

# Town of Miami Lakes

TOWN COUNCIL

Regular Meeting

November 12, 2008



# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

Mayor Michael Pizzi

Vice Mayor Richard Pulido

Councilmember Mary Collins

Councilmember Robert Meador II

Councilmember Nick Perdomo

Councilmember Nancy Simon

## AGENDA

### REGULAR COUNCIL MEETING

November 12, 2008

6:30 PM

**Miami Lakes Middle School**

6425 Miami Lakeway North

Miami Lakes, Florida 33014

### PRESENTATIONS:

1. CALL TO ORDER:
2. ROLL CALL:
3. INVOCATION/MOMENT OF SILENCE:
4. PLEDGE OF ALLEGIANCE:
5. PUBLIC COMMENTS:
6. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):
7. COMMITTEE REPORTS:  
    Beautification Advisory Committee
8. CONSENT AGENDA:
  - A. Approval of Minutes: Page 4  
    October 14, 2008 Regular Council Meeting  
    October 21, 2008 Zoning Council Meeting
  - B. RESOLUTION OF THE TOWN COUNCIL ACCEPTING THE REQUEST OF REED D. GORDON AND KATHLEEN GORDON TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2006-1063. (Roig) Page 16

**C. RESOLUTION OF THE TOWN COUNCIL APPROVING THE PURCHASE ORDER WITH PLAYGROUND SERVICES, INC. FOR PLAYGROUND RESURFACING AT ROYAL OAKS PARK. (Roig/ Simon)Page 21**

**D. RESOLUTION OF THE TOWN COUNCIL APPROVING THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC., AND THE TOWN OF MIAMI LAKES TO ADDRESS PHASE I COMPREHENSIVE PLAN AMENDMENTS. (Roig) Page 27**

**E. RESOLUTION OF THE TOWN COUNCIL URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING. (Collins) Page 48**

**9. ORDINANCES – FIRST READING:**

**10. ORDINANCES – SECOND READING (PUBLIC HEARING):**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, REQUIRING THAT A FISCAL IMPACT ANALYSIS BE PREPARED AS PART OF ANY PROPOSED TOWN LEGISLATION. (Roig) Page 53**

**11. RESOLUTIONS:**

**12. NEW BUSINESS:**

- A. Child Protection Act (Pizzi) Page 58**
- B. Local Business Economic Growth Initiative (Pulido) Page 60**
- C. Budget and Audit Reports (Simon) Page 62**
- D. Efficient Allocation of Space for Community Activities (Perdomo) Page 64**
- E. SHARP (Pizzi) Page 66**
- F. TOML Police Officers Appreciation Day (Pulido) Page 68**
- G. Conference Reports (Simon) Page 70**
- H. Improvements in Concurrency and Other Requirements for Administrative Zoning and Variance Approvals (Perdomo) Page 72**
- I. Additional Police Resources – K-9 Unit (Pulido) Page 74**
- J. Review of Council Procedures (Simon) Page 76**

**13. REPORTS:**

**A. MAYOR AND COUNCILMEMBER REPORTS:**

- 1. Opa-Locka Airport (Meador)**
- 2. Town Manager Appointment (Pizzi)\***
- 3. Town Attorney Appointment (Pizzi)\***
- 4. FDOT I-75 Program (Pizzi/ Meador) \***
- 5. Mayor’s Community Outreach Program (Pizzi)\***
- 6. Juvenile Crime Report (Pizzi)\***

\*denotes five reports

**B. MANAGER'S REPORT:  
Retreat Update (Roig)**

**C. ATTORNEY'S REPORTS:**

**14. FUTURE MEETINGS:**

**November 18, 2008 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 6 PM  
December 9, 2008 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30PM**

**15. ADJOURNMENT:**

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov) and is available at Town Hall, 15700 NW 67<sup>th</sup> Avenue, Miami Lakes, FL. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 8 A**

# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

Mayor Michael Pizzi

Vice Mayor Nancy Simon

Councilmember Mary Collins

Councilmember Robert Meador II

Councilmember Nick Perdomo

Councilmember Richard Pulido

## MINUTES REGULAR COUNCIL MEETING October 14, 2008 6:30 PM

### Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

- 1. CALL TO ORDER:** The meeting was called to order at 6:50 p.m. by former Mayor Wayne Slaton.
- 2. ROLL CALL:** Town Clerk, Debra Eastman, called the roll with the following Councilmembers in attendance: Robert Meador, Nick Perdomo, Richard Pulido, Mary Collins, Vice Mayor Nancy Simon, Mayor Michael Pizzi and Mayor Wayne Slaton.
- 3. INVOCATION/MOMENT OF SILENCE:** Mayor Wayne Slaton called for a moment of silence.
- 4. PLEDGE OF ALLEGIANCE:** The colors were presented by Cub Scout Troop 660. Mayor Wayne Slaton led the Pledge of Allegiance.
- 5. MAYOR AND COUNCILMEMBERS OATH OF OFFICE & RECEPTION:** Mayor Michael Pizzi thanked Mayor Wayne Slaton for his numerous years of service and presented him with a plaque and gavel.

Town Clerk, Debra Eastman, presided over the Oath of Office Ceremony of the newly elected Town Councilmembers and Mayor. Councilmember Mary Collins was given the oath of office by the Honorable Judge Peter Adrian. Councilmember Richard Pulido was given the oath of office by Town Clerk, Debra Eastman. Councilmember Nick Perdomo was given the oath of office by Pastor Ralph Rodriguez. Mayor Michael Pizzi was given the oath of office by the Honorable Judge Reemberto Diaz. A reception followed the swearing in ceremony.

At 8:30 p.m. Mayor Michael Pizzi called the meeting back to order. Town Clerk, Debra Eastman, called the roll with the following Councilmembers in attendance:

Nick Perdomo, Richard Pulido, Robert Meador, Mary Collins, Vice Mayor Nancy Simon and Mayor Michael Pizzi.

6. **APPOINTMENT OF VACANCY SEAT 2:** Mayor Michael Pizzi announced his intention to make a nomination to the Town Council within 30 days. No action was taken.
7. **ELECTION OF VICE MAYOR:** Councilmember Nick Perdomo made a motion to nominate Richard Pulido for the position of Vice Mayor. The motion received a second from Councilmember Robert Meador. Mayor Michael Pizzi called for the vote and all were in favor.
8. **PUBLIC COMMENTS:**  
Dr. Pedro Carballo offered his congratulations to all of the newly elected officials.
9. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):**  
Councilmember Mary Collins made a motion to accept the agenda as printed. The motion received a second from Vice Mayor Richard Pulido. Mayor Michael Pizzi called for the vote and all were in favor.
10. **COMMITTEE REPORTS:**  
Louis Collazo presented the report of the Elderly Affairs Committee.
11. **CONSENT AGENDA:**
  - A. **RESOLUTION OF THE TOWN COUNCIL APPROVING THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR TOWN ENGINEER SERVICES FOR THE 2008-2009 FISCAL YEAR. (Roig)** Passed on consent.
  - B. **RESOLUTION OF THE TOWN COUNCIL APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH ROYAL RESTROOMS OF NORTH FLORIDA, INC. FOR A PORTABLE RESTROOM AT THE MIAMI LAKES OPTIMIST PARK. (Roig)** Passed on consent.

Councilmember Mary Collins made a motion to adopt the consent agenda. The motion received a second from Councilmember Robert Meador. Mayor Michael Pizzi called for the vote and all were in favor.
12. **ORDINANCES – FIRST READING:**
13. **ORDINANCES – SECOND READING (PUBLIC HEARING):**
14. **RESOLUTIONS:**

**15. NEW BUSINESS:**

**A. Traffic Assistance at Peak Times (Meador)**

Councilmember Robert Meador suggested that the Town Council hold a workshop to discuss traffic assistance at peak times, to invite FDOT and County Officials and to include a site visit. It was agreed that no motion was necessary for this direction to staff.

**B. Minutes Format (Pulido)**

Vice Mayor Richard Pulido made a motion to instruct staff to prepare action minutes, instead of summary minutes, for Council meetings. The motion received a second from Councilmember Mary Collins. Mayor Michael Pizzi called for the vote and all were in favor.

**16. REPORTS:**

**A. MAYOR AND COUNCILMEMBER REPORTS:**

**1. Appointments (Pizzi)**

Mayor Michael Pizzi made the following nominations:

Manuela Vicente to the Youth Activities Task Force, Daniel Yanez to the Beautification Advisory Committee, and Jeffrey Franz to the Elderly Affairs Committee. Councilmember Mary Collins made a motion to adopt the nominations. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

**2. Council Retreat (Collins)**

Councilmember Mary Collins requested that Interim Town Manager, Evelyn Roig, prepare the cost of holding a one day retreat close by and bring that information back to the Town Council.

