

MINUTES
TOWN COUNCIL MEETING

December 11, 2001

7:00 p.m.

Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER** – Mayor Wayne Slaton called the meeting to order at 7:05 p.m.
2. **ROLL CALL** – In addition to the Mayor, the following Council members were present at roll call: Vice Mayor Roberto Alonso, Councilwoman Mary Collins, Councilman Robert Meador, Councilman Michael Pizzi, Councilman Peter Thomson. Councilwoman Simon arrived shortly after roll call.
3. **INVOCATION** – The Mayor called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE** – The Mayor led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Councilman Pizzi asked that Item 13 (E) be deleted from the Agenda. Town Manager White asked that Item 7 (C) be deleted from the Agenda as Councilwoman Collins handled the matter personally. Councilwoman Collins moved to accept the Order of Business, as amended. Councilman Thomson seconded the motion, which carried unanimously.
6. **SPECIAL PRESENTATIONS:** None.
7. **CONSENT AGENDA:** Councilman Meador asked that the minutes be pulled from the consent Agenda. The Council agreed. Councilwoman Collins moved to approve the Consent Agenda, as amended. Councilman Thomson seconded the motion. The motion carried unanimously.

A. MINUTES

Regular Council Meeting – November 13, 2001 – Councilman Meador corrected the minutes as follows: Under item 7 – Consent Agenda, note that Councilman Meador pulled item 7(c) from the Agenda, not Councilman Thomson, as so stated in the minutes. Councilman Meador also asked that the date of November 2002 in item 12(C)(2) be corrected to read November 2003.

Councilwoman Collins moved to accept the minutes as amended. The motion was seconded by Councilman Meador seconded the motion which carried unanimously.

B. ADMINISTRATIVE VARIANCE:

V01-206 - MERCEDES KOERBER – *approved on Consent Agenda.*

C. RELEASE OF DONATIONS RECEIVED BY THE YOUTH ACTIVITIES TASK FORCE DURING THE HALLOWEEN HAUNTED HOUSE TO THE AFGHAN CHILDREN FUND – *Item deleted from the Agenda.*

D. ACCEPTANCE OF LETTER OF ENGAGEMENT WITH AUDITORS GRAU & COMPANY, P.A. *Approved on Consent Agenda.*

8. PUBLIC COMMENTS: The following resident spoke:

Irene Berman – complemented the Council on the changeover of the Police Department. However, she asked that the administration assure that off-duty personnel assigned to a specific detail show up as scheduled. She cited that the Eagle Nest Homeowners Association had requested officers during the Thanksgiving Holiday and no one showed up for duty.

9. ORDINANCES – FIRST READING - none

10. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING:

ADMINISTRATIVE VARIANCES:

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR REPEAL OF SECTION 33-36.1 OF THE TOWN CODE, TITLED “ADMINISTRATIVE VARIANCES,” PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (*First Reading: November 13, 2001, previously scheduled for the November 27, 2001 meeting that was cancelled*) Town Attorney Richard Jay Weiss read the Ordinance by title.

The Mayor closed the regular meeting and opened the Public Hearing. Hearing no comments from the public, the Mayor closed the Public Hearing and re-opened the regular meeting.

Councilwoman Collins asked for clarification as it relates to appeals. The Town Attorney advised that the Ordinance eliminates the County’s Administrative Variance process. All requests for variances, rather than being granted administratively, would come before the Council as a regular Variance and the Appellate Division of the Circuit Court would take any appeals.

Councilman Thomson moved adoption of the Ordinance on Second Reading. Councilwoman Collins seconded the motion.

Councilman Thomson noted that the County’s process for administrative variances are less restrictive than what the Town wants. He noted that once the Town has its own Building, Planning & Zoning Department the Town would want to have its own process put in place.

The motion carried unanimously on a roll call vote.

11. RESOLUTIONS:

BANK SIGNATORIES:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING RESOLUTION NUMBER 01-05 OF THE TOWN; REVISING THE NECESSARY SIGNATORIES ON TOWN BANK ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE. The Town Attorney read the Resolution by title.

Councilwoman Collins moved to adopt the Resolution as read. Councilman Thomson seconded the motion.

Councilwoman Collins suggested \$5,000 to be inserted in the document for the maximum amount allowed (*for withdrawals*) with only the Manager's signature.

Councilwoman Simon asked for clarification as to the Bank (First Union) that is named in the Resolution, citing that she thought that the Town would go out for bid for banking services.

The Town Attorney noted that another resolution would be drafted if the Town were to go to another bank.

Town Manager Dennis White noted that once Moyer & Associates come on board, one of their first assignments would be to review an RFP for banking services for legal sufficiency.

The motion carried unanimously on a voiced vote.

12. REPORTS:

A. Mayor's Report:

1. Transition – The Mayor noted several items have come off of the transition agenda such as Police Services, Specialized Police Services, Royal Oaks Park but that a number items remain such as Storm water Utility Systems, use of back Gas Taxes, Bus Bench Revenues, Police Impact Fees Revenues and the Financial Reconciliation. He noted that the County has closed the books and will be working on the reconciliation and auditing within the next several months.

Other transition matters being worked on are public works services, the Miami Lakes Park (trying to finalize a joint use agreement with the school board transferring the agreement from the County to the Town to be brought before the Council) and interlocal agreement for the street lighting, discussion of a fire station on the west side and the National Flood

Insurance program. He noted that the Town is transitioning out of the Code Enforcement and Building and Zoning.

Councilwoman Collins inquired about the Asset Inventory and requested a workshop to discuss the Town's inventory. The Mayor concurred. Councilwoman Collins suggested each Council Member submit a list of questions regarding the asset inventory to the Manager before such a workshop in an effort to expedite the meeting. The Mayor concurred.

2. Appointments – no additional appointments were made.

B. Manager's Report:

1. Status Report – Code Enforcement & Building – Regarding the Building and Permitting, the Town Manager disseminated a report dated _____. He noted that two firms submitted proposals, CSA and M.T. Causley. He requested concurrence from Council to proceed with contract negotiations with CSA.

With regard to the Code Enforcement, the Manager noted that he is still evaluating the entire project. He announced he would make a recommendation in January and would bring back contracts for approval in February with the departments commencing in March. The Council concurred.

2. Status Report – Financials (Moyer & Associates) – the Town Manager reported that due to the seven-day rule, the contract was not available in time for the Agenda. He noted that there are several administrative, financial and staff related functions needed and the Town does not have the staff to accommodate. He asked the Council to consider authorizing the negotiation of a contract for an overall scope of services in addition to the Financial Services. He noted that Moyer & Associates representatives were present to answer questions from the Council.

He requested direction from Council as to whether to go with just the Finance aspect or the overall package. He stated there is very little risk in proceeding with the entire package since Mr. Ward, Vice President of Moyer, has agreed that if the Town is unhappy with any aspect during the term of the contract the Town could drop those services.

Lengthy discussion ensued among the Council. Councilwoman Collins questioned whether the contract would be signed by Moyer or Severn Trent, noting that no company exists by the name of Moyer & Associates. She cited that Moyer has no occupational license and is not listed as a Corporation. The Town Manager stated that Moyer & Associates is a division of Severn Trent. Jim Ward noted that the Agreement would be signed by Severn Trent and that Moyer & Associates is simply a DBA

name. He stated that if awarded the job, would obtain all necessary occupational licenses required to do business with the Town.

Councilwoman Collins also asked if an interactive web site was included as part of the package. Mr. Ward answered in the affirmative. Councilman Thomson agreed with the Manager's suggestion and asked that Council proceed with the entire package. Councilwoman Simon expressed concern over ownership of the programs to be used by the Town and whether the Town would retain ownership of the programs and the data contained therein should the Town sever ties with Moyer. Mr. Ward noted that the Town would be able to purchase licenses to the software and would retain all data.

Councilwoman Simon also asked about staff to be supplied and whether that staff would be on site at Town Hall. Mr. Ward noted that there would be staff placed on site.

Councilwoman Collins asked specifically what items are to be included in the contract. The Town Manager advised that the Administrative, Financial, and Community Services would be included.

The Town Manager noted that should the Council agree to allow the contract negotiation, Moyer is prepared to begin preparing the reports that will be required for the Audit, before the final contract is signed. He noted that should negotiations fall through, there are sufficient funds in the budget to pay for any services provided for pre-audit preparations.

Councilwoman Simon asked the Town Manager to review the proposal for the public. The Town Manager obliged and reviewed the entire proposal (*attached to these fully executed minutes*). She also asked about whether Moyer would provide grant-writing services. The Town Manager noted that they would assist in the grant writing and would advise of any grants that are available, and they would monitor any grants the Town may acquire. The Manager noted that there are professional grant writers that can be hired for specific grants.

Regarding Staff, Councilwoman Collins asked where the present staff would be placed. The Town Manager noted that the current staff would be placed in other budgeted positions within the Town and would not automatically become Moyer staff.

Councilman Thomson asked whether Moyer would provide the software for the B&Z and Code Departments. Mr. Ward answered in the affirmative.

Councilman Pizzi expressed concern over the budgetary impact of the contract, and urged tough scrutiny to make sure that the budget is not

adversely impacted. The Town Manager noted that he reviewed the budget to ascertain what was available to implement the various services. He noted that he would provide a complete financial impact statement to the Council when a contract is presented for approval.

Councilman Pizzi questioned whether there were other Companies that would provide these services. The Town Manager noted that there are other companies that could provide each individual piece. However he advised that going out to bid for each of the services would prove to be much more costly. He stated that he was not aware of any other company that could provide all of the services and that have the experience with new municipalities. He also noted that the pieces of the contract could be dropped if the Town finds a more cost effective means of providing the services.

Councilman Meador expressed concern over not having the itemized proposal before the Council for consideration. The Town Manager noted that the contract is for services and not for individual items to provide the services. He noted that he was requesting that the Council authorize him to commence with contract negotiations and that he was not presenting a contract for approval at this meeting.

Vice Mayor Alonso expressed concern over the amount of money that the Town is going to have to pay to the County for the services that they are continuing to provide. He opined that the Town needs to move forward on its own as soon as possible. He noted that the contract could be reviewed on an on-going basis and urged the Council to proceed.

Town Attorney Richard Jay Weiss noted that he is not aware of any other companies that provide all of the services that Moyer has proposed.

Councilwoman Collins agreed with the Vice Mayor, noting that the Town needs staff to oversee and get done all the priorities.

Councilwoman Simon suggested a workshop be scheduled to discuss the various financial aspects of the contract before the contract coming before the Council for approval.

The Town Manager noted that it may be difficult to schedule such a workshop due to the Holidays but that he would try to do so.

Regarding the Parks services, Councilman Meador asked for clarification. The Town Manager noted that he is working with the County to provide the staff actual services (workers, etc.) and that Moyer would essentially oversee those services. He clarified that Moyer would not provide workers to provide maintenance services.

Councilman Pizzi asked that a breakdown of costs be provided in order for the Council to be able to perhaps bifurcate the contract. He stated that he is uneasy about not going out to bid for the services, but accepted that there is no company out there that will provide a global scope of services.

The Town Manager asked that the Council authorize him to proceed with contract negotiations with Moyer for an overall scope of services in addition to the Financial Services Councilwoman Collins moved the authorization. Vice Mayor Alonso seconded the motion, which carried unanimously.

3. Workshops – The Town Manager recommended the scheduling of workshops for the fourth Tuesday of the month. He stated that the workshops would include two or three major items for discussion and for the Council to bring up topics for the Agenda and to provide clarity and direction to staff and to assist with competing priorities among Council Members and to assist in developing the implementation of the Strategic Plan. He stated that the workshops are to sort out the truly vital from the merely important issues. There was no opposition by any member of the Council.
4. Police Captain – The Town Manager introduced Captain Pedro Mesa to the Council and Audience. On behalf of the Council and the Town Councilwoman Simon welcomed Captain Mesa to the Town.

C. Councilmember' Reports:

1. **Report on Florida League of Cities Conference (Alonso)** The Vice Mayor gave a brief report on the Conference. He stated that he sat in on the meetings of various committees and that he expressed interest in serving on the International Relations Committee of the League. He noted that the President of the League has appointed him to the International Relations Committee and requested the Town Council's approval.

Councilman Meador moved to approve the appointment of the Vice Mayor to the International Relations Committee of the Florida League of Cities. The motion was seconded by Councilman Thomson and carried unanimously.

13. NEW BUSINESS:

- A. **DISCUSSION RE: LOBBYING IN THE STATE LEGISLATURE (Alonso)**
Vice Mayor Alonso the Town Manager look into hiring a lobbyist to work with the Legislature in trying to obtain funds for the Town. The Council concurred.
- B. **IDENTIFICATION OF "SIDE STREET" SPEEDING AREAS (Thomson)**
Councilman Thomson noted that the side streets are being used for short cuts and cars are speeding through them. He requested authorization to work with the

Captain to identify the problem areas and to identify means to correct the problems and to bring back a report to the Council for possibly implementation of any remedies. The Council agreed to grant the Councilman such authorization.

- C. **CODE OF PROFESSIONAL CONDUCT** (*Collins*) – Councilwoman Collins asked that a resolution be drafted establishing a code of conduct and asked that each Councilmember give input as to matters to be included. Councilman Thomson asked for clarification as to whether the Council was operating under the County’s Code. The Town Attorney noted that the County has an extensive Ethics Code and several of the other matters addressed by the Councilwoman are addressed under Florida Statutes. He suggested that the Councilwoman’s report be used as a guide in establishing future ordinances.
- D. **ETHICS TRAINING** (*Pizzi*) – Councilman Pizzi recommended that the Manager look at the issues addressed by Council and implement same into a personnel manual and assure that even contract employees obtain ethics training.
- E. **TRAFFIC** (*Pizzi*) removed from Agenda at the request of Councilman Pizzi.
- F. **LOBBYIST REGISTRATIONS** (*Pizzi*) – Councilman Pizzi asked that the Manager look into the matter.

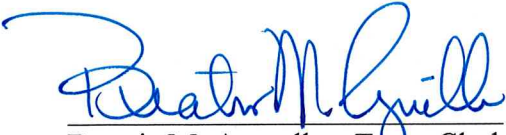
14. FUTURE MEETING DATES:

REGULAR COUNCIL MEETING – 7:00 P.M., Tuesday, January 8, 2001, Miami Lakes Middle School, 6245 Miami Lakeway North

15. ADJOURNMENT – The meeting adjourned at approximately 9:30 p.m.

Approved this 12th day of February, 2002

Attest:


Beatris M. Arguelles, Town Clerk


Wayne Slaton, Mayor