



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS
Regular Meeting of Monday, February 24, 2014 - 7:00 p.m.
City Hall – Council Chambers

<u>AGENDA ITEM #</u>	<u>SUBJECT</u>	<u>ACTION TAKEN</u>
1.	Call to Order/Roll Call	All present. The meeting was called to order at 7:11 p.m.
2.	Invocation	Offered by Councilman Windrem.
	Salute to the Flag	Students from AIE Charter School led the audience in the Pledge of Allegiance. Mayor Garcia presented baseball caps to the students who participated in the "I Led the Pledge" program.
3.	Awards & Presentations	
3A)	Comprehensive Annual Financial Report – FY Ending 9-30-2013	City Auditors Alberni, Caballero & Company, LLC presented the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending September 30, 2013.
4.	Open Forum:	
	Downtown Casino	Village of Pinecrest Councilmember James E. McDonald voiced opposition to the construction of a destination casino in the downtown area, which Pinecrest adopted a resolution opposing. Legislators who had historically opposed destination gambling had changed their opinions this year because of effective lobbying. He asked Council to consider passing a resolution urging the Legislature to not allow destination casinos in Miami.

4. Open Forum (continued)

Parking Issues

Ania Amat of 590 Ragan Drive thanked Council for responding to her email. She is very proud of living in Miami Springs because it is a small and safe community. Her concern is that she is seeing an influx of people that do not reside in this City and they are using her neighborhood as their personal parking lot. Her neighbor was harassed by a stranger and people are loitering in the area.

Ms. Amat raised this issue with the Code Compliance Department and they are against signage that would limit parking for non-residents.

Noise Ordinance

Ania Amat has a certain expectation of privacy. She works odd hours since she is a police officer and she likes that she can call the police if there is a loud party when she is trying to sleep.

Noise Ordinance

Deborah Ferrero of 219 Miami Springs Avenue has a hard time sleeping at night and the change of this ordinance will affect her sleeping. The curfew should be at 11:00 p.m.

Noise Ordinance

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue explained that her daughter is very involved in the City and understands everything that goes on. She speaks from her heart and a handicapped person does not need noise bothering them when they are trying to sleep. She has been living in Miami Springs for over 60 years and there has never been a necessity to change the noise ordinance. People will be making a lot of noise with their cars when leaving parties late at night.

Police Department

Ms. Gannon saw a young man looking for a key under a mat of a home and he entered the home. She called the police and within minutes they arrested the boy who has stolen \$6,000 worth of jewelry. She believes the City has the finest Police Department in the United States. She urged Council to what is right.

4. Open Forum (continued)

Noise Ordinance

Jorge Valdes of 601 Ludlam Drive owns the apartment building across from Woodys and he is concerned with the noise ordinance. Families and children live in the apartment building that need to wake up early for school and if the ordinance goes into effect it will be a nuisance. He constantly receives complaints from the tenants about the music from Woodys and he advises them to contact the police. The police control the situation and then the noise level goes back up when the police leave. Woodys expanded and there are more tables on the outside. A band performs until 1:00 a.m. He asked Council to reconsider the ordinance.

Noise Ordinance

Olga Valdes of 115 Bentley Drive supports what Mr. Valdes said in reference to Woodys because of the noise level. She enjoys Woodys and has been there many times but the owner needs to consider those who need to wake up early. She hopes that Council reconsiders this ordinance.

Noise Ordinance

Donna Hernandez of 769 Pinecrest Drive feels there is a lack of transparency regarding certain issues such as the proposed changes to the noise ordinance. She clarified that the current noise ordinance allows a person to call the police at any time. She would like the City to advertise the meetings on the marquee on the Circle and state that a noise ordinance will be discussed. She wishes that Council would consider her suggestion.

Noise Ordinance

Nestor Suarez of 550 Wren Avenue wants to keep the City beautiful and quiet because residents pay a lot to live here and they want their property values to rise. He had an issue with a neighbor and his motorcycle and he was able to call the police at 10:00 p.m. sharp and within minutes the noise was gone. He wants to live in the type of community where at 10:00 p.m. it is quiet.

4. Open Forum (continued)

Golf Course Losses

Miami Springs Police Officer Jorge Capote of 201 Westward Drive commented that at the last meeting Council did not discuss agenda item 11A which was the first quarter budget status report and the numbers were disturbing. The Golf Course lost \$257,067 in the first quarter and that is part of a budgeted loss of \$726,993. He recapped the Golf Course losses totaling \$8,161,856 from 2000 through the period ending September 30, 2013. He questioned how it is okay to average a \$600,000 loss every year for 14 years.

Noise Ordinance

Charlie Hernandez of 769 Pinecrest Drive wants to bring a sense of unity, consideration and a neighborly feel to areas that play music and have residences nearby. He loves music and listening to bands. He agrees with the open forum speakers and believes that it takes an open dialogue between the establishment, the music lovers and the residents. The objective should be to reach out and come to some type of agreement during an informal meeting.

