

MINUTES
Regular Council Meeting
January 17, 2017
6:30 PM
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. CALL TO ORDER:

Mayor Cid called the meeting to order at 6:32 pm.

2. ROLL CALL:

The Town Clerk, Gina Inguanzo, called the roll with the following Councilmembers present: Luis Collazo, Tim Daubert, Ceasar Mestre, Frank Mingo, Nelson Rodriguez and Mayor Manny Cid. Vice Mayor Lama arrived shortly after.

3. MOMENT OF SILENCE

Rabbi Weiss led the invocation.

4. PLEDGE OF ALLEGIANCE:

Hialeah Miami Lakes' ROTC gave a presentation of colors and led the Pledge of Allegiance.

5. SPECIAL PRESENTATION:

There were no special presentations.

6. PUBLIC COMMENTS:

Juan Carlos Fernandez came before the Town to speak against item 12B. He would like the Council to freeze the development until the two proposed underpasses on the Palmetto Expressway are built, in order to alleviate some traffic.

Abel Fernandez came before the Town Council to speak against items 12A and 12B. He is concerned because of the traffic impact.

Mirtha Mendez came before the Town Council to ask a question regarding Quasi-Judicial items. She chose to wait for the Quasi Judicial item to be sworn in to speak.

Nancy Rogers came before the Town Council and chose to defer her comments to speak again under the Quasi-Judicial section.

Angelo Cuadra Garcia came before the Town Council to speak against the rock blasts.

Edward Pitterman came before the Town Council to speak against defunct HOA's.

Mylo Gonzalez came before the Town Council to speak about beautification in our Town. He stated there are parts of the town that are not being maintained the same way other parts of town are. He would like the Town Council to do something about beautifying the area.

Maria Kramer came before the Town Council to speak about the annexation item. She believes it would be beneficial to Miami Lakes.

Esther Bonnie Cintron came before the Town Council to speak about the Dream Mall project. She believes the traffic will negatively impact the region.

Joshua Dieguez came before the Town Council to speak about the annexation item. He asks to defer the item to give the Town time to study the report and update the report that was done before. He believes there are potential benefits if the numbers make sense.

Claudia Lucas came before the Town Council to speak about the annexation of the commercial property and the joining of the Miami Lakes and Opa-Locka names. She does not feel the joining of the names is beneficial to the branding of the Town.

George A. came before the Town Council to speak about the canal project. He believes the project is not progressing as he expected. He stated the slope of the canal is the same as it was before and anything that grows on there will slide off. The rock blasting is also problematic. He hopes this can be looked into to get a job well done.

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

The manager asked to defer Items 11B and 11C were deferred to the February agenda. The Mayor asked to move up item 15A after the approval of minutes, before the ordinances on first reading.

Vice Mayor Lama motioned to approve the amended agenda. Councilman Mestre seconded the motion and all were in favor.

8. APPOINTMENTS:

Ryan Martinez was appointed to the Youth Activities Task Force, nominated by Councilmember Collazo.

Farrah Salem was appointed to the Education Advisory Board, nominated by Councilmember Collazo.

Josh Dieguez was appointed to the Neighborhood Improvement Committee, nominated by Councilmember Collazo.

Richard Wester was appointed to the Veteran's Committee, nominated by Vice Mayor Lama.

Ivan Lambert was appointed to the Economic Development Committee, nominated by Mayor Cid.

Araceli Yapor was appointed to the Veteran's Committee, nominated by Councilmember Rodriguez.

Vice Mayor Lama made a motion to approve the appointments and the motion received a second from Councilmember Daubert. All were in favor.

9. COMMITTEE REPORTS:

There were no committee reports.

10. CONSENT CALENDAR:

Councilmember Daubert made a motion to approve all the items on the Consent Calendar. Councilmember Rodriguez seconded the motion and all were in favor.

