

# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

**Mayor Michael Pizzi**

**Vice Mayor Ceasar Mestre**

**Councilmember Mary Collins**

**Councilmember Tim Daubert**

**Councilmember Nelson Hernandez**

**Councilmember Nick Perdomo**

**Councilmember Richard Pulido**

## **Minutes**

### **TOWN COUNCIL MEETING**

**February 14, 2012**

**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 6:36 p.m.
2. **ROLL CALL:** Marjorie Tejeda, Town Clerk, called the roll with the following Councilmembers present: Mary Collins, Nelson Hernandez, Tim Daubert, Nick Perdomo, Vice Mayor Ceasar Mestre and Mayor Michael Pizzi. Councilmember Richard Pulido was absent.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Pizzi called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Councilmember Perdomo led the Pledge of Allegiance.
5. **PUBLIC COMMENTS:** No public comments.
6. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):**

Mayor Pizzi made a motion to defer all New Business Items and Councilmember Reports to the next Regular Council Meeting with the exception of item 11E. Mayor Pizzi made a motion to discuss item 9A first, item 11E second followed by the Consent Agenda and Ordinances on first reading. Councilmember Collins pulled item 8F. The motion received a second from Vice Mayor Mestre and all were in favor. Councilmember Pulido was absent.
7. **COMMITTEE REPORTS:** No Committee Reports.
8. **CONSENT AGENDA:**

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

Mayor Pizzi presented Project Citizen from Miami Lakes Middle School with certificates of recognition for winning the "We the People" Competition.

Councilmember Pulido arrived at 6:55 p.m.

**A. Minutes for Approval:**

**October 11, 2011 Regular Council Meeting  
December 13, 2011 LPA Meeting  
December 13, 2011 Regular Council Meeting**

Passed on Consent.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING A REQUEST FROM ROBERTO VILA AND CARIDAD VILA TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. C2011-0237 AND C2011-2466; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Passed on Consent.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO ACCEPT A UTILITY EASEMENT AT THE PROPERTY LOCATED AT 16242 NW 79 AVENUE FOR CONSTRUCTION OF AN OUTFALL NEEDED TO ENHANCE THE AREA'S STORM WATER SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE UTILITY EASEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE GRANT OF EASMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

Passed on Consent.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO ACCEPT THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA)/FEDERAL TRANSIT ADMINISTRATION (FTA) GRANT IN THE AMOUNT OF \$570,100; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR**

**INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Passed on Consent.

- E. RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AWARD AN ARCHITECTURAL SERVICES CONTRACT TO C3TS, TO PROVIDE ARCHITECTURAL SERVICES FOR THE DESIGN OF THE NEW EAST PARK YOUTH CENTER, IN AN AMOUNT NOT TO EXCEED \$74,010; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Passed on Consent.

- F. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO ENTER INTO NEGOTIATIONS AND AWARD CONTRACTS TO THE TOP THREE CIVIL ENGINEERING FIRMS AGREEING TO THE TOWNS CONTRACTUAL TERMS, TO PROVIDE ENGINEERING AND DESIGN SERVICES ON AN AS NEEDED BASIS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE CONTRACTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Councilmember Collins made a motion to award contracts to all five qualifying firms; authorizing the Town Manager to issue contracts to the firms at his discretion. The motion received a second from Councilmember Daubert and all were in favor.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AWARD THREE, 3-YEAR CONTRACTS TO SUPERIOR LANDSCAPING & LAWN SERVICE, INC., TO BRINKMAN GROUP LTD, LLC, AND TO SFM SERVICES, INC.; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE CONTRACTS; INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Passed on Consent.

- G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY THROUGH MIAMI-DADE TRANSIT (MDT) FOR THE OPERATION OF PUBLIC TRANSPORTATION SERVICES WITHIN THE TOWN; 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)**

Passed on Consent.

- H. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AWARD A CONTRACT TO GILI-MCGRAW ARCHITECTS LLP (GILI-MCGRAW), TO PROVIDE ARCHITECTURAL SERVICES FOR THE DESIGN OF THE NEW OPTIMIST PARK CLUBHOUSE, IN THE AMOUNT OF \$83,140; 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)**

Passed on Consent.

- I. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AWARD A CONTRACT FOR THE PURCHASE OF TWO SHUTTLE BUSES FOR TOWN TRANSIT SERVICES, IN AN AMOUNT NOT TO EXCEED \$864,000; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Passed on Consent.

- J. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE PURCHASE OF A VAC-CON TRUCK FOR STORM DRAIN MAINTENANCE, IN AN AMOUNT NOT TO EXCEED \$285,000; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF**

**THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Passed on Consent.

**9. QUASI-JUDICIAL ITEMS/APPEALS (PUBLIC HEARING):**

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING 1) A REQUEST FOR CONDITIONAL USE APPROVAL, PURSUANT TO SECTION 33-253(6) AND ARTICLE 3 OF THE TOWN'S LAND DEVELOPMENT CODE (LDC) TO ALLOW A NIGHT CLUB TO BE LOCATED IN A BU-2 ZONING DISTRICT; 2) A REQUEST FOR A VARIANCE FROM SECTION 33-253(6) TO ALLOW A NIGHT CLUB IN A BU-2 ZONING DISTRICT CLOSER THAN FIVE HUNDRED (500) FEET TO AN RU ZONING DISTRICT; 3) A REQUEST FOR A SPECIAL EXCEPTION PURSUANT TO SECTION 33-150(B) TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES CLOSER THAN TWO-THOUSAND FIVE HUNDRED (2,500) FEET TO A CHURCH AND PUBLIC SCHOOL; FOR PROPERTY LOCATED AT 6125 MIAMI LAKES DRIVE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Joseph Geller, Interim Town Attorney, briefed the Council on Resolution 01-20, ex-parte communications.