Noise Ordinance

Fredy Albiza of 1063 Nightingale Avenue does not think that many people realize the provisions in the current noise ordinance that provides for "no noise" at any time in the residential area. The 10:00 p.m. curfew is for the businesses. He is glad that it is being changed in some ways but he understands there needs to be limitations.

5. Approval of Council Minutes

(Simultaneously approved)

5A) 02-10-2014 Regular Meeting

Minutes of the February 10, 2014 Regular meeting were **approved as written**.
Motion: Councilman Windrem
Second: Councilman Petralanda
Vote: 5-0

5B) 02-12-2014 Special Meeting

Minutes of the February 13, 2014 Special meeting were **approved as written**.
Motion: Councilman Windrem
Second: Councilman Petralanda
Vote: 5-0

6. Reports from Boards & Commissions

- 6A) Architectural Review Board Minutes of the January 9, 2014 Architectural Review Board meeting were received for information without comment.
- 6B) Education Advisory Board Minutes of the January 21, 2014 Education Advisory Board meeting were received for information without comment.
- 6C) Historic Preservation Board Minutes of the January 30, 2014 Historic Preservation Board meeting were received for information without comment.
- 6D) Disability Advisory Board Minutes of the February 6, 2014 Disability Advisory Board meeting were received for information without comment.
- 6E) Zoning and Planning Board Cancellation Notice of the March 3, 2014 Zoning and Planning Board meeting was received for information without comment.

*Board of Appeals meeting called to order at 8:11 p.m.
Council meeting reconvened at 8:23 p.m.*

7. Public Hearings:

- 7A) Second Reading:
Ordinance No. 1061-2014 On second reading, Council deferred approval of an ordinance amending Code of Ordinance §150-015, Parking of Commercial Vehicles In City Limits, to Update And Clarify Which Commercial Vehicles May or May Not Be Parked in the Residential, Multi-Family Residential, Business, and Commercial Zoning Districts of The City.
Motion: Councilman Windrem
Second: Councilman Petralanda
Vote: 5-0

- 7B) **Second Reading:**
Ordinance No. 1062-2014
- On second reading, Council adopted an ordinance amending Code of Ordinance §150-030(J) Sign Regulations/Temporary Signs; by Clarifying the location of Open House and Talking House Signs.
Motion: Councilman Windrem
Second: Councilman Lob
Vice Mayor Bain: "no"
Councilman Windrem: "aye"
Councilman Lob: "aye"
Councilman Petralanda: "aye"
Mayor Garcia: "aye"
Vote: 4-1
- 7C) **Second Reading:**
Ordinance No. 1064-2014
- On second reading, Council adopted an ordinance amending Code of Ordinance §99-08, Construction Sounds; By Adding Other Prohibited Sounds and Establishing a New Permitted Sound Period.
Motion: Vice Mayor Bain
Second: Councilman Lob
Vote: 5-0
- 7D) **Second Reading:**
Ordinance No. 1065-2014
- On second reading, failed to adopt an ordinance amending Code of Ordinance §99-02, Operation of Radio, Phonographs, or Other Sound Making Devices or Ensembles, and §99-03, Hours of Operation of Sound Making Devices; By Changing the Periods in Which the Sounds and Noises Set Forth in Each Ordinance are Prohibited.
Motion: Councilman Petralanda
Second: Councilman Windrem
Vote: 5-0
- 7E) **Second Reading:**
Ordinance No. 1066-2014
- On second reading, Council adopted an ordinance amending Code of Ordinance §150-013, Residential Plantings, Fences, and Walls; By Permitting of Decorative Gates on Side and Rear Yard Fences and Walls.
Motion: Councilman Lob
Second: Vice Mayor Bain
Vote: 5-0

- 7F) Second Reading:
Ordinance No. 1067-2014 On second reading, Council **adopted** an ordinance amending Code of Ordinance §93-10, Location, Accessibility, and Appearance of Multi-Family Residential and Commercial Garbage and Recycling Receptacles; by Removing the Provisions Related to Amortized Compliance; Acknowledging Non-Conforming Sites and Providing Safety Regulations
Motion: Councilman Windrem
Second: Vice Mayor Bain
Vote: 5-0
- 7G) Second Reading:
Ordinance No. 1068-2014 On second reading, Council **deferred** approval of an ordinance amending §93-05, Garbage, Garden Trash, and Rubbish; Placement in Receptacles for Collection and Removal; by Providing Additional Regulations for the Placement of Trash and Recycling Materials by Multi-Family Residential and Commercial Sites Adjacent to City Streets and for the Retrieval of Trash and Recycling Receptacles; Establishing Inapplicability to Alley Pickups and Single Family Residential Zoning Districts of the City. Re-advertise as Second Reading.
Motion: Councilman Windrem
Second: Councilman Lob
Vote: 5-0
8. **Consent Agenda: None**
9. **Old Business:**
- 9A) Advisory Board Appointments None
- 9B) Vacant Land Contract:
Springs on the Green, LLC Council **approved** a Vacant Land Contract between the City and Springs on the Green, LLC for the purchase of 10,299 square feet of Golf Course property adjacent to the former James Medical Clinic, currently under License Agreement as a parking area for \$115,000, subject to approval by the electorate in a Special Election on April 8, 2014.
Motion: Councilman Windrem
Second: Vice Mayor Bain
Vote: 5-0

