

MINUTES
TOWN COUNCIL MEETING

May 14, 2002

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 7:20 p.m.
2. **ROLL CALL** – In addition to the Mayor, the following Council Members were present at roll call: Vice Mayor Roberto Alonso; Council members Mary Collins, Robert Meador, Michael Pizzi, Nancy Simon, and Peter Thomson. Staff members present were: Town Manager Dennis White, Town Attorney Weiss, Serota, Helfman Pastoriza and Guedes, Nina Boniske and Allison Bieler and Town Clerk Beatris M. Arguelles.
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)** – Councilman Pizzi asked that item 12(c) 1, 2 & 7 be deleted. Councilwoman Collins asked that an item be added to New Business as 13(b) a Resolution opposing the formation of a civilian investigative panel. The Town Manager asked that a Resolution accepting fill from Miami Dade County for Royal Oaks Park be added to the Agenda as item 11(d). Councilwoman Collins moved that the Order of Business, as amended be accepted. Councilwoman Simon seconded the motion which carried unanimously.
6. **SPECIAL PRESENTATIONS**

Certificate of Appreciation – Education Advisory Board Members

Certificate of Acknowledgement – Miguel Arguelles

7. **CONSENT AGENDA** – Councilman Thomson moved the Consent Agenda. Councilwoman Collins seconded the motion which carried unanimously.

A. MINUTES:

1. Regular Council Meeting – April 9, 2002 – Approved on Consent Agenda.
2. Zoning Hearing – April 23, 2002 - Approved on Consent Agenda.

B. SUPPORTING THE INCORPORATION OF THE CITY OF REDLAND

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, SUPPORTING THE INCORPORATION OF THE CITY OF REDLAND; AND PROVIDING FOR AN EFFECTIVE DATE - Approved on Consent Agenda.

8. **PUBLIC COMMENTS** – The following residents addressed the Council: Angelo Garcia, Pedro Carballo and Tom Ledwidge.

9. **ORDINANCES – FIRST READING**

A. **OBSTRUCTION OF PUBLIC STREETS, HIGHWAYS**

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 30-388.12 OF THE TOWN CODE TITLED “OBSTRUCTION OF PUBLIC STREETS, HIGHWAYS, ETC.” TO REQUIRE THAT OFF-DUTY POLICE OFFICERS BE PROVIDED TO DIRECT TRAFFIC ON ANY PUBLIC ROAD WITHIN THE TOWN WHERE CONSTRUCTION ACTIVITY IMPEDES THE FLOW OF TRAFFIC AND THREATENS PUBLIC SAFETY DURING THE REGULAR WEEKDAY RUSH HOURS; AMENDING SECTION 8CC-10 OF THE TOWN CODE, TITLED “SCHEDULE OF CIVIL PENALTIES;” PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE – Town Attorney Allison Bieler read the Ordinance by title. Councilmember Collins moved adoption on First reading. Vice Mayor Alonso Seconded the motion. On a roll call vote, the motion carried unanimously.

B. **AMENDING THE 2000-2001 FISCAL YEAR BUDGET**

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 01-04, WHICH ORDINANCE ADOPTED AN INTERIM BUDGET FOR THE 2000-2001 FISCAL YEAR BY REVISING THE 2000-2001 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT “A” ATTACHED HERETO; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE - Town Attorney Allison Bieler read the Ordinance by title. Councilmember Thomson moved adoption on First reading. Councilmember Meador Seconded the motion. On a roll call vote, the motion carried unanimously.

10. **PUBLIC HEARINGS - ORDINANCES FOR SECOND READING**

A. **BURGLAR ALARMS**

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, REPEALING SECTION 8C-3.1 OF THE TOWN CODE; REQUIRING REGISTRATION OF BURGLAR ALARM SYSTEMS; IMPOSING AN ANNUAL REGISTRATION FEE; REQUIRING PERMITS FOR THE INSTALLATION OF BURGLAR ALARM SYSTEMS; PROVIDING FOR PENALTIES FOR FALSE ALARMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE (*First Reading 04/09/02*) Town Attorney Allison Bieler read the Ordinance by title. Councilmember Collins moved adoption on First reading. Councilmember

Meador seconded the motion. 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 Council Meeting. On a roll call vote, the motion carried unanimously.

B. CODE ENFORCEMENT HEARING MASTER

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 8CC OF THE TOWN CODE, TITLED "CODE ENFORCEMENT" SUBSTITUTING THE TOWN OF MIAMI LAKES FOR COUNTY AGENCIES AND OFFICIALS; PROVIDING FOR QUALIFICATIONS, APPOINTMENTS AND REMOVAL OF HEARING OFFICERS; PROVIDING FOR CODE ENFORCEMENT PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE (First Reading 04/09/02))

Town Attorney Allison Bieler read the Ordinance by title. Councilmember Collins moved adoption on First reading. Vice Mayor Alonso seconded the motion. 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 Council Meeting. On a roll call vote, the motion carried unanimously

11. RESOLUTIONS

A. ACCEPTING STORMWATER GRANT

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, ACCEPTING A GRANT AWARD IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS FOR THE DEVELOPMENT OF THE TOWN'S STORMWATER MANAGEMENT PLAN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE GRANT AGREEMENT BETWEEN THE TOWN AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE (Town Manager)

Councilman Thomson Moved to adopt the Resolution. Councilman Meador seconded the motion which carried unanimously.

B. APPROVING CONTINUING SERVICES AGREEMENT WITH KIMLEY HORN

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE CONTINUING SERVICES AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR ENGINEERING SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE (Town Manager)

Councilman Thomson moved to adopt the Resolution. Councilwoman Collins seconded the motion which carried 6-1 with Councilman Meador casting a dissenting vote.

C. AUTHORIZING THE EXECUTION OF SURVEY FOR CAPITAL IMPROVEMENTS - ROADS

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR ASSESSMENT OF EXISTING ROADWAY CONDITIONS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE (Town Manager) Councilwoman Collins moved to adopt the Resolution. Councilwoman Simon seconded the motion which carried unanimously.

D. ACCEPTING FILL FROM MIAMI DADE COUNTY FOR ROYAL OAKS PARK

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE ACCEPTANCE OF MIAMI-DADE COUNTY'S OFFER TO PROVIDE FILL FOR ROYAL OAKS PARK; AUTHORIZING THE TOWN MANAGER TO FINALIZE THE TERMS AND CONDITIONS OF A LETTER OF UNDERSTANDING WITH THE COUNTY; AUTHORIZING THE MANAGER TO SIGN THE LETTER OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE. (Town Manager) Town Attorney Allison Bieler read the resolution by title.

Councilwoman Collins moved to adopt the Resolution. The Town Manager noted that the fill is being excavated from a County Property. He noted that the Vice Mayor saved the Town over \$150,000 on the transfer of the fill. Councilwoman Simon seconded the motion which carried unanimously.

12. REPORTS

A. Mayor's Report:

1. **Appointments** – No appointments were made.
2. **Transition** – The Mayor announced pending items include agreements for Zoning, Miami Lakes Park – joint use (School Board), Public Works services, and parks maintenance services. The Mayor noted that the County has expressed interest in contracting with the Town for the provision of these services. Regarding storm water utilities, he reported preliminary talks with the County about possibly taking over some of those responsibilities (including Canal maintenance) with the revenue source being the Storm water utility fees collected by the County.
3. **CERT Disaster Drill – May 18, 2002** – The Mayor noted that he was pleased that members of various HOA's had volunteered to participate in the project, citing that CERT is an on-going project of the Department of Emergency Management which provides training to the public on how to handle disasters. He announced the date and time for the Drill and encouraged the public to attend the event and become encouraged to participate in the program in the future.

B. Manager's Report:

- 1. Banking Services** – The Manager noted that proposals were solicited from nine Financial institutions with two (2) submitting bids. He noted that a third proposal was received after the deadline and was returned pursuant to the Request for proposal. Finance Director Randy White recommended that the Town stay with First Union Bank and he concurred with the recommendation. Following the report, Councilman Meador moved to accept the recommendation of the Manager to continue banking with First Union. Councilman Thomson seconded the motion which carried 6-1 with Councilwoman Collins casting the dissenting vote, citing that three bidders should have been presented to Council.
- 2. Royal Oaks Park – Presentation** – Vice Mayor Alonso reviewed the preliminary sketches for the Park. The Vice Mayor pointed out a landscaped berm surrounding the park and parking would be within the berm with trees. He noted that the first phase of the project will be to provide for the fill, landscaping, drainage and irrigation. He noted that the first phase will be funded from the limited funds that will be available for the park, just over \$600,000 and that he hoped that the Berm would be put in place by December. The Town Manager noted that for the July Meeting he will present pricing for the various project items for the July meeting.
- 3. Status on negotiations with Lowell & Betty Dunn Re; property at Northeast corner of NW 154th Street and NW 87th Avenue** – Town Manager met with Mr. Dunn and Henry Iler to review tentative plans. He noted he hoped to have a plan for Council review for the next meeting and that meetings have been positive.
- 4. Review of Ordinance No. 01-03, Purchasing Procedure** – The Town Manager noted that the Ordinance requires review after one year. The Manager offered three options, one to do nothing, two to extend the review period or three to take the matter up at workshop. Council discussion ensued.

Councilwoman Collins urged the establishment of a policy whereby three bids must be received or the RFP must go out for bid again. Councilman Pizzi expressed concern over the exemptions for contracts for professional services and suggested that there be a requirement for competitive bidding. He noted that the Manager have been following the procedure anyway and recommended that the Ordinance be changed to include bidding for professional services. Subsequently, the Mayor asked that the Council take up the matter at a workshop.

Councilman Thomson moved to let the Ordinance stand and that Council members provide the Manager with their comments on any proposed changes for a Workshop session in June. Councilmember Collins seconded the motion. The Manager noted, for the record that although he supports Councilwoman Collins' suggestion for the receipt of three bids, he urged that the Council include a provision that the "Three Bid" process can be waived in the event that three bids are not received. The motion carried unanimously.

C. Councilmember Reports:

1. **Rock Mining** (*Pizzi*) Item Deleted from the Agenda under item 5.
2. **Beautification** (*Pizzi*) Item Deleted from the Agenda under item 5.
3. **Update on Side Street “Stop Signs”** (*Thomson*) – Councilman Thomson noted that stop signs and stop bars (white line markings on the road on the approach to the stop sign) are being installed on Sable Drive, Mahogany and Lake Candlewood Court. He thanked Commissioner Seijas and the Town Police force for their help in getting the job done. He noted that he will pursue others. Vice Mayor Alonso asked the Councilman to look into a stop sign at 82nd avenue and 162nd Street. Councilman Thomson suggested he would look into the matter and noted that letters or petitions from the neighbors in the area are helpful in getting the job done.
4. **Traffic analysis of feeder Streets into the new school** (*Alonso*) Vice Mayor Alonso reported that Commissioner Seijas has requested a traffic analysis and study for the feeder streets leading into State School ‘C’ although a study had already been performed by the School Board. He noted that it appeared that the Departments had not shared information. He suggested that the School Board, DOT, the County and the Town get together to come up with a solution to the potential traffic problems that will be created when the School is completed and the Guard house is installed on the East side of Royal Oaks.

Councilman Meador suggested meeting with the MPO to discuss what changes and/or solutions the Town wants.

The Mayor asked the Vice Mayor to take on the responsibility of getting together the various departments (School Board, DOT, Public works, etc.) to develop solutions to recommend to the Town Council after which the Council would be in a position to request assistance, if needed, from the MPO. The Council concurred.

5. **One Stop Film Permitting** (*Collins*) Councilwoman Collins urged that the Town participate in the “One Stop Film Permitting” process and asked that the Town Manager negotiate an interlocal agreement with the County. The Council concurred. The Town Manager stated he would contact the appropriate parties at the County to develop an agreement.
6. **Terms of Office** (*Pizzi*) Council Members Pizzi and Thomson excused themselves from the meeting and left the auditorium, citing a conflict of interest.

