

MINUTES
Regular Council Meeting
May 19, 2020
6:30 p.m.
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. SPECIAL PRESENTATIONS:

Honorable Madam State Attorney, Katherine Fernandez Rundle, spoke about domestic violence and showcased what her office has been championing on this very important issue. She assured the Town Council that her office is working and doing everything virtual.

Regarding domestic violence, she explained that when there is a crisis, a peak in domestic violence disputes is seen. However, she stated that has not happened during COVID-19 because many women are afraid of leaving their homes and going to a shelter and potentially getting exposed to the virus. Madam State Attorney stated that services are open and available and ready to assist all the victims of domestic violence; that she is doing an awareness campaign on this issue and asked the Town of Miami Lakes to engage in this campaign via social media; she asked the Town Council for the Town to partner with her office. She also spoke about the children that are at home and might be getting abused. She reminded all about the “if you see something, say something” campaign.

Councilmember Dieguez spoke about his Item 13G, which goes hand in hand with the mentioned campaign. He stated that he wants Miami Lakes to play an active role in trying to address the issue; that it is important to convey the message about domestic violence.

Vice Mayor Rodriguez made a motion to waive all the waiver of Section 7.3 of the Special Rules. The motion was seconded by Councilmember Collazo and all were in favor.

2. ROLL CALL:

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

The Town Clerk, Gina M. Inguanzo, called the roll with the following Councilmembers being present: Luis Collazo, Josh Dieguez, Jeffrey Rodriguez, Marilyn Ruano, Vice Mayor Nelson Rodriguez and Mayor Manny Cid. Councilmember Carlos Alvarez joined the meeting at 6:55 pm.

3. MOMENT OF SILENCE:

Father Joseph Lucas from the Christ the Savior Orthodox Church led the prayer.

Ariel Fernandez presented his meditation video from “Better You Minute”.

4. PLEDGE OF ALLEGIANCE:

Pledge of the Allegiance was led by Boy Scout Daniel Souza, Troop 584.

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

Mayor Cid mentioned that he wanted the Honorable Madam State Attorney, Katherine Fernandez Rundle, to speak and address the Town Council before Public Comments. Mayor Cid also moved up Item 10B and 13A, to be discussed after Public Comments. Councilmember Collazo moved up Item 13F. Councilmember Dieguez moved to accept the new order of business and the motion was seconded by Councilmember J. Rodriguez. All were in favor.

6. PUBLIC COMMENTS:

The Town Clerk, Gina M. Inguanzo, read the instructions of proper decorum that are to be respected and followed in the Council Chambers of the Town of Miami Lakes and that are to be respected also in virtual meetings.

Claudia Luces called to actively participate in the public comment section of the agenda. She spoke about the Facebook postings and the term used NW corridor; she stated that she understands we are living a pandemic and that there is great need everywhere but that the Town of Miami Lakes should not be bundled up along with other areas. She asked the elected officials to remember that they represent the Town of Miami Lakes; and reminded them that the Town of Miami Lakes unfortunately, has received the short end of the stick on other issues in the NW corridor, such as the issue of the bridges. Ms. Luces also spoke about two calls that she received from Stratwell, Company identifying Mr. Eddie Blanco as the Chair of the Economic Development Committee, and offering business advise to her business. She stated that the call was not about a Town sponsored event. Ms. Luces respectfully requested Mr. Blanco to not contact her any further and for these calls to stop.

Neil Robinson called to actively participate in the public comment section of the agenda. He spoke, on behalf of the Cultural Affair Committee, about the 4th of July celebration and in support of the options to be presented under the discussion of Item 14D.

7. APPOINTMENTS:

George Lazlo to the Cultural Affairs Committee by Councilmember Dieguez.

Rosy Barroso to the Public Safety Committee by Councilmember Collazo.

Councilmember Alvarez made a motion to approve the appointments and it was seconded by Councilmember Collazo. All were in favor.

8. COMMITTEE REPORTS

None

9. CONSENT CALENDAR:

Councilmember Dieguez moved to approve the Consent Calendar. Councilmember Alvarez seconded the motion. All were in favor.

A. APPROVAL OF MINUTES

- March 12, 2020 Sunshine Meeting
- April 21, 2020 Regular Council Meeting
- April 30, 2020 Special Call Meeting
- May 7, 2020 Sunshine Meeting

Approved on Consent.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR AND ACCEPT THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM; AUTHORIZING THE TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Pidermann)

Approved on Consent.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PETITIONING THE GOVERNOR OF THE STATE OF FLORIDA AND THE MIAMI-DADE COUNTY MAYOR TO ALLOW THE TOWN TO RESUME LIVE COUNCIL MEETINGS; ESTABLISHING A RETURN DATE FOR LIVE, COUNCIL MEETINGS; PROVIDING FOR INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Ruano/Dieguez)

Approved on Consent.

10. ORDINANCE – FIRST READING:

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, DIVISION 3, RU-TH TOWNHOUSE DISTRICT, SEC. 13-444, DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY;

PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

The Town Attorney read the title of the ordinance into the record.

The Town Manager presented the item and explained that this ordinance allows the use of synthetic roofing materials for use in single and two-family residences, providing the synthetic materials resemble the neighboring tiles.

Susana Alonso, Senior Town Planner, answered questions posed by the Town Council. She stated that the material would be allowed in continuous roofs only if they are done as a whole; if the association chooses to change the entire roof at once, the Town would have no objection, as long as their deed restriction allow them to.

Mayor Cid move the ordinance in first reading and the motion was seconded by Vice Mayor Rodriguez. All were in favor.

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE VI, DIVISIN 1, CREATING SECTION 13-1617, SCHOOL FACILITIES SAFETY CONSIDERATIONS, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDIGN FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney read the title of the ordinance into the record.

The students of Miami Lakes Middle School Legal Studies Group presented a PowerPoint presentation tilted Safe Place in School and they explained that the proposed ordinance in 1st reading will establish commercial and residential buildings to be at a safe distance away from school in order to prevent any incident to happen in the future. They also explained that the inspiration for this ordinance came from the Lucida project, currently being built next to Bob Graham Education Center.

Mayor Cid made a motion to move forward the ordinance in first reading and it was seconded by Councilmember Collazo.

The Town Council asked questions to staff, regarding future businesses that would require business licenses in locations that are close enough to the school, such as Royal Oaks Shopping Center and the Windmill Gate shopping Center. Councilmember Ruano asked if Town Staff had identified any property that could fall under this scrutiny. Also, she asked if there are any legal ramifications due to the Town taking rights away from these property owners or diminishing the value of their property; she also asked if the Town could be sued. The Town Attorney stated that his concern with the alcohol sales, so he suggested tweaking the ordinance and said he would look into these concerns before second reading.

The Town Clerk called the roll and the motion passed approving the ordinance in 1st reading, 7-0.

11. ORDINANCE – SECOND READING:

- A. AN. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ENCROACHMENTS BEYOND THE TIE-LINE FOR WATERFRONT SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE VI, “SUPPLEMENTARY REGULATIONS”, AT SECTION 13-1605, “WATERFRONT PROPERTIES”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pidermann)

The Town Attorney read the title of the ordinance into the record.

Mayor Cid opened the public hearing. There being no one wishing to speak, Mayor Cid closed the public hearing.

The Town Manager presented the item, explained this ordinance will allow catch basins of infinity edge pools in waterfront properties to encroach beyond the top of the slope up to 4 feet beyond the tie lines.

Councilmember J. Rodriguez made a motion to approve the ordinance and it was seconded by Councilmember Collazo.

The Town Clerk then called the roll and the motion adopting the ordinance in second reading, as per staff recommendations, passed 7-0.

- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ATTACHED CANOPIES FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT SECTION 13-1506, “CANOPIES,”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.(Pidermann)

The Town Attorney read the title of the ordinance into the record.

Mayor Cid opened the public hearing. There being no one wishing to speak, Mayor Cid closed the public hearing.

The Town Manager presented the item, and explained that this ordinance will amend the maximum allowable encroachment for attached canopies from 7 feet to a maximum of 50% of the existing rear setback, while restricting additional detached structures in cases where attached canopies are larger than 7 feet.

Susana Alonso, Senior Town Planner, answered questions posed by the Town Council.

Councilmember Alvarez made a motion to adopt the ordinance in second reading and it was seconded by Councilmember J. Rodriguez. The Town Clerk called the roll and the ordinance passed 7-0.

12. RESOLUTIONS:

None.

13. NEW BUSINESS ITEMS

A. Re-opening Restaurants in the COVID-19 Environment (Rodriguez)

Mayor Cid and Councilmember J. Rodriguez recused themselves from this item because they are both co-owners of a restaurant in the town.

Martin Cardenas, owner of Cancun Grill, spoke in support of item 13A. He stated that his business has been affected and that he wants to be able to have table seating on the adjoining parking spaces, to be able to have more business.

Vice Mayor Rodriguez presented his item. He motioned for the resolution attached to his item, to be passed by the Town Council and stated that during the existence of Covid-19 emergency orders which impose strict social distancing requirements that restrict restaurant's usage of dine-in seating, that this resolution be passed relaxing the parking requirements for restaurants in order to allow encroachment of table seating onto adjoining parking spaces, and for the landowners to work with their restaurants tenants to allow for outdoor seating where none exists. Also, he added a list of recommendations that are attached to the agenda, as part of his previous new business item, showing the different recommendations that landowners can use in order to facilitate working with the restaurants. The motion was seconded by Councilmember Dieguez.

Deputy Town Attorney Cobiella answered questions posed by the Town Council. He proceeded to explain that if the Town Council passes the attached resolution, the Town Manager will adopt it in the next Emergency Order. He explained that as it stands in the Code, restaurants are allowed outdoor dining provided certain conditions are met and as long as the landlord accepts it. He stated that because tables have to be a certain distance from each other during this period of time of social distancing, the Vice Mayor would like for perhaps, move some of tables into the adjoining parking spaces. The Deputy Town Attorney explained that by relaxing the Code to allow restaurants to put tables in parking spaces, those restaurants requesting for that to be done, will need a permit. The Deputy Town Attorney explained that if the resolution is passed, the resolution cannot be imposed to the landlords. He stated that the intention is that with harmony, landlords and tenants can come to some agreement. He also explained that once the Emergency Order is over, then everything goes back to normal standards. The resolution cannot be open ended; it would need to have an ending time. The Deputy Town Attorney explained that if the Town Council desires to do it in a more permanent manner and last beyond this emergency, then the vehicle to be used would be via an Ordinance.

Councilmember Ruano made an amendment to the main motion, and stated that she would like to waive the \$100 permit fee that the restaurants are required to pay, for the permit to have a lengthy duration, for it not to expire for at least one year and for the ability to have outdoor seating to extend 90 days past the lifting of the Emergency Orders. Also, to include

that the 90 days was to start after the lifting of the State, County or Town whichever is later. The motion was seconded by Vice Mayor Rodriguez.

The Town Attorney stated that he did not see any problem with the amendment as stated but that he was going to review it, analyze it and make sure that the amendment and resolution are legally correct and that the action to be taken is researched and tweaked if necessary. The Town Council gave them direction to analyze, research and follow up on this resolution as soon as possible.

The Senior Town Planner, Susanna Alonso, answered questions posed by the Town Council.

After discussion, the amendment to the motion passed unanimously.

The main motion, as amended, passed unanimously.

B. Re-opening of Non-Essential Businesses in Miami Lakes (Ruano)

Adrian Ruano spoke in support of Item 13B. He spoke about the importance of freedom of speech, assembly and religion; that if customers want regulations, businesses should implement regulations themselves and not the governments; that government's purpose is to protect against reasonable threats from foreign enemies and not include a virus that affects 0.475% of the US population, 0.280% of Floridians and only 0.196% of Miami Lakers; no reason for there to be a lockdown and assembly is a right to all US citizens. He also stated that nonessential businesses should be open and government cannot force any business to implement certain restrictions that diminish the businesses ability to main a steady income; businesses are run by people and that they have rights that can't be taken away. He asked the Town Attorney to clarify as to how can government remove rights from businesses and individuals due to a social panic.

Councilmember Ruano presented the item. She stated that all businesses are essential to their owners and to their employees and that her intention is to move forward with a full re-opening of businesses in Miami Lakes, irrespective of what orders are in place. She motioned asking the Town Attorneys to research the legal implications of the Town of Miami Lakes moving forward with opening all our local businesses instead of following Miami Dade County's orders and State orders. Mayor Cid seconded the motion for discussion.

Councilmember Dieguez made an amendment to the main motion, asking the Town Attorneys to draft a resolution and to send the resolution to all the other municipalities within Miami Dade County and ask them to join us in the advocacy push and to lobby Mayor Gimenez to go ahead and allow the other businesses to be part of phase 1, throughout the state of Florida, and for them to be able to open up right away. Councilmember Collazo seconded the amendment to the motion. The possibility of having a Special Call Meeting for the Town Attorneys to identify cases regarding this subject matter and to discuss them with the Town Council was mentioned. After some discussion, Councilmember Dieguez retracted his motion.

Councilmember Ruano then stated that she was not in favor having a Special Call meeting; that it was her intention to move forward with her main motion.

All were in favor of the main motion. Vice Mayor Rodriguez was absent.

C. Drive in Movies at the Park (Cid)

Motion by Vice Mayor Rodriguez waive Section 7.2 of the Special Rules of Order. The motion was seconded by Councilmember Collazo and all were in favor.

Motion by Mayor Cid to approve the concept from converting our movies at the park series into a drive-in movie theatre. The motion was seconded by Councilmember Alvarez and all were in favor. Vice Mayor Rodriguez was absent.

Tony Fernandez, Chair of the Youth Activities Task Force, addressed the Town Council and spoke about the idea of having a drive-in theatre, instead of the Movies at the Park. He mentioned that other municipalities are doing this and stated that these events are getting good feedback from the community. He also mentioned that they have three potential sites but still need the owner's permission. Chair Fernandez stated that this idea will be presented to the YATF in their next meeting. The logistics and proper guidelines will be reviewed by Town Staff and approved by the Town Manager and that the potential date is June 19th.

D. Social Distance Practices in Public Places (Alvarez)

Motion by Vice Mayor Rodriguez to waive Section 7.2 of the Special Rules of Order. The motion was seconded by Councilmember Collazo and all were in favor.

Councilmember Alvarez made a motion for the Town Manager to put into place measures to educate the public and promote social distance practices in public places within the Town; to add additional signage. Councilmember Collazo seconded the motion.

All were in favor. Vice Mayor Rodriguez was absent.

E. 2020 Census Branding (Dieguez)

Motion by Vice Mayor Rodriguez to waive Section 7.3 of the Special Rules of Order. The motion was seconded by Councilmember Collazo and all were in favor.

Councilmember Dieguez made a motion to direct the Town Administration to include the logo in our Town of Miami Lakes communications, to determine what are the best ways to promote Census branding and communications. The motion was seconded by Councilmember Alvarez and all were in favor.

F. Celebratory Yard Signs (Collazo)

Motion by Vice Mayor Rodriguez to waive Section 7.3 of the Special Rules of Order. The motion was seconded by Councilmember Collazo and all were in favor.

Homero Cruz, Royal Oaks HOA President explained that residents were complaining about the many signs going up in the neighborhood, so the management company sent out letters warning the residents and asking them to take down the signs. Mr. Cruz stated that the HOA was just following the bylaws.

Councilmember Collazo made a motion to adopt a resolution to relax the Town's signage enforcement and to work with our HOA communities and to adopt a timeframe for a finite period of time, to allow the celebratory yard signs, and once the finite time elapses, for it to go back and continue our Town's signage enforcement. The motion was seconded by Councilmember Alvarez.

After discussion, it was agreed that the celebratory yard signs could stay up until mid-June (15th of June). Mr. Cruz agreed with the discussion and stated that the HOA will be sending letters to the residents explaining that they can have these signs up on their yards until June 15th.

All were in favor.

G. Curbing Domestic Abuse (Dieguez)

Motion by Vice Mayor Rodriguez to waive Section 7.3 of the Special Rules of Order. The motion was seconded by Councilmember Collazo and all were in favor.

Councilmember Dieguez made a motion giving direction to the Public Safety Committee, to go ahead and develop a list of recommendations for aiding victims of domestic violence that the Town of Miami Lakes or neighboring municipalities can adopt to help curb with domestic abuse. He stated that the Public Safety Committee will be in touch with the State Attorney's Office, as the committee takes on this endeavor. Councilmember Collazo seconded the motion and all were in favor. Vice Mayor Rodriguez was absent.

14. MAYOR AND COUNCILMEMBER REPORTS:

None

15. MANAGER'S REPORTS

A. Budget Preparation Timeline

The Town Manager presented the item and the proposed dates for the FY2020-2021 Council Budget Calendar. Councilmember J. Rodriguez made a motion to approve. Councilmember Alvarez seconded the motion and all were in favor. Vice Mayor Rodriguez was absent.

B. Reimbursement of Building Fees

The Town Manager presented the item in conjunction with the Deputy Town Attorney. They explained the Town's ability to provide an equitable refund of a portion of their inspection to residential homeowners and to home developers as well, who may have paid a professional for a certification for an inspection related to a Town permitted project, during the period that the Building Department was not opened.

It was explained that approximately 52 residential properties exercised the option of using a certification in lieu of Town inspection. Of the 52 residential properties, approximately 20 were from individual property owners and 32 were used by developers. Also, the Lucida project used it approximately 15-20 times. It was stated that 52 inspections were completed by certifications. It was explained that the Building Department estimates that approximately 17% of the expenses go towards "inspection services". Thus, the Town Manager recommended the Town to reimburse the applicants 17% of the permit fee divided by the number of required inspections on a project. The Deputy Town Attorney stated that there is no legal impediment to do so.

To get the discussion going, Councilmember Dieguez moved the Town Attorney's recommendation and the motion was seconded by Mayor Cid.

After further discussion, the Town Manager stated that more information will be provided from the Building Department. Councilmember Collazo then made a motion to table item 12B. Councilmember J. Rodriguez and Councilmember Alvarez seconded the item simultaneously. All were in favor. Vice Mayor Rodriguez was absent.

C. All American City Award Update

The Town Manager presented the item.

Clarisell de Cardenas, Director of Communications & Community Affairs, stated that the presentation of the awards will take place virtually, and it will take place sometime in August.

D. 4th of July

The Town Manager presented the item.

Clarisell de Cardenas, Director of Communications & Community Affairs, presented several options to the Town Council for the festivities. The proposal included Fireworks to be displayed at two launch sites; parks will be closed, but fireworks will be livestreamed in the Town's social media platforms.

She explained that the Cultural Affairs Committee will work with Town Staff to promote an All American B-B-Q at home and ask residents to share those moments with Town Staff via social media for a chance of a prize. Also, she wants to put together a beautiful video of

the Mayor, Town Council, Town Committee Members, Police and Town Staff and premiere it on Independence Day. Also, she stated that they would like American flags to be displayed along Miami Lakes Drive.

Councilmember Dieguez moved to extend the meeting to 11:45 pm. The motion was seconded by Councilmember Collazo and all were in favor. Vice Mayor Rodriguez was absent.

Councilmember Collazo motion to endorse the 4th of July Proposal put together by the Town Administration and it was seconded by Mayor Cid. All were in favor. Vice Mayor Rodriguez was absent.

E. Town Manager Monthly Police Report

Javi Ruiz, Town Commander, presented the Monthly Police report. Town Commander Ruiz stated that police activity has been focused more on enforcing social distancing guidelines to be respected and making sure that orders are being respected as well. He mentioned that policer officers have also provided assistance in keeping an orderly flow at the Food distribution center and provided security at the testing site at Royal Oaks Park and at the Blood Drive.

16. ATTORNEY'S REPORTS:

The Town Attorney had nothing to report.

18. ADJOURNMENT:

There being no further business to come before the Town Council, the meeting adjourned at 11:38 pm.

Approved this 16th day of June 2020

Manny Cid, Mayor

Attest:

Gina M. Inganzo, Town Clerk