vehicles and a few others. In his opinion, they have made good headway, although Council may feel that more changes are needed. He reiterated that the Department needs Council direction as to what they want Staff to do in regard to signage in the Downtown area and the proliferation of signage on the various buildings. The commercial area will take care of itself and can be dealt with by variance.

City Attorney Seiden urged Council to take a walk Downtown and make a list of what they like, what they do not like and how it applies to the code. He said that it would be good to hold a workshop meeting on this topic, but Staff needs to know what Council likes and what they want to enforce.

Mayor Garcia pointed out that there are other codes that need revision and they should be prioritized based on the consensus of Council. He agreed that a workshop meeting is needed and there might be other codes that are more important than the sign code. He would also take recommendations from Staff as to what codes are important and should be reviewed based on priority.

City Manager Gorland responded that the Administration could provide a list for the next meeting.

Councilman Lob would like to have a sample of a sign code for other districts like Miracle Mile in Coral Gables.

City Attorney Seiden commented that Planning and Zoning Director Holland had researched the Village of Pinecrest sign code and he also has a model sign code that is a general code that can be used for comparison. The City's current sign code was not drafted by him or the former City Planner at the time; it was prepared by an outside firm who was tied to the City as a planning consultant more than twenty-five years ago. Council must consider the newer type signage and determine what they want to permit.

Mr. Ziadie stated that he made a Council presentation more than two years ago in regard to maintenance of property in the commercial areas. His presentation included a number of slides, including signs that were in violation. He explained that signs would not be included in the code compliance sweep because almost every business had some type of violation at that time and revising the code was not a high priority since the Department was hiring and training two new Code Compliance officers.

Mr. Ziadie assured Council that the sign code was not forgotten. He has copies available of the City's sign code, the Village of Pinecrest sign code and the model sign code for Council's review. He added that there are two primary revisions to the code that must be dealt with from the original list; one is the sign code and the other is commercial vehicles.

Councilman Best felt it would be reasonable for Council to receive and review the copies of the codes that were offered by Mr. Ziadie.

Vice Mayor Ator suggested setting a date for the Workshop meeting.

Mayor Garcia responded that there might be additional codes to review before setting a workshop date. He would like Council to give direction to Staff on what their priorities are and for Council to wait until the next meeting after receiving input about what codes need to be adjusted.

Councilman Lob commented that the code documents could be sent to Council tomorrow or in the next agenda packet. He added that the sign code is one of two items that Staff is still working on and it should be quite high on the priority list.

**Council directed the Administration to prepare a priority list of code revisions to be discussed at the next meeting.**

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Dog Park Etiquette**

City Manager Gorland reported that on Saturday, February 2<sup>nd</sup> from 10:00 a.m. to 2:00 p.m. there will be a Dog Park Etiquette Program at the park that will focus on why un-neutered male dogs are not allowed in the park. The Police have been called a number of times in regard to issues. The ordinance is very clear and anyone who does not understand it should talk to the experts at the Dog Park.

**“Taste of the Springs”**

City Manager Gorland announced that “Taste of the Springs” would be held on Sunday, February 10<sup>th</sup> from 1:00 to 8:00 p.m. at the Miami Springs Optimist Club, 1101 Wren Avenue.

**Daddy/Daughter Date Night**

City Manager Gorland said that the annual Daddy/Daughter Date Night would take place on Saturday, February 16<sup>th</sup>. He has attended the event for the last eight years and highly recommends it to anyone who has a daughter. The tickets are almost sold out and anyone interested should purchase tickets at the Community Center.

**Pelican Playhouse**

City Manager Gorland announced that the Pelican Playhouse dinner and interactive murder mystery would take place on Saturday, February 23<sup>rd</sup>.

**12C) City Council**

**Bob’s Landscaping**

Vice Mayor Ator congratulated Councilman Best for opening a new business in Miami Springs by taking over Bob’s Landscaping. She knows he will do a great job since he is quite the salesman.

**All Angels Movie Night**

Vice Mayor Ator announced that All Angels Movie Night was moved to Friday, January 25<sup>th</sup> because of the holiday weekend and it will include a food truck rally.

## **All Angels Silver Ball**

Vice Mayor Ator noted that the All Angels Silver Ball has a Paris theme and it would be held at the Country Club on Saturday, February 9<sup>th</sup>, which is the same date as the Miami-Dade County League of Cities event.

## **Bible Reading**

Vice Mayor Ator announced that All Angels has a program called "Read the Bible in a Year" at 7:00 a.m. Monday through Saturday people meet at the church to read a few chapters, it is a very peaceful time and she encourages anyone who is interested to attend.

## **I. Ros-Lehtinen Open House**

Vice Mayor Ator mentioned that she saw many City officials at Ileana Ros-Lehtinen's Open House last week and she wore her City of Miami Springs shirt. Congresswoman Ros-Lehtinen loved the shirt and would like to have one. She plans to talk to the City Manager about it.

## **Happy New Year**

Vice Mayor Ator wished everyone a Happy New Year.

## **Happy New Year**

Councilwoman Bain wished everyone a Happy New Year.

## **Little League**

Councilwoman Bain reported that Little League is conducting their registration for children that are interested in joining.

## **Dance Competition**

Councilwoman Bain congratulated her daughter on her first dance competition and winning six first place awards and two second place awards.

## **Public Works**

Councilwoman Bain stated that the City looks great. She gave kudos to Public Works for putting up and taking down the Christmas decorations.

## **Walking at Night**

Councilwoman Bain said that people walking at night should not wear black as those who do not use the sidewalk cannot be seen in the street. She urged people to wear a light color or carry a light so that they can be seen in the dark.

City Manager Gorland added that he almost hit a runner on Curtiss Parkway who was wearing all black and the Mayor said that a similar thing happened to him on North Royal Poinciana Boulevard.

### **Raydel Landscaping**

Councilman Best has received a lot of input about the City's new landscaping contractor Raydel Landscaping. Curtiss Parkway looks the best it has since the flowers were planted years ago. The company has four or five crews working all over the City and hiring them was a good decision up to now.

### **Father Carney**

Councilman Best said that Father Joe Carney of Blessed Trinity Church was an icon in the community for many years and he will be sorely missed.

### **Happy New Year**

Councilman Lob wished everyone Happy New Year.

### **Raydel Landscaping**

Councilman Lob concurred with Councilman Best regarding his comments about Raydel Landscaping.

### **Optimist Club BBQ**

Councilman Lob reported that the Optimist Club BBQ cook-off that is normally held in January was moved up to March this year.

### **Miami Springs Senior High**

Councilwoman Bain congratulated Miami Springs Senior High School for being recognized as an "A" school.

### **River Cities Gazette**

Mayor Garcia thanked Tom Curtis and the River Cities Gazette for providing a beneficial public service. A resident read an article and contacted the City about something that is beneficial to the City and offered suggestions for improvement on an item that Council was considering.

### **Congratulations**

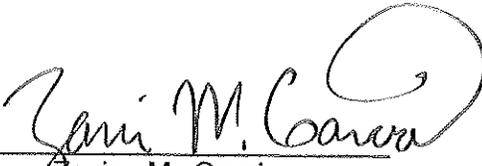
Mayor Garcia congratulated Miami Springs Senior High School for receiving an "A" grade.

### **Congratulations**

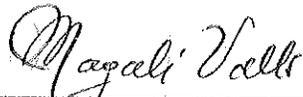
Mayor Garcia congratulated Councilman Best on his new business.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 8:44 p.m.

  
\_\_\_\_\_  
Xavier M. Garcia  
Mayor

ATTEST:

  
\_\_\_\_\_  
Magali Vallis, CMC  
City Clerk



Approved as written during meeting of January 28, 2013.

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

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>ATOR JENNIFER JEAN</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY OF MIAMI SPRINGS</b>
MAILING ADDRESS <b>901 FALCON AVE</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY <b>MIAMI SPRINGS MIAMI-DADE</b>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <b>JAN. 14, 2013</b>	NAME OF POLITICAL SUBDIVISION: <b>CITY COUNCIL</b>
	MY POSITION IS:
	<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

AGENDA ITEM 10D

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Jennifer Ator, hereby disclose that on January 14, 20 13.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am chair of the Board of Trustees for All Angels Episcopal School and ~~there~~ since there ~~is~~ could be a perception of a conflict, I am abstaining from this vote. The vote was to waive the fee associated with the use of the Recreation center for the 2012-2013 Miami-Dade County History Fair, which is chaired by Terry Alexander, the dean of students at All Angels Academy.

Date Filed 1/14/13

Signature Jennifer Ator

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

AGENDA ITEM 10D