

TOWN OF MIAMI LAKES, FLORIDA

Town Council

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

MINUTES REGULAR COUNCIL MEETING

April 8, 2008

6:30 PM

Miami Lakes Middle School

6425 Miami Lakeway North
Miami Lakes, Florida 33014

Proclamation: Playful City, USA, Mayor Slaton presented a proclamation to Director of Parks and Recreation, Tony Lopez.

1. **CALL TO ORDER:** Mayor Slaton called the meeting to order at 6:40 p.m.
2. **ROLL CALL:** Town Clerk, Debra Eastman called the roll with the following Councilmembers in attendance: Councilmembers Robert Meador, Roberto Alonso, Richard Pulido, Mary Collins, Michael Pizzi, Vice Mayor Nancy Simon, and Mayor Wayne Slaton.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Slaton called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Mayor Slaton led the Pledge of Allegiance.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):**
Town Clerk, Debra Eastman, pointed out the agenda order as printed is incorrect. Number 5 should be the heading Public Comments and number 6 should be Order of Business.

Councilmember Mary Collins requested to pull item 7I. Councilmember Richard Pulido requested to pull item 7B and to be added as a co-sponsor to item 7D. Councilmember Michael Pizzi requested to delete item 12A3 and to switch the order of 13D and 13B. Vice Mayor Nancy Simon requested to pull item 7E. Councilmember Robert Meador asked to be added as a sponsor to items 7B, 7C and 7D and requested to pull item 7F. A motion to accept the agenda was made by

Councilmember Mary Collins. It received a second from Vice Mayor Nancy Simon. The Mayor called for the vote and all were in favor.

6. PUBLIC COMMENTS:

Dr. David Bennett spoke about the positive financial situation of Miami Lakes.

Sean Schwinghammer spoke in opposition to the recently installed traffic calming devices and the signage.

Raul Gandarillas spoke in favor of the Child Protection Act, siting that he has a batting cage on his property.

Robert Gonzalez spoke in favor of the Child Protection Act.

Alan Riggerman spoke regarding vehicles blocking the driveway at the fire station and handicap parking at Costco.

- 7. CONSENT AGENDA:** A motion was made by Councilmember Mary Collins to adopt the items 7A, 7C, 7D, 7G and 7H on the consent agenda. The motion received a second from Councilmember Roberto Alonso. The Mayor called for the vote and all were in favor.

A. A RESOLUTION OF THE TOWN COUNCIL AMENDING RESOLUTION NO. 07-592, THE COMPREHENSIVE COUNCIL MEETING AND AGENDA PROCEDURES. (Pizzi) Approved on consent.

B. A RESOLUTION OF THE TOWN COUNCIL REQUESTING THE UNITED STATES CONGRESS TO FULLY FUND THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM BEGINNING IN 2008. (Pulido, Collins, Slaton, Meador)
Councilmember Richard Pulido explained that the Town Lobbyist is requesting that in addition to this resolution, letters be sent to the delegation, Committee members and members of Congress. Councilmember Richard Pulido moved to adopt the resolution. The motion received a second from Councilmember Mary Collins. The Mayor called for the vote and all were in favor.

C. A RESOLUTION OF THE TOWN COUNCIL AUTHORIZING AND DIRECTING THE TOWN MANAGER TO APPLY FOR A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO PROVIDE FINANCIAL ASSISTANCE TOWARDS THE ROYAL OAKS PARK MASTER LANDSCAPE PLAN. (Rey, Meador) Approved on consent.

D. A RESOLUTION OF THE TOWN COUNCIL AUTHORIZING AND DIRECTING THE TOWN MANAGER TO APPLY FOR A GRANT FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WATER SAVINGS INCENTIVE PROGRAM TO PURCHASE AND INSTALL WATER SAVING IRRIGATION

**COMPONENTS FOR TOWN PARKS AND/OR RIGHT OF WAYS.
(Rey, Pulido, Meador) Approved on consent.**

E. A RESOLUTION OF THE TOWN COUNCIL REQUESTING NOISE AND POLLUTION ABATEMENT RELIEF TO THE TOWN RESIDENTS ABUTTING THE GRATIGNY PARKWAY. (Simon)

Vice Mayor Nancy Simon stated that this year Ms. Diarza's class from Miami Lakes Middle School has taken on the project of noise and pollution abatement relief along the Gratigny Parkway.

The students gave a presentation to Council.

Vice Mayor Nancy Simon thanked the students for their work.

Director of Public Works, Osdel Larrea explained the two jurisdictions that would be involved in the project were MDC Expressway and Florida Department of Transportation.

Vice Mayor Nancy Simon moved for adoption of the resolution. The motion received a second from Councilmember Mary Collins. The Mayor called for the vote and all were in favor.

F. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE PROJECT AGREEMENT BETWEEN MILLER LEGG & ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES TO PROVIDE A STREETScape MASTER PLAN – PHASE 1; AUTHORIZING THE TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT. (Rey)

Councilmember Robert Meador asked for a clarification be added stating that the street scape will be directed by Planning and Zoning, along with the Beautification and Economic Development Committees. Councilmember Robert Meador asked about mapping information and Town Manager, Alex Rey, stated that he will add the data. Councilmember Robert Meador made a motion to adopt the resolution as amended by him. The motion received a second from Councilmember Mary Collins. Mayor Slaton called for the vote and all were in favor.

G. A RESOLUTION OF THE TOWN COUNCIL AMENDING THE TOWN'S BUDGET FOR THE 2006-2007 FISCAL YEAR. (Rey) Approved on consent.

H. A RESOLUTION OF THE TOWN COUNCIL DENYING THE REQUEST OF CARLOS A. PEREDA AND MARIELA PEREDA TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2006-0465. (Rey) Approved on consent.

I. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SELECTION OF GANCEDO TECHNOLOGIES, INC. AND PRIME ELECTRICAL CONTRACTORS, INC. TO PROVIDE ELECTRICAL MAINTENANCE SERVICES FOR THE TOWN; APPROVING THE CONTRACT BETWEEN GANCEDO TECHNOLOGIES, INC. AND THE TOWN AND THE CONTRACT BETWEEN PRIME ELECTRICAL CONTRACTORS, INC. AND THE TOWN. (Rey)

Councilmember Mary Collins stated she pulled this item to allow for discussion. Tony Marketta, representing Prime Electric voiced concern regarding the granting of electrical work to two companies.

Town Manger, Alex Rey, explained the process, the provision within the bid document and his intention to award work within a zone with consideration for safety.

Councilmember Mary Collins made a motion to adopt the resolution. Councilmember Michael Pizzi gave a second to the motion. The Mayor called for the vote and all were in favor.

8. COMMITTEE REPORTS:

Elderly Affairs Committee – Reverend Keith Pisani, Chairman of the Elderly Affairs Committee gave the report. Councilmembers Mary Collins and Richard Pulido thanked him for his hard work.

9. ORDINANCES – FIRST READING:

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 54 OF THE TOWN CODE “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” BY CREATING ARTICLE V “DANGEROUS INTERSECTION SAFETY”, PROVIDING AUTHORITY; PROVIDING PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS, AND FOR RELATED PROCEDURES AND PROVISIONS; AMENDING CHAPTER 8CC-10 CODE COMPLIANCE “SCHEDULE OF CIVIL PENALTIES” TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF THIS ORDINANCE. (Slaton, Alonso)

Town Attorney, Nina Boniske, read the title of the ordinance. Councilmember Mary Collins made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Roberto Alonso. Town Clerk, Debra Eastman, called the roll and all were in favor.

10. ORDINANCES – SECOND READING (PUBLIC HEARING):

11. RESOLUTIONS:

12. REPORTS:

A. MAYOR AND COUNCILMEMBER REPORTS:

1. **Traffic Calming Devices (Pulido)** Councilmember Richard Pulido reported on the newly installed traffic calming devices and thanked staff for their work.
2. **Florida Breast Cancer Prevention Initiative (Pizzi)** Councilmember Michael Pizzi gave an update on the breast cancer initiative.
3. **Police Protection for Gated Communities (Pizzi)** This item was deleted by Councilman Pizzi.

B. MANAGER’S REPORT:

Request for Reimbursement of Legal Fees (Follow up) Town Manager, Alex Rey, gave an update on the reimbursement. He informed the Council that Town Attorney, Nina Boniske and he had negotiated the amount to \$8,219.00.

Councilmember Mary Collins stated she would support the item and asked the Council to establish a policy. Councilmember Mary Collins made a motion to pay Attorney Milton Hirsch the amount of \$8,219.00. The motion received a second from Vice Mayor Nancy Simon. The Mayor called for the vote and the motion passed with Councilmember Michael Pizzi and Mayor Wayne Slaton voting in opposition.

C. ATTORNEY’S REPORTS:

13. NEW BUSINESS:

A. Participation on Committees (Simon)

Vice Mayor Nancy Simon citing a need for volunteers to be on committees, requested that the Council consider allowing residents to join more than one committee at the same time.

Vice Mayor Nancy Simon made a motion to change the current rules to allow volunteers to participate on a maximum of two committees. The motion received a second from Councilmember Richard Pulido.

Councilmember Michael Pizzi spoke in opposition.

Councilmember Mary Collins spoke in opposition.

Councilmember Richard Pulido stated he is an advocate for having more people participate.

Mayor Wayne Slaton spoke in opposition.

Councilmember Robert Meador spoke in opposition.

Town Manager, Alex Rey explained the Manager's oversight authority.

Councilmember Roberto Alonso also spoke in opposition.

Vice Mayor Nancy Simon pulled the motion from the table and asked that the Councilmembers go forward with their appointments to the Historical Committee.

B. Town Zoning Board (Pizzi)

Councilmember Michael Pizzi spoke in favor appointing a Town Zoning Board.

Councilmember Roberto Alonso stated he would favor this if the Board was comprised of qualified professionals and the process for appeals is to the Court and not to the Council.

Councilmember Richard Pulido spoke in favor of having a Board comprised of credentialed professionals.

Councilmember Robert Meador spoke in favor of the appeal process to the Court.

Vice Mayor Nancy Simon stated she would like to see a complete plan of action.

Mayor Slaton suggested that the topic be brought to a workshop for discussion.

Councilmember Michael Pizzi made a motion to bring the proposal to a workshop with some specific proposals including an appeal process to the Court. The motion received a second from Councilmember Richard Pulido. The Mayor called for the vote and all were in favor.

C. Committee Room (Collins)

Mirtha Mendez stated her opinion that the discussion of this topic is in violation of the Council Rules since it is coming back to Council within a six month period.

Miriam Duman spoke in favor of the Civic Association sharing the Community Center West building.

Pedro Carballo spoke in opposition to spending tax dollars to rent space for committee meetings and in favor of using the Community Center West space.

Councilmember Michael Pizzi raised a point of order. He stated that the Council has already discussed this topic and suggested that it would be contrary to the rules to discuss it at this time. Mayor Slaton ruled that the Council did not previously vote on this issue. He stated that the previous item regarding renting space was withdrawn and no vote was taken.

Councilmember Mary Collins spoke in support of renting space for the committee meetings citing the current uncomfortable conditions at the Community Center West. She suggested that in the alternative, the committees be allowed to use the third floor conference room at Town Hall. Town Manager, Alex Rey, stated that if it is the will of the Council to have the Committees use the third floor conference room he will make sure that staff is available. He explained the size of the Community Center space versus the previous Main Street meeting space.

Councilmember Michael Pizzi made a motion to postpone this item indefinitely. The motion received a second from Councilmember Richard Pulido. Town Attorney, Nina Boniske advised that this motion would remove the item from the agenda for the remainder of the meeting.

Councilmember Roberto Alonso suggested that the Royal Oaks Park Community Center will be completed within six to eight months and use of the third floor at Town Hall would be temporary.

Councilmember Robert Meador stated he has not received any official communication from any Committee chair or member and asked about the average attendance at their meetings. Parks and Recreation staff member, Katya Lysak spoke about the general number of attendees at the meetings.

Councilmember Robert Meador suggested changing the size of the conference table to make more room at the Community Center West.

Councilmember Richard Pulido agreed with the smaller conference table and use of the third floor space at Town Hall, if necessary. He asked Councilmember Michael Pizzi if that was the direction that the maker of the motion was intending. Councilmember Michael Pizzi asked if he could answer the question. Mayor Slaton denied the request and stated there is already a motion on the floor.

Councilmember Michael Pizzi then made a motion to override the Chair to allow him to answer the question. The motion received a second from Nancy Simon. Mayor Slaton called for the roll and the motion passed with Councilmember Roberto Alonso, Councilmember Mary Collins and Mayor Slaton voting in opposition.

Councilmember Michael Pizzi made a motion is to end discussion and have the Manager comply with directive the Council gave previously. A second was received from Councilmember Richard Pulido. Councilmember Michael Pizzi called the question. On a roll call vote, the motion passed with Mayor Slaton voting in opposition.

Responding to an outburst from the audience, Councilmember Michael Pizzi made a motion asking that the Council condemn and express aversion to anyone making public outbursts at a Council Meeting and condemn the current conduct of the President of the Miami Lakes Civic Association. The motion received a second from Vice Mayor Nancy Simon.

Vice Mayor Nancy Simon spoke in support of the motion. Mayor Slaton spoke in support of decorum being upheld at all times whether it is the Town Council or public. The Mayor called for the vote and all were in favor.

C.

Child Protection Act (Pizzi)

Councilmember Michael Pizzi spoke in favor of allowing accommodations to be made to a home because of the needs of children on items supported by the Council in the past. He would like to give authority to the Town Manager, Alex Rey, to allow an administrative variance when there is a life threatening illness or for removable play equipment, rather than requiring a

variance go before Council and, if it is not objectionable to the neighbors.

Councilmember Michael Pizzi made a motion to direct staff to prepare legislation that would address the needs of the ill and allow the usage of removable playground equipment. The motion received a second from Councilmember Richard Pulido.

Town Manager, Alex Rey, explained that this would eventually result in a change in the Town Code. Director of Planning and Zoning, Maria Crowley, and Building Official, Eliezer Palacio, explained the current restrictions.

Councilmember Robert Meador suggested that the topic be slated for a workshop. Councilmember Michael Pizzi amended the motion to bring the topic to a workshop and asked that the staff, including the Town Attorney, bring specific language creating hardship criteria for residents with illnesses and language that will allow residents to have removable play equipment. The amendment received a second from Councilmember Richard Pulido. Town Clerk, Debra Eastman called the roll and the motion passed.

D. Property Tax Vs Insurance (Collins)

Councilmember Mary Collins suggested that the State Legislature should offer incentives to keep insurance premiums at a low cost. She made a motion to suggest to the State Legislature that they offer an incentive to insurance companies to roll back rates considerably as opposed to slashing property taxes. The motion received a second from Councilmember Richard Pulido.

Councilmember Michael Pizzi stated this is a complicated issue and he is not sure he can support the motion. Councilmember Roberto Alonso stated the legislative session is nearly over and this idea may be too late. The Mayor called for the vote and all were in favor.

F. Town Fiscal Responsibility Act (Pizzi)

Councilmember Michael Pizzi declined stating that he will be bringing this back to Council at another time.

14. FUTURE MEETINGS:

April 15, 2008 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 6 PM
May 13, 2008 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 PM

15. ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at 10:30 p.m.

Approved this _____ day of _____, 2008.

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk