

# **TOWN OF MIAMI LAKES, FLORIDA**

## **MINUTES**

**Regular Council Meeting**

**September 9, 2014**

**6:30 PM**

**Government Center**

**6601 Main Street, Miami Lakes, Florida 33014**

Presentations: Mayor Slaton recognized Councilman Mingo with a Certificate of Completion for successfully completing approximately 18 hours at the Institute for Elected Municipal Officials.

**1. CALL TO ORDER:**

Mayor Slaton called the meeting to order at 7:06 p.m.

**2. ROLL CALL:**

The Town Clerk, Marjorie Tejeda, called the roll with the following Councilmembers present: Frank Mingo, Nelson Rodriguez, Tim Daubert, Tony Lama, Ceasar Mestre, Vice Mayor Manny Cid, and Mayor Wayne Slaton.

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

Mayor Slaton led the invocation.

**4. PLEDGE OF ALLEGIANCE:**

Mayor Slaton led the Pledge of Allegiance.

**5. PUBLIC COMMENTS:**

Alec Anderez voiced his support for the Town's prospective marketing initiative spearheaded by the Economic Development Committee.

Lynn Matos spoke in favor of 11B and invited the Town to the *Miami Lakes Rocks!* event on September 20, 2014.

Gina Shireman, a Miami Dade County Public Schools educator and advisor of the *Students Changing the World Club*, advocated for the status quo in terms of the Youth Activities Task Force budget.

Grace Lobe, advocate for Guardian Hand Foundation, asked for the Town's help in

raising awareness of rare diseases.

Mirtha Mendez voiced her opposition to Item 6I. Although she is in favor of an entry feature, \$132,000 is too costly.

Fred Amankwah, member of the Boy Scout Troop 49, spoke in favor of funding for Item 12D.

Star Rodriguez, chairperson of the Education Advisory Board, spoke in favor of the committee's budget.

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

Councilman Lama pulled Item 8I and 8J. Councilman Mingo pulled Item 8E. The Town Attorney, Raul Gastesi, added to the Attorney's Report, Item 15A: *Michael A. Pizzi v. Rick Scott*. Alex Rey, Town Manager, added Item 11B and to the Manager's Report 14B: Madden's Hammock Development Agreement. Councilman Mestre withdrew Item 12B and Mayor Slaton deferred Item 12E. Councilman Lama made a motion to approve the agenda as amended. The motion was seconded by Councilman Mestre and all were in favor.

**7. COMMITTEE REPORTS:**

No committee reports were presented.

**8. CONSENT AGENDA:**

Councilman Lama made a motion to adopt the remaining items on the consent agenda. The motion received a second from Councilman Rodriguez and the motion passed 7-0.

A. Approval of Minutes

Passed on consent.

B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA ACCEPTING A REQUEST FROM JOSE A. SIMON AND ELIANA SIMON TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. C2013-1708; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Passed on consent.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA ACCEPTING A REQUEST FROM POSITANO HOMES TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NOS. C2012-1898, C2012-1624, C2012-1507, C2012-0082, C2011-2182, C2010-1051, C2006-1014 AND C2006-0110; AUTHORIZING the TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Passed on consent.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA ACCEPTING A REQUEST FROM JUCATEL REALTY LLC TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NOS. C2014-0940, C2011-1063, AND C2010-1322; AUTHORIZING the TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Passed on consent.

- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA ACCEPTING A REQUEST FROM OSVALDO SUAREZ AND JEANNIE OLIVA TO REDUCE PREVIOUSLY ASSESSED BUILDING CODE COMPLIANCE FINES FOR CASE NO. C2009-0971; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Councilman Lama made a motion to approve the item. The motion was seconded by Councilman Mestre and the motion passed 6-0. Councilman Mingo recused himself.

- F. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA ACCEPTING A REQUEST FROM IBRAHIM REMEDIOS AND AMADO PRIETO TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NOS. C2014-0796, C2012-1720, C2010-0928, C2010-0216, C2009-0298, C2008-1186 AND C2005-0340; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Passed on consent.

- G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA WAIVING THE COMPREHENSIVE COUNCIL MEETING AND AGENDA PROCEDURES; MOVING THE NOVEMBER 11, 2014 REGULAR COUNCIL MEETING TO THE FOURTH TUESDAY IN OCTOBER, TO WIT: OCTOBER 28, 2014; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Passed on consent.

- H. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING CHANGE ORDER NO. 4 IN THE AMOUNT OF \$6,000.00 TO THE AGREEMENT FOR CONSULTING SERVICES BETWEEN CRB GEOLOGICAL & ENVIRONMENTAL SERVICES, INC. AND THE TOWN OF MIAMI LAKES TO REVIEW BELZONA GLOBAL, LLC'S ZONING APPLICATION TO A NEW CONTRACT VALUE OF \$34,725.00; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CHANGE ORDERS; AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER NO. 4; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Passed on consent.

- I. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AWARDED CONTRACT FOR INVITATION TO BID (ITB) 2014-83 NW 67TH AVENUE ENTRY FEATURE TO ABC CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$132,000.00; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT TERMS AND CONDITIONS OF CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Councilman Lama made the following recommendations: (1) Direct Town Manager to enter into a negotiated procurement process to not exceed \$100,000. (2) Direct Town Manager to manage the project with in-house resources as General Contractors and execute subcontractor agreements.

Councilman Lama made a motion authorizing staff to enter into the negotiated procurement process on 67<sup>th</sup> Avenue. The motion was seconded by Councilman Mingo.

Councilman Mingo amended the aforementioned motion, thereby directing staff to cap the negotiated procurement amount at \$75,000. The motion was seconded by Councilman Mestre and all were in favor.

Tirso Martinez answered questions posed by the Council.

Councilman Lama made a motion authorizing the Town Manager to enter into a negotiated procurement process to bring this initiative under \$75,000. If the negotiated agreement is below \$75,000, the motion authorizes the Town Manager to proceed with the initiative. If an agreement is not met, the motion authorizes the Town Manager to expend in-house resources and manage the project as a General Contractor. The motion also authorizes the Town Manager to execute subcontractor agreements as necessary. The motion was seconded by Councilman Rodriguez and all were in favor.

- J. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AUTHORIZING THE DISPLAY OF THE NATIONAL AND STATE MOTTO, "IN GOD WE TRUST" IN THE TOWN OF MIAMI LAKES GOVERNMENT CENTER; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION OF THE TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

Councilman Lama made a motion directing the Town Manager to place the "In God We Trust" plaque outside the chamber. The motion was seconded by Councilman Mestre and all were in favor.

Councilman Lama amended his above-mentioned motion, thus directing staff to place the "In God We Trust" plaque outside the chamber and to bring back the design to be approved by the Council before the installation. The amended motion was seconded by Councilman Mestre and all were in favor.

## **9. ORDINANCES –FIRST READING:**

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE 01-09, THE TOWN OF MIAMI LAKES COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE FRANCHISE ORDINANCE, AND RESCINDING ORDINANCE 02-24; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the Ordinance into the record. Councilman Daubert made a motion to adopt the Ordinance. The motion was seconded by Councilman Rodriguez. The Town Clerk, Marjorie Tejada-Castillo, called the roll and the motion failed to pass 3-4. The following Councilmembers voted in opposition: Frank Mingo, Ceasar Mestre, Tony Lama, and Vice Mayor Manny Cid.

Councilman Mestre made a motion to reconsider Item 9A. The motion was seconded by Councilman Rodriguez. The Town Clerk called the roll and the motion passed 4-3. The following Councilmembers voted in opposition: Tony Lama, Frank Mingo, and Vice Mayor Manny Cid.

Councilman Mestre made a motion to adopt the Ordinance on first reading. The motion was seconded by Councilman Daubert. The Town Clerk called the roll and the motion passed 4-3. The following Councilmembers voted in opposition: Tony Lama, Frank Mingo, and Vice Mayor Manny Cid.

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 05-66, AS AMENDED, AND ORDINANCE 13-162; ADOPTING A REVISED BUILDING PERMIT FEE SCHEDULE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the Ordinance.

Councilman Mestre made a motion to adopt the ordinance on first reading. The motion received a second from Mayor Slaton. The Town Clerk called the roll and the ordinance was adopted 7-0.

#### **10. ORDINANCES-SECOND READING (PUBLIC HEARING):**

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA ADOPTING A TIME-CERTAIN CODE ENFORCEMENT LIEN AMNESTY PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION OF TOWN MANAGER TO IMPLEMENT THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUNSET OF ORDINANCE. (Rey / Daubert)

The Town Attorney, Raul Gastesi, read the title of the ordinance.

Andrea Agha, Assistant City Manager, piloted a PowerPoint presentation.

The Mayor opened the public hearing.

Lynn Matos spoke in favor of this initiative.

Mayor Slaton closed the public hearing, as no one else wished to speak.

Councilman Daubert made a motion to adopt the Ordinance on second reading. The motion received a second from Councilman Mestre. The Town Clerk called the roll and the motion passed 7-0.

## **11. RESOLUTIONS:**

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING SETION 13-1616.5(a)(3) OF THE CODE OF THE TOWN OF MIAMI LAKES TO INCREASE THE SPECIAL EVENT APPLICATION PROCESSING FEE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION OF THE TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

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

Councilman Mestre made a motion to approve the resolution. The motion was seconded by Councilman Daubert and the motion passed 7-0.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, MODIFYING THE BUDGET APPROVED FOR FISCAL YEAR 2013-2014 BY ORDINANCE NO. 13-161, AND AMENDED BY ORDINANCE NO. 14-167 FOR FISCAL YEAR 2013-2014; MODIFYING BUDGETED LINE ITEMS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

\* This item requires a waiver of Section 7.3 of the Council Meeting Rules and Procedures.

The Town Attorney, Raul Gastesi, read the title of the resolution into the record.

Councilman Mestre made a motion to waive the rule of Section 7.3 of the Council Meeting Rules and Procedures. The motion was seconded by Councilman Lama and all were in favor.

Councilman Lama made a motion to approve the resolution. The motion was seconded by Councilman Rodriguez and the motion passed 7-0.

## **12. NEW BUSINESS ITEM:**

### **A. Breast Cancer Awareness Month (Slaton/Rodriguez)**

Councilman Rodriguez made a motion declaring October as Breast Cancer Awareness Month and directed staff to go *Pink* in addition to working towards awareness activities. The motion was seconded by Mayor Slaton and all were in favor.

### **B. Opening of 170th Street over I-75 (Mestre)**

The item was withdrawn by Councilman Mestre.

### **C. Miami-Dade 911 Dispatch (Cid)**

Vice Mayor Cid made a motion to pass a resolution encouraging the County to continue down the path of receiving text messages. The motion was seconded by Councilman Daubert and the motion passed 7-0.

### **D. Support to Boy Scouts Troop 49 (Rodriguez)**

\*This item requires waiver of Section 7.2 of the Council Meeting Rules & Procedures.

Vice Mayor Cid made a motion to waive the rule of Section 7.2 of the Council Meeting Rules & Procedures. The motion was seconded by Councilman Mestre and all were in favor.

Councilman Rodriguez made a motion directing staff to help Boy Scout Troop 49 find a location to park their trailer in a safe place in the Town. The motion was seconded by Vice Mayor Cid and the motion passed 7-0.

### **E. MDCPS Honors and Executive Internship Program (Slaton)**

Mayor Slaton deferred this item.

### **F. Committee Workshop (Cid)**

Vice Mayor Cid made a motion to coordinate a workshop after the committee chair meeting. The motion was seconded by Councilman Lama and the motion passed unanimously.



G. Miami Dade Fire Rescue Department Station 1 (16699 NW 67th Avenue)  
(Cid)

Vice Mayor Cid made a motion encouraging the Mayor to meet on site with all pertinent parties to address Station 1 roadway rush hour obstruction on 67<sup>th</sup> Avenue. The motion was seconded by Councilman Lama and all were in favor.

### **13. MAYOR AND COUNCIL MEMBER REPORTS:**

A. Special Districts SB 1632 (Cid)

Vice Mayor Cid reported on the last legislative session, which touched upon an initiative that favors Town residents who reside in special taxing districts. The initiative promotes more accountability and transparency by enabling these special districts to establish its own website regarding relevant information.

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

A. Summer Purchasing Authority (Rey)

The Town Manager, Alex Rey, provided an update regarding the two contractual items that took place pursuant to the summer expenditure authority, which was approved in the July Council Meeting. These two items authorized the Town Manager to execute the partial demolition of the Youth Center and the waste hauling contract for various facilities. An official report was provided pertaining to those two actions.

B. Madden's Hammock Development Agreement (Rey)

The Town Manager provided an update regarding the negotiation process of this initiative. One of the conditions of the development agreement is to receive transportation and park concurrency. The latter is tied to a calculation of the number of acres required to meet the concurrency of the lake and future concurrency of the Madden's Hammock Development piece. For them to achieve park concurrency on the lake, an additional 5.1 acres is needed. The agreement states that the 5.1 acres will come from the forest. He also recommended that the park remain open during the weekends to promote more benefits for the residents. This, nonetheless, is a deal breaker; he, therefore, seeks direction from the Council.

### **15. ATTORNEY'S REPORTS:**

A. *Michael A. Pizzi v. Rick Scott*

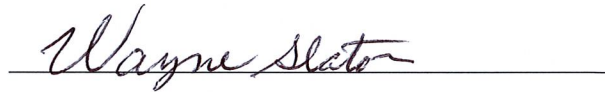
The Town Attorney, Raul Gastesi, provided an update on the litigation involving *Michael*

*Pizzi v. Rick Scott*. The Supreme Court granted the Town's motion to file an Amicus Brief. He filed for clarification with respect to the submittal date. He also reported that after the Special Call meeting, Michael Pizzi's legal team filed clarification with the Court. At the present time, Mr. Pizzi seeks to have his suspension lifted.

**16. ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 9:32 p.m.

Approved this 14<sup>th</sup> day of October 2014.

A handwritten signature in blue ink that reads "Wayne Slaton" is written over a horizontal line.

Wayne Slaton, Mayor

Attest:

A handwritten signature in blue ink that reads "M. Tejeda" is written over a horizontal line.

Marjorie Tejeda-Castillo, Town Clerk