**3. Town Attorney (Pizzi)**

Mayor Michael Pizzi reported that he will be issuing an RFP/RFQ for the position of Town Attorney.

**4. Town Manager (Pizzi)**

Mayor Michael Pizzi announced that he will be re-advertising the position of Town Manager for a period of two weeks.

**B. MANAGER'S REPORT:**

Interim Town Manager, Evelyn Roig requested to move the November 11, 2008 Regular Council meeting, which falls on the Veteran's Day holiday, to the next evening, November 12, 2008.

Interim Town Manager, Evelyn Roig confirmed that the Town Council wished to continue having regular workshops on the second Thursday of each month.

**C. ATTORNEY'S REPORTS:**

**17. FUTURE MEETINGS:**

October 21, 2008 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 6 PM

**18. ADJOURNMENT:** There being no further business to come before the meeting it adjourned at 9:30 p.m.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Michael Pizzi, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

Mayor Michael Pizzi

Vice Mayor Richard Pulido

Councilmember Mary Collins

Councilmember Robert Meador II

Councilmember Nicholas Perdomo

Councilmember Nancy Simon

## MINUTES ZONING COUNCIL MEETING October 21, 2008 6:00 PM

### Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

1. **CALL TO ORDER:** The meeting was called to order at 6:10 p.m. by Mayor Michael Pizzi.
2. **ROLL CALL:** Town Clerk, Debra Eastman, called the roll with the following Councilmember in attendance: Robert Meador, Mary Collins, Nancy Simon and Mayor Michael Pizzi. Councilmember Nick Perdomo was absent. Vice Mayor Richard Pulido was absent.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Michael Pizzi called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Mayor Michael Pizzi led the pledge of allegiance.

Mayor Michael Pizzi explained that any variance coming before the Town Council would require four votes in favor for passage of the variance. He suggested that in light of the Town Council attendance of four members at this meeting, applicants may wish to request a deferral to the November 18, 2008 Town Council Meeting where there may be more members present, which would increase the likelihood of receiving a favorable outcome.

### 5. **ORDINANCES- SECOND READING:**

#### **A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") ARTICLE 12, FEES. (Roig)**

A motion was made by Councilmember Mary Collins to adopt the ordinance on second reading. The motion received a second from Councilmember Robert Meador. Town Clerk, Debra Eastman, called the roll and all were in favor.

**B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 4. ZONING DISTRICT REGULATIONS, DIVISION 4.2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS; ARTICLE 5. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6. SUPPLEMENTARY REGULATIONS; AND ARTICLE 9. SIGNS. (Roig)**

Councilmember Nancy Simon made a motion to change the ordinance to allow garbage cans to be placed by the roadside at 4 p.m. rather than the existing language of 6 p.m. The motion received a second from Councilmember Robert Meador. Mayor Michael Pizzi called for the vote and all were in favor.

A motion was made by Councilmember Mary Collins to adopt the ordinance on second reading as amended. The motion received a second from Councilmember Nancy Simon. Town Clerk, Debra Eastman, called the roll and all were in favor.

**6. RESOLUTIONS:**

**A. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY IVAN AND JANET RODRIGUEZ IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.9(b)1.c. OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 37.5 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE WHERE FENCES OR WALLS ARE NOT PERMITTED BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; 2) DIVISION 6.5(b)6.b.(2) OF THE TOWN LDC TO PERMIT AN EXISTING BULKHEAD WATERWARD OF THE TOP OF SLOPE TO THE RESIDENCE TO EXTEND 3.25 FEET ABOVE THE EXISTING GRADE WHERE A WATERSIDE BULKHEAD IS NOT PERMITTED TO EXTEND MORE THAN 1 FOOT ABOVE THE EXISTING GRADE; AND 3) DIVISION 6.5(b)3 OF THE TOWN LDC TO PERMIT AN EXISTING SHORELINE CONTOUR AND ESTABLISHED SLOPE OF A LOT ABOVE WATER TO BE CHANGED OR MODIFIED WHERE THE SHORELINE CONTOUR AND ESTABLISHED SLOPE OF A LOT ABOVE WATER MAY NOT BE CHANGED OR MODIFIED WITH THE EXCEPTION OF INTERLOCKING BLOCK, CONCRETE, WOOD OR SIMILAR MATERIAL BULKHEADS OR DECKS, FOR PROPERTY LOCATED AT 6360 LAKE JUNE ROAD. (Roig)**

Mr. Rodriguez requested a deferral to the November 18, 2008 Zoning Meeting. A motion was made by Councilmember Mary Collins for the deferral. The motion

received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

**B. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY ORLANDO AND THELMA CANALES IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.6(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL, AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISIONS 5.6(a)2 AND 4.2(e) OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY TO PROJECT INTO THE REQUIRED REAR YARD SETBACK A MAXIMUM OF 11 FEET WHERE A MAXIMUM PROJECTION OF 7 FEET INTO THE REQUIRED REAR YARD 25 FOOT SETBACK IS PERMITTED; 3) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 110.78 SQUARE FEET OF TOTAL AREA WHERE 50 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 4) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 1.9 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 0.7 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 6) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 7.5 FEET IN HEIGHT WHERE 6 FEET OF HEIGHT IS PERMITTED; 7) DIVISION 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (NORTH) SIDE YARD; 8) DIVISION 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED SIDE YARD DECK SETBACK 1.8 FEET FROM THE INTERIOR (NORTH) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 9) DIVISION 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (SOUTH) SIDE YARD; 10) DIVISION 5.7(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 0.1 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 11) DIVISION 5.7(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1.1 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; AND 12) DIVISION 5.7(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 0.1 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5**

**FOOT SETBACK IS REQUIRED.FOR PROPERTY LOCATED AT 16360  
NW 91ST COURT. (Roig)**

Director of Planning and Development, Maria Crowley, stated the applicants requested deferral of this item to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

- C. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED BY FRANCISCA SOTO IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.6(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL, AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE FOR PROPERTY LOCATED AT 9040 NW 166TH TERRACE. (Roig)**

Mr. Soto, the applicant, requested that this item be deferred to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

- D. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY PABLO PALACIO IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN ACCESSORY STORAGE SHED WITH 120 SQUARE FEET OF TOTAL AREA WHERE SHEDS LARGER THAN 50 SQ. FT. ARE NOT PERMITTED; AND 2) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN ACCESSORY STORAGE SHED WITH 9 FEET IN HEIGHT WHERE SHEDS HIGHER THAN 6 FEET ARE NOT PERMITTED FOR PROPERTY LOCATED AT 15471 DURNFORD DRIVE. (Roig)**

Mr. Palacio, the applicant, requested that this item be deferred to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

- E. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY LUIS A. LOPEZ AND LUCY B. LOPEZ IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF**

**MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.6(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL, AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISION 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING 4.10 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (WEST) SIDE YARD; AND 3) DIVISION 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED SIDE YARD DECK SETBACK 0.9 FEET FROM THE INTERIOR (WEST) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 9100 NW 149TH TERRACE. (Roig)**

Mr. Lopez, the applicant, requested that this item be deferred to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

- F. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY MAGALY CEPERO, ELENA MIRANDA AND EDUARDO GARCIA IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISIONS 5.2(a)2 AND 4.2(e) OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING SETBACK 4 FEET FROM THE INTERIOR SIDE (EAST) PROPERTY LINE WHERE 5 FEET IS REQUIRED; 2) DIVISION 5.2(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING ROOF OVERHANG TO PROJECT A MAXIMUM OF THIRTY (30) INCHES INTO THE REQUIRED FIVE (5) FOOT INTERIOR SIDE (EAST) PROPERTY LINE SETBACK, WHERE A MAXIMUM PROJECTION OF TWELVE (12) INCHES INTO THE REQUIRED FIVE (5) FOOT SIDE SETBACK IS PERMITTED; AND 3) DIVISIONS 5.3(a)1 AND 4.2(e) OF THE TOWN LDC TO PERMIT AN EXISTING DECORATIVE POND 40 INCHES DEEP SETBACK 2 FEET FROM THE INTERIOR SIDE (EAST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 8103 NW 163RD TERRACE. (Roig)**

A motion to adopt the resolution with staff recommendations was made by Councilmember Mary Collins. The motion received a second from Councilmember Nancy Simon. Town Clerk, Debra Eastman, called the roll and all were in favor.

**G. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED BY LUIS AND IDANIA GARCIA IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 4.3(d)19 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING (TIKI HUT) EXTENDING ABOVE THE HEIGHT OF THE PATIO WALLS; FOR PROPERTY LOCATED AT 7375 BIG CYPRESS COURT. (Roig)**

A motion was made by Councilmember Nancy Simon to defer the item to the November 18, 2008 Zoning Meeting. The motion received a second from Councilmember Mary Collins. Mayor Michael Pizzi called for the vote and all were in favor.

