

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Michael Pizzi

Vice Mayor Nick Perdomo

Councilmember Mary Collins

Councilmember George Lopez

Councilmember Robert Meador II

Councilmember Richard Pulido

Councilmember Nancy Simon

MINUTES **REGULAR COUNCIL MEETING** **March 9, 2010** **6:30 PM**

Royal Oaks Park Community Center
16500 NW 87th Avenue
Miami Lakes, Florida 33018

PRESENTATIONS

1. CALL TO ORDER:

Mayor Michael Pizzi called the meeting to order at 6:38 p.m.

2. ROLL CALL:

Marjorie Tejeda, Town Clerk, called the roll with the following Councilmembers present: Nancy Simon, Mary Collins, Robert Meador, Richard Pulido, George Lopez, Vice Mayor Nick Perdomo and Mayor Michael Pizzi.

3. INVOCATION/MOMENT OF SILENCE:

Mayor Pizzi called for a moment of silence.

4. PLEDGE OF ALLEGIANCE:

The Mayor led the Pledge of Allegiance.

5. PUBLIC COMMENTS:

David Bennett spoke about public record law.

Miguel Altariba spoke about the overgrown hedges ordinance.

6. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):

Vice Mayor Perdomo made a motion to limit the discussion to five (5) minutes per Councilmember and two (2) minute rebuttal for items not included in the consent agenda. The motion received a second from Councilmember Lopez. The Town Clerk called the roll and the motion passed 5-2 with the following Councilmembers voting in favor: Robert Meador, Mary Collins, George

Lopez, Vice Mayor Nick Perdomo and Mayor Michael Pizzi.
Councilmembers Nancy Simon and Richard Pulido voted in opposition.

Town Manager, Frank Bocanegra, moved item 13.B.1 to be heard immediately following the Order of Business. The Mayor moved items 12G, 8B, and 12D to immediately follow item 13.B.1. Councilmember Meador pulled item 8C. Councilmember Simon requested that item 12B be heard simultaneously with item 12D. Councilmember Meador added item 13.A.7, entitled NW 87th Avenue. Councilmember Pulido pulled item 8A. Mayor Pizzi made a motion to approve the agenda as amended. Councilmember Simon seconded the motion and all voted in favor.

The Mayor presented Certificates of Appreciation to volunteers for assisting the elderly community in Miami Lakes.

7. COMMITTEE REPORTS:

10th Anniversary Committee - Councilmember Collins, Chair of the 10th Anniversary Committee, asked the Council to review the report.

8. CONSENT AGENDA:

A. Approval of Minutes:

February 9, 2010 Regular Council Meeting- Pulled by Pulido

Councilmember Pulido made a motion to defer the minutes, He requested that the Clerk add the adjournment time and to make sure that any Public Comments that may have been omitted be added to item 5 of the Agenda. He also asked management to ensure that item 12B, where he requested a comprehensive report, was not overlooked. The motion received a second from Councilmember Simon. The motion passed 5-2 with the following Councilmembers voting in favor: Nancy Simon, Robert Meador, Mary Collins, Richard Pulido and Vice Mayor Nick Perdomo. Councilmember George Lopez and Mayor Michael Pizzi voted in opposition.

B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REVISING SECTION 8CC-10 OF THE TOWN CODE, TITLED "SCHEDULE OF CIVIL PENALTIES," TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF CODE SECTIONS NOT SPECIFICALLY LISTED IN THE SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi) Pulled by Mayor

Paula Hagen spoke in favor of the item.

Cesar Mestre spoke in favor of the item.

Dave Oliver spoke in favor of the item.

The Mayor made a motion to approve the resolution. The motion received a second from Councilmember Meador and all voted in favor.

- C. 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) Pulled by Meador** Town Attorney, Mitch Bierman read the resolution by title.

The Mayor made a motion to approve the resolution. Councilmember Simon made a friendly amendment to the motion to change section 17.1 of the contract from 180 days to 90 days. The motion received a second from Councilmember Simon and all voted in favor.

9. ORDINANCES - FIRST READING:

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 09-117; PROVIDING FOR TRANSFER OF FUNDS PURSUANT TO FLORIDA STATUTES 166.241; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)**

Councilmember Pulido made a motion to open the item for discussion. The motion failed for lack of a second.

