

TOWN OF MIAMI LAKES, FLORIDA

MINUTES

REGULAR COUNCIL MEETING

June 12, 2012

6:30 p.m.

Royal Oaks Park Community Center

16500 NW 87th Avenue

1. CALL TO ORDER:

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

2. ROLL CALL:

Jaren Gonzalez-Barreto, Acting Clerk, called the roll with the following Councilmembers present: Nelson Hernandez, Mary Collins, Richard Pulido, Tim Daubert Vice Mayor Ceasar Mestre and Mayor Michael Pizzi.

Councilmember Nick Perdomo was absent.

3. INVOCATION/MOMENT OF SILENCE:

Mayor Pizzi called for a moment of silence.

4. PLEDGE OF ALLEGIANCE:

Jaren Gonzalez-Barreto led the Pledge of Allegiance.

5. PUBLIC COMMENTS:

Esperanza Hope Reynolds spoke about an incident that occurred at the Executive Session held on June 5th, 2012.

Henry Varela requested that Mayor Pizzi deliver his oath for U.S. Citizenship.

Lina Navarini spoke in regards to the problems the residents of Lake Elizabeth face with their Home Owner's Association.

Cindy Byer spoke about the weeds and bugs in pocket parks.

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

Mayor Pizzi deferred item 10 to the September Regular Council Meeting. Mayor Pizzi made a motion to discuss first the New Business item 12B, then item 8C, item 8D and item 8B. Mayor Pizzi deferred

item 9A to the September Regular Council Meeting. The motion received a second from Councilmember Collins and all were in favor.

7. COMMITTEE REPORTS:

There were no Committee Reports

8. CONSENT AGENDA:

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

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING ACCESS TO ANOTHER PUBLIC ENTITY'S CONTRACT UNDER SECTION 7 OF THE PROCUREMENT CODE; AUTHORIZING THE USE OF THE TOWN OF CUTLER BAY'S ITB 09-05; APPROVING THE AGREEMENT FOR STREET SWEEPER SERVICES WITH ENVIRONMENTAL PERFORMANCE SYSTEMS, INC. ("EPS") NOT TO EXCEED \$70,700; AUTHORIZING TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS 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)**

Passed on consent.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE REQUEST OF SUCEL YANET VILA FERNANDEZ TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2010-1294; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Vice Mayor Mestre made a motion to reduce the fine to \$528.27. The motion was seconded by Mayor Pizzi and all were in favor.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING A REQUEST FROM JAVIER VAZQUEZ ON BEHALF OF ARMANDO REBULL TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. C2003-0703 AND C2007-0465; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Councilmember Collins made a motion to reduce the fine to \$1,692.85. The motion was seconded by Councilmember Daubert and all were in favor.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING A REQUEST FROM JULIAN BALMORI TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. C2012-0016 AND C2008-1315; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Mayor Pizzi made a motion to reduce the fine to 887.39. Councilmember Collins seconded the motion and all were in favor.

- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN THE TOWN**

OF MIAMI LAKES AND MIAMI-DADE IN REACTION TO THE GOB FOR CONSTRUCTION OF A NEW MINI POLICE STATION FOR THE TOWN OF MIAMI LAKES POLICE DEPARTMENT, IN AN AMOUNT TOTALING \$500,000; 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. (Pizzi/Rey)

Passed on consent.

- F. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO ENTER INTO AND AWARD CONTRACTS TO KIMLEY-HORN AND ASSOCIATES, INC. FOR THE PHASE A, WEST LAKES PROJECT AREA HYDRAULIC ANALYSIS TO PROVIDE ENGINEERING SERVICES, IN AN AMOUNT NOT TO EXCEED \$36,000, PAYABLE FROM THE CAPITAL PROJECT FUND-STORMWATER ACTIVITY RESERVE; 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)**

Passed on consent.

- G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO ENTER INTO AND AWARD CONTRACTS TO MARLIN ENGINEERING, INC. FOR THE WEST LAKES PHASES B, C, D AND E PROJECT TO PROVIDE ENGINEERING SERVICES, IN AN AMOUNT NOT TO EXCEED \$136,059, PAYABLE FROM THE CAPITAL PROJECT FUND-STORMWATER ACTIVITY RESERVE; 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)**

Passed on consent.

- H. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 12-146 FOR FY 2011-2012 FISCAL YEAR; MODIFYING BUDGETED LINE ITEMS; 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)**

Passed on consent.

9. ORDINANCES - FIRST READING:

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ARTICLE IX, SIGN CODE, OF CHAPTER 13, LAND DEVELOPMENT CODE, OF THE TOWN'S CODE BY AMENDING SECTION 13-1902, DEFINITIONS, SECTION 13-1903, GENERAL REQUIREMENTS FOR ALL SIGNS, AND SECTION 13-1904, ADDITIONAL REQUIREMENTS FOR SIGNS; TO CLARIFY DEFINITIONS; TO PROVIDE

REGULATIONS FOR BANNERS AND TEMPORARY SIGNS; CHANGING REGULATIONS FOR SIGNS IN THE RIGHT-OF-WAY; TO AMEND REGULATIONS FOR BOX SIGNS; TO PROVIDE REGULATIONS FOR PROMOTIONAL EVENTS; PROVIDE FOR OPTING OUT OF CERTAIN PROVISIONS OF THE MIAMI-DADE COUNTY CODE RELATING TO HEIGHT OF POINT OF SALE SIGNS IN PROTECTED AREAS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Mestre)

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

Vice Mayor Mestre made a motion to adopt the ordinance on first reading and that it be read on second reading after the Infrastructure Strategic Plan Workshop day. The motion received a second from Councilmember Collins. All were in favor.

10. ORDINANCES - SECOND READING:

Mayor Pizzi made a motion to defer the Ordinances on Second Reading to the September Regular Town Council Meeting. The motion was seconded by Councilmember Collins and approved by all.

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)

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)

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 XXXIIIH, 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 XXXIIIB, 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)

11. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE TERMS AND CONDITIONS OF THE PROPOSED STIPULATION FOR SETTLEMENT TO RESOLVE THE FEDERAL LAWSUIT FILED BY THE ASSOCIATION FOR DISABLED AMERICANS, INC., AND ALAN RIGERMAN VS. THE TOWN OF MIAMI LAKES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Geller/Rey)**

Joseph Geller, Town Attorney, explained the purpose of the Executive Session held on June 5th. Mayor Pizzi made a motion to adopt the resolution and the motion was seconded by Councilmember

Hernandez. The resolution passed 5-1 with Councilmember Collins voting in opposition.

12. NEW BUSINESS:

A. Infrastructure Strategic Plan (Pizzi)

Mayor Pizzi and Councilmember Daubert made a motion directing staff to initiate a proceeding for Councilmembers to have a Strategic Plan Workshop in order for them to discuss issues in an informal setting. Mayor Pizzi also requested for the Town Manager to allocate funds for the workshop. Councilmember Collins seconded the motion and all were in favor.

B. Public Safety- Additional Lighting (Hernandez)

Olivia and David Gonzalez spoke in favor of this item.

Councilmember Hernandez made a motion directing staff to put additional street light on the cul-de-sac of Twin Sabal Drive. The motion was seconded by Councilmember Collins and all were in favor.

C. Synthetic Marijuana and Bath Salts

Councilmember Daubert made a motion to enact legislation banning the sale and possession of synthetic marijuana and bath salts. The motion received a second from Mayor Pizzi and all were in favor.

13. REPORTS:

A. MAYOR AND COUNCILMEMBER'S REPORTS:

1. Appointments

Mayor Pizzi appointed Mr. Michael Alvarez to the Special Needs Committee. All were in favor.

2. 2012 Summer Olympics

Councilmember Collins gave a report regarding the Summer Olympics. She invited the public to watch the opening ceremony to be held on July 27th, at the Community Center West.

B. MANAGER'S REPORTS:

No Manager's Report.

C. ATTORNEY'S REPORTS:

No Attorney Report.

14. ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 8:30 p.m.

Approved this 10 day of July, 2012.



Michael Pizzi, Mayor

Attest:



Marjorie Tejeda, Town Clerk