**H. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO REQUESTS FILED BY JOSE E. LEMUS IN ACCORDANCE WITH DIVISIONS 3.4, 4.3(e)2.d AND 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") FOR 1) SITE PLAN APPROVAL FOR AN ENCLOSED AIR-CONDITIONED SPACE AND SEVERAL VARIANCE REQUESTS TO WAIVE: 2) DIVISION 4.3(d)17.a OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY CONSTRUCTED OF CBS CONSTRUCTION TO MATCH THE RESIDENCE; 3) DIVISION 4.3(d)17.c OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY EXTENDING ABOVE THE HEIGHT OF THE PATIO WALLS; 4) DIVISION 6.5(b)6.c(1) OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY WITH A TOTAL OF 594.25 SQUARE FEET IN AREA WATERWARD OF THE TOP OF SLOPE BUT LANDWARD OF THE WATER'S EDGE 5) DIVISION 6.5(b)6.d(2) OF THE TOWN LDC TO PERMIT A TOTAL OF 594.25 SQUARE FEET OF PROPOSED DECK AREA WATERWARD OF THE TOP OF SLOPE; 6) DIVISION 6.5(b)6.b(1) OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 26 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; 7) DIVISION 4.3(d)19 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 60 SQUARE FEET OF TOTAL AREA; 8) DIVISION 4.3(d)19 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 8 FEET IN HEIGHT, FOR PROPERTY LOCATED AT 6789 CROOKED PALM LANE. (Roig)**

Councilmember Mary Collins made a motion to adopt the resolution with staff recommendations. The motion received a second from Councilmember Robert Meador. Town Clerk, Debra Eastman, called the roll and all were in favor.

**I. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL**

**VARIANCE REQUESTS FILED BY PLACIDO AND LUISA YZQUIERDO IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 4.3(d)17.a OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY CONSTRUCTED OF CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISION 4.3(d)17.c OF THE TOWN LDC TO PERMIT SUPPORTS FOR A PROPOSED ATTACHED CANOPY TO EXTEND ABOVE THE HEIGHT OF THE PRIVACY WALLS; 3) DIVISION 6.5(b)6.c(1) OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY WITH A TOTAL 281.67 SQUARE FEET IN AREA WATERWARD OF THE TOP OF SLOPE BUT LANDWARD OF THE WATER'S EDGE; 4) DIVISION 6.5(b)6.d(2) OF THE TOWN LDC TO PERMIT 281.67 SQUARE FEET OF PROPOSED DECK WATERWARD OF THE TOP OF THE SLOPE; 5) DIVISION 6.5(b)6.b(1) OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 27 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; FOR PROPERTY LOCATED AT 6721 CROOKED PALM LANE. (Roig)**

Councilmember Mary Collins made a motion to adopt the resolution with staff recommendations. The motion received a second from Councilmember Nancy Simon. Town Clerk, Debra Eastman, called the roll and all were in favor.

**7. FUTURE MEETINGS:**

November 12, 2008 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 PM  
November 18, 2008 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 6:00 PM

**8. ADJOURNMENT:** There being no further business to come before the meeting it adjourned at 7:35 p.m.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Michael Pizzi, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014


**ITEM 8 B**



## TOWN OF MIAMI LAKES

### Council Memorandum

To: Honorable Mayor and Town Council

From: Evelyn Roig, Interim Town Manager 

Subject: Fine Reduction Case # C2006-1063 (Reed D. Gordon/Kathleen Gordon)

Date: November 12, 2008

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#### **Recommendation:**

It is recommended that the Town Council authorize the Town Manager to reduce the Code Compliance fine from \$10,642.74 to \$5,321.37 for a total reduction of 50% of the initial fine.

#### **Background:**

On October 3, 2006, the Code Compliance officer (the "Officer") was notified that property 15909 W. Troon Circle had concrete forms and buttons on the swale area and landscaping blocking the sidewalk.

On October 4, 2006, the Officer issued the property owners a "Verbal Warning" and advised them of the deadline to comply of October 10, 2006.

On November 15, 2006, the Officer visited the site and issued a "Warning of Violation" for "maintaining concrete forms on the swale area and for overgrown areca palms on the property"; the Warning of Violation had an expiration date of November 30, 2006.

On April 6, 2008, upon inspection of the property the Officer noted that the concrete forms had not been removed from the swale area and subsequently issued a Citation (#4808) which had an expiration date of April 26, 2008.

On June 11, 2008, a second inspection was performed on the property and the concrete forms still remained on the swale area.

The Violators failed to request a hearing and the case was heard before the Special Master as an Order Imposing Civil Penalties on July 24, 2008. Based on the findings of the Special Master the following "Order" was executed:

"It is, therefore, ORDERED that the Violators shall correct the violations of the Town Code and pay civil penalties of Five Hundred Dollars (\$500) and shall pay

additional civil penalties of Five Hundred Dollars (\$500) per day retroactive to April 27, 2008 until the Violators comply with the Citation.”

The following is a breakdown of the accrued civil penalties as per the Special Master Order and the amount paid by the Violators:

Initial Fine	\$ 500.00
Fines x 20 days	\$ 10,000.00
Recording fees	\$ 37.00
Interest	\$ 96.25
Per diem (2.74 x 12 days)	\$ 9.49
Administrative fee	\$ 0.00
<b>Total</b>	<b>\$ 10,642.74</b>

The Town has incurred costs to process the case in the amount of \$618.00. The costs are comprised of staff time, attorney fees, Special Master Fee and other associated costs.

On September 24, 2008 the Town received a written request for a fine reduction from the Violators. Town Resolution number 04-195 does not allow the Town Manager to settle “after” an Order was executed by the Special Master.

Given the nature of this violation, and the fact that the violation was corrected by the Violators by removing the concrete forms from the swale area, and by making full payment of the fine, staff recommends a fine reduction be approved by the Town Council.

**RESOLUTION NO. 08-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE REQUEST OF REED D. GORDON AND KATHLEEN GORDON TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2006-1063; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”), through its Code Compliance Department, issued Citation No. C2006-1063 to Reed D. Gordon and Kathleen Gordon (the “Violators”); and

**WHEREAS**, the Violators were issued a Citation, the violation was subsequently corrected and the Violators paid the Town the fine of \$10,642.74; and

**WHEREAS**, the Violators have requested that the Town reduce the fine and the Town Manager having reviewed the file has recommended to the Town Council approval of a reduction of the fine to \$5,321.37.

**WHEREAS**, the Violators have agreed to sign a release of the Town from any claims relating to the Citation as a condition of the reduction.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.**     The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Reduction of Fine.**     The civil penalty/fine for Code Compliance Case No. C2006-1063 is reduced to \$5,321.37. The Town Manager is authorized to execute appropriate documents, including a release and waiver by the Violators for any and all

claims relating to the citation and this reduction, to facilitate the return of the balance of already paid fines to the Violators.

**Section 3.** **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Motion to adopt by \_\_\_\_\_, second by \_\_\_\_\_.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	_____
Vice Mayor Richard Pulido	_____
Councilmember Mary Collins	_____
Councilmember Robert Meador II	_____
Councilmember Nicolas Perdomo	_____
Councilmember Nancy Simon	_____
Councilmember Vacant	_____

\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

\_\_\_\_\_  
Debra E. Eastman  
TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L.  
TOWN ATTORNEY



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014


**ITEM 8 C**



## Town of Miami Lakes

### Council Memorandum

To: Honorable Mayor and Town Council

From: Evelyn Roig, Interim Town Manager 

Subject: Royal Oaks Park Playground Swing Set Resurfacing Project

Date: November 12, 2008

---

#### **Recommendation:**

It is recommended that the Town Council approve the proposed resolution for Playground Services, Inc. to add poured in place rubber playground surfacing under the swing set at the Royal Oaks Park in the amount of \$13,767.

#### **Background**

In the September 2008 budget hearings, the Town Council allocated budgeted funds to replace the existing playground mulch safety surfacing with poured in place rubber playground safety surfacing under the swing set at the Royal Oaks Park playground. The project will add enhanced ADA accessibility to the swing set structure.

Town staff obtained estimates from contractors specializing in playground safety surfacing. Three contractors: Playground Services, Advanced Recreational Concepts, and Playmore Recreational Services were contacted by Town staff to assess the condition of the swing set area and provide a resurfacing plan and estimate. All three contractors responded and of the three contractors responding, the Town has determined that Playground Services has offered the best and lowest overall pricing terms.

The funds for this project will come from the Royal Oaks Park Improvements line item.

