

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

May 10, 2011

6:30 PM

Royal Oaks Park Community Center

16500 NW 87 Avenue

Miami Lakes, Florida 33018

1. CALL TO ORDER:

Mayor Michael Pizzi called the meeting to order at 6:35 p.m.

2. ROLL CALL:

The Town Clerk, Marjorie Tejada, called the roll with the following Councilmembers present: Nelson Hernandez, Caesar Mestre, Mary Collins, Tim Daubert, Richard Pulido, Vice Mayor Nick Perdomo and Mayor Michael Pizzi.

3. INVOCATION/MOMENT OF SILENCE:

Pastor Ralph Rodriguez, New Testament Baptist Church, led the invocation.

4. PLEDGE OF ALLEGIANCE:

Mayor Michael Pizzi led the Pledge of Allegiance

5. PUBLIC COMMENTS:

Mirtha Mendez thanked the Council for their success in getting the deeds for the parks from Miami Dade County.

Alex Ariano encouraged residents to participate in the Miami Lakes Relay for Life event.

Lynn Matos thanked the Council for supporting the Youth Activities Task Force.

Marlene Garcia spoke about the Just Run Program and thanked the Council for their support. She will be cycling from the border of Georgia to Key West to promote awareness of childhood obesity.

Hope Reynolds encouraged residents to be involved in the Miami Lakes Relay for Life.

Robin Bierman spoke about the Sunshine Law.

Jeanie White spoke about HOA Meetings and thanked the Town Manager for striping 82nd Avenue.

Tony Lama spoke about constituent concerns including pollution in Lake Hilda and the destruction of swale areas.

6. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):

Councilmember Collins added item 13A7 Senior Olympics. Mayor Pizzi made a motion to move the agenda as amended. The motion received a second from Councilmember Mestre and all were in favor.

7. COMMITTEE REPORTS:

8. CONSENT AGENDA:

A. Approval of Minutes:

April 12, 2011 LPA Meeting

April 12, 2011 Regular Council Meeting

April 27, 2011 Special Call Council Meeting

Approved on consent.

B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE AWARD OF A CONTRACT FOR CANAL MAINTENANCE & HERBICIDE TREATMENT SERVICES TO SFM SERVICES INC.; AUTHORIZING 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; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on consent.

C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR ACCEPTANCE OF A UTILITIES EASEMENT FROM OLIVA HOLDINGS CORPORATION; AUTHORIZING THE TOWN MANAGER TO OBTAIN THE EASEMENT; AUTHORIZING ACCEPTANCE OF THE EASEMENT; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS OF THE EASEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE EASEMENT; DIRECTING THE TOWN CLERK TO RECORD THE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on consent.

D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE RECOMMENDATION OF THE TOWN MANAGER TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2010-1151; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on consent.

E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE MICROSOFT BUSINESS AGREEMENT BETWEEN MICROSOFT LICENSING, G.P. AND THE TOWN OF MIAMI LAKES FOR ENTERPRISE

SOFTWARE SERVICES; WAIVING PROCUREMENT PROCEDURES; 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; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on consent.

9. **ORDINANCES – FIRST READING:**

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

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 10-125; AMENDING THE TOWN'S BUDGET FOR THE 2010-2011 FISCAL YEAR; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Town Attorney Mitch Bierman 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 on second reading. The motion received a second from Mayor Pizzi and all were in favor.

B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ARTICLE 9, SIGN CODE, OF THE TOWN'S LAND DEVELOPMENT CODE BY AMENDING DIVISION 9.5, PRE-EXISTING, NON-CONFORMING SIGNS AND ADMINISTRATION, TO PROVIDE REGULATIONS FOR NONCONFORMING BOX SIGNS AND NONCONFORMING CABINET SIGNS, IN AN IU, BU OR RO DISTRICT ON PROPERTIES FRONTING THE STATE ROAD-826 AND RED ROAD/NORTHWEST 57 AVENUE; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)

Town Attorney Mitch Bierman 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.

Mayor Pizzi made a motion to adopt the ordinance on second reading. The motion received a second from Vice Mayor Perdomo and all were in favor.

C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING CHAPTER 33 "ZONING" BY AMENDING THE DEFINITIONS AND BY AMENDING THE ZONING REGULATIONS RELATED TO THE REGULATION OF PAIN MANAGEMENT CLINICS, DRUG STORES, MEDICAL OFFICES AND CLINICS, MEDICAL AND DENTAL LABORATORIES, PHARMACIES AND USES WHICH INCLUDE PHARMACIES;

AMENDING ARTICLE 6 "SUPPLEMENTARY REGULATIONS" OF THE TOWN'S LAND DEVELOPMENT CODE, BY PROVIDING NEW REGULATIONS FOR PAIN MANAGEMENT CLINICS, DRUG STORES, MEDICAL OFFICES AND CLINICS, MEDICAL AND DENTAL LABORATORIES, PHARMACIES AND USES WHICH INCLUDE PHARMACIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE. (Mestre)

Town Attorney Mitch Bierman read the title of the ordinance into the record.

Mayor Pizzi opened the public hearing.

Mirtha Mendez requested to have the revisions of the ordinance presented to the public prior to the meeting.

There being no one else wishing to speak; the Mayor closed the public hearing.

David Ofstein, Director of Planning, Zoning and Code Compliance, explained several of the revisions.

Councilmember Mestre made a motion to adopt the ordinance on second reading. The motion received a second from Councilmember Collins and all were in favor.

11. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE PURCHASE AND SALE AGREEMENT WITH THE GRAHAM COMPANIES, INC. (SELLER) FOR ACQUISITION OF A VACANT PARCEL CONSISTING OF APPROXIMATELY 1.60 ACRES ("PROPERTY"); AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT, AND TO EXECUTE ANY DOCUMENTS NECESSARY TO ACCOMPLISH THE PURCHASE AND CLOSING OF THE PROPERTY; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Town Attorney Mitch Bierman read the title of the resolution into the record.

Councilmember Collins made a motion to adopt the resolution. The motion received a second from Mayor Pizzi. The motion passed 6-1 with Vice Mayor Perdomo voting in opposition.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, [APPROVING/ DENYING] A REQUEST IN ACCORDANCE WITH DIVISION 3.8(f)2 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A PRELIMINARY PLAT ENTITLED MIAMI LAKES FIRE RESCUE STATION NUMBER 64 SUBMITTED For PROPERTY GENERALLY LOCATED SOUTH OF NW 154 STREET AND EAST OF NW 77 COURT, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2022-009-0040, IN THE IU-C, INDUSTRIAL CONDITIONAL ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [APPROVAL/DENIAL]; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION;**

PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Rey) (PUBLIC HEARING)

Town Attorney Mitch Bierman read the title of the resolution into the record.

The Town Clerk announced that the variance for the facility will be heard during the Planning and Zoning Board meeting on May 17th at 6:30 p.m. at the Royal Oaks Park Community Center.

Mayor Pizzi opened the public hearing.

Carlos Heredia, Miami Dade Fire Rescue representative, spoke in favor of the item.

There being no one else wishing to speak; the Mayor closed the public hearing.

Mayor Pizzi made a motion to adopt the resolution. The motion received a second from Councilmember Collins. The motion passed 6-1 with Councilmember Collins voting in opposition.

Mayor Pizzi called for a recess at 7:54 p.m.

Mayor Pizzi called the meeting to order at 8:10 p.m.

The Town Clerk called the roll and all were present.

12. NEW BUSINESS:

A. Park Rules (Collins)

Councilmember Collins made a motion directing staff to bring back a resolution making amendments to the park rules. Input is to be sought from the public and the Town Council. The motion received a second from Mayor Pizzi and all were in favor.

B. Promotion of Economic Development in Miami Lakes (Pizzi)

Mayor Pizzi made a motion to execute an agreement for a promotional segment with the Travel Channel. The motion received a second from Councilmember Collins. Councilmember Mestre amended the motion to put out the Branding Project RFQ before the production of the segment. Mayor Pizzi accepted the amendment. Mayor Pizzi amended the motion to spend up to the amount indicated but with direction to try and raise private funds. Mayor Pizzi amended the motion to direct the Town Manager to obtain input from individual Councilmembers on the message they wish to convey through the segment. All were in favor.

C. Reconsideration of Town Hall Location (Perdomo) No action taken.

D. Committee Restoration Act (Hernandez)

Robin Bierman spoke against the item.

Councilmember Hernandez made a motion that Councilmembers voluntarily relinquish their voting rights on Town Committees while still actively participating in their

respective committees. The motion received a second from Councilmember Pulido. Councilmember Pulido amended the motion to also state that no member of the Town Council can sit on more than one Committee. The Clerk called the roll and the motion failed 4-3 with Councilmembers Hernandez, Pulido, and Daubert voting in favor. Councilmembers Collins, Mestre, Vice Mayor Perdomo, and Mayor Pizzi voted in opposition.

Mayor Pizzi made a motion to table the item indefinitely. The motion received a second from Councilmember Collins. The motion failed 5-2 with Councilmember Collins and Mayor Pizzi voting in favor. Councilmembers Hernandez, Pulido, Daubert, Mestre and Vice Mayor Perdomo voted in opposition.

E. Council Rules and Procedures (Pulido)

Mayor Pizzi ruled the item out of order.

Councilmember Pulido made a motion to overrule the Chair. The motion received a second from Councilmember Hernandez.

Councilmember Pulido will bring the item back with more specificity at a later date.

F. Administrative Site Plan Requirements (Pizzi)

David Ofstein explained the item and answered questions posed by the Council.

Mayor Pizzi made a motion to move forward with the Administrative Site Plan Requirements Ordinance. The motion received a second from Councilmember Daubert and all were in favor.

G. Park Naming (Perdomo)

Vice Mayor Perdomo made a motion to name P3 Park "Jim Mandich Park". A sign will be created for the park. The budget for the sign may exceed \$300.00. The motion received a second from Councilmember Pulido and all were in favor.

H. 5-Point Plan "Infrastructure" (Hernandez)

Councilmember Hernandez introduced the item.

Councilmember Hernandez made a motion to direct staff to place a do not block box area at the intersection of NW 67th Avenue and Loch Ness Drive so that residents will be able to exit and make a left on 67th Avenue safely. The motion received a second from Vice Mayor Perdomo and all were in favor.

I. Town Facilities Policy (Pulido)

Councilmember Pulido made a motion directing the Town Manager to bring back a Town Facilities Utilization Policy based on conversations during this meeting and based on input from individual Councilmembers. The motion received a second from Mayor Pizzi and all were in favor.

J. Lake Improvement Project (Pizzi)

Mayor Pizzi made a motion directing the Town Manager to meet with the Mayor to discuss the prior lake study, examine the rules of the various lakes and to bring back a report that would determine whether or not the Town has any additional responsibilities or if the Town should have any additional policies to assist in maintaining the lakes. The motion received a second from Councilmember Collins. Mayor Pizzi amended the motion to direct the Town Manager to meet with the Councilmembers for input. All were in favor.

K. 5-Point Plan “Public Safety” (Hernandez)

Councilmember Hernandez spoke about police procedure concerning autistic individuals. Town Commander Richard Amion explained the policy, procedure and training of the police officers concerning the issue.

13. REPORTS:

A. MAYOR AND COUNCILMEMBER REPORTS:

1. Appointments

Mayor Pizzi appointed Nabil Battarseh to the Elderly Affairs Committee, Manny Cid to the Economic Development Committee, Claudia Luces and Star Rodriguez to the Education Advisory Board, Roberto Garcia to the Economic Development Committee, Gloria Ortega to the Cultural Affairs Committee, Anthony Lama to the Elderly Affairs Committee and Cynthia Alejo, Howard Watson and Gloria Garcia to the Special Needs Committee. All were in favor.

2. Appointments to Planning and Zoning Board

Councilmember Collins appointed Humberto Garcia to the Planning and Zoning Board. All were in favor.

Vice Mayor Perdomo appointed Tom McGrath to the Planning and Zoning Board. All were in favor.

Mayor Pizzi appointed Jorge de Apodaca to the Planning and Zoning Board. All were in favor.

3. 5-Point Plan “Beautification” (Hernandez)

Councilmember Hernandez spoke about Code Enforcement.

4. Town Code of Ethics (Pulido)

Deferred by Councilmember Pulido

5. 5-Point Plan “Public Safety” (Hernandez)

Councilmember Hernandez spoke about park lighting.

6. Council Meetings (Pulido)

Deferred by Councilmember Pulido

7. Senior Olympics (Collins)

Councilmember Collins commended the Elderly Affairs Committee for doing a great job on the Senior Olympics.

B. MANAGER'S REPORT: No report.

C. ATTORNEY'S REPORTS:

Town Attorney Mitch Bierman requested that the Council grant authorization to the law firm Johnson & Anselmo, who handled the case of Abella vs. Town of Miami Lakes, to pursue an attorney's fee judgment that was awarded against Abella; and also to assign other judgments that they had to their codefendant for prosecution. There will not be a gain or a loss to the Town.

Councilmember Collins made a motion to approve the Town Attorney's request. The motion received a second from Vice Mayor Perdomo and all were in favor.

14. ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at 10:02 p.m.

Approved this 14 day of June, 2011.



Michael Pizzi, Mayor

Attest:



Marjorie Tejada, Town Clerk