

# TOWN OF MIAMI LAKES, FLORIDA

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## MINUTES

### REGULAR COUNCIL MEETING

May 8, 2012

6:30 p.m.

Royal Oaks Park Community Center

16500 NW 87th Avenue Miami Lakes, FL 33018

**1. CALL TO ORDER:**

Mayor Pizzi called the meeting to order at 6:40 p.m.

**2. ROLL CALL:**

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

**3. INVOCATION/MOMENT OF SILENCE:**

The Mayor called for a moment of silence.

**4. PLEDGE OF ALLEGIANCE:**

Councilmember Perdomo led the Pledge of Allegiance.

**5. PUBLIC COMMENTS:**

Claudia Luces spoke about inappropriate behavior at Cinco de Mayo event.

**6. ORDER OF BUSINESS: DEFERRALS, ADDITIONS AND DELETIONS:**

Mayor Pizzi made a motion to pull item 8C. The motion received a second from Councilmember Collins and all were in favor.

**7. COMMITTEE REPORTS:**

No Committee Report.

**8. CONSENT AGENDA:**

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

- A. A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, TO DESIGNATE A PORTION OF STATE ROAD 826/PALMETTO EXPRESSWAY BETWEEN ON-RAMP 87260330 AND ON RAMP 87260333 IN MIAMI LAKES, FLORIDA, MIAMI-DADE COUNTY AS JIM MANDICH MEMORIAL HIGHWAY; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITION OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)**

Passed on consent.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO REQUEST LEASE AGREEMENTS FROM FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") OF TWO PARCEL PROPERTIES WITHIN THE TOWN BOUNDARIES, PARCEL NO 4463 AND PARCEL 4867 AND POSSIBLE LEASE OR CONVEYANCE OF A THIRD PROPERTY LOCATED AT THE WEST END OF MIAMI LAKES DRIVE (154TH STREET) EAST OF I-75; 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.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE AWARD OF SIX CONTRACTS FOR GROUND MAINTENANCE SERVICES FOR POCKET PARKS AND RIGHTS-OF-WAY, ITB 2012-05R: TO FLORIDA TURF AND LANDSCAPE HORTICULTURE, INC.; GREENSOURCE LANDSCAPE AND SPORTS TURF, INC.; SUPERIOR LANDSCAPING AND LAWN, INC.; THE BRICKMAN GROUP LTD, LLC; VALLEYCREST; AND GROUNDKEEPERS; FOR A PERIOD NOT TO EXCEED 60 MONTHS, IN AN AMOUNT NOT TO EXCEED A TOTAL COST OF \$3,900,000.00; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACTS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Mayor Pizzi made a motion to adopt the resolution with the inclusion that the Town Manger have the ability to negotiate with vendors which were not the lowest bidder. The motion received a second from Councilmember Collins. The motion passed unanimously.

Councilmember Daubert made a friendly amendment to include all 7 bidders in the motion. Mayor Pizzi did not accept the amendment.

Councilmember Daubert made an amendment authorizing the Town Manager to grant week to week extensions to the current vendors until the contracts approved tonight are executed. The Mayor accepted the amendment.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE AWARD OF CONTRACT FOR ITB 2012-06, DOWNTOWN ROADWAY AND DRAINAGE IMPROVEMENTS, PHASES I & II, IN THE AMOUNT OF \$1,199,947 TO GPE ENGINEERING & GENERAL CONTRACTORS CORPORATION; 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)**

Passed on consent.

- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AWARDED TRACY SANCHEZ AND JOSEPH CHOI WITH THE 2012 "KEY TO THE TOWN OF MIAMI LAKES SCHOLARSHIP"; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE SCHOLARSHIP; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)**

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 A REQUEST IN ACCORDANCE WITH DIVISION 3.8 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A FINAL PLAT ENTITLED MIAMI LAKES FIRE RESCUE STATION NUMBER 64 SUBMITTED FOR PROPERTY GENERALLY LOCATED IN THE SOUTHEAST CORNER OF NORTHWEST 154 STREET AND NORTHWEST OF 77 COURT, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2022-009-0040, IN THE IU-C, INDUSTRIAL CONDITIONALZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

The Town Attorney read the title of the resolution. David Ofstein, Planning and Zoning Director, presented the item.

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

The Mayor made a motion to adopt the resolution. Vice Mayor Cesar Mestre seconded the motion. The Town Clerk called the roll and the motion passed 6-1 with Councilmember Collins voting in opposition.

**10. ORDINANCES - FIRST READING:**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 33 "ZONING" OF THE TOWN CODE OF ORDINANCES, BY CREATING ARTICLE VI, DIVISION 1, ENTITLED "NEWSRACKS" PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS RELATING TO NEWSRACKS WITHIN THE TOWN PUBLIC RIGHTS-OF-WAY AND UPON PRIVATE PROPERTY; PROVIDING FOR REGISTRATION OF NEWSRACKS; PROVIDING FOR NON-CONFORMING NEWSRACKS; PROVIDING FOR REMOVAL OF NON-CONFORMING NEWSRACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Mestre)**

The Town Attorney read the title of the ordinance. Councilmember Collins made a motion to adopt the ordinance on first reading. The motion received a second from Mayor Pizzi. The motion passed 6-1 with Councilmember Daubert voting in opposition.

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE**

**5, ALLOWED ENCROACHMENTS INTO REQUIRED YARDS, AND ARTICLE 9, SIGNS; AMENDING THE HEIGHT RESTRICTIONS FOR FLAG POLES THAT CARRY THE UNITED STATES FLAG; AMENDING DIMENSIONAL REQUIREMENTS FOR DISPLAYS OF THE UNITED STATES FLAG; AMENDING RESTRICTIONS ON THE USE OF THE UNITED STATES FLAG AS AN ADVERTISING DEVICE; AMENDING RESTRICTIONS ON THE NUMBER OF FLAG POLES ALLOWED PER SITE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Collins)**

The Town Attorney read the title of the ordinance. Councilmember Daubert made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Pulido. The Town Clerk called the roll and the motion passed unanimously.

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, REORGANIZING, REFORMATTING, CONSOLIDATING, AMENDING, ADOPTING AND ENACTING A NEW ARTICLE I, SECTION 13-1(A), INCORPORATING EXISTING DEFINITIONS AND REPLACING EXISTING SECTIONS 13-1(A) AND 33-1, A NEW ARTICLE III, SECTION 13-302, "DEVELOPMENT APPROVALS BY THE ADMINISTRATIVE OFFICIAL", SECTIONS 13-303 "CONDITIONAL USE APPROVAL" AND SECTION 13-309, "PUBLIC HEARING AND NOTICE" TO REPLACE EXISTING SECTIONS 13-302, 13-303 AND 13-309, A NEW ARTICLE IV, DIVISION 8, SECTIONS 13-542 THROUGH 13-546, "RO-13 LOW DENSITY RESIDENTIAL/OFFICE DISTRICT" TO REPLACE EXISTING SECTIONS 13-542 THROUGH 13-546, A NEW ARTICLE IV DIVISION 9, SECTIONS 13-562 THROUGH 13-566 "HIGH DENSITY RESIDENTIAL OFFICE DISTRICT" TO REPLACE EXISTING SECTIONS 13-562 THROUGH 566, A NEW ARTICLE IV, DIVISION 12, SECTIONS 13-603 THROUGH SECTION 13-616 "BU-1 NEIGHBORHOOD BUSINESS DISTRICT" TO REPLACE ARTICLE XXIV, SECTIONS 33-237 THROUGH 33-245.2, A NEW ARTICLE IV, DIVISION 13, SECTIONS 13-619 THROUGH 13-365 "BU-1A, LIMITED BUSINESS DISTRICT" TO REPLACE EXISTING ARTICLE XXV, SECTIONS 33-246 THROUGH 33-251.5, A NEW ARTICLE IV, DIVISION 14, SECTIONS 13-635 THROUGH 13-650 "BU-2, SPECIAL BUSINESS DISTRICT" TO REPLACE EXISTING ARTICLE XXVI, SECTIONS 33-252 THROUGH 33-253.9, A NEW ARTICLE IV, DIVISION 15, SECTIONS 13-651 THROUGH 13-667, "LIBERAL BUSINESS DISTRICT" TO REPLACE EXISTING ARTICLE XXVII, SECTIONS 33-254 THROUGH 33-256.8, A NEW ARTICLE IV DIVISION 16, SECTIONS 13-668 THROUGH 13-687, "IU-1, INDUSTRIAL LIGHT MANUFACTURING DISTRICT" TO REPLACE EXISTING ARTICLE XXIX, SECTIONS 33-359 THROUGH 33-261.3, A NEW ARTICLE IV, DIVISION 17, SECTIONS 13-688 THROUGH 13-701 "IU-2, HEAVY MANUFACTURING DISTRICT" TO REPLACE EXISTING ARTICLE XXX, SECTIONS 33-263 THROUGH 33-263.4, A NEW ARTICLE IV, DIVISION 18, SECTIONS 13-703 THROUGH 13-718.2 "IU-3, INDUSTRIAL UNLIMITED DISTRICT" TO REPLACE EXISTING ARTICLE XXXI, SECTIONS 33-264 THROUGH 33-266.5, A NEW ARTICLE IV, DIVISION 19, SECTIONS 13-719 THROUGH 13-740 "IU-C, INDUSTRIAL USE CONDITIONAL" TO REPLACE EXISTING ARTICLE XXXII, SECTIONS 33-267 THROUGH 33-278.4, A NEW ARTICLE IV, DIVISION 20, SECTIONS 13-745 THROUGH 13-748 "BUSINESS, COMMERCIAL AND INDUSTRIAL USE MASTER LIST" REFORMATTING, ORGANIZING AND CONSOLIDATING LOCATION OF PERMITTED USES IN CERTAIN ZONING DISTRICTS, A NEW ARTICLE IV, DIVISION 21, SECTIONS 13-749 THROUGH 13-794 "ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS" REFORMATTING, ORGANIZING AND CONSOLIDATING REGULATION OF CERTAIN USES, A NEW ARTICLE VIII, SECTIONS 13-801 "OFF-STREET PARKING", REPLACING EXISTING ARTICLE VII, SECTIONS 33-122**

**THROUGH 33-132, A NEW ARTICLE IV, DIVISION 23, SECTIONS 13-821 THROUGH 13-827 "TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT" REPLACING EXISTING ARTICLE XXXIIH, SECTIONS 33-284.46 THROUGH 33-384.54, A NEW ARTICLE IV, DIVISION, 4.22, SECTIONS 13-800 THROUGH 13-820 "PLANNED DEVELOPMENT DISTRICT" REPLACING EXISTING, ARTICLE XXXIIB, SECTIONS 33-284.10 THROUGH 33-284.21 OF THE TOWN'S CODE; PROVIDING FOR REPEAL OF SPECIFICALLY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RETENTION OF OMITTED REGULATIONS; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

The Town Attorney read the title of the ordinance. Mayor Pizzi made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Collins. The Town Clerk called the roll and the motion passed unanimously.

## **11. NEW BUSINESS:**

### **A. Code Procedures (Pizzi)**

The Mayor made a motion that staff research and come back with a proposed change in the code that requires background checks when there is an application for a zoning change involving the sale of hard liquor. Create suggested language for code notices to include statutory language, the potential of fine escalation, and mediation options. That senior citizens and disabled residents that receive code warnings be provided a form to submit to the Town and be made aware of the Town's Assistance Program in order to assist in the correction of violations. The motion received a second from Councilmember Perdomo and all were in favor.

### **B. Attorney Fees (Perdomo)**

Councilmember Perdomo made a motion to pay the outstanding balance for legal services provided, for former Councilmember Nancy Simon, by Weiss Serota at a 30% discounted rate. The motion received a second from Councilmember Mary Collins and all were in favor.

### **C. Neighborhood Matching Grant Program (Pizzi)**

Mayor Pizzi made a motion to approve the Eagle Nest Condominium Association's application, requesting \$4,998.25, for the Town of Miami Lakes Neighborhood Matching Grant Program. The motion received a second from Councilmember Daubert and all were in favor.

## **12. REPORTS:**

### **A. MAYOR AND COUNCILMEMBER'S REPORTS:**

#### **1. Appointments**

The Mayor appointed Jessica Fernandez, Lina Navarrini, Willie Hernandez, and Waffaa Pierce to the Beautification Committee and all were in favor.

### **B. MANAGER'S REPORTS:**

#### **1. Speed Radar Pole-Mounted Devices with Flashers on Miami Lakeway South**

Alex Rey, Town Manager, reported on several options to install speeding devices for Miami Lakes K-8 Center. The Council agreed that the grant option would be best.

#### **2. Youth Center Conceptual Design**

Alex Rey, Town Manager, presented the conceptual design of the Youth Center on the East side of Town.

**C. ATTORNEY'S REPORTS:**

No Attorney Report.

**13. ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 8:14 p.m.

Approved this 10 day of July, 2012.

  
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Michael Pizzi, Mayor

Attest:

  
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Marjorie Tejeda, Town Clerk