RESOLUTION NO. 08-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE PURCHASE ORDER WITH PLAYGROUND SERVICES, INC. FOR PLAYGROUND RESURFACING AT ROYAL OAKS PARK; AUTHORIZING TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PURCHASE ORDER; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) has determined that there is a need to replace portions of the existing playground surfacing at Royal Oaks Park (the “Project”); and

**WHEREAS**, the Town requested quotes from three (3) contractors and all three (3) responded with their quotations for the work; and

**WHEREAS**, of the three (3) responding vendors the Town Manager finds that the estimate from Playground Services, Inc. (“Vendor”) has offered the best and lowest overall pricing terms and recommends the selection of Vendor as the vendor for the Project, subject to the terms and conditions of a purchase order (the “Purchase Order”); and

**WHEREAS**, the Town Council finds that approval of Vendor, along with the Purchase Order, is in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval of Vendor and Purchase Order.** The Purchase Order between Playground Services, Inc. and the Town of Miami Lakes for the site preparation, which includes

replacing portions of the existing playground surfacing at Royal Oaks Park (the “Purchase Order”), a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Authorization of Town Officials.** The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Purchase Order.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town’s Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Purchase Order.

**Section 5. Execution of Purchase Order.** The Town Manager is authorized to execute the Purchase Order on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Purchase Order and to execute any extensions and/or amendments to the Purchase Order, subject to review and approval by the Town Attorney.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

Motion to adopt by \_\_\_\_\_, second by \_\_\_\_\_.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi \_\_\_\_\_  
Vice Mayor Richard Pulido \_\_\_\_\_  
Councilmember Mary Collins \_\_\_\_\_  
Councilmember Robert Meador II \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_  
Councilmember Vacant \_\_\_\_\_

\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

\_\_\_\_\_  
Debra Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.L.  
TOWN ATTORNEY



**Town of Miami Lakes**

15700 NW 67th Ave  
 Miami Lakes, FL  
 Phone: (305) 364-6100  
 Fax: (305) 558-8511

**Purchase Order**

**PO Number: 3861**

Date: 11/4/2008

Email [GreeneE@TownOfMiamiLakes.com](mailto:GreeneE@TownOfMiamiLakes.com)

**Vendor: PLAYGROUND SERVICES, INC.**

**Address: 12145 SW 114 PLACE**

**Phone: 3059698797**

**Fax:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**Quote:** \_\_\_\_\_

Quantity	Size/Color	Description	Unit Price	Amount	Fund	Class	Account	Obj Code	Ext	Description
608		608 SF Poured in Place Safety Surface, EPDM 50% standard color @ 3" thick	\$15.90	\$9,667.20	9667.20	PARKS	572	63	30	ROYAL OAKS PARK IMPROVEMENTS OTHER THAN BUILDINGS
1		4" Concrete Slab Prep for Rubber Surface	\$3,500.00	\$3,500.00	3500.00	PARKS	572	63	30	ROYAL OAKS PARK IMPROVEMENTS OTHER THAN BUILDINGS
1		Removal of debris including 608 SF of existing mulch and disposal	\$600.00	\$600.00	600.00	PARKS	572	63	30	ROYAL OAKS PARK IMPROVEMENTS OTHER THAN BUILDINGS

**Subtotal:** \$13,767.20

**TAX EXEMPT No. 23-08521364-54C**

**Shipping:** \$0.00

**Misc:** \$0.00

**Discount:** \$0.00

**Invoice Shall Not Exceed This Amount**

**Balance:** \$13,767.20

**Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Resolution #:  
 \* If over \$10,000 must get Town Council Approval prior to issuing purchase order  
 ORIGINAL (including Packing Slip/Invoice) - TO FINANCE DEPT. COPY - TO TOWN CLERK - COPY TO VENDOR

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*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014


**ITEM 8 D**



## **TOWN OF MIAMI LAKES MEMORANDUM**

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To: Honorable Mayor and Town Council

From: Evelyn Roig, Interim Town Manager 

Subject: Comprehensive Plan Amendments Phase I – Professional Services Agreement

Date: November 12, 2008

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### **Recommendation:**

It is recommended that the Town Council approve the proposed work order in the amount of \$67,000 as per our adopted 08-09 Budget to address Phase I of the Comprehensive Plan Amendments as required by the Department of Community Affairs (DCA).

### **Background**

On September 23, 2008 the Town Council approved the Town's Budget for fiscal year 08-09 providing for \$67,000 to address Comprehensive Plan amendments as required by DCA. The approval of this agreement will authorize Kimley-Horn and Associates to complete Phase I of the DCA required Comprehensive Plan Amendments providing for the following work products:

**I. Water Supply Work Plan: \$17,000**

The local governments located in the Lower East Coast planning region must prepare their 10-year water supply facilities work plans and update their comprehensive plans.

**II. Capital Improvements Element Update: \$9,000**

An annual update to the Five-Year Schedule of Capital Improvements is required to be submitted by December 1, 2008 and yearly thereafter.

**III. EAR Based Amendments Phase I: \$41,000**

Florida Statutes require all local governments to prepare an Evaluation and Appraisal Report (EAR) assessing the progress in implementing their Comprehensive Plan. The Department of Community Affairs found the Town of Miami Lakes adopted Evaluation and Appraisal Report (EAR) sufficient in June 2008. The DCA required EAR revisions shall include updates to the various Comprehensive Plan Elements, and are required to be submitted by December 2009. Phase I will provide for the Update of Comprehensive Plan Element Reports. Thus Phase I will be providing the necessary analysis that will allow the EAR Amendment Goals, Objective and Policies to be finalized and Public Workshops and Hearings facilitated as provided for in Phase II under a separate agreement.

Failure to amend the Comprehensive Plan as required will prohibit adoption of Comprehensive Plan amendments.

**RESOLUTION NO. 08 \_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC., AND THE TOWN OF MIAMI LAKES TO ADDRESS PHASE I COMPREHENSIVE PLAN AMENDMENTS; AUTHORIZING THE TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) has retained the services of Kimley-Horn and Associates, Inc. (“Kimley-Horn”) as Town Engineer; and

**WHEREAS**, Kimley-Horn has prepared a Project Agreement for Work Authorization No. 08/09-04 to address Phase I Comprehensive Plan Amendments (the “Project Agreement”); and

**WHEREAS**, the intent of the Project Agreement is to develop Phase I Comprehensive Plan Amendments as required by the Department of Community Affairs (the “Project”); and

**WHEREAS**, Kimley-Horn has agreed to provide the services for the Project pursuant to the terms of the Project Agreement; and

**WHEREAS**, the Town Council finds that approval of the Project Agreement between the Town and Kimley-Horn for the Project is in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval of the Project Agreement.** Work Authorization No. 08/09-04 between Kimley-Horn and the Town of Miami Lakes to address Phase I Comprehensive Plan Amendments 08/09-04 (the “Project Agreement”), a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Project Agreement.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town’s Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Project Agreement.

**Section 5. Execution of the Project Agreement.** The Town Manager is authorized to execute the Project Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Project Agreement and to execute any extensions and/or amendments to the Project Agreement, subject to the approval as to form and legality by the Town Attorney.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

Motion to adopt by \_\_\_\_\_, second by \_\_\_\_\_.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi \_\_\_\_\_  
Vice Mayor Richard Pulido \_\_\_\_\_  
Councilmember Mary Collins \_\_\_\_\_  
Councilmember Robert Meador II \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_  
Councilmember Vacant \_\_\_\_\_

\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
TOWN ATTORNEY  
Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.L.

**PROJECT AGREEMENT**

Between

**TOWN OF MIAMI LAKES, FLORIDA**

And

**KIMLEY-HORN AND ASSOCIATES, INC.**

for

Work Authorization No. 08/09-04

1. Water Supply Work Plan and related amendments
2. Annual Capital Improvements Element Update and related amendments
3. EAR-based Comprehensive Plan Amendments

## PROJECT AGREEMENT

Between

THE TOWN OF MIAMI LAKES, FLORIDA

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 08/09-04

1. 10-Year Water Supply Work Plan and related amendments
2. Annual Capital Improvements Element Update and related amendments
3. EAR-based Comprehensive Plan Amendments

Pursuant to the provisions contained in the "Continuing Services Agreement" between the TOWN OF MIAMI LAKES, FLORIDA (the "TOWN") and KIMLEY-HORN AND ASSOCIATES, INC., (the "CONSULTANT") dated May 15, 2002, this Project Agreement authorizes the CONSULTANT to provide the services as set forth for the following comprehensive plan amendments as required by Chapter 163 of the Florida Statutes.

### **SECTION 1: THE PROJECT**

1.1 **10-Year Water Supply Facilities Work Plan with Data and Analysis Report, and Related Amendments.** To comply with the requirements of the State of Florida relating to the need for greater coordination between local government comprehensive plans and the regional water supply plans prepared by the water management districts, each local government is required to prepare a 10-year water supply facilities work plan and incorporate the work plan into their comprehensive plan. To ensure the availability of adequate water supply, the Town of Miami Lakes shall adopt a 10-Year Water Supply Facilities Work Plan ("Work Plan") for those water supply projects identified to serve the Town's water users and requiring Town funding, and a supporting data and analysis report. The Town shall also adopt Comprehensive Plan ("Plan") amendments based on the South Florida Water Management District's ("SFWMD") *Lower East Coast Regional Water Supply Plan, 2005-2006 Update* adopted on February 15, 2007, and consistent with the Miami-Dade County Comprehensive Plan. The TOWN shall amend the Plan to include water supply planning-related revisions to the following elements:

- Potable Water Sub-Element of the Infrastructure Element,
- Conservation Element,
- Intergovernmental Coordination Element ("ICE"), and
- Capital Improvements Element ("CIE").