Mayor Pizzi made a motion to pass the Ordinance on first reading. The motion received a second from Councilmember Collins. The motion failed 2-5 with the following Councilmembers voting in opposition: George Lopez, Nancy Simon, Richard Pulido, Robert Meador and Vice Mayor Perdomo. Councilmember Collins and Mayor Pizzi voted in favor.

10. ORDINANCES - SECOND READING (PUBLIC HEARING):

11. RESOLUTIONS:

A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING/DENYING THE REQUEST OF ASPIRE DESIGN ON BEHALF OF US BANK NATIONAL ASSOCIATION TRS TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2009-0981; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Bocanegra)

Town Attorney, Mitch Bierman read the Resolution by title.

Town Manager, Frank Bocanegra, gave a brief history on the case and provided the Council with staffs recommendation.

The applicant spoke in favor of reducing the fine.

The Mayor made a motion to reduce the fine to the Town's cost. An amendment to the motion was made by Councilmember Meador to include the Town's cost plus a fee equivalent to one day of the violation. The motion received a second from Councilmember Lopez and all voted in favor.

B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING/DENYING THE REQUEST OF EDDIE ARMAS AND FRANKLIN MIRABAL TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2009-0850; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Bocanegra)

Town Attorney, Mitch Bierman read the Resolution by title. Frank Bocanegra, Town Manager provided a brief history of the case, and presented staffs recommendation.

The applicant spoke in favor of the reduction.

Councilmember Collins made a motion to approve the Staff's recommendation. The motion received a second from Mayor Pizzi.

The motion failed 2-5 with the following Councilmembers voting in opposition: Robert Meador, Richard Pulido, Nancy Simon, George Lopez and Vice Mayor Perdomo. Councilmember Collins and Mayor Pizzi voted in favor.

Councilmember Simon made a motion to reduce the fine to the Town's cost plus a fee equivalent to one day of the violation. The motion received a second from Councilmember Lopez. The motion passed 6-1 with the following Councilmembers voting in favor. Richard Pulido, George Lopez, Robert Meador, Nancy Simon, Vice Mayor Perdomo and Mayor Pizzi. Councilmember Collins voted in opposition.

C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE REQUEST OF THE GRAHAM COMPANIES TO REDUCE A PREVIOUSLY ASSESSED

CODE COMPLIANCE FINE FOR CASE NO. C2008-0408; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Bocanegra)

Town Manager, Frank Bocanegra, provided a brief history of the case and presented staff's recommendation.

Carol Wyllie spoke in favor of reducing the fine and requested that the Town release the lien on the property.

The Mayor made a motion to reduce the fine to the Town's out of pocket cost. The motion received a second from Councilmember Collins and all voted in favor.

D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE REQUEST OF THE GRAHAM COMPANIES TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2008-0409; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Bocanegra)

Town Manager, Frank Bocanegra, provided a brief history of the case and presented staff's recommendation. Carol Wyllie spoke in favor of reducing the fine. The Mayor made a motion to reduce the fine to the Town's out of pocket cost. The motion received a second from Councilmember Collins and all voted in favor.

12. NEW BUSINESS:

A. Appointments to Planning and Zoning Board (Bocanegra)

Mayor Pizzi made a motion to confirm the re-appointment of Councilmember Simon's nomination, Raul De La Sierra; Councilmember Meador's nomination, Ameli Padron Fragetta; and Councilmember Lopez's nomination, Pedro Carballo, to the Planning and Zoning Board. Councilmember Pulido made an amendment to the motion to appoint Mrs. Carol Wyllie, subject to the results of a background check, and requested for the item to be placed on the first possible meeting agenda as an action item. The amendment was accepted by Mayor Pizzi.

The motion received a second from Councilmember Meador and all voted in favor.

B. Better Communication with Town Residents (Simon)

Councilmember Simon made a motion to direct staff to draft a resolution supporting variances to be posted on the Town's web page and advertised in the Miami Laker. Mayor Pizzi added a friendly amendment directing staff to take any necessary steps to execute this request. The motion received a second from Councilmember Pulido and all voted in favor.

Mayor Pizzi called for a recess at 8:13 p.m.

The meeting was called to order at 8:30 p.m. The Town Clerk called the roll with the following Councilmembers present: Nancy Simon, Mary Collins, Robert Meador, Richard Pulido, George Lopez, Vice Mayor Nick Perdomo and Mayor Michael Pizzi.

