

# TOWN OF MIAMI LAKES, FLORIDA

---

## MINUTES TOWN COUNCIL MEETING

July 8, 2003

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 7:06 p.m.
2. **ROLL CALL** – In addition to the Mayor, the following Council Members were present at Roll Call: Mary Collins, Robert Meador, Michael Pizzi, Nancy Simon, Peter Thompson and Vice Mayor Roberto Alonso. The following staff members were also present: Town Manager Alex Rey, Assistant Town Manager Rafael Casals, Town Attorney Nina Boninske and Michael Marrero of the law firm Weiss, Serota, Helfman, Pastoriza and Guedes, P.A., Finance Director Alfredo Acin, Town Engineer Russell Barnes, Building Official Mariano Rodriguez, and Town Clerk Beatris Arguelles.
3. **INVOCATION/MOMENT OF SILENCE** – Mayor Wayne Slaton asked that all present have a moment of silence in memory of the Iranian conjoined twins who passed away after undergoing separation surgery.
4. **PLEDGE OF ALLEGIANCE** - Boy Scouts Troop 566 lead the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS)** – Councilwoman Simon asked that an item **13(c)3** entitled: **Transition Period Police Reconciliation** be added to the Agenda. She requested however, that since the item impacts the budget, that it be taken up immediately following Item 7, Consent Agenda. Councilman Meador requested that item 14(b) be taken prior to 14(a). Councilwoman Mary Collins moved to accept the Order of Business as amended. Councilwoman Simon seconded and the motion carried unanimously
6. **SPECIAL PRESENTATIONS:** None were made.
7. **CONSENT AGENDA:** Councilman Pizzi moved to pull items 7(f) and & 7(g) from the consent agenda. The motion was moved by Councilwoman Collins and seconded by Councilwoman Simon. Motion carried unanimously as amended.
  - A. **MINUTES:**
    - April 8, 2003** – Approved on Consent Agenda.
    - June 10, 2003 – Regular Meeting**– Approved on Consent Agenda.
  - B. **APPROVING THE TOT LOT INSTALLATION EXPENDITURES** (Page 24)

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING TOT LOT INSTALLATION EXPENDITURES PERFORMED BY PLAYGROUND SERVICES, INC.; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE (Rey) - Approved on Consent Agenda.**

- C. APPROVING AN INTERLOCAL AGREEMENT RELATING TO THE PERFORMANCE OF PROFESSIONAL SERVICES ASSOCIATED WITH THE NPDES OPERATING PERMIT No. FLS000003 (Page 31)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF MIAMI LAKES FOR PERFORMANCE OF PROFESSIONAL SERVICES ASSOCIATED WITH THE NPDES OPERATING PERMIT; 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 MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE (Rey) – Approved on Consent Agenda**

- D. APPROVING AN INTERLOCAL AGREEMENT BETWEEN CO-PERMITTEES NAMED IN THE NPDES OPERATING PERMIT No. FLS000003 (Page 44)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN CO-PERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003; 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 MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE (Rey) – Approved on Consent Agenda.**

- E. AUTHORIZING THE SAFE NEIGHBORHOOD GRANT APPLICATION (Page 56)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER TO APPLY FOR A GRANT FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM; COMMITTING TO MIAMI-DADE COUNTY'S REQUIREMENTS FOR THE GRANT PROGRAM; RECOGNIZING THE ACCESSIBILITY TO THE PUBLIC OF PARKS UNDER THE PROGRAM; COMMITTING TO MATCH FUNDS NECESSARY TO COMPLETE PROJECTS; COMMITTING TO NOT USE SUBSTITUTE FUNDING; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO**

**MOVE FORWARD WITH THE GRANT APPLICATION; AUTHORIZING EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE (Rey) – Approved on Consent Agenda.**

**13. REPORTS:**

**C. COUNCILMEMBER'S REPORTS:**

- 3. Transition Period Police Reconciliation (Simon) -** Councilwoman Simon informed the Council and Town residents that she had been successful in recovering \$2.3 million from Miami-Dade County for overcharged police calls.

**7. CONSENT AGENDA (cont.)** Pulled items were heard as follows:

**F. APPROVING AGREEMENT WITH ENVIROWASTE SERVICES GROUP FOR STORM DRAINAGE SYSTEM CLEANING SERVICES**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING ENVIROWASTE SERVICES GROUP, INC. FOR STORM DRAIN CLEANING SERVICES; AUTHORIZING THE TOWN MANAGER TO FINALIZE THE TERMS OF THE CONTRACT; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE (Rey)**

Councilman Pizzi was concerned with whether or not the Town contracts are being awarded as a result of competitive bids. He was concerned with overusing existing contracts from other towns without the Town of Miami Lakes advertising for various bids for the Town contracts. He requested that all the Town contracts go through a competitive bid process. A discussion ensued regarding how cost effective the method of "piggy backing" the Town contracts really is. Manager Rey clarified that the process of using existing contracts saves time, effort and money for the Town making the current process more efficient.

On the Resolution as read by title by the Attorney, Councilwoman Collins moved to adopt the resolution. The motion was seconded by Vice Mayor Alonso. The resolution was approved (6-1) with Councilman Pizzi casting a dissenting vote.

**G. APPROVING THE PURCHASE OF LICENSES AND MAINTENANCE FOR CITYVIEW SOFTWARE (Page 117)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE PURCHASE OF LICENSES FOR CITYVIEW SOFTWARE AND SOFTWARE MAINTENANCE FROM MUNICIPAL SOFTWARE CORPORATION; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE (Rey)**

Councilman Pizzi questioned if the cost of purchasing the licenses for the Cityview Software and software maintenance from Municipal Software Corporation would incur additional expenses for the Town. When the software was first put to use by the Town, a significant amount of money was paid to Municipal Software Corporation. The Town Manager explained that when the software was first implemented certain user's licenses were purchased. However, as the need for additional users increases, so does the need for additional licenses and that additional licenses were needed if the town was going to allow access to CityView from the Internet.

Councilwoman Collins moved to adopt the Resolution. Councilman Thompson seconded the motion which carried unanimously.

**8. PUBLIC COMMENTS:** - Mayor Slaton recognized State Representative Ralph Arza and Commissioner Natasha Seijas.

Commissioner Seijas addressed the Council. She congratulated the Council with the way the Town's business is being handled. Also, she informed the Council that based on the research done by Councilwoman Simon, the Community Center was found to be part of the County. By December, the Community Center should be in the hands of the Town of Miami Lakes. In addition, Commissioner Seijas informed the Town of her plans to make a contribution to the new park on behalf of District 13. She then reported that the construction of North West 87<sup>th</sup> Avenue would commence on July 28, 2003. Later, she informed the Council that a new fire station would be located on the West side of the Town adding that she has asked that the County absorb the \$880.00 monthly cost of maintaining a fire station and that the temporary site would be complete in 90 days.

The following residents addressed the Council:

**Amado Lorens** – Requested that the Council review the issue of the 4-way Stop signs on NW 82<sup>nd</sup> Avenue.

**Alex Gonzalez** – Asked the Council to explain what studies were conducted in order to place 4-way Stop signs on NW 82<sup>nd</sup> Avenue being that they inconvenience commuters.

**Carlos Urtado** – The new 4-way Stop signs have worsened the traffic situation. There is also an increase in motorists cutting each other off.

**Diane Dominguez**- The 4-way Stop signs have made traffic worse although school is not yet in session. She requested that the Town take action with regards to developing NW 87<sup>th</sup> Avenue. In addition, she addressed the Council about the (*illegal*) aluminum roofs situation and asked for amnesty for residents who currently have them.

**Diane Dominguez** – Addressed the Council on behalf of Commissioner Nelson Rodriguez. In a written statement Mr. Rodriguez asked the Council to address the issue of continuing the development of NW 87<sup>th</sup> Avenue and the Royal Oaks Park. He would like to know why the construction has been halted. He also requested that the Council seek an alternative solution to the 4-way Stop signs situation on NW 82<sup>nd</sup> Avenue and the traffic congestions being formed as a result.

**Maria Kramer** – Addressed the Council with the purpose of thanking Councilwoman Simon for her efforts in recovering the money the County overcharged for police calls.

**Mario Zamora** – Spoke in favor of the 4-way Stop signs. He also questioned the reasons why a police officer has been directing traffic at the 4-way Stop signs.

**Mayor Slaton** asked the Manager to address the issues of the construction on 87<sup>th</sup> Avenue, the 4-way Stop signs on 82<sup>nd</sup> Avenue, and the police presence directing traffic at the Stop sign location. Manager Rey informed the Council that the purpose of the police presence at the stop signs is to facilitate the flow of traffic due to the construction of a guard house in Royal Oaks East. With regards to the issue of the 4-way Stop signs, he explained that the traffic study conducted by the County indicated that a traffic light was necessary at that location and that the Stop sign was placed until such time as the traffic light is installed, adding that the Town Engineers conducted a study and have recommended runabouts as a possible solution to the traffic problem. With regards to the construction on 87<sup>th</sup> Avenue, the County may have run into difficulties but that he was not sure what those difficulties consist of.