The Town's 10-Year Water Supply Plan is required to be adopted and submitted to the Florida Department of Community Affairs ("DCA") by August 15, 2008.

1.2 **Annual Capital Improvements Element Update.** To comply with the statutory regulations, all local governments in Florida are required to annually update their Capital Improvements Element of the comprehensive plan. The Five-Year Schedule of Capital Improvements is required to be submitted to the DCA by December 1, 2008 and every year thereafter.

1.3 **EAR-Based Comprehensive Plan Amendments.** The CONSULTANT is currently under contract with the TOWN to prepare and obtain State approval of the Town's Evaluation and Appraisal Report ("EAR") per the requirements of the Section 163.3191, Florida Statutes. The next step to fulfilling the statutory requirements is to adopt amendments to the Town's Comprehensive Plan based on the EAR. The EAR-based amendments must be adopted within 18 months of the adoption date of the EAR pursuant to Section 163.3191, F.S. The scope of services related to updating the TOWN's Comprehensive Plan will be based on the findings and recommendations from the TOWN's adopted EAR.

## **SECTION 2. SCOPE OF SERVICES**

The TOWN and CONSULTANT agree to the Scope of Services attached hereto as Exhibit "A" and made a part hereof for the above-mentioned services.

## **SECTION 3. ADDITIONAL SERVICES**

3.1 The CONSULTANT shall be available to provide additional services relating to the Comprehensive Plan, Land Development Code, and other implementation activities including, but not limited to the following:

- a. ORC Report response
- b. Meetings not identified in the scope
- c. Additional data collection
- d. Preparation of graphic displays, handouts, and any other appropriate presentation aids for all meetings not identified in the scope
- e. Consulting services related to implementation of water supply planning
- f. GIS / mapping services not identified in the scope
- g. Intergovernmental coordination
- h. Modifications to Comprehensive Plan Elements not identified in the scope
- i. Community planning, urban design, economic and engineering studies and plans as appropriate
- j. Development review
- k. Meetings, workshops, and charrettes not specifically referenced in the above scope of services

- l. Additional reproduction needs for draft/final documents referenced in the above scope of services
- m. Revisions to land subdivision and/or signage regulations in the TOWN's Unified Land Development Code

#### **SECTION 4. TERM/TIME OF PERFORMANCE/DAMAGE**

4.1 **Term.** This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect for eighteen (18) months, unless otherwise terminated pursuant to Section 7 or other applicable provisions of this Project Agreement. The Town Manager, in his or her sole discretion, may extend the term of this Agreement through written notification to the CONSULTANT. Such extension shall not exceed 30 days. No further extensions of this Agreement shall be effective unless authorized by the TOWN Council.

4.2 **Commencement.** The CONSULTANT'S services under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notification of Commencement ("Commencement Date") provided to the CONSULTANT from the TOWN. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. CONSULTANT must receive written notice from the Town Manager prior to beginning the performance of services.

4.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the TOWN on the Commencement Date, and shall continuously perform services to the TOWN, without interruption, in accordance with the time frames set forth above. The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, shall constitute the Contract Time.

4.4 **Liquidated Damages.** Unless otherwise excused by the TOWN in writing, in the event that the CONSULTANT fails to meet to the contract time for completion of services as determined by the Project Schedule, the CONSULTANT shall pay to the TOWN the sum of dollars identified below per day for each and every calendar day unexcused delay beyond the completion date, plus approved time extensions, until completion of the project: \$0.00 per day. The CONSULTANT may claim extension if the factors involved are not under their direct control.

Any sums due and payable hereunder by the CONSULTANT shall be payable, not as a penalty, but as liquidated damages representing an estimate at or before the time of executing this Agreement. When the TOWN reasonably believes that completion will be inexcusably delayed, the TOWN shall be entitled, but not required, to withhold from any amounts otherwise due the CONSULTANT an amount then believed by the TOWN to be adequate to recover liquidated damages applicable to such delays. If and when the CONSULTANT overcomes the delay in achieving completion, or any part thereof, for which the

TOWN has withheld payment, the TOWN shall promptly release to the CONSULTANT those funds withheld, but no longer applicable, as liquidated damages.

4.5 All limitations of time set forth in this Agreement are of the essence.

## **SECTION 5. AMOUNT, BASIS AND METHOD OF COMPENSATION**

5.1 **Lump Sum Compensation.** The TOWN and CONSULTANT agree to the Lump Sum Compensation attached hereto as Exhibit "B" and made a part hereof.

5.2 **Reimbursable Expenses.** The following expenses are reimbursable at their actual cost: travel and accommodations, long distance telephone calls, facsimile, courier services, mileage (at a rate approved by the TOWN), photo and reproduction services. All document reproductions are also reimbursable, at a rate approved by the TOWN.

## **SECTION 6. BILLING AND PAYMENTS TO THE CONSULTANT**

### **6.1 Invoices**

6.1.1 **Compensation and Reimbursable Expenses.** CONSULTANT shall submit invoices which are identified by the specific project number 08/09-04 on a monthly basis in a timely manner. Invoices shall not exceed amounts allocated in the Scope of Services provided as Exhibit "A" to this Project Agreement, plus reimbursable expenses accrued during each phase. The statement shall show a summary of fees with accrual of the total and credits for portions previously paid by the TOWN. The TOWN shall pay CONSULTANT within thirty (30) calendar days of approval by the Town Manager of any invoices submitted by CONSULTANT to the TOWN.

6.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the TOWN for payment to the CONSULTANT is disputed, or additional backup documentation is required, the TOWN shall notify the CONSULTANT within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The CONSULTANT shall provide the TOWN with additional backup documentation within five (5) working days of the date of the TOWN'S notice. The TOWN may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The TOWN, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

6.3 **Suspension of Payment.** In the event that the TOWN becomes credibly informed that any representations of the CONSULTANT, provided pursuant to Subparagraph 6.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this Project Agreement, the TOWN may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy,

or other breach of Project Agreement, and the cause thereof, is corrected to the TOWN's reasonable satisfaction.

6.4 **Retainage.** The TOWN reserves the right to withhold retainage in the amount of ten percent (10%) of any payment due to the CONSULTANT until the project is completed. Said retainage may be withheld at the sole discretion of the Town Manager and as security for the successful completion of the CONSULTANT'S duties and responsibilities under the Project Agreement.

6.5 **Final Payment.** Submission of the CONSULTANT'S invoice for final payment and reimbursement shall constitute the CONSULTANT'S representation to the TOWN that, upon receipt from the TOWN of the amount invoiced, all obligations of the CONSULTANT to others, including its consultants, incurred in connection with the Project, shall be paid in full. The CONSULTANT shall deliver to the TOWN all documents requested by the TOWN evidencing payments to any and all subcontractors, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the TOWN by the CONSULTANT.

## **SECTION 7. TERMINATION/SUSPENSION**

7.1 **For Cause.** This Project Agreement may be terminated by either party upon five (5) calendar days written notice to the other party should the other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that CONSULTANT abandons this Project Agreement or causes it to be terminated by the TOWN, the CONSULTANT shall indemnify the TOWN against any loss pertaining to this termination. In the event that the CONSULTANT is terminated by the TOWN for cause and it is subsequently determined by a court by a court of competent jurisdiction that such termination was without cause, such termination shall thereupon be deemed a termination for convenience under Section 7.2 of this Project Agreement and the provision of Section 7.2 shall apply.

7.2 **For Convenience.** This Project Agreement may be terminated by the TOWN for convenience upon fourteen (14) calendar days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the Project and shall, to the extent possible, terminate any outstanding sub consultant obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the TOWN and for reimbursable expenses incurred prior to the date of termination. The CONSULTANT shall promptly submit its invoice for final payment and reimbursement and the invoice shall comply with the provisions of Paragraph 6.1 of this Project Agreement. Under no circumstances shall the TOWN make any payment to the CONSULTANT for services which have not been performed.

7.3 **Assignment upon Termination.** Upon termination of this Project Agreement, a copy of all of the CONSULTANT's work product shall become the property of the TOWN and the CONSULTANT shall, within ten (10) working days of receipt of written direction from the

TOWN, transfer to either the TOWN or its authorized designee, a copy of all work product in its possession, including but not limited to designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this Project Agreement. Further, upon the TOWN'S request, the CONSULTANT shall assign its rights, title and interest under any subcontractor's agreements to the TOWN.