C. Planning and Zoning Board Action Report (Collins)

The report will be submitted to the Town Clerk.

D. Miami Lakes ALF Control Act (Pizzi)

Karen Sanders spoke in favor of the item.

Cesar Mestre spoke in favor of the item.

Bonnie Fernandez spoke regarding the preparation of a traffic study.

Luis Collazo spoke regarding planning accordingly for residential living for our elderly residents and the current state legislature related to this issue.

David Ofstein, Director of Planning and Zoning and Code Enforcement, answered questions posed by the Council.

The Mayor made a motion to direct staff to prepare a resolution requesting that the Florida Legislature change the law to ensure that the Town is notified of any ALF's within its boundaries, and to give the Town of Miami Lakes limited regulatory authority in the area of Public Housing and Public Safety to protect residents and to prohibit sexual predators. Councilmember Collins amended the motion to include a request to the State to provide the Town with reports of inspections of these facilities and directed staff to research any other action that could be taken. The motion received a second from Councilmember Simon and all voted in favor.

E. Tax Payer Protection Act (Lopez)

Councilmember Lopez made a motion to stop the allocation of funds to Councilmember's family health insurance and to institute a program whereby the Councilmembers have the option to pay for the insurance themselves. He further requested that this be brought back to the dais in the form of a resolution at the next Council Meeting. The motion received a second from Councilmember Collins and all voted in favor.

F. Procurement Process (Simon)

Councilmember Simon made a motion to direct staff to create a draft version of Procurement Policies and Procedures for presentation at a workshop. The motion received a second from Mayor Pizzi and all voted in favor.

G. Allocation of Neighborhood Matching Grant Funds (Pizzi)

Paula Hagan, President of Celebration Point's Homeowners Association, spoke in favor of the grant.

Dave Oliver, President of Loch Isle's Homeowners Association, spoke in favor of the grant.

Mayor Pizzi made a motion to allocate a grant to Celebration Point and Loch Isle in the amount of \$2,500 for each community. The motion received a second from Councilmember Collins and all were in favor.

H. Land Located Along 77th Court, South of 154th Street (Lopez)

Councilmember Lopez made a motion to direct staff to evaluate the the land located along 77th Court, South of 154th Street, and assess if any land can be obtained or can be of use to the Town, and to take immediate action on their findings. Councilmember Collins made a friendly amendment that staff look into the Fire Department's location. The motion received a second from Councilmember Collins and all voted in favor.

13. REPORTS:

A. MAYOR AND COUNCILMEMBER REPORTS:

1. Appointments

Councilmember Simon made a motion to appoint Enrique Garcia to the Youth Activities Task Force Committee and Rebecca Interian to the Cultural Affairs Committee. The motion received a second from Councilmember Collins and all voted in favor.

2. Televising Council Meetings (Simon)

Councilmember Simon gave a report on the status of Televising Council Meetings.

3. Federal Earmarks and Town Requests for Funding from Federal Government (Pizzi)

Deferred by Mayor Pizzi

4. Town Committees (Pulido)

Deferred by Councilmember Pulido

5. Visit of the Consul General of Japan (Simon)

Deferred by Councilmember Simon

6. Florida Sunshine Laws (Pulido)

Deferred by Councilmember Pulido

7. 87th Avenue (Meador)

Councilmember Meador stated that he would submit a report to the Clerk for distribution to all Councilmembers.

B. MANAGER'S REPORT:

1. POAT Presentation

Mr. Chuck Duncan, a representative of the Police Officers Assistant Trust (POAT) gave a presentation to the Council.

2. Media Policy deferred to

Deferred by Town Manager

3. Landscape Median Plan on 154th Street

Deferred by Town Manager

4. Leasing of Town Hall Facilities

Deferred by Town Manager

C. ATTORNEY'S REPORTS:

No Report

14. FUTURE MEETINGS:

April 13,2010 Regular Council Meeting, 16500 NW 87 Avenue, 6:30 PM

May 11,2010 Regular Council Meeting, 16500 NW 87 Avenue, 6:30 PM

15. ADJOURNMENT:

There being no further business to come before the Council. The meeting adjourned at 10:07p.m.

Approved this 13 day of April, 2010.



Michael Pizzi, Mayor

Attest:



Marjorie Tejada, Town Clerk