

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 March 11, 2008 6:30 PM

Miami Lakes Middle School

6425 Miami Lakeway North
Miami Lakes, Florida 33014

SPECIAL PRESENTATIONS: South Florida Water Management District gave a presentation on water conservation, noting that April has been declared Water Conservation month.

- 1. CALL TO ORDER:** Mayor Wayne Slaton called the meeting to order at 6:50 p.m.
- 2. ROLL CALL:** Town Clerk Debra Eastman called the roll with the following Councilmembers present: Robert Meador, Roberto Alonso, Richard Pulido, Mary Collins, Michael Pizzi, Vice Mayor Nancy Simon, and Mayor Wayne Slaton.
- 3. INVOCATION/MOMENT OF SILENCE:** Mayor Wayne Slaton called for a moment of silence.
- 4. PLEDGE OF ALLEGIANCE:** Mayor Wayne Slaton led the Pledge of Allegiance.
- 5. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):**
Vice Mayor Nancy Simon requested to add item 13J under New Business entitled Request for Reimbursement of Legal Fees. It was determined by the Chair that it was not necessary to add the item again under New Business; therefore, Vice Mayor Nancy Simon withdrew her request.

Councilmember Michael Pizzi requested to delete item 12A7 and to hear item 13H under New Business. Councilmember Michael Pizzi made a motion to waive the Council rules and to take up item 13H on the agenda. The motion received a second from Councilmember Richard Pulido. Town Clerk, Debra Eastman, called the roll and the motion passed with Councilmembers Robert Meador, Richard Pulido, Michael Pizzi, and Mary Collins voting in favor and Councilmember Roberto Alonso and

Mayor Wayne Slaton voting in opposition. Councilmember Roberto Alonso asked that he be able to change his vote from no to yes due to some confusion. Mayor Wayne Slaton agreed to the change.

Councilmember Mary Collins requested to pull item 7B on the Consent Agenda.

Councilmember Robert Meador asked to pull item 7C and to be added as a co-sponsor to item 7F.

Town Manager, Alex Rey, stated that the agenda should have indicated that Councilmember Robert Meador as a co-sponsor to item 7D.

Vice Mayor Nancy Simon made a motion to approve the agenda as amended. Councilmember Mary Collins gave a second to the motion. The Mayor called for the vote and all were in favor.

6. PUBLIC COMMENTS:

Bob Echols spoke about the reimbursement of legal fees.

Nick Perdomo spoke in favor of a gift ban and of having a Town Zoning Board.

Lourdes Aguirre spoke in favor of a gift ban and of having a Town Zoning Board.

Jackie Santana spoke in favor of a gift ban. She expressed concern about speeding in neighborhoods.

Mirtha Mendez spoke in support of the reimbursement of legal fees.

7. CONSENT AGENDA:

A. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH ROYAL RESTROOMS OF NORTH FLORIDA, INC. FOR A PORTABLE RESTROOM AT THE MIAMI LAKES OPTIMIST PARK. (Rey) Approved on consent.

B. RESOLUTION OF THE TOWN COUNCIL SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS LEGISLATIVE INITIATIVE. (Pulido, Slaton)

Councilmember Mary Collins spoke in favor of the resolution. She pointed out that enrollment has decreased in public schools and there are empty buildings that could be sold.

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

C. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE PROJECT PROPOSAL WITH ACOSTA

TRACTORS, INC., TO FURNISH AND INSTALL THE POWER TRANSFER SYSTEM. (Rey)

Councilmember Robert Meador asked if, upon termination of the lease at the present town hall, the generator would stay on the property or would go to the new facility. Town Manager, Alex Rey, replied that the generator will only be utilized for emergencies and not a permanent fixture.

Councilmember Robert Meador made a motion to adopt the resolution. The motion received a second from Councilmember Mary Collins. The Mayor called for the vote and all were in favor.

D. A RESOLUTION OF THE TOWN COUNCIL AUTHORIZING THE TOWN MANAGER TO APPLY FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S SAFE ROUTES TO SCHOOLS GRANT PROGRAM. (Rey, Meador) Approved on consent.

E. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SECOND AMENDMENT TO THE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT MIAMI LAKES PARK BETWEEN VALLEYCREST LANDSCAPE MAINTENANCE, INC. AND THE TOWN OF MIAMI LAKES. (Rey) Approved on consent.

F. A RESOLUTION OF THE TOWN COUNCIL SUPPORTING THE STATE LEGISLATURE FOR THE CREATION AND FUNDING OF A SUCCESSOR PROGRAM TO THE FLORIDA FOREVER PROGRAM. (Slaton, Meador) Approved on consent.

Councilmember Mary Collins made a motion to approve the consent agenda. There was a second by Councilmember Robert Meador. The Mayor called for the vote and all were in favor.

8. COMMITTEE REPORTS:

Beautification Advisory Committee

Beautification Advisory Committee Chair, Frank Diaz, spoke about upcoming events. Councilmember Richard Pulido thanked Frank Diaz for his report and for his service to the community.

9. ORDINANCES – FIRST READING:

10. ORDINANCES – SECOND READING (PUBLIC HEARING):

11. RESOLUTIONS:

12. REPORTS:

A. MAYOR AND COUNCILMEMBER REPORTS:

1. Appointments (Slaton) –

Mayor Slaton nominated the following residents to serve on committees:

Rodannie Zapata, Beautification Advisory Committee

Jemima Garcia, Youth Activities Task Force

Cesar Mestre, Economic Development Committee

Luis Estrada, Economic Development Committee

Alfonso Vicaria, Beautification Advisory Committee

Juan Cosculleuela, Economic Development Committee

Gladys Mendez, Youth Activities Task Force

Jenelle Ferrer, Youth Activities Task Force

Michelle Vaque, Cultural Affairs Committee

Cassandra Vaque, Cultural Affairs Committee

Nick Perdomo, Economic Development Committee

Lourdes Aguirre, Economic Development Committee

Ivonne Borroto, Elderly Affairs Committee

Councilmember Mary Collins made a motion in favor of the nominations. There was a second by Vice Mayor Nancy Simon. The Mayor called for the vote and all were in favor.

2. Legal Services RFQ (Slaton)

Mayor Wayne Slaton delivered a report on the Legal Services RFQ.

Mayor Wayne Slaton stated he had conducted site visits to each firm.

Mayor Wayne Slaton stated that attorneys typically specialize in a specific area of law and that municipal law is complex. As a new town, Miami Lakes has special and more demanding needs than an older town. After reviewing the firms submitted, Mayor Wayne Slaton concluded that the town is currently represented by the most qualified firm.

Councilmember Michael Pizzi asked about pricing. Mayor Wayne Slaton responded that the RFQ did not include a request to submit costs.

Councilmember Michael Pizzi asked if an in-house counsel had been considered. Mayor Wayne Slaton pointed out that the RFQ requested applications from qualified firms or individuals to provide legal services to the town. However, no individuals applied.

Councilmember Roberto Alonso spoke in favor of having in-house counsel in the future.

Councilmember Richard Pulido thanked the Mayor and stated that he shares some concerns, particularly the cost.

Councilmember Mary Collins stated that in-house counsel should be considered in the future.

Councilmember Robert Meador pointed out that the proposals offered by the bidders had a 90 day expiration date.

Vice Mayor Nancy Simon stated that she would like to explore having in-house staff and spoke in favor of keeping the current counsel at this time.

3. Property Tax Exemption Initiative for the Elderly (Slaton)

Mayor Wayne Slaton explained that elderly property tax exemption does not automatically renew and must be filed every year.

Mayor Wayne Slaton indicated that Miami-Dade County sends a reapplication notice annually. Councilmember Michael Pizzi stated that the Town should also send a notice. Vice Mayor Nancy Simon suggested that the Town should call the residents to remind them to file.

4. Student Drum Corp Summer Camp Funding Request (Alonso)

Councilmember Roberto Alonso reported that two students from Barbara Goleman had been accepted to the Student Drum Corp Summer Camp, and one of the students is from Miami Lakes and is in need of a sponsor. Councilmember Roberto Alonso asked the Council to sponsor the student with a \$1,000 sponsorship. Town Manager, Alex Rey, stated that the funding could come from the Council discretionary fund.

Councilmember Mary Collins stated that another student had received sponsorship from the Graham Companies. Councilmember Roberto Alonso stated that he would like a decision to be made on the amount of support. Councilmember Mary Collins spoke in favor of sponsoring the student.

Councilmember Michael Pizzi suggested going through the funding process already set up and then bringing the item back to the Council, if necessary.

Mayor Wayne Slaton pointed out that there is a process to obtain funding. Vice Mayor Nancy Simon stated that the process should be expedited.

Councilmember Michael Pizzi stated that if the sponsorship was not accomplished in time, he would be in favor of holding a special meeting.

5. Boundless Playground (Simon)

Joy Butler of The Joy Outreach Center, a Miami Lakes group, reported on fund raising efforts.

Town Manager, Alex Rey, explained that there are three options for the Boundless Playground and he is seeking guidance from Council. The Committee prefers option A, which will cost about \$170,000.00 plus site preparation.

Mayor Wayne Slaton questioned that he understood the Town is seeking contributions, that costs have already been obtained, and asked if this item should be under New Business.

Vice Mayor Nancy Simon made a motion to waive the rules and to take action under reports. The motion received a second by Councilmember Michael Pizzi. The Mayor called for the vote and all were in favor.

Councilmember Robert Meador stated that he would like more time to investigate and was not prepared to select an option. Councilmember Robert Meador suggested that this might be an appropriate discussion for a Council Workshop.

Councilmember Richard Pulido asked if staff would make a recommendation.

Alex Rey, Town Manager, explained that a recommendation could be provided next month. The report on this agenda was meant to be an update.

Vice Mayor Nancy Simon apologized to the Town Council and Town Manager, Alex Rey, for any confusion caused by bringing this before the Council.

Councilmember Robert Meador spoke in support of option A.

Mayor Wayne Slaton stated that this was his project and expressed disappointment that he was not made aware of the progress being made on the item. Mayor Wayne Slaton spoke in support of option A.

Vice Mayor Nancy Simon made a motion to select option A. The motion received a second from Councilmember Michael Pizzi. The Mayor called for the vote and all were in favor.

6. Activities for Summer (Collins)

Councilmember Mary Collins stated that she would like all the summer activities from the schools and parks to be coordinated and suggested that data should be compiled and published into a master calendar.

Councilmember Robert Meador stated that he thought that this was already done. Town Manager, Alex Rey, explained that Councilmember Mary Collins would like activity providers, other than the Town, on the list.

Councilmember Richard Pulido expressed concern about promoting outside organizations that may have not been subject to the background checks instituted by the Town. Town Manager, Alex Rey, concurred that this could be a concern with private organizations; however, consideration could be given to organizations that conduct background checks with the same scrutiny as the Town.

Councilmember Mary Collins clarified that commercial organizations were not included in her request.

Councilmember Robert Meador stated that the Town would only be providing information about programs, not endorsing them. Councilmember Robert Meador suggested that the Town Attorney include disclaimer language on the calendar. Councilmember Richard Pulido stated that regardless of a disclaimer he would not support the request.

7. Enforcement of Town Codes, Including Sign Code (Pizzi)

Councilmember Michael Pizzi deleted this item.

8. Expenditure of Town Funds (Pizzi)

Councilmember Michael Pizzi stated that concerns have been raised by residents on the expenditure of Town funds and indicated that the Council funded \$3,000 for the senior egg hunt and the event was cancelled. Councilman Michael Pizzi indicated he would like to have follow up to determine that funding is utilized for its intended purpose and asked if mechanisms are currently in place to do this. Town Manager, Alex Rey, explained that he has the responsibility and authority to monitor committee expenditures and that Committees report to the Town Council.

The Mayor called for a recess at 9:30 p.m. The meeting reconvened at 9:50 p.m. with all Councilmembers in attendance.

B. MANAGER’S REPORT:

1. Cultural Affairs Grant –

Town Manager, Alex Rey, reported that the Town has submitted an application for a \$7,500 grant for Renaissance month. The grant will be matched from the private sector.

2. Request for Reimbursement of Legal Fees -

Town Manager, Alex Rey, explained Vice Mayor Nancy Simon's request to be reimbursed for legal fees in the case of Simon v. Abella.

Vice Mayor Nancy Simon made a motion to allow the bill for legal fees to be paid with town funds. The motion received a second from Councilmember Richard Pulido.

Town Attorney, Nina Boniske, explained that under the law in some situations legal fees can be reimbursed.