7.4 **Suspension for Convenience.** The TOWN shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to thirty (30) calendar days. If any such suspension is directed by the TOWN, the CONSULTANT shall immediately comply with same. In the event the TOWN directs a suspension of performance as provided for herein through no fault of the CONSULTANT, the TOWN shall pay to the CONSULTANT its reasonable costs, actually incurred and paid, of demobilization and remobilization, as full compensation for any such suspension.

**SECTION 8. INCORPORATION OF TERMS AND CONDITIONS OF CONTINUING SERVICE AGREEMENT**

8.1 This Project Agreement incorporates the terms and conditions set forth in the Continuing Services Agreement dated May 15, 2002 between the parties as though fully set forth herein. In the event that any terms or conditions of this Project Agreement conflict with the Continuing Services Agreement, the provisions of this specific Project Agreement shall prevail and apply.


[THE REST OF THIS SPACE LEFT BLANK INTENTIONALLY]

**TOWN OF MIAMI LAKES**

By: \_\_\_\_\_  
Evelyn Roig, Interim Town Manager

Date: \_\_\_\_\_

**KIMLEY-HORN AND ASSOCIATES, INC.**

By:  \_\_\_\_\_  
Gary Ratay, P.E.  
Vice President

By: \_\_\_\_\_  
Poorna Bhattacharya, AICP  
Project Manager

Date: \_\_\_\_\_

**EXHIBIT “A”  
SCOPE OF SERVICES**

**TASK 1. 10-YEAR WATER SUPPLY WORK PLAN, DATA AND ANALYSIS REPORT, AND AMENDMENTS**

The CONSULTANT shall provide professional consulting services related to the creation of documents to satisfy requirements and deadlines established for water supply planning.

**Task 1.1: Data Collection**

The CONSULTANT shall coordinate with the TOWN to obtain all pertinent documents that will serve as the basis for this project from Miami-Dade County and the South Florida Water Management District. The documents listed below will be reviewed for the data required pursuant to Chapter 163, F.S., and Rule 9J-5.015, F.A.C., for inclusion in the Town of Miami Lakes Comprehensive Plan:

- South Florida Water Management District’s *Lower East Coast Regional Water Supply Plan, 2005-2006 Update*
- Miami-Dade County Water Supply Facilities Work Plan (2007)

*Deliverable: Not Applicable*

**Task 1.2: 10-Year Water Supply Facilities Work Plan (Work Plan), and Data and Analysis Report**

The CONSULTANT shall utilize the data available from the South Florida Water Management District and Miami-Dade County, and coordinate with the District and County as necessary, to identify potential water supply projects for inclusion within the Town of Miami Lakes Capital Improvements Element. The CONSULTANT shall prepare the data and analysis to support the TOWN’s Work Plan. The data and analysis report may conclude that no projects have yet been identified for inclusion in the Town’s Capital Improvement Element since the Town is not a service provider. The Work Plan and its accompanying data and analysis report will include:

- Projections of future water supply and demand for at least the next 10 years based upon the City’s population projection;
- Identification of existing water sources and facilities;
- Identification of alternative water sources, conservation, reuse, and the need for new and expanded facilities;
- Cost analysis and funding for capital improvements projects (if needed);
- Demonstration of coordination with water supplier and geographic service area of supplier; and
- Inventory of existing water supply facilities; including design capacities, current demand, and consumptive use permit information.

*Deliverable: Draft Data and Analysis Report (5 copies)*

**Task 1.3: Comprehensive Plan Amendments to Goals, Objectives, and Policies Related to Water Supply Planning**

The CONSULTANT shall prepare amendments associated with water supply planning for the Town of Miami Lakes Comprehensive Plan to satisfy the requirements of the Florida Statutes and the Florida Administrative Code relating to water supply planning. The amendments will address consistency with the South Florida Water Management District's regional water supply plan, and Miami-Dade County's Water Supply Facilities Work Plan and Miami-Dade County's related Comprehensive Plan amendments.

These amendments shall incorporate water supply planning into, at a minimum:

- Potable Water Sub-Element of the Infrastructure Element,
- Conservation Element,
- Intergovernmental Coordination Element,
- Capital Improvement Element, and may include
- Future Land Use Element.

Additionally, the concurrency management system portion of the CIE will be revised to include water supply planning, as well as any identified changes to the capital improvement program. The amendments shall include, where appropriate, text, maps, and tables for water supply planning and coordination.

*Deliverable: Draft Goals, Objectives, and Policies (5 copies)*

**Task 1.4: Public Hearings**

The CONSULTANT shall attend three public hearings needed for the transmittal and adoption of the Comprehensive Plan Elements. The meetings anticipated during this process include:

- LPA Hearing
- Town Council Transmittal Hearing
- Town Council Adoption Hearing

The TOWN staff shall be responsible for preparing public notices and ordinances required for transmittal of the adoption package.

*Deliverable: Hearing Presentations (2 copies)*

**Task 1.5: Comprehensive Plan Amendment Transmittals**

The CONSULTANT shall assist the TOWN staff with the transmittal of the amendment package to the DCA including the transmittal letter and required attachments as outlined under Rule 9J-

11.011 of the Florida Administrative Code for transmittal and adoption.

*Deliverable: Adopted Comprehensive Plan Elements (One electronic and three printed copies)*

**Task 1.6: Response to DCA Objections, Recommendations and Comments Report**

After transmittal, a 60-day review window begins for the DCA and other appropriate review agencies to review the amendment, coordinate input from other agencies and offer its Objections, Recommendations, and Comments (“ORC”) report concerning the TOWN’s proposed Comprehensive Plan amendment. Within the 60-day review period, the CONSULTANT will remain in contact with the assigned reviewer for the DCA to answer questions and facilitate the review process. The CONSULTANT shall then review the ORC report prepared by DCA and partner with TOWN staff to prepare a written ORC response. The CONSULTANT shall revise the 10-Year Water Supply Facilities Work Plan, associated Data and Analysis Report, and proposed Comprehensive Plan amendments, based upon recommendations and comments from the DCA ORC report. Based on our understanding and experience, we do not anticipate any major comments that will involve a significant work effort. In necessary, this task will be prepared under a separate scope and fee.

**TASK 2. CAPITAL IMPROVEMENTS ELEMENT UPDATE**

The CONSULTANT shall provide professional consulting services related to the creation of documents to satisfy requirements and deadlines established for the annual Capital Improvements Element (“CIE”) Update.

**Task 2.1: Update CIE Data, Inventory, and Analysis Report**

The CONSULTANT shall update the data, inventory, and analysis (“DIA”) of the Capital Improvements Element based upon the information provided by the TOWN. The update shall include updated information regarding revenue sources, funding mechanisms, special funding sources, and the level of service (“LOS”) strategy. The CONSULTANT shall also update the policy references in the DIA.

The CONSULTANT shall also prepare the LOS analysis for the following public facilities:

- Sanitary sewer
- Solid waste
- Stormwater management
- Potable water
- Parks and recreation
- Transportation
- Public schools

The CONSULTANT shall utilize the information and analysis gathered as part of the Evaluation and Appraisal Report (“EAR”) in preparing this analysis, along with the data from the Miami-Dade County Interlocal Agreement and Public School Facilities Element. The Town will provide budget information, 5-Year CIP and other CIP related information. The CONSULTANT shall provide the draft DIA report to TOWN staff for review and comment. Up to two rounds of revisions will be made based on input from TOWN staff.

*Deliverable: Draft Data and Analysis Report (5 copies)*

**Task 2.2: Update CIE Goals, Objectives and Policies**

The CONSULTANT shall update the goals, objectives, and policies (“GOPs”) based upon the recommendations of the Evaluation and Appraisal Report and consistent with Rule 9J-5.016, Florida Administrative Code. The CONSULTANT shall provide the draft DIA report to TOWN staff for review and comment. Up to two rounds of revisions will be made based on input from TOWN staff.

*Deliverable: Draft Goals, Objectives, and Policies (5 copies)*

**Task 2.3: Public Hearings**

The CONSULTANT shall attend three public hearings needed for the preparation, transmittal and adoption of the Comprehensive Plan Elements. The meetings anticipated during this process include:

- LPA Hearing
- Town Council Transmittal Hearing
- Town Council Adoption Hearing

The TOWN staff shall be responsible for preparing public notices and ordinances required for transmittal of the adoption package.

*Deliverable: Hearing Presentations (2 copies)*

**Task 2.4: Comprehensive Plan Amendment Transmittals**

The CONSULTANT shall assist the TOWN staff with the transmittal of the amendment package to the Department of Community Affairs including the transmittal letter and required attachments as outlined under Rule 9J-11.011 of the Florida Administrative Code for transmittal and adoption.

*Deliverable: Adopted Capital Improvements Element (One electronic and three printed copies)*

### **Task 2.5: Response to DCA ORC Report**

After transmittal, a 60-day review window begins for the DCA and other appropriate review agencies to review the amendment, coordinate input from other agencies and offer its ORC report concerning the TOWN's proposed Comprehensive Plan amendment. Within the 60-day review period, the CONSULTANT will remain in contact with the assigned reviewer for the DCA to answer questions and facilitate the review process. The CONSULTANT shall then review the ORC report prepared by DCA and partner with TOWN staff to prepare a written ORC response. The CONSULTANT shall revise the Capital Improvements Element and the 5-Year Capital Improvements Plan, and associated Data and Analysis Report based upon recommendations and comments from the ORC Report. Based on our understanding and experience, we do not anticipate any major comments that will involve a significant work effort. If necessary, this task will be prepared under a separate scope and fee.

### **TASK 3. EAR-BASED AMENDMENTS**

#### **Task 3.1: Update Plan Elements Data, Inventory, and Analysis Reports**

The CONSULTANT shall update the individual DIA reports for each element for the TOWN's Comprehensive Plan pursuant to Rule 9J-5 of the Florida Administrative Code. To the fullest extent possible, the limited information already prepared for the EAR under our existing contract will be incorporated into the individual DIA Reports. The Data, Inventory, and Analysis Reports for the following elements will be updated:

- Future Land Use
- Transportation
- Housing
- Infrastructure
- Recreation and Open Space
- Conservation
- Intergovernmental Coordination
- Community Design

As part of the DIA updates, the CONSULTANT shall update the map series for each element and update the following:

- Population projections
- Demographic data
- Existing and Programmed Infrastructure
- Parks & Open Space
- Housing data
- Land Use and Annexations

The CONSULTANT shall prepare draft DIA reports for the eight plan elements referenced above and submit these documents to TOWN staff for review and comment. One round of revisions will be made to the draft DIA reports. This scope assumes that no revisions will be made to the Public School Facilities and the Capital Improvements Elements due to the recent adoption of the two elements prior to the completion of the EAR-based amendments, unless additional amendments are necessary due to the completion date of the EAR coinciding with the 2009 CIE annual update.

*Deliverable: Draft Data, Inventory, and Analysis Reports (6 copies)*

**Task 3.2: Update Plan Element Goals, Objectives and Policies**

With the recommended amendments from the EAR and the individual Data, Inventory, and Analysis Reports serving as the foundation, the CONSULTANT shall update the GOPs for each of the eight comprehensive plan elements referenced under Task 3.1. Draft GOPs shall be presented to TOWN staff for review and comment. One round of revisions will be made to the draft GOPs.

*Deliverable: Draft Goals, Objectives, and Policies (6 copies)*

**Task 3.3: Public Involvement**

Up to two community workshops will be conducted as part of this scope of services to present the updated DIA information and solicit input for the GOPs for all comprehensive plan elements. Prior to these workshops, the CONSULTANT will conduct one visioning session with the TOWN Council to present and solicit input for the proposed GOPs. The TOWN will be responsible for securing the meeting space and advertising for the community workshops and visioning session.

*Deliverable: Summary of workshops and visioning session (2 copies)*

**Task 3.4: Public Hearings**

The draft Comprehensive Plan shall be presented to the Local Planning Agency (“LPA”) for review and comment at a publicly noticed hearing. Upon recommendation from the LPA, the Comprehensive Plan draft will be presented to TOWN Council at a publicly noticed meeting for transmittal to the Florida Department of Community Affairs and other appropriate review agencies. The TOWN staff will be responsible for public notices and ordinances required for transmittal of the amendment package and prepare the transmittal letter and attachments as outlined under Rule 9J-11.011, Florida Administrative Code.

The public hearings anticipated for the transmittal of the comprehensive plan include:

- LPA Hearing
- Town Council Transmittal Hearing

- Town Council Adoption Hearing

*Deliverable: Hearing Presentations*

**Task 3.5: Comprehensive Plan Transmittals**

The CONSULTANT shall assist the TOWN staff with the transmittal of the amendment package to the Department of Community Affairs including the transmittal letter and required attachments as outlined under Rule 9J-11.011 of the Florida Administrative Code for transmittal and adoption.

*Deliverable: Adopted Comprehensive Plan (One electronic and up to five printed copies)*

**Task 3.6: Response to DCA ORC Report**

After transmittal, a 60-day review window begins for the DCA and other appropriate review agencies to review the amendments, coordinate input from other agencies and offer its ORC report concerning the TOWN's proposed Comprehensive Plan. Within the 60-day review period, the CONSULTANT shall remain in contact with the assigned reviewer for the DCA to answer questions and facilitate the review process. The CONSULTANT shall then review the ORC report prepared by DCA and partner with TOWN staff to prepare a written ORC response. Significant changes to the Comprehensive Plan will be discussed with staff and local officials prior to submittal of an ORC response to TOWN Council for consideration. As it is difficult to scope this effort and define a project fee, a separate scope and fee will be provided to the Town, if necessary to address this task.

**EXHIBIT "B"**  
**AMOUNT, BASIS AND METHOD OF COMPENSATION**

**Lump Sum Compensation.** TOWN agrees to pay CONSULTANT the lump sum compensation as follows for this work authorization.

<b>Task 1: Water Supply Work Plan</b>	<b><u>Phase 1</u></b>	
Task 1.1: Data Collection	\$2,000.00	
Task 1.2: Work Plan Development and Supporting Data and Analysis Report	\$7,000.00	
Task 1.3: Element Goals, Objectives, and Policies Revisions	\$5,000.00	
Task 1.4: Public Hearings	\$2,000.00	
Task 1.5: Transmittal to DCA	\$1,000.00	
Task 1.6: DCA ORC Report Response	Add'l Services	
<hr/>		
<b>Task 1 Sub Total Lump Sum Compensation:</b>	<b>\$17,000.00</b>	
<b>Task 2: Capital Improvements Element Update</b>	<b><u>Phase 1</u></b>	
Task 2.1: Update CIE Data and Analysis Report	\$4,000.00	
Task 2.2: Element Goals, Objectives, and Policies Revisions	\$2,000.00	
Task 2.3: Public Hearings	\$2,000.00	
Task 2.4: Transmittal to DCA	\$1,000.00	
Task 2.5: DCA ORC Report Response	Add'l Services	
<hr/>		
<b>Task 2 Sub Total Lump Sum Compensation:</b>	<b>\$9,000.00</b>	
<b>Task 3: EAR-Based Amendments</b>	<b><u>Phase 1</u></b>	<b><u>Phase 2</u></b>
Task 3.1: Update Plan Element DIA Reports	\$41,000.00	
Task 3.2: Update Goals, Objectives and Policies	Add'l Services	\$29,000.00
Task 3.3: Public Involvement (two workshops)	Add'l Services	\$5,000.00
Task 3.4: Public Hearings	Add'l Services	\$2,000.00
Task 3.5: Final Comprehensive Plan Transmittal	Add'l Services	\$1,000.00
Task 3.6: DCA ORC Report Response	Add'l Services	Add'l Services
<hr/>		
	<b><u>Phase 1</u></b>	<b><u>Phase 2</u></b>
<b>Task 3 Sub Total Lump Sum Compensation:</b>	<b>\$41,000.00</b>	<b>\$37,000.00</b>
<b>Total Lump Sum Compensation</b>	<b>\$67,000.00</b>	<b>(Not part of this Agreement)</b>



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 8 E**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Councilmember Mary Collins

Date: November 12, 2008

Subject: Equalize Funding Based on Population

I requested that the Clerk place this resolution on the agenda for consideration of the Town Council. A similar Resolution was adopted by the City of North Miami Beach and they were kind enough to share it with us.

**RESOLUTION NO. 08-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature recently approved a state budget for fiscal year 2008-09 of approximately \$66 billion; and

**WHEREAS**, the state's fiscal year 2008-09 budget cut approximately \$5 Billion from the previous year's budget of more than \$71 Billion; and

**WHEREAS**, it has long been the public perception that the residents of Miami-Dade, Broward and Palm Beach Counties pay more in taxes to the State of Florida than these counties get back in state programs and services; and

**WHEREAS**, a recent study by the Miami Herald concluded that the people of Miami-Dade and Broward Counties sent over \$7.15 Billion in revenues to Tallahassee annually, but only received \$6.69 Billion back, resulting in a difference of \$460 Million, which equals \$144 for every adult in these two counties; and

**WHEREAS**, including Palm Beach County in this analysis likely would bring the annual difference to more than a half billion dollars between what the people of Miami-Dade, Broward and Palm Beach Counties contribute in tax revenue to the State of Florida compared with what the residents of these three counties receive back in state services and programs; and

**WHEREAS**, state funding probably can never be an exact science, but the Florida Legislature should strive as much as possible to provide each different region of the state its fair share of state funding.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.**     The foregoing Recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Mayor and Town Council.**     The Mayor and Council of the Town of Miami Lakes urge the Florida Legislature to provide each region of Florida, including South Florida, its fair share of state funding.

**Section 3.**     **Authorization of Town Clerk.**     The Town Clerk is hereby directed to transmit copies of this Resolution to the Governor, the President of the Florida Senate, the Speaker of the Florida House, the Mayor and Members of the Broward County Board of County Commissioners, the Chair and Members of the Palm Beach County Board of County Commissioners, and the Mayors, Chairs and members of the governing bodies of the municipalities within Miami-Dade, Broward and Palm Beach Counties.

**Section 4.**     **No Conflict.**     That all Resolutions, or parts of Resolutions in conflict herewith, be and the same hereby are superseded to the extent of such conflict.

**Section 5.**     **Effective Date.**     This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Motion to adopt by \_\_\_\_\_, second by \_\_\_\_\_.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi \_\_\_\_\_

Vice Mayor Richard Pulido \_\_\_\_\_

Councilmember Mary Collins \_\_\_\_\_  
Councilmember Robert Meador \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_  
Councilmember \_\_\_\_\_

\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
TOWN ATTORNEY  
Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.L.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 10**



# *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Evelyn Roig, Interim Town Manager

A handwritten signature in black ink, appearing to read "Evelyn Roig", is positioned to the right of the "From:" line.

Date: November 12, 2008

Subject: Fiscal Impact Ordinance

At the May 13, 2008 meeting, Town Council directed staff to prepare an ordinance that would allow for a fiscal impact statement to be added to any future legislation. The attached ordinance for first reading has been prepared for your consideration.

ORDINANCE NO. 2008-\_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, REQUIRING THAT A FISCAL IMPACT ANALYSIS BE PREPARED AS PART OF ANY PROPOSED TOWN LEGISLATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council for the Town of Miami Lakes (the "Town") finds that it is in the best interest for purposes of fiscal responsibility, that a fiscal analysis be included as part of any proposed Town legislation.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Fiscal Impact.** A new Section of the Town Code is created to read as follows:

**Section**           **Fiscal Impact.**

A fiscal impact analysis shall be prepared by the Town Manager and submitted as part of the agenda materials for any proposed legislation placed upon the agenda for the Town Council's consideration.

**Section 3.**     **Inclusion in Code.** That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town of Miami Lakes, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 4. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Nancy Simon, who moved for its adoption on first reading. This motion was seconded by Councilmember Mary Collins, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Nancy Simon	yes
Councilmember Roberto Alonso	yes
Councilmember Mary Collins	yes
Councilmember Robert Meador, II	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes

PASSED AND ADOPTED on first reading this 9<sup>th</sup> day of September, 2008.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved for its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	_____
Vice Mayor Richard Pulido	_____
Councilmember Mary Collins	_____
Councilmember Robert Meador, II	_____

Councilmember Nick Perdomo \_\_\_\_\_

Councilmember Nancy Simon \_\_\_\_\_

Councilmember Vacant \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

\_\_\_\_\_  
DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR USE ONLY BY THE  
TOWN OF MIAMI LAKES:

\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.L.  
TOWN ATTORNEY



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 A**



## ***TOWN OF MIAMI LAKES MEMORANDUM***

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**To:** Honorable Council Members

**From:** Michael Pizzi, Mayor

**Subject:** Child Protection Act

**Date:** November 12, 2008

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### **Recommendation**

The above referenced issue was discussed at our July Workshop and due to the large number of pending workshop requests I recommend foregoing a specific workshop on this item. The Town Council should instruct staff to bring this item as an ordinance on first reading at our next Town Council Zoning Meeting. This amendment is necessary and appropriate to ensure that the land development regulations are adequately maintained.

### **Background**

The Child Protection Act is to be an ordinance that incorporates language in the Town's Code that shall permit the use of removable play equipment as long as the equipment, or that portion of the equipment that could result in the need for a variance, is removable, does not pose any health and safety hazards, nor violate the building code.

The goal of this legislation is to protect the Town's families that utilize play equipment for their children and who do so in a manner that is safe and exposes no hardship to surrounding neighbors. The ordinance will encourage families to maximize the use and enjoyment of their leisure time in their own home, with their children.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 B**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Vice Mayor Richard Pulido

A handwritten signature in blue ink, appearing to be "RP", is written over the name "Richard Pulido".

Date: November 12, 2008

Subject: Local Business Economic Growth Initiative

I respectfully request that the following item be placed under New Business on the November 2008 Regular Town Council Meeting - Agenda for discussion and consideration by the Town Council:

### Local Business Economic Growth Initiative

I am concerned with how our local business community is being negatively impacted by our Nation's current economic conditions. In an effort to promote our Town's local economic vitality and encourage our residents to support our local businesses, I am proposing that the Town establish a local shopping/dinning incentive program.

I respectfully request support from the Town Council to direct the Town Manager to assist me in coordinating an appropriate plan which should include the participation of the Economic Development Committee and local business owners for the consideration of the Town Council.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 C**



*Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Councilmember Nancy Simon

Date: November 12, 2008

Subject: Budget and Audit Reports

I would like to discuss the preparation of future budgets and the last Audit Report received by the Council.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 D**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Councilmember Nick Perdomo

Date: November 12, 2008

Subject: Efficient Allocation of Space for Community Activities

Many residents have contacted me about the availability of space for community programs for the elderly, youth, including youth with special needs. I would like to discuss the issue of space allocation and the need to encourage the maximum benefit from usage of tax dollars in allocation of town facilities for programs to help the community.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 E**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Town Council

From: Mayor Michael Pizzi

Date: November 12, 2008

Subject: SHARP

Assisting elderly residents in maintaining their quality of life is a major town priority. I believe that we should move forward with establishing a criteria and procedure for the Town that will provide assistance to elderly residents in complying with the Town Code by utilizing volunteers and private donations to make repairs that residents may not be able to physically or financially achieve. I would like to adopt rules and regulations to govern the conduct of the program and assure that it serves our elderly residents to its fullest potential.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 F**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Vice Mayor Richard Pulido

A handwritten signature in blue ink, appearing to be "RP", is written over the name "Richard Pulido".

Date: November 12, 2008

Subject: TOML Police Officers Appreciation Day

I respectfully request that the following item be placed under New Business on the November 2008 Regular Town Council Meeting - Agenda for discussion and consideration by the Town Council:

### TOML Police Officers Appreciation Day

In November 2007, I proposed that the Town of Miami Lakes have a Police Officers' Appreciation Day. The Council unanimously supported this initiative. The event provided an opportunity for the Town and its residents to acknowledge with gratitude the hard work, dedication, selflessness, and courage it takes to become and serve as a Police Officer in our community.

I am once again requesting support from the Town Council to direct the Town Manager to organize an appropriate event and identify the necessary funding to include pursuing private funding.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 G**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Councilmember Nancy Simon

Date: November 12, 2008

Subject: Conference Reports

From time to time, we all attend conferences and bring back information. I would like to discuss procedures for reporting and sharing of materials.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 H**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Councilmember Nick Perdomo

Date: November 12, 2008

Subject: Improvements in Concurrency and Other Requirements for Administrative Zoning and Variance Approvals

I would like to discuss (a) the current requirements regarding concurrency assessments and other requirements in order for the town to consider administrative zoning approvals; I would like to discuss what is currently done and what might be done to improve this process and our ability to insure that our citizen's quality of life is protected; (b) I would also like to discuss a procedure for staff to bring back to Council for reconsideration, prior zoning/variance requests that resulted in rulings that require clarification; (c) I would like to discuss our current procedures for fine reductions in cases where residents have complied, or are willing to comply with our Town Code.



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 12 I**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Vice Mayor Richard Pulido

A handwritten signature in blue ink, appearing to be "RP", is written over the name "Richard Pulido".

Date: November 12, 2008

Subject: Additional Police Resources – K-9 Unit

I respectfully request that the following item be placed under New Business on the November 2008 Regular Town Council Meeting - Agenda for discussion and consideration by the Town Council:

Additional Police Resources – K-9 Unit

In the interest of taking every possible proactive measure to ensure the public's safety and to support the Town of Miami Lakes Police Section toward this duty, I am requesting that the Town of Miami Lakes consider expanding our existing police resources by adding a permanent K-9 Unit.

I respectfully request support from the Town Council to direct the Town Manager to work with the Town Police Commander and prepare a recommendation plan for the Town Council's consideration.



*Town of Miami Lakes*

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**ITEM 12 J**



## *Town of Miami Lakes*

15700 NW 67<sup>TH</sup> Avenue  
Miami Lakes, FL 33014

To: Honorable Mayor and Town Council

From: Councilmember Nancy Simon

Date: November 3, 2008

Subject: Review of Council Procedures

Now that we have new Councilmembers it is time that we review the Council procedures and fine tune them.