

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton

Vice Mayor Roberto Alonso

Councilmember Mary Collins

Councilmember Robert Meador, II

Councilmember Michael Pizzi

Councilmember Nancy Simon

Councilmember Peter Thomson

MINUTES

July 12, 2005

7:00 p.m.

Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

1. **CALL TO ORDER:** The Mayor called the meeting to order at 7:18 p.m. on the above date and place and gave the guidelines for the conduct of the meeting.
2. **ROLL CALL:** In addition to the Mayor, Wayne Slaton and Vice Mayor, Roberto Alonso, the following Councilmembers were present at roll call: Mary Collins, Peter Thomson, Robert Meador, Michael Pizzi and Nancy Simon.
3. **INVOCATION/MOMENT OF SILENCE:** The Mayor called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** The Mayor led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Councilmember Mary Collins requested to add item 9A, Youth Activity Task Force item. Councilmember Michael Pizzi requested to pull item 7F from the consent agenda. Councilmember Nancy Simon requested to pull items 7B, 7G and 7H from the consent agenda. Councilmember Robert Meador requested to pull item 7E from the consent agenda. Town Manager Alex Rey requested to add item 13B3-Manager's vacation and 13B4-Sponsorship of Baseball Traveling Team. He also requested to defer item 6B as Representative Arza was unable to make the meeting. Councilmember Collins moved the above and it was seconded by Councilmember Simon. The Mayor called for the vote. All were in favor.
6. **SPECIAL PRESENTATIONS:**

**A. Florida Recreation Development Assistance Program Grant Award
For Miami Lakes Park– Representative Rene Garcia - Deferred**

**B. Florida Recreation Development Assistance Program Grant Award
For Royal Oaks Park- Representative Ralph Arza -Deferred**

7. CONSENT AGENDA:

A. APPROVAL OF MINUTES:

1. JUNE 12, 2005 – Regular Council Meeting

**C. A RESOLUTION APPROVING THE SELECTION OF VALLEY
CREST LANDSCAPE MAINTENANCE, INC. FOR THE
PERFORMANCE OF PUBLIC WORKS TREE TRIMMING SERVICES
AND APPROVING THE AGREEMENT. (Rey)**

**D. A RESOLUTION WAIVING COMPETITIVE BIDDING; APPROVING
THE PURCHASE OF KUSTOM SIGNALS, INC. AS THE SOLE
SOURCE VENDOR OF A SPEED MONITORING AWARENESS RADAR
TRAILER AND RADAR DEVICES. (Rey)**

Items 7 A, C and D still being on the consent were moved for passage by Councilmember Collins and seconded by Councilmember Simon. All were in favor.

**B. A RESOLUTION DETERMINING THE PROPOSED MILLAGE RATE,
THE CURRENT YEAR ROLLED-BACK MILLAGE RATE, AND
SETTING THE DATE, TIME AND PLACE FOR THE FIRST AND
SECOND BUDGET HEARINGS FOR FISCAL YEAR 2005-2006.**

Councilmember Simon explained that she requested to pull this item from the consent agenda so that she could explain that this is a necessary item for the Council to pass at this time so that they may discuss lowering the mill rate at a later date. She moved the passage of the resolution and it was seconded by Councilmember Collins. The Mayor called for the vote. It passed on a 6-1 vote with Councilman Pizzi opposed.

**E. A RESOLUTION APPROVING THE SELECTION OF APAC
GROUP, INC. FOR THE PERFORMANCE OF THE LAKE GLENN
ELLEN AND LAKE CYNTHIA ROADWAY AND DRAINAGE
IMPROVEMENTS PROJECT AND APPROVING THE AGREEMENT.**

Councilmember Meador noted that the resolution should be corrected to reflect that the bids were opened in 2005 and not 2004 as indicated. With the correction noted, he moved the passage of the item. It was seconded by Councilmember Collins. All were in favor.

F. A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES BETWEEN U.S. GROUNDS, INC. AND THE TOWN OF MIAMI LAKES.

Councilmember Pizzi requested the Manager explain the scope of the contract which he did. Councilmember Pizzi moved the item and it was seconded by Councilmember Thomson. All were in favor.

G. A RESOLUTION WAIVING THE TOWN'S PROCUREMENT PROCEDURES; AUTHORIZING THE TOWN MANAGER TO PURCHASE SUPPLIES, MATERIALS, SERVICES OR EQUIPMENT BETWEEN AUGUST 1, 2005 AND SEPTEMBER 12, 2005 IN EXCESS OF THE DOLLAR AMOUNTS AUTHORIZED IN ORDINANCE NO. 03-30; AUTHORIZING THE TOWN MANAGER TO EXECUTE GRANT AGREEMENTS.

Councilmember Simon asked for further explanation from the Manager and he explained that this resolution will give him the authority to take care of anything unanticipated and also accept grants from the State during the Council recess. The item was moved by Councilmember Simon and seconded by Councilmember Collins. All were in favor.

H. A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AND EXECUTE LICENSE AND USE AGREEMENTS FOR TOWN PARKS; AUTHORIZING THE TOWN MANAGER TO ISSUE PERMITS FOR USE OF TOWN PARKS AND APPROVING THE FORM OF LICENSE AND USE AGREEMENT.

Councilmember Simon requested information on the process of selecting groups to be involved in park usage. She suggested that information be circulated to advise groups that the parks are available. Councilmember Meador discussed the agreement. The Manager suggested that the agreements might be tailored to the needs of the particular group and that the fees and rules will be forthcoming. It was suggested that current agreements be limited to a short period until the fees can be approved. The item was moved for passage by Councilmember Simon and seconded by Councilmember Collins. All were in favor.

8. PUBLIC COMMENTS:

The following people spoke to the Council:

Mirtha Mendez praised Public Works for the good job in cleaning up after Hurricane Dennis last weekend. She also asked that the Council do something to protect homeowners from a recent Supreme Court ruling regarding seizure of property. Councilmember Collins asked Town Attorney, Nina Boniske to explain the current state law protection.

Maggie Clavelo spoke against changing the code at this point to make an exception for those who may have not yet complied.

Councilmember Pizzi proposed allowing those who wish to speak regarding item 14C to speak at this time since that is the last item on the agenda. Councilmembers Simon and Pizzi thanked those in attendance and supported a request to allow public comment at this time.

Bob Echols brought a message to the Town Council from the Miami Lakes Civic Association regarding the town code and agenda item 14A.

Mirtha Mendez thanked Mariaelena Salazar for her previous budget explanation and asked the Council to consider a full roll-back.

Julio Companion spoke against the current variance fee and asked the Council to consider extending the time to allow boat owners to register boats with the Town.

Ariel Olivera stated he had been out of town for an extended period and was not aware of the deadline to register boats. He requested that the Council consider an extension.

Raul Delanuez requested an extension to the time period to register his boat and stated he did not receive notice.

Luis Ramirez stated that he owns a boat and was not aware of the deadline to register and suggested that a letter should have been mailed to boat owners. He requested an extension of the deadline.

Carlos Martinez stated that he was unaware of the boat registration deadline and discussed his existing shed. He requested that the Council consider giving the boat owners another 30 to 60 days to register boats with the town.

Ana Arrazcaeta requested an extension of the boat registration period.

Gretel Aboujaoude spoke about boating being a family affair and her expectation that the existing boat would be grandfathered. She requested an extension to the registration period.

Orlando Ramos spoke in favor of a boat registration extension.

Sergio Duran spoke in favor of the boat restrictions and voiced his concern about property appraisal.

David Labrador spoke in favor of the boat registration extension.

9. COMMITTEE REPORTS:

Councilmember Collins introduced Christopher Norwood, Chairman of the Youth Activities Task Force who explained the Committee's desire to produce a Break Dancing

competition on August 26, 2005 with a budget of no more than \$3,000.00. Councilmembers Thomson and Meador expressed their support. The Mayor called for the vote and all were in favor.

10. ORDINANCES – FIRST READING:

**A. AN ORDINANCE AMENDING ORDINANCE NO. 2003-40;
AMENDING THE TOWN’S BUDGET FOR THE 2003-2004 FISCAL
YEAR. (Rey)**

Town Attorney, Nina Boniske read the title of the above ordinance in full. The ordinance was moved for first reading by Councilmember Collins and seconded by Councilmember Thomson. All were in favor.