The Town Council disclosed ex-parte communications.

David Ofstein presented staff's recommendation for approval with conditions.

Mayor Pizzi read the quasi-judicial procedures.

The Town Clerk swore in anyone wishing to speak.

The Town Attorney read the title of the resolution into the record.

Javier Vasquez, representing the applicant, presented the application.

Mandy Fernandez, the applicant, spoke in favor of the application.

Mayor Pizzi opened the public hearing.

Mirtha Mendez spoke in favor of the item.

Humberto Perez spoke in favor of the item.

Paula Hagan spoke against the item.

Maria Rogers spoke in favor of the item.

Miriam Beck spoke against the item.

Frank Beck spoke against the item.

Ms. Vega spoke against the item.

Barbara Hommel spoke against the item.

Kathleen Strandell spoke against the item.

Nancy Roberts spoke against the item.

Jose Flores spoke in favor of the item.

Ralph Salgado spoke against the item.

Maggie Suazo spoke in favor of the item.

Ben Ostrovsky spoke in opposition of the item.

Pedro Maribal spoke against the item.

Ricardo Morales Gomez spoke in opposition of the item.

David Bennett spoke against the item.

Roberto Alonso spoke against the item.

Michael Finn spoke in favor of the item.

Terry Finn spoke in favor of the item.

Jerry Benitiz spoke in favor of the item.

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

Javier Vasquez made favorable closing remarks on behalf of the applicant.

Mayor Pizzi made a motion to adopt the resolution with staff recommendations with the requirement that the applicant comply with any additional conditions set during the meeting by the Council. Staff is directed to check on the business regularly and to get updates from residents on a weekly basis. If the conditions are violated or if there are any safety or nuisance issues imposed on the residents the business is to be shut down immediately. The motion received a second from Vice Mayor Mestre.

Councilmember Collins proposed a friendly amendment to change the 5:00 A.M. curfew to 3:00 A.M. and to allow wine and champagne on Sundays before 1:00 P.M.

Councilmember Perdomo proposed a friendly amendment requiring the applicant to install sound proofing and double doors.

Vice Mayor Mestre proposed a friendly amendment to revise the language in the resolution to read “nearby properties” and “adjacent properties”, to make the variance approvals non-transferable, to require the addition of double doors in the foyer with two verified incidences of excessive noise, and to prohibit outdoor music/speakers.

Mayor Pizzi accepted the friendly amendments.

Councilmember Pulido proposed a friendly amendment to prohibit the owner from sub-leasing the property.

Mayor Pizzi accepted the friendly amendment.

Vice Mayor Mestre withdrew his second.

Vice Mayor Mestre made a motion to defer the item to the March 13<sup>th</sup> Regular Council Meeting. The public hearing will not be re-opened. The motion received a second from Councilmember Pulido and all were in favor.

**10. ORDINANCES-FIRST READING:**

- A. AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF MIAMI LAKES, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE. (Rey)**

Joseph 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 Mayor Pizzi. The Town Clerk called the roll and all were in favor.

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 11-137; AMENDING THE TOWN'S BUDGET FOR THE 2011- 2012 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)**

Joseph 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 Perdomo. The Town Clerk called the roll and the motion passed 6-1 with Councilmember Pulido voting in opposition.

- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES FLORIDA, RELATING TO ELECTIONS; AMENDING ORDINANCE NO. 04-49 TO PROVIDE NEW QUALIFYING DATES FOR TOWN ELECTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Joseph 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 Perdomo. The Town Clerk called the roll and all were in favor.

**11. NEW BUSINESS:**

- A. Public Safety Improvements (Pizzi) Deferred.**
- B. Beautification Enhancements (Mestre) Deferred.**
- C. Flag Protection Act (Collins) Deferred.**
- D. Town Beautification (Pulido) Deferred.**
- E. Traffic Improvements on Loch Ness Drive (Pizzi)**



Councilmember Hernandez requested to be added as a co-sponsor to item 11E. Mayor Pizzi accepted the request.

Sergio Campos, president of the Loch Ness Homeowner's Association, spoke in favor of the item.

Councilmember Pizzi made a motion to authorize the Town Manager to use Town resources to build a right turn lane at the end of Loch Ness Drive, to cooperate with Commissioner Bovo's office and Miami Dade County in building a left turn merge lane and median at the County's expense and to work with Councilmember Hernandez, Mayor Pizzi and the Loch Ness Homeowner's Association to perpetuate this. The motion received a second from Councilmember Hernandez and all were in favor.

**F. Enhanced Economic Development (Mestre) Deferred.**

**G. Community Doggie Exercise Parks (Pulido) Deferred.**

**12. REPORTS:**


**A. MAYOR AND COUNCILMEMBER REPORTS:**

1. **Appointments** Deferred.
2. **Town Attorney (Pulido)** Deferred.
3. **Town Charter (Pulido)** Deferred.

**13. ADJOURNMENT:** There being no further business to come before the Council, the meeting adjourned at 10:25 p.m.

Approved this 10 day of April, 2012.

  
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Michael Pizzi, Mayor

Attest:  
  
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Marjorie Tejeda-Castillo, Town Clerk