

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Michael Pizzi

Vice Mayor Nick Perdomo

Councilmember Mary Collins

Councilmember Tim Daubert

Councilmember Nelson Hernandez

Councilmember Ceasar Mestre

Councilmember Richard Pulido

MINUTES

TOWN COUNCIL MEETING

September 13, 2011

6:30 PM

Royal Oaks Park Community Center

16500 NW 87 Avenue
Miami Lakes, Florida 33018

PRESENTATIONS: The Mayor and Council presented Helen Batarseh with an award recognizing her outstanding volunteer services for our elderly community.

The Mayor and Council presented Councilmember Tim Daubert with an award from the Institute of Elected Municipal Officials.

Councilmember Mary Collins presented an award to the Mayor for receiving 3rd place in the Alzheimer's City Challenge.

1. **CALL TO ORDER:** Mayor Michael Pizzi called the meeting to order at 9:13 p.m.
2. **ROLL CALL:** The Town Clerk, Marjorie Tejeda, called the roll with the following Councilmembers present: Richard Pulido, Mary Collins, Tim Daubert, Ceasar Mestre, Nelson Hernandez, Vice Mayor Nick Perdomo, and Mayor Michael Pizzi.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Pizzi called for a moment of silence during the preceding Budget Hearing.
4. **PLEDGE OF ALLEGIANCE:** Councilmember Tim Daubert led the Pledge of Allegiance during the preceding Budget Hearing.
5. **PUBLIC COMMENTS:** There was no one wishing to speak.
6. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):**

Councilmember Collins requested to co-sponsor item 8K, and pulled item 8C from the consent agenda. Mayor Pizzi pulled item 8L from the consent agenda. Councilmember Pulido pulled item 8A from the consent agenda; requested to co-sponsor item 8L; requested that item 11A be moved up in the agenda; and deferred his new business and report items. Councilmember Hernandez pulled item 8E from the consent agenda.

Councilmember Daubert pulled item 8B from the consent agenda. Councilmember Mestre pulled item 8D from the consent agenda, and requested to co-sponsor item 8K.

Mayor Pizzi made a motion to adopt the remaining items on the consent agenda. The motion received a second from Councilmember Mary Collins and all were in favor.

Mayor Pizzi made a motion to adopt the agenda as amended. The motion received a second from Councilmember Daubert and all were in favor.

7. **COMMITTEE REPORTS:** No Committee reports.

8. **CONSENT AGENDA:**

A. Approval of Minutes

June 14, 2011 LPA

June 14, 2011 Regular Council Meeting

July 12, 2011 Regular Council Meeting

The Town Clerk stated Councilmember Mestre's name was misspelled in the minutes. Mayor Pizzi made a motion to adopt the minutes as revised. The motion received a second from Councilmember Collins and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA TO APPOINT AN INDEPENDENT FINANCIAL AUDITOR SELECTION COMMITTEE TO EVALUATE THE PROPOSALS SUBMITTED IN RESPONSE TO RFP 2011-15, FOR INDEPENDENT AUDITOR SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Councilmember Daubert made a motion to adopt the resolution. The motion received a second from Mayor Pizzi and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING A CONTRACT WITH ESTRADA HINOJOSA & COMPANY, INC., FOR INVESTMENT ADVISORY SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000.00, FOR INVESTMENT ADVISORY SERVICES FOR THE TOWN'S VARIOUS FUNDS AND ACCOUNTS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Councilmember Collins made motion to adopt the resolution. The motion received a second from Mayor Pizzi and all were in favor.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; TO ACCEPT THE REQUEST OF GUARDIAN CARE SERVICES TO REDUCE THEIR ASSESSED CODE COMPLIANCE FINE BY 50% FOR NON-COMPLIANCE OF CODE VIOLATION, CITATION NO. C2008-0787, ON THE PROPERTY LOCATED AT 5777 N.W. 151 STREET; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Javier Vasquez, representing Guardian Care Services, requested that the fine be further reduced.

Councilmember Mestre made a motion to reduce the fine to cost in the amount of \$735. The motion received a second from Councilmember Collins and all were in favor. Councilmember Pulido was absent.

Vice Mayor Perdomo excused himself from the meeting at 10:17 p.m.

- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA TO DENY THE REQUEST TO REDUCE THE PREVIOUSLY ASSESSED CODE COMPLIANCE FINE AGAINST GISELA MUÑOZ, CASE NO. C2011-1740, ON THE PROPERTY LOCATED AT 14802 N.W. 87 COURT; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

David Ofstein, Director of Planning, Zoning, and Code Enforcement, presented the case to the Council. Gisela Munoz, the property owner, requested that the fine be reduced.

Councilmember Hernandez made a motion to reduce the fine to \$3,000. The motion received a second from the Mayor and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

- F. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO ACCEPT THE SAFE NEIGHBORHOOD PARKS GRANT IN THE AMOUNT OF \$346,100.00; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Approved on Consent.

- G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO SIGN A GRANT OF EASEMENT TO THE MIAMI-DADE WATER AND SEWER**

DEPARTMENT FOR POCKET PARK 51 ON LOCH NESS DRIVE; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE GRANT OF EASEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE GRANT OF EASEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on Consent.

- H. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO APPLY TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) 2012-2013 GRANT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND (\$400,000); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Approved on Consent.

- I. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO APPLY TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) 2012-2013 GRANT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND (\$400,000); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Approved on Consent.

- J. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE STORMWATER INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE PROVISION OF CANAL MAINTENANCE SERVICES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY 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; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Councilmember Daubert made a motion to adopt the resolution. The motion received a second from Mayor Pizzi and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

- K. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REQUESTING THE STATE TO LIMIT ASSISTED LIVING FACILITIES (ALF'S) IN RESIDENTIAL AREAS AND TO ADOPT MORE STRINGENT REGULATION AND PROVIDE NOTICE TO LOCAL GOVERNMENTS/MUNICIPALITIES OF VIOLATIONS BY ALF'S IN THEIR**

**JURISDICTION; PROVIDING FOR INCORPORATION OF RECITALS;
PROVIDING FOR AN EFFECTIVE DATE. (Pizzi, Collins, Mestre)**

Mayor Pizzi made a motion to adopt the resolution and directed staff to send a letter accompanying the resolution, to the Governor, The State House Members and the State Senate Members. The motion received a second from Councilmember Collins and all were in favor.

L. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REITERATING OPPOSITION TO ANY COMMERCIAL AVIATION BEING PERMITTED AT OPA-LOCKA AIRPORT; AUTHORIZING TOWN OFFICIALS TO TRANSMIT THE RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Pizzi, Pulido)

Councilmember Pulido excused himself from the meeting at 10:00 p.m.

Mayor Pizzi made a motion to adopt the resolution and directed staff to send a letter accompanying the resolution to the appropriate officials of Miami Dade County and the Opa-Locka Airport. The motion received a second from Councilmember Collins. The resolution passed 5-1 with Councilmember Daubert voting in opposition.

M. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, MODIFYING DEPARTMENTAL LINE ITEMS IN THE TOWN'S BUDGET FOR THE 2010-2011 FISCAL YEAR TO ADDRESS LINE ITEM DEFICIENCIES AND PROJECTED NEEDS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on Consent.

9. ORDINANCES – FIRST READING:

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ARTICLE 9 "SIGNS" OF THE TOWN'S LAND DEVELOPMENT CODE TO PROVIDE FOR AMENDED ZONING REGULATIONS RELATED TO THE REGULATION OF SIGNS FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES THAT ABUT RED ROAD (NW 57 AVE), STATE ROAD 826 (PALMETTO EXPRESSWAY), AND INTERSTATE 75 (I-75); PROVIDING FOR INCORPORATION OF RECITAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Joe Geller, Interim Town Attorney, read the title of the ordinance into the record.

Councilmember Collins made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Mestre. The Town Clerk called the roll and the motion passed unanimously. Councilmember Pulido and Vice Mayor Perdomo were absent.

10. ORDINANCES – SECOND READING (PUBLIC HEARING):

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING CHAPTER 33 “ZONING” BY AMENDING ARTICLE 4, “ZONING DISTRICT REGULATIONS”, OF THE TOWN’S LAND DEVELOPMENT CODE BY AMENDING DIVISION 4.3(e)(2), “MINOR SITE PLAN CHANGES FOR EXISTING TOWNHOUSES”, TO MODIFY THE REQUIREMENTS FOR ADMINISTRATIVE SITE PLAN REVIEW FOR DRIVEWAY REPLACEMENTS/MODIFICATION IN AN RU-TH DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Joe Geller, Interim Town Attorney, read the title of the ordinance into the record.

Mayor Pizzi opened the public hearing. There being no one wishing to speak, the Mayor closed the public hearing.

