

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton

Vice Mayor Mary Collins

Councilmember Roberto Alonso

Councilmember Robert Meador

Councilmember Michael Pizzi

Councilmember Richard Pulido

Councilmember Nancy Simon

MINUTES REGULAR COUNCIL MEETING April 10, 2007 7:00 p.m.

Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

1. **CALL TO ORDER:** Mayor Slaton called the meeting to order at 7:15 p.m.
2. **ROLL CALL:** Town Clerk Debra Eastman called the roll with the following Council members present: Robert Meador, Richard Pulido, Nancy Simon, Michael Pizzi, Vice Mayor Mary Collins and Mayor Wayne Slaton. Councilmember Roberto Alonso was absent.
3. **INVOCATION/MOMENT OF SILENCE:** The Mayor called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** The Mayor called for the pledge.

Mayor Slaton asked the Council members to join him in presenting a proclamation to Mr. Tony Gestido thanking him for his involvement in the Miami Lakes Soccer Club and proclaiming it Tony Gestido day.

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

Council member Nancy Simon requested that item 13A Project Citizen be moved to 7A to allow the student an early evening. Council member Richard Pulido requested to pull item 6A from the consent agenda and to discuss Item 13C simultaneously. Vice Mayor Mary Collins requested to pull 6I. Council member Robert Meador provided a correction to page 144 in the agenda packet, paragraph 2 which should read “deferred to the April Council meeting”.

Council member Nancy Simon made a motion for approval of the items on the consent agenda as amended. There was a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

The Mayor recognized several students from the Miami Lakes Middle School who explained their Project Citizen project. They are gathering cell phones to help save the environment and also to raise money for a local charity. They explained their plan in detail and the outlined how the funds will be allocated. Councilmember Nancy Simon congratulated the students on their project and their presentation to the Town Council. Mayor Slaton thanked and encouraged the students.

6. CONSENT AGENDA:

A. A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AMENDING RESOLUTION NO. 01-37; THE COMPREHENSIVE COUNCIL MEETING AND AGENDA PROCEDURES. (Meador, Pizzi)

Councilmember Richard Pulido made a motion for passage of the resolution with an amendment to also correct a scrivener's error on section 7.1 of the resolution to read: "**7.1 Placement of Items on the Agenda.** Resolutions, ordinances and new business shall be identified on the Agenda as to the sponsoring Council Member or Mayor or as recommendations from the Town Manager. All information relating to items to be placed on the Agenda shall be submitted by a Council Member to the Town Manager by 5:00 p.m. the Monday the week prior to a regular meeting." Adding the words "the week". A second was given by Vice Mayor Mary Collins.

Council member Michael Pizzi moved to further amend the resolution to provide for co-sponsorship of items that may be of a similar nature when those items are added to the agenda. The motion received a second from Council member Robert Meador.

Vice Mayor Collins questioned who would make the decision of comparable items. Council member Richard Pulido suggested that this might be subject to interpretation and was opposed to the amendment. Council member Michael Pizzi withdrew the motion.

Vice Mayor Mary Collins made a motion to amend the resolution to require that paperwork be submitted for any items added to the agenda. There was no second.

Mayor Slaton called for a vote on the original motion and all were in favor.

B. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE INTERLOCAL AGREEMENT FOR DISTRIBUTION, USE AND REPORTING OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY ("REVISED AGREEMENT") REPLACING THE INTERLOCAL AGREEMENT FOR DISTRIBUTION OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY ("AGREEMENT") PREVIOUSLY APPROVED BY THE TOWN. (Rey) Approved on consent.

C. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SELECTION OF U.S. GROUNDS, INC. FOR STREET SWEEPING SERVICES; APPROVING THE CONTRACT BETWEEN U.S. GROUNDS, INC., AND THE TOWN. (Rey) Approved on consent.

D. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE FIRST AMENDMENT TO THE CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES BETWEEN SOUTH FLORIDA MAINTENANCE SERVICES, INC., AND THE TOWN. (Rey) Approved on consent.

E. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE NW 87 AVENUE FROM NW 162 STREET TO NW 170 STREET JOINT PARTICIPATION AGREEMENT BETWEEN THE TOWN AND MIAMI-DADE COUNTY. (Rey) Approved on consent.

F. A RESOLUTION OF THE TOWN COUNCIL ENCOURAGING MEMBERS OF THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION THAT WILL REDUCE PROPERTY INSURANCE PREMIUMS. (Pulido, Alonso, Collins, Meador, Pizzi, Simon, Slaton) Approved on consent.

G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE PURCHASE ORDER WITH CONTRACT CONNECTION, INC., FOR PLAYGROUND EQUIPMENT FOR POCKET PARKS P1, P19, P29, P13, P31 AND P61. (Rey) Approved on consent.

H. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SELECTION OF M.C. HARRY & ASSOCIATES, INC. TO PERFORM ARCHITECTURAL SERVICES ON TOWN FACILITIES; APPROVING THE CONTRACT BETWEEN M.C. HARRY & ASSOCIATES, INC. AND THE TOWN. (Rey) Approved on consent.

I. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE AGREEMENT BETWEEN M.C. HARRY AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR THE ROYAL OAKS PARK COMMUNITY CENTER DESIGN CRITERIA SERVICES. (Rey)

Vice Mayor Mary Collins stated she would like to see a stage in the Community Center designed for Council meetings and plays and suggested that the building could be wired upon construction with video and audio which would enable video or televising of Council meetings. Councilmember Simon suggested that there also be adequate kitchen facilities.

Vice Mayor Mary Collins moved the resolution and asked that the Town Manager report back to the Council regarding cost. The motion was seconded by Councilmember Nancy Simon.

Mayor Slaton spoke in opposition to constructing or wiring a stage for a Council meeting dias, which was not the designed intended use for the removable stage and suggested that the building might not be complete until 2009 and the Council should be looking at future Town Hall facilities for a permanent Council dias set up as well. Councilmember Robert Meador requested that the Town Manager explain the extra cost of providing these things and expressed that the Council should finish the charge given to the Council by the

residents. There being no further discussion, the Mayor called for the vote and all were in favor of the original item.

7. PUBLIC COMMENTS:

Florencia Palacios spoke in favor of the Boundless Playground Initiative.

Sandra Phagan thanked the Council for their assistance in getting the walls opened up at the Tai Chi classes and reported on the area near the guard house and on the guard house that need improvements and asked the Council for their assistance, if possible.

Maria Camacho spoke about the Commuter Challenge on May 17 and encouraged participation by the Council.

Maria Kramer spoke in support of the Tax Relief Act and the bidding process for Town attorney.

Miriam Mendoza spoke regarding the Education Advisory Board duties and responsibilities.

Gus Abella spoke in favor of the boundless playground and beautification of I75 area near Barbara Goleman High School and also of code violations in that area.

8. COMMITTEE REPORTS:

Education Advisory Board

Chairman, Maria Kramer gave the Committee report and thanked the Council for their leadership in schools. She reported on the process for distribution of funds to various schools and surrounding recordkeeping, the SAT program, the ID program and the Key to the Town Scholarship.

Councilmember Richard Pulido thanked Ms. Kramer and the Education Advisory Board for their hard work and diligence. Mayor Slaton inquired about the recordkeeping process of the committees and asked Town Manager Alex Rey to review the process and report back to Council.

Councilmember Nancy Simon offered her library of CD recordings regarding meetings of the Town Council to the Town Clerk for copying. Vice Mayor Mary Collins thanked the Education Advisory Board.

Mayor Slaton called for a recess at 8:45 p.m. The meeting reconvened at 9:15 p.m. and the Town Clerk called the roll with the following Councilmembers in attendance: Robert Meador, Richard Pulido, Michael Pizzi, Nancy Simon, Vice Mayor Mary Collins and Mayor Wayne Slaton. Roberto Alonso was absent.

9. ORDINANCES – FIRST READING:

10. PUBLIC HEARINGS/ORDINANCES – SECOND READING:

AN ORDINANCE OF THE TOWN COUNCIL CREATING A NEW CHAPTER OF THE TOWN OF MIAMI LAKES CODE, ENTITLED “MIAMI LAKES CABLE TELEVISION AND OPEN VIDEO SYSTEM ORDINANCE”; PROVIDING THE TERMS AND CONDITIONS FOR THE OPERATION OF CABLE TELEVISION AND OPEN VIDEO SYSTEMS THAT USE THE TOWN’S RIGHTS-OF-WAY. (Simon, Boniske)

Town Attorney, Nina Boniske read the title of the ordinance. Mayor Wayne Slaton opened the public hearing and stated that although he had been absent from the last meeting he had listened to the recording of the meeting and the discussion regarding the ordinance.