- 9C) ConEdison Energy Savings Project
 Council **approved** Option No. 1 for energy saving projects with ConEdison Solutions totaling \$1.6MM and a payback period of 13.07 years.
Motion: Councilman Windrem
Second: Councilman Lob
Vote: 5-0
10. **New Business:**
- 10A) Yard of the Month Recommendations
 Council **approved** the Board of Parks and Parkways recommendations for 210 Fern Way, 1070 Ibis Avenue and 564 Palmetto Drive for the Yards of the Month for March, April and May 2014, respectively.
Motion: Vice Mayor Bain
Second: Councilman Lob
Vote: 5-0
- 10B) Historic Preservation Board Recommendation
 Council **agreed** to wait until the budget process to consider the funding of a bronze designation plaque for the H. O. Goodlett House at 141 Shadow Way.
- 10C) Request to Serve Wine at Rebeca Sosa Theatre
 Council **authorized** a request from Soheila Ghodstinat to serve wine at a private musical play and reception on Saturday, March 1, 2014 at the Community Center in the Rebeca Sosa Theatre.
Motion: Councilman Lob
Second: Vice Mayor Bain
Vote: 5-0
- 10D) Golf Course DERM/RER Capital Expenditure Plan
 Council was **presented** a high-level four-year capital expenditure plan beginning FY 2014-2015 totaling \$581,000, to bring compliance with certain DERM/RER issues that were identified at the Golf Course, including \$70,000 in costs that have already been incurred in the compliance effort.
11. **Other Business:** None

12. Reports & Recommendations:

12A) City Attorney None

12B) City Manager

Farmers Market City Manager Gorland encouraged everyone to attend the farmers market that ends on Saturday, March 29th.

Little League Opening Ceremony City Manager Gorland reported that the Little League opening ceremony will be held at Prince Field on March 1st with a parade starting at 9:00 a.m.

12C) City Council

Archery Club Councilman Lob commented that the Optimist Archery Club hosted the Florida Archery Association In-Door Championship in the City last weekend. It was a great event and there were shooters from all over South Florida and they enjoyed the hospitality of our City.

Archery Club Councilman Petralanda echoed Councilman Lob's statement about the Archery Club. There was a good turnout and everyone seemed to have fun.

Audience Participation Councilman Petralanda thanked all of the residents who attended the meeting tonight and voiced their opinions. This is what democracy is about. He encourages more people to attend meetings and participate.

Audience Participation Councilman Windrem thanked everyone who attended tonight's meeting. He appreciated all of the insight and perspective. He is having a great time serving on Council and it is productive and important. Even though Council may not always agree, they will do what is best for the City.

Assistant City Clerk Councilman Windrem commended and thanked Assistant City Clerk Elora R. Sakal for doing such an awesome job sitting in for Acting City Clerk Hitaffer tonight and Councilman Lob agreed.

12C) Parking Situation

Councilman Bain spoke with City Manager Gorland about the parking situation with Ania Amat and was told that it was being dealt with and she came tonight and said otherwise.

Mr. Ziadie spoke with Ms. Amat and he told her if signs were installed the rule would apply to all residents, including her. Ms. Amat would like to have signs installed that apply to non-residents and allow something different for the residents, which cannot be done.

Vice Mayor Bain asked if this issue is the responsibility of the City or the Airport and City Manager Gorland replied that it is Miami Springs' property.

Mr. Ziadie commented that under the code, the Dade County Aviation Department owns that parking lot and they have the same preferential use over that swale that a residential property does. The code does not differentiate between commercial and residential properties.

Mr. Ziadie said that the swale is a public right-of-way. The City has the authority to implement parking regulations or restrictions. He explained to Ms. Amat that his recommendation is not to install signage or restrict parking because it would affect everyone in that area. His secondary recommendation is to ask the City Manager to request that the Police Department strictly enforce any parking safety regulations for cars parked there and to increase police presence.

Vice Mayor Bain asked if Council will have a report on the next agenda of what the outcome was with this situation and City Manager Gorland replied affirmatively.

Chief of Police Baan commented that the majority of parking in that area is from the people who reside in the apartments across the street. He would not recommend signage prohibiting parking.

12C) Parking Situation

Councilman Petralanda asked if signage could be installed on half of the distance instead of the entire block and Chief of Police Baan replied that Council could do whatever they want.

Mayor Garcia spoke with the residents and they do not want the parking to be restricted. He would like for Mr. Ziadie to communicate with Ms. Amat again to clarify the issue.

Mr. Ziadie stated that he is in that area all the time to put the sign up for Council meetings and sees the residents walking to and from their cars to the apartments. He can almost guarantee that they do not want signage. He does not know of another solution besides increasing the police presence that will satisfy the issue.

13. Adjourn

Meeting adjourned at 10:52 p.m.