



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, November 19, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:09 p.m.

The following were present:

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

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Planning and Zoning Director James H. Holland
- Golf Superintendent Sandy Pell
- I.T. Director Jorge Fonseca
- Deputy City Clerk Suzanne S. Hitaffer
- Clerical Assistant Elora R. Sakal

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: Students from Blessed Trinity Catholic School led the audience in the pledge of allegiance to the flag.

The audience participated.

Mayor Garcia presented baseball caps to the students who participated.

3. Awards & Presentations:

3A) Paperless Agenda iPad Instructions by I. T. Director Jorge Fonseca

I. T. Director Jorge Fonseca explained that before the meeting he gave a short demonstration on the iPad to show Council the new paperless agenda. The City Clerk's Office is doing a great job with quickly learning how to optimize the pdf files.

Mayor Garcia stated that the paperless agenda is going to be easier for everyone including the residents and if the residents still want a hard paper copy it will be available. The paperless agenda will save the City money and in turn save the residents money as well.

City Manager Gorland said that he plans to run the paperless agenda parallel with the normal agenda process for a couple of months until Council is ready to make a full commitment.

3B) Presentation by John Foy from USGA on Golf Conditions

John Foy from USGA stated that he is the Regional Director for South Florida. His last visit to the Golf Course was 1-1/2 years ago. Since his last visit there has been a big improvement with the irrigation system, but the Golf Course is still suffering from the installation. Due to the summer rainfall and cloud cover, it was not a good growing season for the grass; play and revenue was down and expenses were cut. He said that the basic resources must be available in order to grow healthy grass and control pests.

Mr. Foy stated that the putting greens are healthy and there should be no problems for the winter due to the proactive management and control of diseases by Golf Superintendent Sandy Pell. He said that the roots get shallow with a lot rain and improvement to surrounding areas of the putting greens is needed. He believes that the Golf Course greens should continue to be fertilized.

Mr. Foy added that there are both good and bad tees and he would recommend renovating and upgrading of the tees in order to get a smooth and level surface. The fairways have been an issue and the basic grass is 70-80 years old. He explained that fertilization and weed control is needed for the short term.

Mr. Foy commented that he will send a written report to the City. There are 200 total acres and 80 acres of fairways and the average golf course is 35-40 acres. He has suggested reducing the size of the fairways in order to cut costs. He noted that there is a new variety of Bermuda grass called Celebration that is better adapted for the needs of the golf courses in South Florida and the "no till" process is less disruptive. He mentioned that the 13th and 14th fairways are the weakest and he hopes to start with them this spring. Other suggestions Mr. Foy made were to reduce the shade problems, root pruning and replacing sand in the bunkers and hazards.

Mayor Garcia asked about reducing the fairways and if that would affect the play and Mr. Foy replied that the fairways are 40 yards wide; they can be reduced by approximately 35 yards and it would not penalize the golfers.

Councilman Best thanked Mr. Foy for his presentation.

3C) Proclamation – National American Indian Heritage Month

Vice Mayor Ator received a proclamation from Mayor Garcia proclaiming November as National American Indian Heritage Month.

Vice Mayor Ator commented that she is accepting this proclamation on behalf of the Daughters of the American Revolution (DAR) and it is going to be displayed in the Miami Springs Public Library.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 10-22-2012 – Regular Meeting

Minutes of the October 22, 2012 Regular Meeting were approved as written.

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

6. Reports from Boards & Commission

6A) 10-15-2012 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes

Minutes of the October 15, 2012 Revitalization and Redevelopment Ad-Hoc Committee meeting were received for information without comment.

6B) 10-16-2012 – Education Advisory Board – Minutes

Minutes of the October 16, 2012 Education Advisory Board meeting were received for information without comment.

6C) 10-18-2012 – Historic Preservation Board – Minutes

Minutes of the October 18, 2012 Historic Preservation Board meeting were received for information without comment.

6D) 10-22-2012 – Board of Appeals – Minutes

Minutes of the October 22, 2012 Board of Appeals meeting were received for information without comment.

6E) 10-23-2012 – Ecology Board – Minutes

Minutes of the October 23, 2012 Ecology Board meeting were received for information.

Vice Mayor Ator commented that in regard to recycling, she would like for someone to advise the Ecology Board members that there is recycling at the Community Center because based on the minutes, they are under the impression that there is no recycling at the facility.