11. PUBLIC HEARINGS/ORDINANCES – SECOND READING:

**A. AN ORDINANCE OF THE TOWN OF MIAMI
LAKES, FLORIDA, AMENDING CHAPTER 21
“OFFENSES AND MISCELLANEOUS PROVISIONS”,
ARTICLE II “MINORS” OF THE TOWN CODE TO ADD
SECTION 21-__ REGARDING “SEXUAL OFFENDER
RESIDENCY PROHIBITION”; AND ADD SECTION 21-
__ REGARDING “SEXUAL OFFENDER
NOTIFICATION”; PROVIDING FOR ENFORCEMENT;
PROVIDING FOR AN AMENDMENT TO SECTION
8CC-10 OF THE TOWN CODE.**

(Slaton/Simon)

Town Attorney, Nina Boniske read the title of the ordinance. Mayor Slaton explained that this is the second reading of the ordinance and opened the public hearing. There being no one wishing to speak he closed the public hearing. Mayor Slaton gave a history of the ordinance and spoke in favor, explaining the effect of the ordinance and the extent of the intended protection. He thanked Councilmember Simon for her co-sponsorship.

Councilmember Simon spoke in favor. Councilmember Meador noted an error in numbering for correction. He spoke regarding the possibility of making landlords liable for renting to sexual predators and possible resultant civil penalties. After further discussion, it was decided that it might be a good idea to add this to the current ordinance at a later date. Mayor Slaton suggested that the civil penalties within the ordinance should be \$500.00 for the first offense and \$1,000.00 for the second offense. Councilmember Thomson moved those amounts with a second by Councilmember Collins. Councilmember Collins moved the ordinance and it was seconded by Mayor Slaton. All were in favor.

B. AN ORDINANCE CONCERNING CONSULTANT DISCLOSURE AND PROVIDING FOR REGISTRATION WITH THE TOWN. (Pizzi)

Town Attorney, Nina Boniske read the title of the ordinance. Councilmember Pizzi moved the ordinance and it was seconded by Councilmember Simon. Mayor Slaton opened the public hearing. No one wished to speak and the public hearing was closed. Councilmember Pizzi spoke in favor of the ordinance. Vice Mayor Alonso spoke in opposition. Councilmember Collins spoke in opposition. Councilmember Simon spoke in support. Mayor Slaton voiced his concern regarding the language being too broad and all encompassing. After discussion and consultation with the Town Attorney a motion was made by Councilmember Thomson to defer the ordinance until the September meeting so that the language can be made clear. It was seconded by Councilmember Simon. It was indicated that the Councilmembers would work with the Town Manager to make the necessary changes. All were in favor.

12. RESOLUTIONS:

A. A RESOLUTION DESIGNATING NORTHWEST 79TH COURT BETWEEN NORTHWEST 154TH STREET AND COMMERCE WAY AS “GOVERNOR BOB GRAHAM PARKWAY”.

(Slaton, Alonso, Collins, Meador, Pizzi, Simon, Thomson)

The resolution was moved by Councilmember Collins and seconded by Vice Mayor Alonso. Mayor Slaton opened the public hearing and recognized Mirtha Mendez. Mirtha expressed that she thinks the label of “parkway” is inappropriate. No one else wishing to speak, the Mayor closed the public hearing. He called for the vote and all were in favor.

13. REPORTS:

A. MAYORS’S REPORTS:

B. MANAGER’S REPORTS:

1. Youth Center

Park Director, Linda Reale gave a synopsis of the types of activities that could take place at a youth center, some suggested space needs and the option of memberships. Councilmember Pizzi spoke regarding his attendance at the Community Center events and spoke in favor of the services offered.

2. Productivity and Quality Training

Town Manager, Alex Rey explained the staff training done recently and introduced Dr. Sumanth. Public Works Director, Rafael Casals and Code Enforcement Officers, Osdel Larrea and Lisandro Diaz explained the methodology learned in the training and how it was applied to their daily work. There was discussion from the Council regarding the authority of the Police to issue citations. Police Lt. Scott Linder addressed the Council regarding civil and criminal citations. Councilmembers expressed their concern that the Police are available to backup Code Enforcement for violators who choose to ignore warnings. After further discussion the manager thanked the members of the Public Works team and Dr. Sumanth for their presentation.

3. Town Manager's Vacation

Alex Rey explained that under his contract he is required to notify the Council that he intends to take vacation. He will be away from the office from July 27, 2005 through August 7, 2005.

4. Sponsorship Baseball Traveling Team

The Optimist's Club Baseball Team has qualified for the playoff series and will travel to Georgia for the Southeast Regional games. If they win that game they will qualify to travel to Texas. It was suggested that the Council approve \$500 to \$1,000 per trip to help defray the expenses of each event.

Councilmember Thomson moved \$1,000 for each event. It was seconded by Councilmember Collins. Vice Mayor Alonso suggested that the Town Flag be donated for use in the parade at the events. The Mayor called for the vote and all were in favor.

C. COUNCILMEMBER'S REPORTS:

1. Update on Community and Adult Education (Pizzi)

Councilmember Pizzi stated no further discussion was needed as he had already reported under a previous item.

D. ATTORNEY'S REPORTS

14. NEW BUSINESS:

A. Concrete half moons in swale area (Meador)

Mayor Slaton recognized Ken Drake who spoke in favor regarding the purpose and advantages of the half moon pavers in the swale area.

Felicia Salazar spoke against the Council providing extensions to the approved code and suggested that those aggrieved can use the variance procedure.

Councilmember Meador read the E-mail he received from Mr. Atwill which is part of the agenda packet. Town Manager, Alex Rey reported the actions taken by the Town team in order to enforce the code and the success rate to date. He identified the area surrounding the schools as the most in need of attention. Mayor Slaton pointed to previous discussions and his support to budget for curbing at the schools and stated his reluctance to make a change to a code that is so recently passed by the Council. Vice Mayor Alonso spoke regarding his efforts to work with the elementary school and School Board. Councilmember Thomson spoke in favor of curbing. Councilmember Simon requested further information regarding the town's effort to notice violators.

The Mayor recognized Jack Atwill who gave a history of previous problems with the swale fixed by the County and further explained the current swale problems.

After further discussion, it was decided the best short term solution is to install the "No Parking" signs, the town will work with the neighbors around the school to install them before school starts, and the Town staff will pursue curbing around the school areas.

B. Miami Lakes Anniversary (Collins)

Councilmember Collins stated that the Miami Lakes fifth anniversary of incorporation is December 5, 2005 and she made a motion to have a celebration with a budget of not more than \$10,000. It was seconded by Councilmember Thomson. Councilmember Meador asked is there might be fund raising and sponsorships available. Councilmember Collins explained that the town committees intend to be involved in fund raising and obtaining sponsors, but this action is the first necessary step. Vice Mayor Alonso suggested that a celebration might be in order every five years. The Mayor called for the vote and it was unanimous.

C. Boat Registration (Simon)

Councilmembers discussed the boat registration requirements in the Town Code, and the methodology of identifying, notifying, and warning boat owners. They discussed the possibility of an extension to the current code restrictions, the impact an extension would have on other restrictions within the code, the length of time the issue has been debated by the Council during the code adoption process and the publicity surrounding the boat registration issue. There was discussion regarding the current variance fees and reference was made to previous discussions regarding the staff's intent to present lower variance fee alternatives to the Council in the near future.

At 11 p.m. a motion to waive Council rules and continue the meeting for 15 minutes was made by Councilmember Collins. It was seconded by Councilmember Thomson. All were in favor.

Councilmember Simon made a motion to extend the boat registration deadline for 30 days and ask the Town Manager to send a letter informing residents of the law and of the extension. It was seconded by Councilmember Pizzi. Mayor Slaton, Vice Mayor Alonso and Councilmember Collins spoke in opposition to an extension.

After further discussion, Councilmember Simon withdrew her motion.

Councilmember Simon made a motion to grant an extension for boat violations to coincide with Council approval of new smaller variance fees, allowing a period of time to apply for a variance and come into compliance. It was seconded by Councilmember Pizzi. Vice Mayor Alonso spoke in opposition to the motion citing residents who have removed their boats.

Councilmember Meador made a motion to suspend Council rules and extend the meeting another 10 minutes. It was seconded by Councilmember Collins. All were in favor.

Councilmember Pizzi questioned the ability of the citizens to know if they need a variance. Town Manager, Alex Rey stated that staff will notify residents that have received a warning that they may apply for a variance. Councilmember Simon encouraged all those in attendance to be sure to apply for a variance at Town Hall.

The Mayor called for the vote and it was unanimous.

There being no further business to come before the Council, Mayor Slaton declared the meeting adjourned at 11:45 p.m.

Approved this _____ day of September, 2005

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk