

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Michael Pizzi
Vice Mayor Richard Pulido
Councilmember Mary Collins
Councilmember George Lopez
Councilmember Robert Meador II
Councilmember Nick Perdomo
Councilmember Nancy Simon

MINUTES
REGULAR COUNCIL MEETING
November 10, 2009
6:35 PM
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

PRESENTATIONS:

American Legion Post 32 presented the Mayor and Town Council with a token of their appreciation, recognizing the Town's efforts in providing care packages for the troops.

The Mayor and Town Council presented students from local schools with certificates of appreciation for volunteering at the Town's Halloween Haunted House.

Principals and representatives from local area schools spoke favorably about the Peer Review Court/Mock Trial/Mentorship Program.

- 1. CALL TO ORDER:** Mayor Pizzi called the meeting to order at 7:08 p.m.
- 2. ROLL CALL:** Marjorie Tejada, Town Clerk, called the roll with the following Councilmembers present: Nick Perdomo, Robert Meador, Nancy Simon, Mary Collins, George Lopez, Vice Mayor Richard Pulido, and Mayor Michael Pizzi.
- 3. INVOCATION/MOMENT OF SILENCE:** Mayor Pizzi called for a moment of silence.
- 4. PLEDGE OF ALLEGIANCE:** Mayor Pizzi led the Pledge of Allegiance.

With consensus from the Town Council, Vice Mayor Pulido presented item 13A.

Mayor Pizzi called for a five minute recess.

Mayor Pizzi called the meeting to order. The Town Clerk called the roll and all were present.

5. **ELECTION OF VICE MAYOR:** Councilmember Collins nominated Councilmember Perdomo for Vice Mayor. The nomination received a second from Councilmember Lopez. The Town Clerk called the roll and all were in favor.

6. **PUBLIC COMMENTS:** Students from Project Citizen spoke in favor of item 13H.

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

Vice Mayor Perdomo pulled item 9D and moved 13G to be heard after the consent agenda. Mayor Pizzi pulled item 9C. Town Manager, Frank Bocanegra, deferred 9B with the purpose of holding a workshop on the item, and withdrew item 12. Councilmember Pulido pulled items 9E and 9G. Councilmember Meador pulled items 9A, 9F, 9H, and asked to be added as a co-sponsor on item 9C. Councilmember Lopez deferred item 13I.

8. **COMMITTEE REPORTS:**

Lynn Matos, Chairperson of the Youth Activities Task Force, presented the committee's report.

9. **CONSENT AGENDA:**

A. **Approval of Minutes:**

October 13, 2009 Regular Council Meeting

Councilmember Meador made a motion to approve the minutes. The motion received a second from Councilmember Collins and all were in favor.

B. **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 LOCAL POLICE PATROL SERVICES; 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 TOWN MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Bocanegra)**

Deferred by Town Manager, Frank Bocanegra

C. **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, DESIGNATING THE MONTH OF DECEMBER 2009 AS "BREAST CANCER AWARENESS MONTH"; AUTHORIZING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY TO SATISFY THE REQUIREMENTS OF THE**

**DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.
(Pizzi)**

Nicole and Georgette, representatives from the Spa at the Don Shula's Hotel, spoke in favor of the resolution.

Councilmember Meador read the title of the resolution.

Councilmember Pulido made a motion to adopt the resolution. The motion received a second from Councilmember Lopez and all were in favor.

**D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE SELECTION OF CHOICE ENVIRONMENTAL SERVICES OF MIAMI, INC. FOR THREE (3) YEARS FOR SOLID WASTE COLLECTION, REMOVAL, AND RECYCLING SERVICES AT FOUR (4) PARK LOCATIONS AND APPROVING A THREE (3) YEAR AGREEMENT WITH SOUTHERN WASTE SYSTEMS, LLC FOR PORTABLE RESTROOM RENTAL SERVICES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACTS CONTAINED IN ITB#2009-05; AND PROVIDING FOR AN EFFECTIVE DATE.
(Bocanegra)**

Mayor Pizzi recused himself from this item.

Lynn Danheiser, Special Counsel, participated via phone.

David Bennett spoke about the Town vendors in relation to campaign contributions.

Councilmembers Collins made a motion to adopt the resolution. The motion received a second from Councilmember Lopez.

Councilmember Lopez made a motion to vote on the solid waste contract and the portable restroom contract separately.

Councilmember Pulido seconded the motion and all were in favor.

Councilmember Collins made a motion that Choice Environmental Services of Miami, Inc. be awarded the contract for solid waste collection and removal. The motion received a second from Vice Mayor Perdomo.

Councilmember Meador made a motion to amend the contract as follows: Strikethrough section 1.2.11 and that additional pick-ups be provided at no extra charge. The motion received a second from Councilmember Simon and all were in favor.

Willie Hernandez, a representative from Choice Environmental Services of Miami, Inc., addressed questions posed by Council.