6F) 11-06-2012 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the November 6, 2012 Code Enforcement Board meeting was received for information without comment.

6G) 11-07-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the November 7, 2012 Architectural Review Board meeting was received for information without comment.

6H) 11-08-2012 – Board of Parks and Parkways – Minutes

Minutes of the November 8, 2012 Board of Parks and Parkways meeting were received for information.

Vice Mayor Ator commented that in reading the Board of Parks and Parkways meeting minutes regarding the Westward Drive bike path, she would like to attempt to not up-root trees for the project.

City Manager Gorland stated that the City can attempt to not up-root the trees but there is a certain amount of root pruning that must be done because cement needs to be poured at a specific width. Some trees are very close to the street, but as to the health of the trees, he understands that some trees may suffer but none should expire.

Vice Mayor Ator said that from previous discussions regarding the Westward bike path, she was under the impression that there was going to be minimal removal of trees.

City Manager Gorland explained that the only area that there was a question about was where the benches and shelters were going to be placed due to the bus stop requirements.

Mayor Garcia asked City Manager Gorland if he could follow up with Public Works Director Nash to find out what the difference is between what was discussed with him and the Board of Parks and Parkways.

6I) 11-15-2012 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the November 15, 2012 Historic Preservation Board meeting was received for information without comment.

6J) 11-22-2012 – Code Review Board – Cancellation Notice

Cancellation Notice of the November 22, 2012 Code Review Board was received for information without comment.

6K) 11-05-2012 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the November 5, 2012 Zoning and Planning Board was received for information without comment.

6L) 11-13-2012 – Recreation Commission – Minutes

Minutes of the November 13, 2012 Recreation Commission meeting were received for information without comment.

6M) 09-19-2012 – General Employees Retirement System – Minutes

Minutes of the September 19, 2012 General Employees Retirement System meeting were received for information without comment.

6N) 09-19-2012 – Police and Firefighters Retirement System – Minutes

Minutes of the September 19, 2012 Police and Firefighters Retirement System meeting were received for information without comment.

6O) 11-14-2012 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the November 14, 2012 Golf and Country Club Advisory Board meeting was received for information without comment.

6P) 11-05-2012 – Board of Adjustment – Approval of Actions Taken at their Meeting of November 5, 2012, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of November 5, 2012 were approved subject to the 10-day appeal period.

Vice Mayor Ator moved for approval. Councilman Best seconded the motion, which was unanimously carried on roll call vote.

Council sat as the Board of Appeals at 7:44 p.m.

The Mayor reconvened the City Council meeting at 8:03 p.m.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1040-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Updating the Five-Year Schedule of Capital Improvements of the City’s Comprehensive Plan as Mandated by Florida Statutes Sections 163.3177 (3) (b); Providing a Conflicts Clause and Severability Clause; Providing an Effective Date (First Reading: 10-22-2012 – Advertised: 11-01-2012)

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

Attorney Seiden stated that this is one of the Comprehensive Plan amendments that were proposed by the City consultants.

Planning and Zoning Director Holland commented that there was a change in Exhibit "A" that Councilwoman Ator had requested regarding a column reflecting the 2012-2013 fiscal year for informational purposes.

Vice Mayor Ator asked if the items that were in the 2012-2013 fiscal year column were in the budget and Assistant City Manager/Finance Director Alonso responded that he would like to defer this item to the next meeting because Exhibit "A" was not updated by the consultants.

City Attorney Seiden explained that Council can either pass the ordinance with the assurance that the schedule would be corrected or it can be brought back to the next meeting.

Mayor Garcia would like for this item to be brought back to Council at the next meeting.

The ordinance was tabled for a "second" first reading at the December 10th Regular Council Meeting.

8. Consent Agenda: (approved with one motion)

8A) Approval of the City Attorney's Invoice for October 2012 in the Amount of \$12,825.00

