

MINUTES
Regular Council Meeting
September 6, 2016
6:30 PM
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. CALL TO ORDER:

Mayor Pizzi called the meeting to order at 6:35 pm.

2. ROLL CALL:

The Town Clerk, Gina Inguanzo, called the roll with the following Councilmembers present: Manny Cid, Tony Lama, Ceasar Mestre, Nelson Rodriguez, Vice Mayor Tim Daubert and Mayor Michael Pizzi.

3. MOMENT OF SILENCE

Alejandro Sanchez called for a moment of silence.

4. PLEDGE OF ALLEGIANCE:

Jose Quintero led the Pledge of Allegiance.

5. SPECIAL PRESENTATION:

Mayor and Town Council recognized the following students and participants of Lauderhill 6-12 STEM MED Computer Science Competition: Nehemie Augustin, Victoria Dameus, Shanese Wright, Alicia Eugene, Jakob Kelly, and Samientha Tellus. Ms. Perside Foster, a representative of Oracle and Miami Lakes resident, accepted the recognition on their behalf.

6. PUBLIC COMMENTS:

Jan Schneider came before the Town Council to speak in favor of hurricane preparedness. She seeks council help to address special needs for the elderly community in the town.

David Turino came before the Town Council to speak in regards to the youth center council. He gave information on the council's achievements in the past three months.

Stu Wylie came before the Town Council to speak in favor of 11A.

Elizabeth Delgado came before the Town Council to speak against item 11A.

Mirtha Mendez came before the Town Council and gave her time to Claudia Luces.

Claudia Luces came before the Town Council to speak in regards to item 6. She stated that the skewing of information is offensive and irreprehensible in regards to the Lennar project. She also discussed traffic improvement issues as well as the funds that were part of the development agreement to mitigate the impact of the development, which has not been built yet. She stated we should wait and see what the impact on schools will be as a result of the development.

Alex Deghani came before the Town Council to speak against Item 11A.

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

Mayor Pizzi requested to move up item 13A, to immediately after order of business. Then he requested to have the Veterans Committee and Education Advisory Board Committee Reports after item 13A. Councilmember Cid requested to move up item 16A the Committee reports. Mayor Pizzi pulled items 14B and 14D. The Town Attorney requested to add an Attorney's Report. The Town Manager asked to add a Manager's Report under 17A. Vice Mayor Daubert pulled item 14E.

Mayor Pizzi made a motion to approve the Agenda as re-ordered. All were in favor.

8. APPOINTMENTS:

The Council appointed Amanda Caceres to the Cultural Affair Committee and Mylo Gonzalez to the Economic Development Committee.

9. COMMITTEE REPORTS:

Education Advisory Board

The Chair of the EAB respectfully requested to defer the presentation to the October 4th Regular Council Meeting.

Veteran's Committee

The Chair of the Veteran's Committee respectfully requested to defer the presentation to the October 4th Regular Council Meeting.

10. CONSENT CALENDAR:

Vice Mayor Daubert made a motion to approve the Minutes from July 26, 2016. Councilmember Lama seconded the motion and all were in favor.

11. ORDINANCES-FIRST HEARING

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE BY AMENDING ARTICLE III, BY AMENDING LANGUAGE IN SECTION 13-308; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Lama)

The Town Attorney Raul Gastesi, read the title of the ordinance into the record.

Councilmember Lama made a motion to approve the ordinance in first reading. The motion received a second from Councilmember Rodriguez. The Town Clerk called the roll and the ordinance in first reading passed 5-2, with Councilmember Cid and Mayor Pizzi voting in opposition.

12. ORDINANCES-SECOND READING (PUBLIC HEARING)

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN LAND DEVELOPMENT CODE BY AMENDING ARTICLE VII, SECTION 13-1701, LANDSCAPE REQUIREMENTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

Councilmember Cid made a motion to approve the ordinance in second reading. The motion received a second from Mayor Pizzi. The Town Clerk called the roll and the ordinance in second reading passed unanimously.

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

Please be advised that the following item on the agenda is quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each 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. 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 RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(3) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A FINAL PLAT ENTITLED “LOCHNESS GARDENS”; APPROVING WITH CONDITIONS A REQUEST IN ACCORDANCE WITH SECTION 13-304 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A SITE PLAN APPROVAL; SUBMITTED FOR PROPERTY LOCATED 7242 LOCH NESS DRIVE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2014-010-1470, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the quasi-judicial procedures and resolution into the record. The Town Clerk swore in anyone wishing to speak.

The Mayor opened the public hearing.

The applicant, Edward Martos, respectfully requested a deferral without prejudice so that he could come back with the Architect and get more input from neighbors and review what changes could be made.

Councilmember Mestre made a motion to approve the deferral. The motion was seconded by Councilmember Mingo for discussion. The Town Clerk called the roll and the motion passed 5-2, with Councilmember Rodriguez and Mayor Pizzi voting in opposition.

Mayor Pizzi made a motion to re-open the Public Comments section for residents to express their comments pertaining to item 13A. The motion was seconded by Councilmember Lama and all were in favor.

Esther Colon came before the Town Council to speak in regards to 6A, 6B, and the manager's proposal. She also spoke against the 13A.

Harry Wayar Casey came before the Town Council to speak against the Loch Ness item.

Elizabeth Delgado came before the Town Council to speak against the Loch Ness Item.

Sebastian Lissa came before the Town Council to speak against the Loch Ness Item.

Xiomara Pazos came before the Town Council to speak against the Loch Ness Item.

Jose Quintero came before the Town Council to speak against the Loch Ness Item.

Janet Lopez came before the Town Council to speak against the Loch Ness Item.

Councilmember Cid made a motion to reconsider the motion to defer and to vote it up or down. This motion was seconded by Mayor Pizzi. The Town Clerk called the roll and the motion passed 6-1, with Councilmember Mestre voting in opposition.

Mayor Pizzi made a motion to deny the application. This motion was seconded by Councilmember Rodriguez for discussion. After discussion, Councilmember Lama made a motion to re-open the public hearing. The motion was seconded by Councilmember Rodriguez. All were in favor.

The Applicant, Edward Martos, presented his case and spoke on the merits of the case. Brandon Schaad, Director of Planning & Zoning, presented the item and answered questions posed.

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

Luis O. Rodriguez came before the Town Council to speak against the Loch Ness Item.

Obed Cruz came before the Town Council to speak against the Loch Ness Item.

Susan Moore came before the Town Council to speak against the Loch Ness Item.

Manny Ribadeo came before the Town Council to speak against the Loch Ness Item.

Cristina Bello-Quintero came before the Town Council to speak against the Loch Ness Item. She gave the remainder of her time to Lazaro Mesa.

Miriam Campos came before the Town Council to speak against the Loch Ness Item.

Nayib Hassan came before the Town Council to speak against the Loch Ness Item.

Alex Dehghani came before the Town Council to speak against the Loch Ness Item.

Elizabeth Delgado came before the Town Council to speak against the Loch Ness Item.

Claudio Jose Ernesto came before the Town Council to speak against the Loch Ness Item.

Marta Diaz came before the Town Council to speak in regards of the Economic Development Committee budget.

Eladio Jose Armesto came before the Town Council to speak against the Loch Ness item.

Carla de Martino came before the Town Council to speak against 13-A.

Jose Quintero came before the Town Council to speak against the Loch Ness Item. He deferred the remainder of his time to Lazaro Mesa.

Lazaro Mesa came before the Town Council to speak against the Loch Ness Item. He gave a PowerPoint presentation on the matter.

Janet Lopez came before the Town Council to provide clarification and rebut statements made by the attorney.

Marilyn Ruano came before the Town Council to speak in regards to the Loch Ness item. She commended the residents that came out and spoke passionately.

Claudia Luces came before the Town Council to speak about the residents' concerns on Loch Ness. She spoke about wanting clarity regarding the Bert Harris Act.

Susan Moore came before the Town Council to request Council's help with the Loch Ness matter.

Lazaro Mesa came before the Town Council to urge for a denial of the Loch Ness item, stating the residents are willing to work with the developer following a denial of the item at hand.

Mayor Pizzi made a motion to deny the application with prejudice. The motion was seconded by Councilmember Lama. The Town Clerk called the roll and the motion passed unanimously.

Mayor Pizzi called for a 5 minute recess and all were in favor. At 10:30 pm, the Town Clerk called the roll and all were present.

14. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE STORMWATER INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE PROVISION OF CANAL MAINTENANCE 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 MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Councilmember Mestre made a motion to approve the resolution. Mayor Pizzi seconded the motion and all were in favor.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING AN AWARD OF FUNDS TO NEIGHBORS SUPPORTED BY GRAHAM COMPANIES THROUGH THE TOWN'S NEIGHBORHOOD MATCHING GRANT PROGRAM; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Councilmember Cid made a motion to approve the resolution. Councilmember Lama seconded the motion and all were in favor.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE AWARD OF RFP 2016-36, PROPERTY, CASUALTY AND LIABILITY INSURANCE PROGRAM TO BROWN & BROWN OF FLORIDA, INC.; 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)

Councilmember Cid made a motion to approve the resolution. Councilmember Rodriguez seconded the motion and all were in favor.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH TANKO STREETLIGHTING, INC. IN ACCORDANCE WITH RFP 2016-34 LED STREET LIGHT CONVERSION PROGRAM; PROVIDING THAT IN THE EVENT NEGOTIATIONS WITH TANKO ARE UNSUCCESSFUL THE TOWN MANAGER IS AUTHORIZED TO TERMINATE THE PROCESS AND CONDUCT NEGOTIATIONS WITH THE NEXT SHORTLISTED FIRM IN THE FOLLOWING ORDER: FPL ENERGY SERVICES, INC. AND THEN HORSEPOWER ELECTRIC, INC. AND TO EXECUTE A CONTRACT ONLY IF THE CONTRACT PROVIDES EQUAL OR BETTER TERMS THAN SAID SHORTLISTED FIRM'S RFP RESPONSE; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE FAVORABLE FINANCING TERMS SUBJECT TO TOWN COUNCIL APPROVAL OR EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.(Rey, Daubert)

Vice Mayor Daubert made a motion to approve the resolution and the motion was seconded by Councilmember Lama. The Town Manager explained that the purchase of the monitoring system was being deferred and that he would negotiate the agreement with Tanko Streetlighting and if not, to have the option to go to Florida Power & Light, which is the second bidder and if no agreement with them, then to exercise the agreement with Horsepower Electric.

Vice Mayor Daubert then made an amendment to his motion for it to read that if doing the negotiations of the agreement with Tanko Streetlighting, if there were to be an increase in the price, this would have to come back to the Town Council for approval. This amendment was seconded by Councilmember Rodriguez and all were in favor.

Vice Mayor Daubert then made a motion to approve the resolution with the amendment. This motion was seconded by Councilmember Rodriguez and all were in favor.

- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR AND ACCEPT A HIGHWAY BEAUTIFICATION GRANT, AND ENTER INTO A HIGHWAY BEAUTIFICATION COUNCIL GRANT, LANDSCAPE CONSTRUCTION, AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZATION THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE HIGHWAY BEAUTIFICATION AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIFDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.(Rey)

Councilmember Mestre made a motion to approve the resolution. The motion was seconded by Councilmember Rodriguez and all were in favor.

- F. A RESOLUTION OF THE TOWN COUNCIL OF MIAMI LAKES, FLORIDA, DECLARING PRINCIPLES OF INCLUSION FOR INDIVIDUALS WITH AUTISM AND OTHER SPECIAL NEEDS AND URGING ACTION BY NATIONAL STATE AND LOCAL GOVERNMENTS BUSINESSES, AND RESIDENTIAL COMMUNITIES CONSISTENT WITH THESE PRINCIPLES. (Cid, Daubert and Pizzi)

Councilmember Cid made a motion to approve the resolution. Mayor Pizzi seconded the motion and all were in favor.

15. NEW BUSINESS:

- A. Miami Lakes Mosquito Prevention (Cid)

Councilmember Cid made a motion directing the Town Manager to examine this issue and to have staff work with all the HOA's and all the local civic groups to eliminate the potential mosquito breeding grounds in the town. The motion was seconded by Mayor Pizzi and all were in favor.

- B. Hope for Heroes (Rodriguez)

Councilmember Rodriguez informed his colleagues that 33% of the firefighters in Miami Dade County are suffering from cancer. He said that he will be pushing for the Florida Legislature to pass a presumption bill, where firefighters that meet the criteria are

presumed to have cancer because of their jobs. Councilmember Rodriguez wants to create awareness about things that can be done to diminish firefighters being exposed to toxic materials.

C. Child Protection Act (Pizzi)

Mayor Pizzi deferred item 15C and asked the Town Attorney to meet with him and with the Town Manager to discuss the Miami Lakes Ordinance on sexual predators.

D. Miami Lakes Neighborhood Mediation (Cid)

Councilmember Cid made a motion directing the Town Manager to study the idea of having a Miami Lakes Neighborhood Mediation service and to come back with a concrete plan. This motion was seconded by Mayor Pizzi and all were in favor.

E. Fairness in Homeowner Protection (Pizzi)

Mayor Pizzi made a motion directing the Town Manager and Town Attorney to research and determine if a policy can be drafted, so that homeowners are not subject to arbitrarily enforcements and if it is determined that they could be grandfathered in, determine if staff can come up with a uniform procedure for them to establish that and that we don't hold their permits while this procedure is put into place. This motion was seconded by Councilmember Lama and all were in favor.

During the discussion of this item, Mayor Pizzi made a motion to extend the meeting for 1 more hour. The motion was seconded by Councilmember Lama and all were in favor.

F. Senior Assistance (Pizzi)

Mayor Pizzi made a motion asking for a resolution to be done in support of Amendment 5, to provide a tax relief to senior citizens whose homes just value are less than \$250,000 and are residents. The motion was seconded by Councilmember Cid and all were in favor.

16. MAYOR AND COUNCILMEMBER REPORTS:

A. Bike Share Program (Cid)

Councilmember Cid deferred this report to the October Regular Council Meeting.

B. 154th Street Bridge (Pizzi)

Mayor Pizzi deferred this report to the October Regular Council Meeting

C. FDOT Palmetto Improvements (Pizzi)

Mayor Pizzi deferred this report to the October Regular Council Meeting

17. MANAGER'S REPORT:

Tony Lopez, Chief Operations Officer, informed that the Town of Miami Lakes received the William Lyman Phillips Award from Miami-Dade County Parks, Recreation and Open Spaces Department, in recognition for excellence in park, recreation, and conservation and design. Mr. Lopez explained that this is a very prestigious award that it is presently annually by Miami-Dade County.

Councilmember Rodriguez made a motion to have this award presented in the October Regular Council Meeting. The motion was seconded by Mayor Pizzi and all were in favor.

18. ATTORNEY'S REPORT:

The Town Attorney, Raul Gastesi, provided information about a bankruptcy case. Mayor Pizzi made a motion to make 60 payments of \$58.00 to settle the case for a total of \$3,000. The Motion received a second from Councilmember Cid and all were in favor.

ADJOURMENT:

There being no further business to come before the Council, the meeting adjourned at 11:40 pm.

Approved this 4th day of October 2016.

Michael A. Pizzi, Mayor

Attest:

Gina M. Inguanzo, Town Clerk