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO NAME RECREATION FACILITY LOCATED AT 14048 PALMETTO FRONTAGE ROAD, MIAMI LAKES, "K-9 COVE"; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.(Rey)
- B. A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, SETTING FORTH LEGISLATIVE PRIORITIES FOR FISCAL YEAR 2017-2018; AUTHORIZING TOWN MANAGER OR HIS DESIGNEE TO PURSUE FUNDING FOR LEGISLATIVE PRIORITIES AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)
- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE AWARD OF ITB 2017-09, FDOT BEAUTIFICATION 77th COURT PROJECT; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO ACCEPT GRANT FUNDS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.(Rey)
- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE AWARD OF ITB 2017-18, AWARD OF CONTRACT FOR HUTCHINSON ROAD AND DRAINAGE IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.(Rey)
- E. Approval of Minutes
 - December 6th 2016 Regular Council Meeting
 - December 14th 2016 Attorney-Client Executive Session
 - December 28th 2016 Madden's Hammock Meeting

Approved on Consent.

11. ORDINANCES-FIRST READING (PUBLIC HEARING):

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 16-197; AMENDING THE TOWN'S FISCAL YEAR 2016-2017 BUDGET; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CONFLICTS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.(Rey)

The ordinance passed unanimously on first reading.

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL, PROCESSING, AND ISSUANCE OF CERTIFICATES OF USE OR LAND USE MODIFICATION OR APPROVALS FOR MARIJUANA DISPENSING ORGANIZATIONS OR MARIJUANA TREATMENT CENTERS FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS FROM THE DATE OF ADOPTION OF THIS ORDINANCE; PROVIDING FOR LEGISLATIVE FINDINGS; THE GEORGRAPHIC AREA COVERED; AND PROVIDING FOR AN EFFECTIVE DATE.(Rey)

Item was deferred to the February meeting.

- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES FLORIDA, PERTAINING TO THE SUBJECT OF A MORATORIUM; IMPOSING A TEMPORARY MORATORIUM UPON THE RECEIPT OF OR PROCESSING OF APPLICATIONS, PERMITS OR PENDING APPROVALS PERTAINING TO THE INSTALLATION OR SITING OF ANY "TELECOMMUNICATIONS TOWERS", AS MAY BE DEFINED BY FEDERAL LAW, OR ANY "NEW WIRELESS PERSONAL TELECOMMUNICATIONS SERVICES TOWER," "TOWER," OR "DISTRIBUTED ANTENNA SYSTEM," AS DEFINED BELOW OR ANY OTHER COMMUNICATIONS FACILITIES WHOLLY CONTAINED OR MOUNTED ON A SINGLE STAND ALONE TOWER, AS MAY BE CONTEMPLATED BY SECTION 337.401, FLORIDA STATUTES; SUCH MORATORIUM BEING EFFECTIVE FOR ANY PUBLIC RIGHTS-OF-WAY WITHIN THE JURISDICTION OF THE TOWN OF MIAMI LAKES, FLORIDA UNDER THE FLORIDA TRANSPORTATION CODE;; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Rey, Gastesi)

Item was deferred to the February meeting.

12. QUASI-JUDICIAL ITEMS/APPEALS (PUBLIC HEARING):

QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following item on the Board's agenda is quasi-judicial in nature. An opportunity for persons to speak on this item will be made available after the applicant and staff have made their presentations on the item. All testimony, including public testimony and evidence, will be made under oath or affirmation.

Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(2) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A PRELIMINARY PLAT ENTITLED "MIAMI LAKES TOWN CENTER FOUR-EAST" SUBMITTED FOR PROPERTY LOCATED EAST OF NW 67TH AVENUE AND WEST OF EAGLE NEST LANE, MIAMI LAKES, FLORIDA, IN THE TC ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the Resolution into the record. The Town Clerk swore in anyone wishing to speak on the four quasi-judicial items to be discussed.

Councilmembers proceeded to state their disclosures for the record, in accordance with the Town's Quasi-Judicial Procedures, from Section 13-205 of the Code, as well as provisions pertaining to Conditional Use Approval from Section 13-303 of the Code.

Mayor Cid opened the public hearing.

Darby Desalle, Director of Planning & Zoning, presented the item and answered questions posed by Board.

Robert Elias, spoke on behalf of the applicant and in support of item 12A.

Mirtha Mendez spoke in opposition of item 12A and about traffic congestion.

Nancy Rogers spoke in opposition of item 12A and about traffic congestion.

Maria Kramer spoke in opposition of item 12A, about traffic congestion and about not being informed well in advance about projects of said nature.

Claudia Luces spoke in opposition of item 12A and asked the Town Council to address the overcrowding issue in schools, prior to these projects being finalized.

Susana Herrera spoke in opposition of item 12A, about vested rights, traffic congestion and about not being informed well in advance about projects of said nature.

Jean Schneider spoke in opposition of item 12A.

Hilda Fernandez spoke in opposition of item 12A, about traffic congestion, she asked for administrative variances that are submitted to the Planning Department, to be reported to the Town Council as soon as the developers submit them, so that the Town Council is made aware immediately of proposed projects and make this information a public record and asked the Town Council to amend the Land Development Code Section 13870.

Mayor Cid closed the public hearing.

This item was moved by Vice Mayor Lama and seconded by Councilmember Mingo. The Town Clerk called the roll and the motion to approve item 12A passed, 6-1, with Councilmember Collazo voting in opposition.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-304 OF THE LAND DEVELOPMENT CODE, A SITE PLAN ENTITLED "LUCIDA PALMETTO 77TH"; FOR THE PROPERTY LOCATED AT 15800 NW 77 COURT, BEARING FOLIO NUMBER 32-2015-044-0010; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the Resolution into the record. The Town Clerk swore in anyone wishing to speak on the four quasi-judicial items to be discussed.

Mayor Cid stated that he received an opinion from the Ethics Commission and that he is allowed to vote on item 12B. Then, the Councilmembers proceeded to state their disclosures for the record, in accordance with the Town's Quasi-Judicial Procedures, from Section 13-205 of the Code, as well as provisions pertaining to Conditional Use Approval from [Section 13-303](#) of the Code.

Mayor Cid opened the public hearing.

Darby Desalle, Director of Planning & Zoning, presented the item and answered questions posed by the Board.

Michael Osman, the Applicant, spoke in favor of the resolution.

10 Informational Packets were distributed by Mr. Osman to the Town Council, Town Manager, Town Attorney and to the Town Clerk. Vice Mayor Lama made a motion to accept the informational packet from the applicant, because the additional packet was considered additional information that was not part of the quasi-judicial package. The motion was seconded by Councilmember Mestre and all were in favor.

The following persons gave testimony on the merits of the application:

Nancy Rogers spoke in opposition of item 12B.

Arlene Soto spoke in opposition of item 12B and asked the Town Council to inform residents about projects of this nature well in advance of the night of the Council Meeting, so that residents are better informed.

Bonnie Cintron mentioned that the seal of the Town of Miami Lakes does not have high story buildings.

Marcos Gutierrez spoke in opposition of item 12B and about not being properly informed about the public hearing.

Anselmo Gil spoke about not being properly informed about the public hearing, about traffic congestion.

Angelo Cuadra Garcia spoke in opposition of item 12B, about not being properly informed about the nature of the project.

Mayor Cid made a motion to extend the meeting to midnight. The motion was seconded by Councilmember Rodriguez and all were in favor.

Moraima Diaz spoke in opposition of item 12B and about not being properly informed about the public hearing.

Claudia Luces spoke in opposition of item 12B, about the traffic congestion and about the possibility of this project being sold for low income housing.

Juan Carlos Valiente spoke in opposition of item 12B, about the possibility of this project being sold for low income housing and not being informed about the public hearing.

Edward Paez spoke about not being properly informed about the public hearing and about the informational packet that was submitted by the applicant.

Marilyn Ruano spoke about the traffic congestion and in opposition of item 12B.

Susana Herrera spoke in opposition of item 12B and about aggrieved residents appealing zoning cases to the Town Council.

The applicant exercised his right to rebut and asked the Town Council to approve item 12B.

Roberto Alonso spoke about his role as the lobbyist of this project, about the traffic congestion and about item 12B.

There being no one else willing to speak, Mayor Cid closed the public hearing.

Councilmember Mestre made a motion to move item 12B and approve the request in accordance with subsection 13-304 of the Land Development Code. The motion received a second from Councilmember Mingo.

Vice Mayor Lama made a motion to defer this item 12B, not with the intention of denying the applicants right to build, but to allow them to find common ground. Vice Mayor Lama stated that

his intention was for the developer to build meeting the legal requirements and at the same time, to take resident input into consideration.