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8B) Recommendation that Council Approve Change Orders No. 4 & 5 to Carivon Construction Co., in the Amount of \$75,507.05, for the Work Described in List Attached for Completion of the Curtiss Mansion Project, Pursuant to Section 31.11 (F) (11) (c) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8C) Recommendation that Council Approve an Expenditure to Dell Marketing, L.P., Utilizing Florida State Contract # 250-000-09-1, in the Amount of \$6,433.56, for a File (LAN) Server to Accommodate Required Upgrades of the Police Computer Network, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8D) Recommendation that Council Approve a Bid to Maroone Dodge of Pembroke Pines, Utilizing Florida Sheriffs Association Bid Award Announcement # 12-20-0905, in the Amount of \$71,205.00, for Three (3) Dodge Chargers Patrol Vehicles, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8E) Recommendation that Council Approve a Bid to Peterson's Harley-Davidson of Miami, L.L.C. Utilizing Miami-Dade County Contract # 5206-5/14-4, in the Amount of \$22,186.34, for Two (2) 2013 Harley-Davidson Road King Motorcycles, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8F) Recommendation that Council Approve a Change Order of \$1,325.00 to Metro Express for Additional Paving of the Area Around Bentley and Ludlam Drives, Pursuant to Section 31.11 (F) (11) (b) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

8G) Request that Council Approve an Expenditure in an Amount not to Exceed \$12,000.00 to Gabriel Roeder Smith and Company, Actuaries (GRS), for Police Pension Plan Alternatives, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best 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

Vice Mayor Ator (Group IV) **appointed** Todd Stiff as the alternate member to the Board of Adjustment for a three-year term ending on October 31, 2015.

Councilman Lob (Group III) **reappointed** Fredy Albiza to the Architectural Review Board for a two-year term ending on October 31, 2014.

Councilman Lob (Group III) **reappointed** Jacqueline Martinez Regueira to the Code Enforcement Board for a three-year term ending on September 30, 2015.

Councilwoman Ator asked if the Civil Service Board appointment is made on a rotating basis and City Attorney Seiden replied that the Civil Service Board has not met for approximately four election cycles.

10. New Business:

10A) Consideration of Request for Funding Movie Nights from All Angels Academy

On behalf of Mother Keedy, Mindy McNichols of 1471 Hammond Drive requested Council approval for the City to co-sponsor the All Angels Academy movie nights on the Circle by providing the necessary Police assistance. She explained that All Angels pays for the screen rentals and paid publicity.

Ms. McNichols explained that All Angels is in charge of setting up and taking everything down at the end of the event. She clarified that All Angels does not make a profit and the event is not a fundraiser. She said that All Angels enjoys holding the event for the community; it is very popular and many people attend.

Ms. McNichols stated that All Angels is asking for reimbursement of the Police officers for the Friday, November 17th movie night event.

Nery Owens of 332 Payne Drive said that she has a problem with a conflict of separation of church and state. The residents' tax dollars are being used for this event at approximately \$3,000 per Movie Night for the police reimbursement. The City has made many cuts during the budget process and she questioned why Council continues to support the event.

Mayor Garcia clarified that the City does not spend \$3,000 per Movie Night. He asked Assistant City Manager/Finance Director William Alonso what the amount is for the police officers per event.

Mr. Alonso replied that the funds come from the \$10,000 that was budgeted for Circle events and he believes that the total cost last year was less than \$3,000 for the Movie Night events.

To answer Ms. Owen's question, Mayor Garcia responded that Public Works does not clean up after the event. All Angels cleans everything after the event has ended.

Ms. Owens feels that \$3,000 is a lot to be spending and she believes that in all fairness, either all religions or none should be co-sponsored. She does not think that the City should co-sponsor any religions based on the United States Constitution in regard to separation of church and State.

Chief of Police Pete Baan stated that for past Movie Night events there have been three Police officers at \$35.00 an hour per officer and the event is normally four hours.

Mayor Garcia clarified that this was an item that Council approved in the budget. Movie Night is something that Council supports and All Angels was the religious institution that took on this event. He has asked other religious institutions if they were interested in hosting similar events and all of them replied that they were happy with the way All Angels was running the event and were not interested in taking on the task.

Mayor Garcia stated that All Angels welcomes other religious institutions to come and help and Blessed Trinity has helped in setting up and picking up after the event. He agrees with Ms. Owens that there should be a separation between church and State, although there is no mention of faith at the event. He would like to see Movie Nights continue no matter who is the host.

Councilman Lob said that Council set up the Circle funds to help promote activity at the Circle in the Downtown area. He has attended the Movie Night event and there is no discussion of faith and a lot of people who are not a part of All Angels attend the event.

Councilman Best appreciated Ms. Owens' review on this topic. He said that he is not of that religious persuasion of All Angels; however the fact that it is not a religious event is significant. He views it as an event for all members of the City. The safety issue of the Police officers is for the betterment of the City as well. He commended All Angels for wanting to host this event.

City Attorney Seiden clarified that Vice Mayor Ator will not vote on this item because she is the Chair person of the All Angels Board of Trustees. He said that if something religious was taking place during the event then it would be a different subject, but this is a City event and All Angels sponsors the event.

Vice Mayor Ator commented that last year during the budget process she suggested moving the Movie Night to another area but Council was happy with hosting the event on the Circle.

Councilwoman Bain moved to approve. Councilman Best seconded the motion, which was carried 4-0 on roll call vote with Vice Mayor Ator abstaining (CE Form 8B–Memorandum of Voting Conflicts attached)

10B) Request from Lino Ferrer Productions to Serve Alcohol in the Sosa Theater on Sunday, November 18, 2012 from 7:30 to 10:30 p.m.

City Manager Ronald K. Gorland stated that this is not a request for sale of alcohol but rather a party where they will be serving alcohol.

Lino Ferrer of 1470 N. W. 107 Avenue, Suite C, explained that there is not going to be any sale of alcohol. They will be serving wine and champagne for a celebration on Thursday, November 29th.

Mayor Garcia asked if the alcoholic beverages were going to be served inside of the theatre and Mr. Ferrer replied that they would be served outside in the lobby after a presentation that will take place in the Rebeca Sosa Theatre.

Councilman Best moved to approve. Councilwoman Bain seconded the motion, which was carried 5-0 on roll call vote.

10C) Resolution No. 2012-3566 – A Resolution of the City Council of the City of Miami Springs, Authorizing and Approving The Submittal of an Application for a 2012 Transportation Enhancement Program (“TEP”) Grant Administered by the State of Florida Department of Transportation; Authorizing Execution of the Required Grant Application Documentation by the Proper Officers and Officials of the City; Effective Date

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

Attorney Seiden stated that this is the alternative that would keep the program as a bike path and funds might be available within the five-year funding cycle at no match to the City and it would allow for the bike path project as opposed to the CITT funds.

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

10D) First 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

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

Attorney Seiden stated that he provided a provision for an additional location for new construction.

Vice Mayor Ator would like to amend the ordinance because of the problems that the City has had, but it could create the same problem as before which is that none of the architects looked at the code before they did their drawings. If the equipment is not within the seven foot setback, she does not understand why it would require placement in a niche.

City Attorney Seiden explained that the reason was because this is a way of further protecting the noise and view by having it recessed inside a niche. The ordinance is as clear as it can be and architects should be able to read and abide by the Code regulations.

Vice Mayor Ator was of the opinion that adding the niche to the ordinance would create more problems. She also would like to add language about requiring some foliage or landscaping.

City Attorney Seiden stated that the word "foliage" can be added to the ordinance in order to be more specific or it can be left the way it is and leave it to the discretion to the Planning Department.

Vice Mayor Ator wanted to make the ordinance as clear as possible so the City does not continue to have these issues.

Councilman Best suggested changing the language to "and/or" after the word "and" in order to satisfy any foliage or screening requirement. He mentioned that ordinances are passed by Council for the convenience of citizens and not the architects.

Vice Mayor Ator explained that prices for variance requests have increased and she would like for the process to be easier and clearer.

City Attorney Seiden said that he could add the word foliage into the ordinance if that is what Council would like to do.

To answer Mayor Garcia's question, City Attorney Seiden responded that if a home is built without a niche, the homeowners have the right to get a variance, but it would not be approved without the granting of a variance.

Mayor Garcia asked what would be done if Council wanted to allow units or equipment on the outside of the side yard setback and City Attorney Seiden replied that the language would be eliminated from the ordinance.

Mayor Garcia said that what is being proposed is that as long as the equipment is within the outside of the side yard setback, it would be permitted even though they are not in a niche as long as it is enclosed or properly screened with foliage or another type of screening.

Councilman Best commented that he was unsure of what that proposal would solve and he feels that people would still come to request a variance. He does not believe that people would be able to get through the side yard without a niche.

Mayor Garcia stated that the units or equipment have to be on the outside of the side yard setback.

Councilman Best said that most properties would not qualify and Mayor Garcia replied that they would not be permitted but the homeowners have the right to get a variance.

City Attorney Seiden explained that most of the recent variances have been from properties that are approximately 20,000 square feet. If Council changes the ordinance to not require the niche, there will be more variance cases.

Vice Mayor Ator commented that Council is not saying that someone cannot create a niche, they are saying that it will not be required to create a niche as long as they are outside of the setback. She said that she spoke with Board of Adjustment Chairman Manny Pérez-Vichot and he was in favor of allowing units in the side yard.

Council directed City Attorney Seiden to create the new language for the ordinance and bring it back for another first reading at the next Council Meeting.

10E) First Reading - Ordinance No. 1043-2012- An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-roofs; By Deleting All References to the Two Year Sunset Provision Thereby Including Asphalt Shingles as an Approved Roofing Material for the City; Striking Subsection (H) of the Ordinance as Being Inappropriate and Outdated; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing An Effective Date

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

Attorney Seiden stated that he took the prior ordinance and struck out the language that was sun setting.

Councilman Lob moved to approve the ordinance on first reading. Councilman Best seconded the motion which carried 4-1 on roll call vote with Vice Mayor Ator casting the dissenting vote.

10F) First Reading – Ordinance No. 1044-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002, Definitions; by Clarifying and Updating the Definitions of Rear Yard [Subsection (C) (79)], and Side Yard [Subsection (C) (80)]; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

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

Attorney Seiden stated that he and Mr. Holland went over some of the definitions in order to make them easier to understand. He generally agrees with Planning and Zoning Director Holland, which is that regulatory conditions should not be included within the definitions and there is a good exception for what he left in the ordinance.

City Attorney Seiden explained that the first part of subsection 79 describes what a rear yard is. There are provisions in the code that deal with lot coverage both in the front and in the rear yard. It is not allowable to build in the rear yard if it exceeds a certain percentage and there was always an issue in defining it.

City Attorney Seiden explained the changes to some of the definitions in the ordinance.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Lob seconded the motion which carried 5-0 on roll call vote.

To answer Mayor Garcia's question, City Attorney Seiden stated that the front yard is from the building to the property line. If calculations are being based on green space, then cut outs are included as part of the total area and it is stated in the other part of the ordinance.

Mayor Garcia said that the reason for his question is because when homes install circular driveways or anything that is going to be paved, the ordinance discusses whether it is pervious or non-pervious which means that water has to be able to percolate through it.

City Attorney Seiden commented that the topic is dealt with within the ordinance because the ordinance was amended. There is a provision within that ordinance that explains total area.

Vice Mayor Ator clarified that it would not include the front porch or patio.

10G) First Reading – Ordinance No. 1045-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-164, Northwest 36th Street; By Removing Any and All References to the Required Participation of the City Architectural Review Board in the Design Review Process Mandated by the Ordinance; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

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

Attorney Seiden stated that this is a housekeeping measure. This ordinance eliminates the Architectural Review Board from the Design Review process.

Councilman Best moved to approve the ordinance on first reading. Councilwoman Bain seconded the motion.

Vice Mayor Ator believes this amendment is a bad idea and the Architectural Review Board is not very happy about this ordinance. She is going to vote no because she feels that the Architectural Review Board should be able to participate in the process.

The motion was carried 4-1 on roll call vote with Vice Mayor Ator casting the dissenting vote.

10H) First Reading – Ordinance No. 1046-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-20, Establishment and Membership; by Revising the Membership of the City’s Memorial Committee to Meet Current Participation Availability; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that the Clerk’s office obtained information from the religious community by calling the churches to see if they were interested in serving on the Committee.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Best seconded the motion.

To answer Councilman Best’s question, City Attorney Seiden replied that the other churches did not reply. If they later show an interest then the City would be happy to include them.

The motion carried 5-0 on roll call vote.

10I) Recommendation from the Board of Parks and Parkways for the Yard of the Month for December and January

City Manager Gorland read the memorandum requesting Council approval of the recommendations from the Board of Parks and Parkways to designate 190 Shadow Way and 209 Chippewa Street as the Yard of the Months for December 2012 and January 2013 respectively.

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

10J) Code of Ethics and Citizens Bill of Rights

Vice Mayor Ator stated that she received documents at an Ethics Commission luncheon a couple of months ago when Doral Mayor J.C. Bermudez spoke on the Citizens’ Bill of Rights that is included in the Doral Charter. She believes that Council should consider putting a Bill of Rights on the ballot in April and passing an Ethics Ordinance.

City Attorney Seiden commented that a Bill of Rights is something to consider but Council should spend a lot of time on it. It is an interesting idea and the Code of Ethics was removed in Miami Springs because it was outdated. He suggested that Council should have a Special Meeting on the subject.

Attorney Seiden explained that the City of Doral was starting from scratch and it was easier to include it as a part of their Charter. It may be acceptable to the City to consider a Bill of Rights, but it could be an ordinance rather than a Charter amendment. He asked if Vice Mayor Ator would be in favor of creating it as an ordinance rather than a Charter amendment because the City would save the cost of a Charter Election.

Vice Mayor Ator replied that if the question was added to the ballot for the April election she does not believe that there would be additional costs.

To answer Vice Mayor Ator's question, City Attorney Seiden responded that the Clerk could call the Elections Department to find out the deadline for placing issues on the ballot for the April Election.

Councilman Best asked what the difference is between the State Form 6 and what the City is currently doing and City Attorney Seiden replied that Mayor Bermudez' attempt was to be a little more protective of certain procedures. Mayor Bermudez is adamantly opposed to involvement of personal business and government business and he wanted to avoid that at all costs.

City Attorney Seiden explained that Council should take the time to look at the Citizens Bill of Rights section which discusses truth in government, public records, minutes and ordinance register, right to be heard, right to notice, etc. He noted that it is really a procedure for good government.

Councilman Lob concurred with Councilman Best by asking how the City of Doral's Bill of Rights would be different from the City of Miami Springs' Bill of Rights and City Attorney Seiden responded that the idea is to formalize it and hold Council to a standard.

Mayor Garcia would like for Council to review the subject and bring back any questions for the next agenda. He would also like to get a response on the deadline for placing issues on the April ballot.

Vice Mayor Ator stated that there has been a certain amount of distrust of public officials and elected officials on this body and by putting standards in writing and placing the question on the ballot, it will show people in the electorate that it is important to Council.

11. Other Business:

11A) FY 2011-2012 Fourth Quarter Budget Status Report (Unaudited)

Assistant City Manager/Finance Director William Alonso reported that as stated in his memo, the City does not expect any significant adjustments to the numbers. The City came in at \$120,000 less than budgeted. The Golf Course loss is \$286,000 compared to \$414,000 last year due to revenues.

11B) Update to Proposed Fund Balance Designations

Assistant City Manager/Finance Director William Alonso stated that designations should be reduced by \$111,000. As shown in Attachment "A", there are certain commitments that cannot be changed such as the Country Club roof, the storage tank DERM issue, the Westward median and the funds to marcite the Community Center pool. Funds that can be reduced include the \$19,945 Senior Center building designation, the Downtown Revitalization of \$89,475 and the \$500,000 that is set aside for hurricane contingencies.

Mr. Alonso asked Council for guidance on where they wanted to reduce \$111,000 and if there are other items that they would like to re-designate. He provided Attachment "B" showing what the departments' future needs would be. He commented that as an example, if Council decided to do away with the Senior Center designation and the Downtown Revitalization it would account for approximately \$110,000 and the \$500,000 would be kept in hurricane contingency fund. Council can also leave the Senior Center designation and the Downtown Revitalization and remove \$100,000 from the hurricane contingency.

Mayor Garcia asked if Council was in favor of reducing the \$500,000 in hurricane contingency and none were in favor.

Councilman Best stated that it may be significant to think about utilizing \$100,000 of the \$500,000 hurricane contingency toward the reduction of the \$111,000.

Mr. Alonso said that if Council chose to remove the Senior Center designation and the Downtown Revitalization it would leave a shortage of \$1,500. There will be an update on the pool at the next Council Meeting.

Vice Mayor Ator moved to amend the balance designations by removing the Senior Center and the Downtown Revitalization in order to fund the excess deficit funds available. Councilwoman Bain seconded the motion.

Councilman Best explained that he can understand removing funds from the Downtown Revitalization but he does not understand applying this to a City asset which is something Council was told was necessary to finish quickly.

Vice Mayor Ator clarified that the Senior Center roof was repaired and the funds are additional funds that were left over.

City Manager Gorland stated that at one point there were more funds in the Senior Center designation before work was done because the intent was to build a second floor and expand the first floor. Most of the funds that were put aside have been spent on the Senior Center.

Councilman Lob suggested disbanding the Revitalization and Redevelopment Ad-Hoc Committee if those funds were going to be removed.

Mayor Garcia said that this is not an agenda item for discussing the disbandment of the Committee. He advised Council to take into consideration that just because a board does not meet or has not met, it does not necessarily mean that it needs to be disbanded.

Discussion ensued regarding disbandment of the Revitalization and Redevelopment Ad-Hoc Committee.