Vice Mayor Nancy Simon explained the chronology of events and asked for assistance from Nina Boniske in wording the following motion: Vice Mayor Nancy Simon made a motion to authorize reimbursement of legal fees that occurred in the case of Simon v. Abella, based upon a finding that the particular situation meets the common law test in Florida, and occurred out of official acts, and that they resulted in a public purpose. The motion received a second from Councilmember Richard Pulido.

Councilmember Michael Pizzi suggested it would have been preferable if this item had come before Council prior to charges being incurred.

Vice Mayor Nancy Simon explained that she had not spoken to the Town Council prior to obtaining counsel upon her Attorney's advice not to discuss the matter.

Councilmember Roberto Alonso spoke in support of the reimbursement.

Mayor Slaton spoke in opposition.

Councilmember Mary Collins asked where the money would come from. Town Manager, Alex Rey, explained that there is an allocation in reserve for litigation issues.

Councilmember Mary Collins suggested that the bill might be negotiable.

Councilmember Richard Pulido asked if the motion could be amended to authorize staff to negotiate the amount for a reduced fee.

Town Manager, Alex Rey, asked that a target amount for the reduced fee be decided. Councilmember Richard Pulido amended the motion, to indicate that the cost of the legal fees be reduced to \$8,000.00 and the Town Manager, Alex Rey, be authorized to negotiate to that amount.

At 10:58 p.m. Councilmember Michael Pizzi made a motion to extend the meeting by one hour. The motion received a second from Councilmember Robert Meador. The Mayor called for the vote and all were in favor.

Mayor Slaton stated that he would like to call a vote on the finding of fact and have a separate vote on the amount to be reimbursed. Mayor Slaton stated that he cannot support the finding of fact.

Councilmember Michael Pizzi stated that he supports the finding of fact and agreed that this item was in connection Vice Mayor Nancy Simon's Council duties, but declined to support the expenditure of tax dollars.

The Mayor called for the vote on the finding of fact. The motion passed with Mayor Slaton voting in opposition.

Councilmember Richard Pulido made a motion directing the Town Manager, Alex Rey, and Town Attorney, Nina Boniske, at no cost to the Town, negotiate the best possible compromise in fee and to bring back the results of the negotiation at a subsequent Council meeting. The motion received a second from Councilmember Mary Collins. The Mayor called for the vote and all were in favor.

C. ATTORNEY'S REPORTS:

13. NEW BUSINESS:

A. Electronic Recycling Program (Pulido)

Councilmember Richard Pulido made a motion that the Town Manager, Alex Rey, negotiate a contract to institute a town-wide electronic recycling program and to have Town Manager, Alex Rey, bring it back to a subsequent meeting. The motion received a second from Councilmember Mary Collins.

Councilmember Richard Pulido explained that the program would involve recycling electronic products. Councilmember Robert Meador asked if research had yet been conducted.

Town Manager, Alex Rey indicated that he will do the research and bring the findings back to the Council. The Mayor called for a vote and all were in favor.

B. Committee Room (Simon)

Vice Mayor Nancy Simon reported that the Community Center office was locked when the Civic Association was having a meeting and the locks have been changed at the Community Center West. Vice Mayor Nancy Simon indicated that in order to obtain a key, a form must be filled out and that keys have been provided to the chairs of the Town Committees and to the President of the Civic Association. Vice Mayor Nancy Simon asked for clarification on who will use the room and who will hold the key.

Councilmember Michael Pizzi made a motion to extend the meeting for one hour. The motion received a second from Councilmember Richard Pulido. The Mayor called for the vote and all were in favor.

Councilmember Mary Collins stated that part of the office houses 40 year old files and that the Optimist Club is allowed free reign of their building.

Mayor Slaton clarified that he had supported the motion at a previous meeting because it allowed the Civic Association to stay in the office. Mayor Slaton stated that the current arrangement is working fine and that there is no need to do anything different from what is currently being done.

Councilmember Michael Pizzi disagreed with the Optimist Club comparison made by Councilmember Mary Collins. Councilmember Michael Pizzi stated that the Civic Association has become, in many ways, a political action committee and that the Optimist Club does not endorse candidates. Councilmember Michael Pizzi expressed concern about members of the Civic Association using the office to house people engaged in political activities.

Mayor Slaton stated that, as a former president of the Civic Association, he would respond. Mayor Slaton stated that the Civic Association is not a political action committee and that it does not endorse candidates, parties or partisanship.

Councilmember Richard Pulido asked about the official custody of the building and expressed that it was his impression that the motion adopted at a previous meeting was to replace the conference room on Main Street, and that the conference room at the Community Center West was a comparable room, and that the Civic Association would be permitted to use the office.

Councilmember Richard Pulido clarified that, in order to obtain a key, a background check must be passed. Town Manager, Alex Rey, explained keys are not supposed to be given to another person until a background check is done, and that the Town does not officially have control of the building, therefore, the Town cannot enter into a lease agreement with the Civic Association.

Councilmember Richard Pulido stated that he does not support private offices for organizations or committees and that the purpose of the motion at the previous meeting was not to evict or exclude the Civic Association.

Vice Mayor Nancy Simon made a motion that, unless otherwise stipulated by a use agreement, no one should have exclusive use of any facility and, that any furniture should be removed to accommodate use of the facility and, any scheduling is to be done by through Town staff. The motion received a second from Councilmember Michael Pizzi.

Mayor Slaton spoke in opposition to the motion and stated that the motion would shut down Civic Association operations because the organization has a working office, committees and committee meetings.

Councilmember Michael Pizzi made a motion to extend the meeting by 5 minutes. The motion received a second from Councilmember Richard Pulido. The Mayor called for a vote and all were in favor with Councilmember Mary Collins voting in opposition.

Councilmember Roberto Alonso suggested that the Civic Association office space be restructured for multiple uses, by installing a temporary partition leaving the northern most eight feet as Civic Association office space.

Vice Mayor Nancy Simon modified the motion to include that unless otherwise stipulated by the Town Council, no one should have exclusive use of the Community Center West facility, that the current Civic Association space be split into two spaces, keeping the Civic Association office area in the northern most eight feet and that scheduling for the use be done by Town staff. The motion received a second from Councilmember Roberto Alonso.

At 1:05 a.m., Vice Mayor Nancy Simon made a motion to extend the meeting by five minutes. The motion received a second by Councilmember Richard Pulido. The Mayor called for the vote and all were in favor.

Councilmember Robert Meador stated that the Town does not own the facility and asked if the Town is authorized to make changes. Town Manager, Alex Rey indicated that the Town has operational use of the building from the County.

Town Manager, Alex Rey, clarified that the Civic Association can use the area on a non-exclusive basis. Town Manager, Alex Rey, stated that twenty feet will be separated to the south to create a conference room. The last eight feet will be a separate area with desks, chairs and computers for the Civic Association and the Town staff will decide who will use the room and will handle scheduling,

Mayor Slaton stated that he does not support the motion because the Civic Association will be unable to use the office at will.

Councilmember Roberto Alonso stated that the Civic Association will remain and if there is a need for a committee or a group to meet in the office and, it is available, it will be granted and that the ultimate decision will be made by the Town Manager.

Councilmember Robert Meador indicated it is the task of the Town Manager to advise the Civic Association of the change, and suggested that the Civic Association should secure their property as the office could potentially be shared space.

Town Manager, Alex Rey, indicated that the Town will coordinate with the Civic Association, if there is a need to use the office area.

The Clerk called the roll and the motion passed with a 5-2 vote with Councilmembers Mary Collins and Richard Pulido voting in opposition.

Councilmember Michael Pizzi made a motion that the remainder of the agenda be heard at the end of the March 18, 2008, Zoning Meeting. The motion received a second from Councilmember Richard Pulido.

Mayor Slaton spoke in opposition to the motion. Councilmember Roberto Alonso suggested a special meeting might be called to finish the agenda items. The Mayor called for the vote and all were in favor.

The following agenda items were moved to the March 18, 2008 Special Meeting:

- C. Traffic Congestion and Safety Initiative (Slaton, Alonso)
- D. Gift Ban (Pizzi)
- E. Fiscal Accountability Policy (Pulido)
- F. Participation on Committees (Simon)
- G. Town Zoning Board (Pizzi)
- H. Council Meeting Rules (Pizzi)
- I. Oversight of Town Funds (Pizzi)

14. FUTURE MEETINGS:

March 18, 2008 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 6 PM
March 13, 2008 Workshop, 15700 NW 67th Ave, Town Hall, Miami Lakes 5 PM
April 8, 2008 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 PM

15. ADJOURNMENT: The meeting adjourned at 1:35 p.m.

Approved this ____ day of _____, 2008.

Wayne Slaton, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