Mayor Cid asked for a three minute recess. All were in favor.

At 11:56 pm, the Town Clerk called the order and all were present.

Mayor Cid made a motion to extend the meeting to 1 am. The meeting was seconded by Vice Mayor Lama and all were in favor.

Vice Mayor Lama made a motion to defer and it was seconded by Councilmember Rodriguez. The applicant approached the podium and Councilmember Mestre made a motion to allow the applicant to talk about the motion to defer. The Motion was seconded by Councilmember Daubert.

The applicant asked for item 12B not to be deferred. The applicant asked for the Town Council to deny the motion to table and not to defer. Vice Mayor Lama withdrew his motion to defer item 12B and he asked his colleagues to vote the item on its merits. After some discussion, Vice Mayor Lama stated that he does not agree with criteria 4A of the recommendation of the staff report. He stated that he does not agree that the adjoining properties are consistent with the community nor with the adjoining properties.

The Town Clerk called the roll and the motion to approve item 12B did not pass, 2-5, with Councilmembers Collazo, Daubert, Rodriguez, Vice Mayor Lama and Mayor Cid voting in opposition.

Let the record reflect that Councilmember Mestre left the meeting at 12:20 pm due to personal family matters.

13. NEW BUSINESS:

A. Ride Ride Sharing Service Providers (Lama)

Item was deferred to the February meeting.

B. Lien Amnesty Program (Cid)

Cid made a motion to move the item. Vice Mayor Lama seconded that motion. All were in favor.

C. Annexation (Rodriguez)

Item was deferred to the February meeting.

D. Workshop for the selection of a new Town Manager (Collazo)

Item was deferred to the February meeting.

E. Local Preference to Businesses (Mestre)

Item was deferred to the February meeting.

F. Penny Lambeth (Lama, Cid, Daubert, Rodriguez, Collazo, and Mingo)

Vice Mayor Lama made a motion for staff to work with the county to plant a tree in Penny's honor on Arbor Day. Mayor Cid seconded the motion. All were in favor.

G. Workshop on Mayor and Council Roles (Cid)

Item was deferred to the February meeting.

H. Adding Miami Lakes to the Name of Opa-Locka Airport (Rodriguez)

Item was deferred to the February meeting.

I. Town Outreach Forums (Collazo)

Item was deferred to the February meeting.

J. Miami Lakes Gala (Cid)

Item was deferred to the February meeting.

K. SFL-TV Pledge of Allegiance Project (Collazo)

Councilman Collazo made a motion to open up Town Hall to film the pledge of Allegiance segment with SFL-TV. Councilman Rodriguez seconded the motion. All were in favor.

L. Resolution on Impact Fees (Cid, Lama, Daubert)

Councilman Rodriguez motioned for a waiver. Councilman Daubert seconded the motion. All were in favor.

Mayor Cid made a motion to request that impact fees from the mega mall go towards the Town on a yearly basis. Councilman Mingo seconded the motion. All were in favor.

M. Health, Safety, and Property Damage due to Lennar Project (Rodriguez)

Item was deferred to the February meeting.

14. MAYOR AND COUNCILMEMBER REPORTS:

A. Committee Members (Rodriguez)

Item was deferred to the February meeting.

15. MANAGER'S REPORT:

a. Palmetto Expressway Improvements

Item was deferred to the February meeting.

16. ATTORNEY'S REPORT:

a. Homeowner's Associations

The attorney stated there will be a town hall meeting with residents to discuss issues of areas affected by defunct HOA's. The purpose of the meeting is to facilitate a process to educate the residents on their responsibilities for homeowner's associations. Mayor Cid made a motion to move forward with this item. Vice Mayor Lama seconded the motion. All were in favor.

b. Pending Legal Matters

The attorney stated a summary judgement hearing scheduled for the 18th of January will be turned into a status conference instead. The former Mayor's deposition has been reset. He stated the Loch Ness lawsuit is in the hands of the insurance company for now.

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 12:37 am.

Approved on this 7th day of February 2017.

Manny Cid, Mayor

Attest:

Gina M. Inguanzo, Town Clerk