The Town Manager read the request from Councilman Pizzi (*attached to these fully executed minutes*) requesting that the Town Attorney issue a written legal opinion as to whether or not He was entitled to a two or four year term.

The following residents who had submitted speakers’ cards were heard:

Manny Figueroa noted that the Charter Committee was clear on the matter of which candidates would receive a four year term in the first election, those with the most votes. He noted that in order to quantify a vote, a vote must be cast.

Trish Morgan stated that candidates should campaign whether they are opposed or not. She also stated that casting a vote is a deliberate and willful act and therefore with regard to this matter, she urged the Council to consider that the residents did not cast a willful and deliberate vote.

Town Attorney Nina Boniske reviewed the Town Attorney's written response to Councilman Pizzi's request for a legal opinion. The recommendation (*attached to these fully executed minutes*) gave options to the Council: one was to obtain a legal opinion from outside council (which would not be binding to the parties concerned) or two, to file a request of the Court for a declaratory judgment. She also offered that the Town Council can choose to do nothing on the matter and allow Mr. Pizzi to pursue the matter on his own in the court system.

The Town Manager stated that the Town is not obligated to pursue the matter in Court. He noted that it is within the purview of the Clerk's office to make a determination based on the literal implementation of the State Law and the Town Charter. He cited for the record that State Law states that an unopposed candidate is deemed to have one vote (cast for himself) and the Town Charter states that the four candidates receiving the most votes received a four year term and the others receive two years. He noted that the Town Clerk made a determination based upon a literal interpretation of both the State Law and the Town Charter.

Discussion ensued as to whether or not it is within the purview of the Council to make a decision on the matter. As result The Council took no action on the matter.

7. **87th Avenue Roadway Improvement Project** (*Meador*) Item deleted under Item 5.
8. **Update on Key to the Town Scholarship** (*Meador*) Councilman Meador reported that the Education Advisory Committee will review the entries received (numbering 6) and will make recommendations of to the Town Council at the June 11, 2002 Council Meeting.

D. Committee Reports:

1. **Education Advisory Board** – Beth Martinez, Chair submitted a written report, which she summarized for the Council. (*attached to these fully executed minutes*)

13. NEW BUSINESS

- A. **QNIP** – Remaining Sidewalk and Drainage Improvements previously engineered but not yet started construction (*Mayor Slaton*) – Mayor Slaton stated that the County has requested that the Town make a determination regarding whether or not to proceed. He noted that the projects would have been completed under the QNIP Project had the Town not incorporated, but that they had been put on hold since incorporation. He requested a motion to request that

the remaining projects be completed under QNIP and be included in the final project reconciliation. Councilwoman Collins made the motion. Councilman Meador seconded the motion which carried unanimously.

- B. RESOLUTION OPPOSING THE FORMATION OF A CIVILIAN INVESTIGATIVE PANEL** – Councilwoman Collins moved to adopt a resolution to be presented to the County opposing the Panel and asked for Town Council support. She added that Commissioner Seijas has expressed that she would support such action by the Town Council. Town Attorney Allison Bieler read the proposed resolution by title as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, DECLARING AND AFFIRMING ITS OPPOSITION TO THE FORMATION OF A CIVILIAN INVESTIGATIVE PANEL; AND PROVIDING FOR AN EFFECTIVE DATE. Councilwoman Simon seconded the motion, which carried unanimously.

14. FUTURE MEETING DATES

COUNCIL WORKSHOP – 6:30 p.m., Tuesday, **May 28, 2002**, Town Hall, 6853 Main Street

REGULAR MEETING – 7:00 p.m. Tuesday, June 11, 2002, Miami Lakes Middle School, 6425 Miami Lakeway North.

COUNCIL WORKSHOP – 4:00 p.m., Tuesday, June 25, 2002, Town Hall, 6853 Main Street

15. ADJOURNMENT

Approved this 11th day of June, 2002

Attest:


Beatris M. Arguelles, Town Clerk


Hon. Wayne Slaton, Mayor