Councilmember Collins made a motion to adopt the ordinance. The motion received a second from Mayor Pizzi. The Town Clerk called the roll and the motion passed unanimously. Councilmember Pulido and Vice Mayor Perdomo were absent.

11. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING A RETAINER AGREEMENT WITH GREENSPOON MARDER ATTORNEYS AT LAW AS INTERIM TOWN ATTORNEY; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE RETAINER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Town Attorney)**

Joe Geller, Interim Town Attorney, read the title of the ordinance into the record.

Mayor Pizzi made motion to adopt the resolution. The motion was seconded by Councilmember Collins. The Town Clerk called the roll and the motion passed 4-3 with Councilmembers Pulido, Daubert, and Hernandez voting in opposition. Councilmembers Collins, Mestre, Vice Mayor Perdomo, and Mayor Pizzi voted in favor.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA TO APPROVE EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA) WITH MIAMI-DADE COUNTY FOR THE PROVISION OF DESIGN, CONSTRUCTION AND CONSTRUCTION ADMINISTRATION OF 154TH STREET FROM ABOUT 83RD AVENUE THROUGH 200' WEST OF THE 87TH AVENUE INTERSECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Joe Geller, Interim Town Attorney, read the title of the ordinance into the record.

Councilmember Collins made a motion to adopt the resolution. The motion was seconded by Councilmember Mestre and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$175,000.00, TO INCLUDE "HARDENING" OF A PORTION OF THE GOVERNMENT CENTER TO KVC CONSTRUCTORS, INC. (KVC); AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Joe Geller, Interim Town Attorney, read the title of the ordinance into the record.

The Town Manager, Alex Rey, modified the amount of the change order to \$200,000. Councilmember Collins made a motion to approve the resolution as amended. The motion received a second from Councilmember Mestre and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

12. NEW BUSINESS:

- A. Council Rules and Procedures (Pulido)** Deferred by Councilmember Pulido
B. Citizen's Money Act (Pizzi)

The Mayor stated that he addressed this item during the preceding Budget Hearing.

- C. Public Safety Issue (Mestre)** Deferred by Councilmember Mestre
D. 5 Point Plan: Public Safety – Safety Light (Hernandez)

Councilmember Hernandez made a motion directing staff to evaluate the best lighting solution for the south park located on Palmetto Palm Avenue, and to bring back a report to the Council. The motion was seconded by Councilmember Collins. The Mayor amended the motion directing staff to

meet with residents in that area to receive public input. Councilmember Hernandez accepted the amendment and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

E. 5 Point Plan: Infrastructure – Traffic Calming Hump (Hernandez)

Michael Mut spoke about the speeding issue on Alamanda Avenue.

The Mayor made a motion that Mr. Mut, the Town Manager, and Councilmember Hernandez meet to discuss the issue and that the Manager present a recommendation at the October or November Council Meeting. The motion received a second from Councilmember Collins and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

F. 5 Point Plan: Public Safety – Light Post Replacement (Hernandez)

Deferred by Councilmember Hernandez.

13. REPORTS:

A. MAYOR AND COUNCILMEMBER REPORTS:

1. **Appointments** Mayor Pizzi made the following appointments: Michael Mut, Gladys Guadalupe, Wendy Morales, and Marlene Garcia to the Cultural Affairs Committee; and Marlene Garcia to the Youth Activities Task Force. The Mayor called the vote and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.
2. **Town Public Relations Policy (Pulido)** Deferred by Councilmember Pulido
3. **Town Charter (Pulido)** Deferred by Councilmember Pulido

B. MANAGER'S REPORTS:

1. **Community Pool White Paper**
The Town Manager provided the Council with a written report.
2. **IT Services**
Councilmember Collins made a motion to extend the contract with the City of Miami Gardens for IT Services to November 30, 2011. The motion received a second from Councilmember Mestre and all were in favor. Councilmember Pulido and Vice Mayor Perdomo were absent.

C. ATTORNEY'S REPORTS: No Attorney Report.

14. FUTURE MEETING DATES:

September 15, 2011 Council Workshop, 5:00 pm, 15150 NW 79 Court
September 26, 2011 Second Budget Hearing, 6:00 pm, 16500 NW 87 Avenue

15. ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at 11:08 p.m.

Approved this 11 day of October, 2011.



Michael Pizzi, Mayor

Attest:



Marjorie Tejada, Town Clerk