**Vice Mayor Alonso** noted that the Town of Miami Lakes does not have the authority to place Stop signs anywhere in the Town. However if the Town requested signalization, a traffic study would be conducted by the County and that if something were warranted the County would put something in place. The Vice Mayor referenced traffic counts conducted by the County noting that over 900 cars traveled through 82<sup>nd</sup> avenue in the morning and over 800 in the afternoon and that was enough to warrant a Traffic Light.. He noted that the sign was placed by the County almost simultaneously to the construction of the Guard House at Royal Oaks East which only exacerbated the traffic.

9. **COMMITTEE REPORTS** – Bob Spano informed the Town of the upcoming cultural affairs events. Councilwoman Simon asked Bob Spano from the Cultural Affairs Committee to include money for the 4<sup>th</sup> of July fireworks in their next budget.

10. **ORDINANCES – FIRST READING** – None.

11. **PUBLIC HEARINGS/ORDINANCES – SECOND READING:**

A. **AMENDING THE 2001-2002 FISCAL YEAR BUDGET** (*Page 126*)

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 01-11; AMENDING THE TOWN'S BUDGET FOR THE 2001-2002 FISCAL YEAR; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE** (*Rey*) – Town Attorney Nina Boniske Read the Ordinance by title.

Mayor Slaton opened the floor for the public hearing. Being that no residents wished to address the Council, Mayor Slaton closed the floor for the public hearing and reopened the regular meeting.

Manager Alex Rey explained that this is a housekeeping item to reconcile the fiscal year 01-02 budget. Councilwoman Simon asked, for the record, how the overage of \$2 million dollars being credited to the Town was going to be budgeted. A discussion

ensued wherein Manager Rey clarified that the overage was for expenditures programmed for the current year.

Councilwoman Collins moved to adopt the Ordinance as read by title. The motion was seconded by Vice Mayor Alonso. The motion carried unanimously on roll call.

## 12. RESOLUTIONS:

### A. DETERMINING THE PROPOSED MILLAGE RATE FOR THE 2003-2004 FISCAL YEAR

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, 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 2003-2004, AS REQUIRED BY LAW; DIRECTING THE CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE (Rey) –**

Following brief between the Council and Manager Rey regarding the effect the millage rate will have on increasing property values in Miami Lakes, Councilwoman Collins moved to adopt the Resolution as read. Vice Mayor Alonso seconded. The motion carried 6-1 with Councilman Pizzi casting the dissenting vote.

## 13. REPORTS

### A. MAYOR'S REPORTS:

1. **Appointments** – There were no appointments.

### B. MANAGER'S REPORTS:

1. **Assistance to newly incorporated City of Miami Gardens.** – Town Manager Alex Rey stated that he has offered assistance to the newly incorporated City of Miami Gardens. The town will provide clerk services and any other help they need with agendas, etc. if asked Mayor Slaton encouraged the Manager to help the new Town. He reminisced about the town's first meetings and thanked the Clerk for having volunteered countless hours even before the town's incorporation. Adding that the Clerk's assistance will prove essential for a new municipality.

### C. COUNCILMEMBER REPORTS:

1. **Temporary West Side Fire Station (Pizzi)(Page 193)** – Councilman Pizzi briefly reiterated the fact that the response time to the West side by the current fire station is unacceptable. He informed the Town and Council that the Graham Companies have come forward to help with the location for a temporary fire

station. The cost of the four fire fighters in the temporary fire station will result in \$1.6 million in increased services. The fire chief addressed the Council. Manager Rey asked that the Council waive any permit fees associated with the temporary station. He added that the process could take up to 6 months. However, a representative from the fire department clarified that it could be closer to 90 days. Commissioner Seijas clarified that zoning changes will not be necessary. Chief Holmes also addressed the Council and explained how the fire stations respond to incidents according to their location.

Vice Mayor Alonso requested information on the response time from the fire station on NW 186<sup>th</sup> Street to the West side of Miami Lakes, noting that this information had been requested previously and that response time from that location should be much less than from the location on 67<sup>th</sup> Avenue.

There was discussion regarding the possibility of the temporary fire station becoming permanent. At Councilman Thompson's request, the fire chief informed the Council that a total of 18 people will be in service at the temporary station with 4 people servicing 24 hours a day.

Councilman Pizzi moved to that the Town waive any Town permit fees associated with the temporary fire station. The motion was seconded by Councilwoman Collins and carried unanimously.

2. **Education Classes** (*Pizzi*)– Councilman Pizzi briefly informed the Town and Council that the educational classes being conducted at the Community Center will commence on August 25<sup>th</sup>. He then proceeded to thank Linda Reale and Mrs. Duman for their help in organizing the classes.

#### 14. NEW BUSINESS:

- A. **BUDGET CASH RESERVE ORDINANCE** (*Meador*) (*Page 197*) – This item was heard out of order directly proceeding Item 14(B). Councilman Meador asked the Council to establish an ordinance to adopt a sound financial policy by making the Town maintain a fund balanced retained earnings reserve. This will make the Town financially responsible in the event that unforeseen situations should arise. He requested that the Town Manager formulate criteria with the proposed ordinance for the next meeting. Town Manager Rey agreed that this ordinance represents sound fiscal policy.

Councilman Meador made a motion that the Council direct the Town Manager and staff to draft a budget reserve ordinance for first reading at the next available date for implementation for 2003-2004. Councilman Thompson seconded the motion. Motion carried unanimously.

- B. **ALUMINUM ROOFS** (*Pizzi*) (*Page 199*) – This item was taken out of order. The following residents addressed the Council in favor of permitting (*illegal*) aluminum roof structures: Juan Mederos, Sonia Molinary, Nelson Yeung, and Miguel Hernandez. Town Manager Rey clarified that the aluminum roofs are subject to zoning laws that dictate setbacks among other things and are currently illegal and continue to be illegal. It also

entails a building permit issue. If the owner's structures are not in compliance with the zoning laws, they will need to either demolish the structure or make the appropriate architectural corrections. He also noted that the action of the Council was limited to zoning only and that building laws are dictated by the Florida Building Code. An option the Council has is to temporarily waive the setbacks required, thus eliminating the zoning violations but that the structures would have pass all required inspections. Councilman Pizzi pointed out that the majority of the roof infractions are located in a certain neighborhood and that many of the affected property owners purchased their homes with the existing structures. With regards to the setbacks, he noted that some lots do not allow enough space to comply with the setbacks. Discussion ensued regarding different scenarios and possibilities with regards to a solution to the aluminum roofs situation after which the following motion was made:

To Direct Town staff and the Town Attorney to bring back to the Town Council for its consideration an ordinance amending the Town's Land Development Code to provide a procedure to allow un-permitted aluminum patio roof structures in the RU-1 zoning district that encroach into the Town's setbacks in violation of Section 33-50 of the Town's Code to remain in place provided that the aluminum patio roof structures meet all of the following requirements:

1) the aluminum patio roof structure was installed on the property on or before July 8, 2003;

2) an after the fact building permit is obtained from the Town based upon the roof structure meeting the requirements of the Florida Building Code; and

3) the building permit application includes written consent from all adjacent property owners.

The aluminum roof structure receiving a building permit shall be considered a legal non-conforming use which shall be removed from the property upon the earlier of either the sale of the property or three (3) years from the effective date of the Ordinance. The Town Manager and Town Attorney shall establish a mechanism to inform all known owners of unapproved structures as well as the general public that, except for certain limited circumstances, the ordinance will only apply to property owners who register with the Building Official prior to August 8, 2003.

The motion was made by Councilman Pizzi, seconded by Councilwoman Simon. The motion carried 6-1 with Councilwoman Collins casting a dissenting vote.

**C. TOWN EMPLOYMENT MANUAL** *(Pizzi) No Council action taken.*

## **15. FUTURE MEETING DATES**

**LPA MEETING** – **Thursday, July 10, 2003, 7:00 p.m.** Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

**ZONING MEETING** – **Thursday, July 10, 2003, 7:01 p.m.** Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

**REGULAR COUNCIL MEETING** – **Tuesday, September 9, 2003, 7:00 p.m.** Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014



16. ADJOURNMENT

Approved this 9<sup>th</sup> day of September, 2003

Wayne Slaton  
WAYNE SLATON, MAYOR

Attest:

Beatris M. Arguelles  
BEATRIS M. ARGUELLES, CMC  
TOWN CLERK