Councilman Best commented that the funds in the hurricane contingency have not been used for a long period of time. If a hurricane were to come, the Federal Emergency Management Agency (FEMA) would take care of the City anyway. He understands that it is insurance funds but he feels that 25% of it should be used to satisfy the requirement.

Councilman Lob said that in Councilman Best's favor, the City also has \$3.5MM specifically for contingency emergencies.

Mayor Garcia felt that residents would prefer using funds from the Senior Center designation and the Downtown Revitalization because having the hurricane contingency funds are more of a comfort and relief for residents in case of an emergency.

Vice Mayor Ator stated that it makes her very uncomfortable to move funds from the hurricane contingency fund especially in light of what happened in the last month across the eastern seaboard. The City is unprepared for a natural disaster both financially and emotionally.

The motion carried 4-1 on roll call vote with Councilman Best casting the dissenting vote.

11C) Consideration of Cancelling the Second December Meeting

City Manager Ronald K. Gorland stated that City Administration requests that Council consider canceling the second Council Meeting scheduled for December 24th.

Vice Mayor Ator moved to cancel the December 24, 2012 Council Meeting. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

City Manager Gorland noted that while this meeting is canceled, there may be two additional meetings within the coming weeks to give direction to the City Attorney for an ordinance and to then move that ordinance to a first reading. He will keep Council informed as needed. As of right now, the only information he has is the timeline if Council were requested to act by the Miami-Dade County Tax Appraisers Office.

Discussion ensued regarding the deadline that could not be met by the end of this month for the Senior Exemption Provision and an attempt that is being made to change the deadline date through the State.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

City Events

City Manager Gorland encouraged residents to check the website and tweets for upcoming events in the City.

Yoga in a Chair

City Manager Gorland advised residents to contact the Senior Center for more information on Yoga in a Chair.

Art Classes

City Manager Gorland reported that art classes for kids from ages 3 to 12 are still open and available every Tuesday afternoon at the Community Center. For more information contact the Community Center.

5K Turkey Trot

City Manager Gorland said that the 5K Turkey Trot was a blast with more than 60 participants. Free turkeys were given away in a drawing and his daughter received one that she is going to donate to the Senior Center. He reported that there will be another event in the Spring.

Hometown Holiday Shopping

City Manager Gorland reported that the Hometown Holiday Shopping month begins November 23rd through December 23rd.

Farmers Market

City Manager Gorland stated that the Farmers Market has been great and he encouraged everyone to visit the market at All Angels Academy every Saturday morning.

Seth Bramson

City Manager Gorland reported that well renowned historian and writer Seth Bramson will be at the Miami Springs Historical Museum on November 29th at 7:30 p.m.

Holiday Art Exhibit

City Manager Gorland said that the Holiday Art Exhibit will be in the City Hall Lobby and anyone interested should contact the Hibiscus Fine Arts Guild for more information.

Winter Concert

City Manager Gorland stated that Poinciana United Methodist Church is hosting a Winter Concert on Friday, December 7th from 5:00 p.m. to 7:00 p.m.

Classic Car Show

City Manager Gorland commented that the Classic Car Show is the largest show in South Florida and it will be held at the Circle on Saturday, December 8th from 6:00 p.m. to 10:00 p.m. The show will expand into the first block of Curtiss Parkway.

Christmas at the Gazebo

City Manager Gorland reported that Christmas at the Gazebo would begin with a parade on Saturday, December 15th at 5:30 p.m. and festivities at the Gazebo from 6:00 p.m. to 9:00 p.m. There will be snow and the sale of wristbands will be \$2.00 for residents and \$10.00 for non-residents beginning on Monday, November 26th.

Happy Thanksgiving

City Manager Gorland wished everyone a Happy Thanksgiving.

12C) City Council

Halloween

Vice Mayor Ator commented that Halloween went very well. She visited the Halloween event at the Community Center and it was nicely done and well organized.

Story Time

Vice Mayor Ator participated and enjoyed Story Time. She made hand turkeys with the kids.

Curtiss Mansion

Vice Mayor Ator mentioned that the Curtiss Mansion fence has been installed and it looks beautiful.

Woman's Club Christmas Party

Vice Mayor Ator reported that the Woman's Club is hosting their Christmas Party. Anyone interested in attending can R.S.V.P. to Carmen Tapp.

Holiday Tour of Homes

Vice Mayor Ator said that the Holiday Tour of Homes will be held on Saturday, December 29th.

Taste of the Springs

Vice Mayor Ator stated that the Taste of the Springs would be held on Sunday, February 10, 2013.

Breakfast with Santa

Vice Mayor Ator reported that the All Angels Breakfast with Santa would be held on Saturday, December 1st. Tickets will be \$7.00 in advance and \$9.00 at the door.

Turkey Trot

Vice Mayor Ator recognized her husband Bill Tallman for winning a bronze medal in the Turkey Trot.

Happy Anniversary

Vice Mayor Ator wished her husband Bill Tallman a Happy Anniversary.

Science Fair

Vice Mayor Ator recognized her oldest son for winning second place in the Science Fair for his project with football throwing.

Happy Thanksgiving

Vice Mayor Ator wished everyone a happy and safe Thanksgiving.

Junior Orange Bowl Pageant

Councilwoman Bain reported that she was fortunate enough to be at the Junior Orange Bowl Pageant at the Rebeca Sosa Theatre and the young ladies were phenomenal. Ashlyn Ray from Miami Springs won princess and Skylar Odin from Miami Springs won Miss Congeniality; they will be on the float at the Orange Bowl Parade.

Soccer Fundraiser

Councilwoman Bain stated that the Miami Springs/Virginia Gardens Soccer Club held their fundraiser at Woody's and it was a great success with many people attending.

Optimist Football

Councilman Lob commented that one of the Optimist Football teams went to the super bowl of their league and he is very happy for them.

Happy Thanksgiving

Councilwoman Bain wished everyone a blessed Thanksgiving.

Happy Thanksgiving

Councilman Best wished everyone a very happy and safe Thanksgiving.

Christmas Tree Sale

Councilman Lob reported that the Optimist Club is having their annual Christmas tree sale beginning Thanksgiving Day at 9:30 a.m. There is a coupon in the Gazette. The hours will be from 6:00 p.m. to 9:30 p.m. during the week and 9:30 a.m. to 9:30 p.m. during the weekend.

Happy Thanksgiving

Councilman Lob wished everyone a Happy Thanksgiving.

Prayers

Mayor Garcia asked that everyone keep City Clerk Magali Valls and her family in their thoughts and prayers for the passing of her sister.

Christmas Tree Sale

Mayor Garcia reiterated that the Christmas Tree Sale begins on Thanksgiving Day. He noticed over the years that many kids are participating and helping with the unloading of the Christmas trees.

Basketball Season

Mayor Garcia commented that the Basketball season is in full swing. There are a couple of age groups that are still available for registering.

Hometown Holiday Shopping

Mayor Garcia encouraged everyone to participate in the Hometown Holiday Shopping.

Johnny's Luncheonette

Mayor Garcia commented that Johnny's is doing a promotion that if someone shops in any Miami Springs' business and shows proof of receipt, they will receive a free ice cream or desert with their lunch purchase.

Junior Orange Bowl Pageant

Mayor Garcia said that the Jr. Orange Bowl Pageant was great and he appreciates the Junior Orange Bowl Committee for selecting the Community Center to hold the event.

Football Program

Mayor Garcia stated that the Football program is getting better every year. He thanked the Optimist Club for sponsoring the program.

Report Cards

Mayor Garcia commented that his son made straight A's at his new school, which is the AIE Charter School.

Turkey Trot

Mayor Garcia said that his son received second place in his age division at the Turkey Trot. He recognized the Recreation Staff and Director Omar Luna for a phenomenal job.

Happy Anniversary

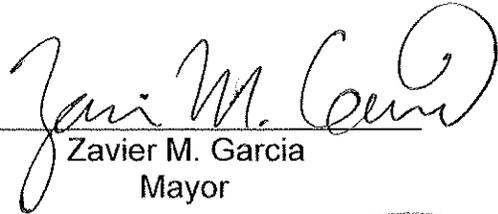
Mayor Garcia wished his wife a Happy 12 Year Anniversary.

Happy Birthday

Mayor Garcia wished his wife a Happy Birthday.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:56 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



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

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

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

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 Alon, hereby disclose that on November 19, 20 12.

(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 abstained from voting on the approval of funds to co-sponsor 5 months of movie night. The funds are to reimburse the organization for police at the event.

I am conflicted from voting on this item because I am chairperson of the All Angels Board of Trustees.

11/19/12
Date Filed

Jennifer Alon
Signature

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.