Councilmember Lopez made a motion that the language "Town Council" be added to section 11 of the contract. The motion received a second from Councilmember Meador and all were in favor.

Councilmember Pulido made motion to amend the contract for a one year period and that all extensions come back before the Council for approval. The motion did not receive a second.

Councilmember Pulido made motion to amend the contract for a three year period and that all extensions come back before the Council for approval. The motion received a second from Councilmember Simon. Councilmember Simon withdrew her second.

Vice Mayor Perdomo made a motion to adopt the contract as amended. The motion received a second from Councilmember Collins. The Town Clerk called the roll and the motion passed 5-1 with Councilmember Pulido voting in opposition.

Councilmember Collins made a motion to adopt the portable restrooms contract with Southern Waste Systems. The motion received a second from Councilmember Simon.

Anthony Calfredo, representative from Southern Waste Systems, answered questions posed by the Council.

Councilmember Lopez made a motion to defer this item. The motion received a second from Councilmember Pulido. The Town Clerk called the roll and the motion failed 3-3 with the following Councilmembers Simon, Collins, and Meador voting in opposition. Councilmembers Lopez, Pulido, and Vice Mayor Perdomo voted in favor.

Councilmember Pulido made a motion to accept the contract with the condition that staff research the allegations made against Southern Waste Systems and if there are facts to substantiate the allegations, that the contract be terminated. Councilmember Collins accepted the amendment and later withdrew her acceptance of the amendment and made a motion to adopt the contract. The motion received a second from Councilmember Simon and the motion passed 4-2 with Councilmembers Pulido and Lopez voting in opposition. Councilmembers Meador, Simon, Collins, and Vice Mayor Perdomo voted in favor.

Vice Mayor Perdomo called for a break at 10:00 p.m.

Mayor Pizzi resumed the meeting at 10:16 p.m.

The Town Clerk called the roll and all were present.

Mayor Pizzi made a motion that items 9F and 9G be heard after the approval of the minutes. The motion received a second from Councilmember Collins and all were in favor.

The Mayor made a motion to extend the meeting till 11:10 p.m. The motion received a second from Councilmember Pulido and all were in favor.

E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA CREATING A CHARITABLE FOUNDATION BOARD; PROVIDING FOR COMMITTEE MEMBERSHIP; PROVIDING FOR DUTIES; PROVIDING FOR COMMITTEE RULES; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi) No action taken

F. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKI, P.L. AS TOWN ATTORNEY; APPROVING A RETAINER AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE RETAINER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)

Councilmember Simon made a motion to adopt the resolution. The motion received a second from Councilmember Collins and all were in favor.

Mayor Pizzi made a motion that the meeting be extended till 11:20 p.m. The motion received a second from Councilmember Simon and all were in favor.

G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA WAIVING PURCHASING PROCEDURES; APPROVING THE LAW FIRM OF GONZALO R. DORTA TO HANDLE LITIGATION AND LOCAL AND STATE LOBBYING EFFORT; APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE RETAINER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)

Councilmember Collins made a motion to adopt the resolution. The motion received a second from Councilmember Simon. The motion passed 6-1 with Councilmember Pulido voting in opposition.

H. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING A CONTRACT WITH MANUEL SYNALOVSKI ASSOCIATES, LLC TO PREPARE A MUNICIPAL AND PUBLIC FACILITIES SPACE NEEDS ANALYSIS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE. (Bocanegra)

Councilmember Pulido left the meeting at 11:15 p.m.

The Town Attorney read the title of the resolution.

Mayor Pizzi made a motion to adopt the resolution. The motion received a second from Councilmember Collins.

Alan Rigerman spoke about ADA Compliance regarding parking spaces at Shula's, Main Street, and the Royal Oaks Shopping Center.

Mayor Pizzi amended the motion that 2 Public Hearings be held at no additional cost. Councilmember Collins seconded the motion. The Mayor called for the vote, all were in favor and Councilmember Pulido was absent.

10. ORDINANCES – FIRST READING:

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 21-28, NOISES, UNNECESSARY AND PROHIBITED, OF THE TOWN'S CODE OF ORDINANCES TO MODIFY THE NOISE REGULATIONS ON JULY 4TH AND DECEMBER 31ST OF EACH YEAR IN THE TOWN OF MIAMI LAKES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Simon)**

Town Attorney, Mitch Bierman, read the title of the ordinance.

Councilmember Simon made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Collins. The Town Clerk called the roll, all were in favor, and Councilmember Pulido was absent.

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 9, DIVISION 9.4, SIGNS ADDITIONAL REQUIREMENTS, OF THE TOWN'S LAND DEVELOPMENT CODE TO MODIFY FLAG AND FLAGPOLE STANDARDS FOR INDUSTRIAL AND BUSINESS ZONED PROPERTIES WHEN ABUTTING THE PALMETTO FRONTAGE ROAD EXPRESSWAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)**

Town Attorney, Mitch Bierman, read the title of the ordinance.

Councilmember Simon made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Lopez. The Town Clerk called the roll, all were in favor, and Councilmember Pulido was absent.

- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 33-151, HOURS AND DAYS OF SALE, OF THE TOWN'S CODE OF ORDINANCES TO MODIFY THE HOURS AND DAYS OF SALE FOR PACKAGE LIQUOR SALES IN THE TOWN OF MIAMI LAKES; PROVIDING FOR CONFLICTS;**

PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)

Town Attorney, Mitch Bierman, read the title of the ordinance.

Councilmember Simon made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Collins. The Town Clerk called the roll, all were in favor, and Councilmember Pulido was absent.

11. ORDINANCES – SECOND READING (PUBLIC HEARING):

12. RESOLUTIONS:

JUAN VALIENTE (THE “APPLICANT”) IS REQUESTING CLARIFICATION / MODIFICATION OF RESOLUTION NO. 09-732Z WHICH GRANTED CERTAIN VARIANCES IN ACCORDANCE WITH THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR THE PROPERTY LISTED BELOW (CASE NO. ZH 09-01) IN THE TOWN OF MIAMI LAKES RELATING TO A SWIMMING POOL AND DECK PROPOSED TO BE LOCATED WATERWARD OF THE TOP OF SLOPE. (Bocanegra) Withdrawn by Town Manager, Frank Bocanegra

13. NEW BUSINESS:

A. Street Designation- Boy Scout Road (Pulido)

Vice Mayor Pulido made a motion to rename Montrose Road to Boy Scout Road. The motion received a second from Mayor Pizzi and all were in favor.

B. Quarterly Budget Reports for Council (Perdomo) No action taken

C. 10th Anniversary Seal (Collins)

Mayor Pizzi made a motion that the proposed seal be adopted as the official 10 year anniversary seal. The motion received a second from Vice Mayor Perdomo and all were in favor.

D. Ways that the Town can Increase Revenue (Lopez) No action taken

E. Boundless Playground (Pizzi) No action taken

F. Autism Awareness Month (Pulido) No action taken

G. Resident Involvement and Opinion Campaign (Perdomo) No action taken

H. Texting in School Zones (Collins) No action taken

I. Land located along 77th Court, South of 154th Street (Lopez) No action taken

J. Veterans Day Parade Committee (Pizzi) No action taken

K. Veteran’s Memorial Art Work (Collins)

Mayor Pizzi made a motion that Staff pursue funds that Miami Dade County is holding under Arts in Public Places. The motion received a second from Councilmember Collins and all were in favor.

14. REPORTS:

A. MAYOR AND COUNCILMEMBER REPORTS:

1. **Appointments** No action taken
2. **Area Schools Overcrowding (Pulido)** No action taken
3. **Funding for Pedestrian Crosswalk Signals (Perdomo)** No action taken
4. **Police Protection (Lopez)** No action taken
5. **Juvenile Court and Mentoring Program (Pizzi)** No action taken
6. **Town Committees (Pulido)** No action taken
7. **Blocking the Box Statistics (Perdomo)** No action taken
8. **Background Check Policy (Pulido)*** No action taken
9. **Police K-9 (Pulido)*** No action taken

* Requires waiver of Section 6.7 of Town Council Meeting Rules

B. MANAGER'S REPORT:

1. **Green Certification** No action taken
2. **Byrne Grant** No action taken
3. **Media Policy** No action taken

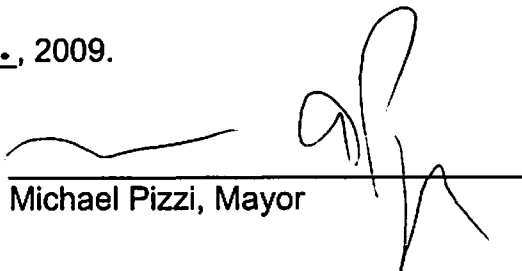
C. ATTORNEY'S REPORTS:

15. FUTURE MEETINGS:

December 8, 2009 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 p.m.
January 12, 2010 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 p.m.

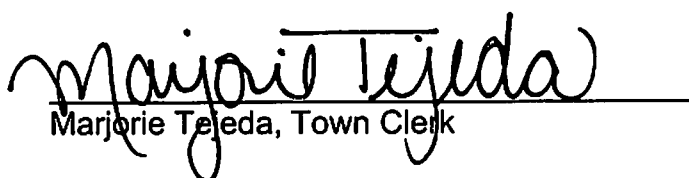
16. ADJOURNMENT: There being no further business to come before the meeting, it adjourned at 11:40 p.m.

Approved this 8th day of Dec., 2009.



Michael Pizzi, Mayor

Attest:



Marjorie Tejeda, Town Clerk