Matthew Rizzo of Comcast spoke in opposition to the ordinance asking the Council to table it and provided the Council with a copy of an email from Assistant Town Manager Mariaelena Salazar thanking him for installation of the Wi-Fi service in the parks and an article from the Sun Sentinel.

Nicholas Holland, Counsel for Bell South stated that he had reservations about the ordinance and voice objection to it.

There being no further comments, Mayor Slaton closed the public hearing.

Councilmember Nancy Simon moved for passage of the ordinance as read. Councilmember Robert Meador gave a second to the motion.

Councilmember Nancy Simon spoke in favor of the ordinance, the window of opportunity and the possible loss of the Town’s rights. Town Attorney, Scott Robin explained the meaning of the ordinance to the Council.

Mayor Slaton pointed out the previous discussions of the Council have been regarding televising Council meetings and not customer service issues. He spoke about the current federal legislation and the Council’s previous resolution supporting the Florida League of Cities legislative agenda. Mayor Slaton expressed his concern about the need to staff the complaint process in the ordinance.

Councilmember Richard Pulido asked about what contact or meetings have taken place since the first reading. Town Attorney reported that Bell South gave their comments late for the agenda and that Comcast had not responded.

Councilmember Michael Pizzi thanked Comcast for their work on the wi-fi in the parks and expressed his support for the ordinance. He asked Comcast how their company would be hurt by the passage of this ordinance. Mr. Rizzo explained the interpretation that the ordinance would not apply to them until 2013 due to their franchise agreement with the County. Town Attorney Nina Boniske refuted the interpretation and explained to the Council.

Vice Mayor Mary Collins asked about staff that might be necessary to administer the ordinance. Councilmember Robert Meador thanked Comcast for the wi-fi in the parks and commented on the interpretation of the 2013 date. Town Attorney, Nina Boniske explained their legal disagreement with the position taken by Comcast. Mayor Slaton called for the vote and all were in favor with Roberto Alonso absent.

11. RESOLUTIONS:

12. REPORTS:

A. MAYOR'S REPORTS:

1. Appointments

Mayor Slaton nominated the following: Jemima Garcia for the Beautification Advisory Board; Vivian Campa for the Cultural Affairs Committee and Willie Hernandez for the Cultural Affairs Committee. Vice Mayor Collins made a motion to make the appointments. It was seconded by Councilmember Nancy Simon. The Mayor called for the vote and all were in favor.

2. Traffic Reduction Initiative

Mayor Slaton encouraged his fellow Councilmembers and staff to participate in the Commuter Challenge on May 17.

B. MANAGER'S REPORTS:

1. Entrance Features

Town Manager Alex Rey explained the process of designing the entrance features with Director of Planning and Zoning Maria Crowley and Chairman of the Beautification Committee, Frank Diaz. He explained the design and the concept of where each would be placed and the water features on some. Vice Mayor Mary Collins indicated her support and made a motion to move forward with the entrance features as proposed by the Manager. The motion received a second from Councilmember Michael Pizzi.

Councilmember Richard Pulido questioned the reasoning for the size and requested that the words "Town of" be added. Alex Rey explained the design and one third concept which might require smaller lettering. Vice Mayor Collins spoke in support of the entrance features as they are presented. Councilmember Robert Meador expressed his support for adding "Town of", there being no mention of "welcome", lighting and that there was no town seal on any proposed. He questioned the height and size. Town Manager Alex Rey and Town Engineer

Russell Barnes will provide a full size mockup for the Council. Mayor Slaton supported adding “town of” to the entrance feature.

There being no further discussion, the Mayor called for the vote and all were in favor.

At 10:59 p.m., Councilmember Michael Pizzi made a motion to extend the meeting for one half hour. The motion was seconded by Robert Meador. The Clerk called the roll and all were in favor.

2. Finance Department Staff

Town Manager Alex Rey reported the need for the new position. Councilmember Nancy Simon asked about financial reporting required in the Charter.

C. COUNCILMEMBERS REPORTS:

1. Environmental Awareness and Green Building Initiative (Pulido)

Councilmember Richard Pulido updated the Council about on-going work with the initiative and the process of gathering information to be brought back to the Council when complete.

2. 87th Avenue (Pizzi)

Councilmember Michael Pizzi reported that the County is moving forward with opening 87th Avenue and Madden’s Hammock and passed a resolution today. The Town Manager will provide a copy of the resolution passed to the Council. Mayor Slaton asked about the land owner. Councilmember Pizzi indicated his understanding that the land owner is meeting with the County.

3. Madden’s Hammock (Pizzi) No action.

4. Beautification of Area Around I-75 and Goleman High School (Pizzi)

Mayor Slaton called the item and Councilmember Pizzi chose to move over the item.

D. ATTORNEY’S REPORTS:

Request for Executive Session

Town Attorney Nina Boniske requested the Council meet in Executive Session regarding Department of Community Affairs, Petitioner, and Town of Miami Lakes, Intervener, v. Miami-Dade County, Respondent and City of Hialeah et al, Interveners, DOAH CASE NO. 06-2395GM.

13. NEW BUSINESS:

A. Project Citizen (Simon) Item taken prior to Item 6.

B. Business Professionals of America National Leadership Conference(Collins)

Vice Mayor Collins indicated the request is for financial assistance in the amount of \$2,200 for students to attend a conference. Vice Mayor Collins made a motion for approval of the funds and it was seconded by Councilmember Nancy Simon. Councilmember Nancy Simon asked if the request was made of Principal Artime and she was informed that he indicated the students needed to raise the funds. Councilmember Richard Pulido spoke in support. Councilmember Michael Pizzi supported the request and indicated he would like to see a procedure for this type of request. Mayor Slaton indicated the item was appropriately before the Council and he would also like to see a policy due to frequent requests to Councilmembers of this nature. Councilmember Richard Pulido asked for clarification on the amount requested. Councilmember Michael Pizzi asked to modify the request to \$2,000 which was acceptable. There being no further discussion, the Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi made a motion to extend by one half hour to midnight. It was seconded by Councilmember Robert Meador. The Mayor called for a voice vote and all were in favor.

C. Council Rule Change (Pulido) Item discussed with 6A.

D. Child Protection Act (Pizzi) Mayor Slaton called for the item and Councilmember Pizzi chose to move to next item.

E. Budget Consolidation and Tax Relief Act (Pizzi)

Councilmember Michael Pizzi stated that the Town Council needs to look at its own expenditures in order to reduce taxes. He suggested that the Council evaluate whether legal service fees are competitive and that the Council review some staff. Councilmember Pizzi made a motion to put the legal services out for a bid. The motion received a second from Councilmember Nancy Simon. Mayor Slaton ruled the motion out of order due to a conflict with the Town Charter.

Mayor Slaton stated that he would be in agreement with an evaluation of legal services. Councilmembers Nancy Simon, Richard Pulido and Robert Meador questioned how and by whom the criteria would be set. Vice Mayor Mary Collins suggested that is an issue for the Mayor to decide. Mayor Slaton stated that the evaluation could be based upon job performance, or cost.

Councilmember Michael Pizzi made a motion to extend five minutes. It was seconded by Councilmember Nancy Simon. Mayor Slaton called for the vote and all were in favor except for Vice Mayor Collins who voted in opposition.

Town Attorney, Nina Boniske suggested that the Mayor prepare the criteria for the evaluation.

Vice Mayor, Mary Collins left the meeting at 12:11 a.m.

Councilmember Michael Pizzi asked that the Mayor bring the selection of the Attorney before the Council. Mayor Slaton explained that Councilmember Pizzi's motion was out of order but that he is willing to do an evaluation. Councilmember Pizzi disagreed and made a motion to over rule the decision of the Mayor. The motion was seconded by Councilmember Nancy Simon. There was no vote taken on the motion.

Councilmember Richard Pulido stated a concern that the Council not do anything to overrule the Town Charter. Councilmember Michael Pizzi agreed to doing an evaluation of the Town Attorney and requested that the evaluation include among other things; cost, past performance and consider in-house counsel and withdrew his previous motions.

Councilmember Nancy Simon requested a thorough, unbiased evaluation. Councilmember Michael Pizzi made a motion to set the evaluation within the next 60 days. The motion received a second from Councilmember Nancy Simon. The Mayor called for the vote and all were in favor, with Vice Mayor Collins being absent.

F. Council Rule Change (Pizzi) See Item 6A

G. Boundless Playground Initiative (Slaton) No action at this meeting.

H. Hurricane Preparedness Fair (Slaton) No action at this meeting.

14. FUTURE MEETING DATES:

April 24, 2007 Zoning Meeting, 6425 Miami Lakeway North, Miami Lakes 6 PM

May 8, 2007 Regular Meeting, 6425 Miami Lakeway North, Miami Lakes 7 PM

15. ADJOURNMENT: The meeting adjourned after Item 13E at 12:30 a.m.

Approved this 12th day of June, 2007.

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk