

Town of Miami Lakes, Florida

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AGENDA

Special Meeting

January 29, 2019

8:30 AM

Government Center

6601 Main Street, Miami Lakes, FL 33014

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Moment of Silence**
5. **Public Comments**

All comments or questions from the attending public to the Council shall be directed to the Mayor, in a courteous tone. No person other than the Council and the person recognized by the Mayor as having the floor, shall be permitted to enter into discussion without the permission of the Mayor. To ensure the orderly conduct and efficiency of the meeting, public comments shall be limited to three (3) minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, and any extension shall apply to other individuals speaking on the same subject.

No clapping, applauding, heckling, verbal outburst in support of, or in opposition to a speaker or his/her remarks shall be permitted. Should a member of the audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Council Chambers.

As a courtesy to others, all electronic devices must be set to silent mode to avoid disruption of the proceedings.

6. **Items for Discussion and Action**
 - A. **Appointment of Interim Manager**
 - B. **Modification to Town Attorney Services**
 - C. **Dispute Resolution Procedures for NW 154 Street**
 - D. **Appointments**
7. **Adjournment**

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town Hall, 6601 Main Street, Miami Lakes 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who

need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



Town of Miami Lakes Memorandum

To: Honorable Vice Mayor Rodriguez & Councilmembers
From: Honorable Mayor Manny Cid
Subject: Appointment of Interim Manager
Date: 1/29/2019

Recommendation:

Our current Town Manager, Alex Rey's last day of service will be January 31, 2019 and our new Town Manager, Mr. Edward Pidermann, will start on February 2nd. Thus, it is recommended that Mr. Tony Lopez is appointed as the Interim Town Manager.

ATTACHMENTS:

Description

Resolution- Interim Town Manager

RESOLUTION NO. 19- _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPOINTING TONY LOPEZ TO SERVE AS INTERIM TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 17, 2018, the Town of Miami Lakes (the “Town”) Council passed Resolution No. 18-1578, and authorized the execution of a Managerial Services Agreement with Mr. Edward Pidermann effective February 2, 2019; and

WHEREAS, Mr. Alex Rey, current Town Manager, resignation will be effective January 31, 2019; and

WHEREAS, between January 31, 2019 and February 2, 2019, the Town of Miami Lakes will be without a Town Manager; and

WHEREAS, it is imperative that the Town have a Manager during this period; and

WHEREAS, the Town Council believes that the appointment of a Mr. Tony Sanchez, current Chief of Operations, for the Town is in the Town’s best interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. **Approval of Mr. Tony Lopez Appointment as Interim Town Manager.** The Town Council authorizes the appointment of Mr. Tony Lopez as interim Town Manager to serve the Town between the resignation of Mr. Alex Rey effective January 31, 2019 and the commencement of Mr. Edward Pidermann’s tenure as Town Manager effective February 2, 2019.

Section 3. **Effective Date.** This Resolution shall take effect immediately upon adoption.

Passed and adopted this _____ day of _____, 2019.

The foregoing resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid _____
Vice Mayor Nelson Rodriguez _____
Councilmember Carlos O. Alvarez _____
Councilmember Luis Collazo _____
Councilmember Josh Dieguez _____
Councilmember Jeffrey Rodriguez _____
Councilmember Marilyn Ruano _____

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A



Town of Miami Lakes Memorandum

To: Honorable Vice Mayor and Councilmembers
From: Honorable Mayor Manny Cid
Subject: Modification to Town Attorney Services
Date: 1/29/2019

Recommendation:

It is suggested that the Town modify its current agreement for Town Legal Services with Gastesi and Associates, P.A., in order to provide the assignment of an attorney (currently Lorenzo Cobiella, Esq.) in order to provide on-site legal assistance full time to Town Council, Town Manager and Town Staff. The assignment will be from Monday through Friday, and a minimum of 40 hours a week, except for sick days, holidays, and vacation time.

During the 2018 – 2019 budget hearing process, Staff suggested, and the Council approved the allocation of \$150,000 as retainer for legal services, \$50,000.00 for special projects and for land-use attorney services (Nancy Stroud, Esq.) and \$400,000.00 for litigation reserve. At this time, it is suggested that the \$50,000.00 currently designated for special projects and land-use be transferred to Gastesi and Associates, P.A. (\$150,000.00 + \$50,000 = \$200,000 yearly payable monthly on the 1st of the month in the amount of \$16,666.67) in order to assign a full-time attorney to the Town in order to provide the following services:

- Review and/or Draft all resolutions, ordinances prior to their consideration by the Council or Planning and Zoning Board; Review and/or Draft of all agreements prior to their execution by Town Staff;
- Review and provide legal support to procurement department on all RFP, RFQ requests;
- Review and provide legal support of Planning and Zoning department; this includes review of all development, zoning, variance requests;
- Serve as Town Prosecutor of all Code Enforcement Violations;
- Assist Town Manager by providing legal counsel and provide legal assistance to Town Staff at his discretion;
- Work with Town Manager and Staff to streamline and standardize procurement process and agreements;
- Work with Town Manager and Human Resource to create sound policies and procedures;
- Provide Town Council with routine updates on legal matters;
- File an Answer and Monitor foreclosure litigation (any additional action in such matters is considered litigation);
- Attend Council and Mayoral briefings with the Manager;
- Continue ongoing work with Staff on

- o N.W. 59th Avenue Project;
- o Zoning Overlay;
- o Finalization of Trademarks;
- At the Town Manager's and Human Resource direction, provide continual education and training to Council, Mayor, Manager, Staff, Town Committees;
- Assist all workshops, special calls, council meetings. Provide open door policy
- Serve at the pleasure of the Town Manager, Mayor and Council.
- Occasionally meet with a Town resident to assist staff in resolving an issue (at the sole and absolute discretion of the Town Attorney).

ATTACHMENTS:

Description

Resolution- Town Attorney Amendment

Retainer Agreement

RESOLUTION NO. 19- _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A MODIFICATION TO THE RETAINER AGREEMENT BETWEEN GASTESI AND ASSOCIATES, P.A. AND THE TOWN OF MIAMI LAKES; AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 12, 2013, the Town of Miami Lakes (the “Town”) Council passed Resolution No. 13-1157, authorizing the retention of the Law Firm Gastesi and Associates, P.A. as Town Attorneys and execution of a retainer agreement; and

WHEREAS, on January 15, 2019, the Town Council authorized the Town Mayor to negotiate on behalf of the Town a modification to the 2013 agreement with Gastesi and Associates, P.A. in order to assign an attorney (currently Lorenzo Cobiella, Esq.), to the Town of Miami Lakes to serve on a full-time basis; and

WHEREAS, the modification will allow the Town Attorneys office to provide a wider range of necessary services to the Town; and

WHEREAS, the Town Council believes that a modification to the existing Town Attorney Agreement is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. **Approval of the Amended Retainer Agreement.** The Town Council hereby approves the amended retainer agreement with Gastesi and Associates, P.A., provided and attached hereto as Exhibit “A.”

Section 3. **Authorization of the Town Mayor and Town Attorney to Finalize and Execute Contract.** The Town Council authorizes the Town Mayor and Town Manager to take all necessary steps to finalize and execute an agreement attached hereto as Exhibit “A” with Gastesi and Associates, P.A. for Town Attorney services.

Section 4. **Authorization of Fund Expenditure.** The Town Council authorizes the expenditure of budgeted Town Funds to fulfill the terms of the agreement attached hereto as Exhibit “A.”

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

THIS SPACE INTENTIONALLY LEFT BLANK

Passed and adopted this _____ day of _____, 2019.

The foregoing resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid _____
Vice Mayor Nelson Rodriguez _____
Councilmember Carlos O. Alvarez _____
Councilmember Luis Collazo _____
Councilmember Josh Dieguez _____
Councilmember Jeffrey Rodriguez _____
Councilmember Marilyn Ruano _____

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

GASTESI & ASSOCIATES P.A.

8105 N.W. 155 Street, Miami Lakes, Florida 33016

Telephone: 305-818-9993
Facsimile: 305-818-9997

Email: rgastesi@gastesi.com
Website: www.gastesi.com

January 29, 2019

The Honorable Mayor and Members
of the Town Council and Town Manager
Town of Miami Lakes
6601 Main Street
Miami Lakes, Florida 33014

RE: Retainer Agreement

Dear Mayor, Council members, and Town Manager:

We are pleased that you would like to expand the legal services to be provided by our firm to the Town of Miami Lakes commencing February 1, 2019. From our experience, we have found that clients appreciate a frank and open discussion and understanding of the services that we will perform and the basis upon which they will be expected to pay for those services.

This letter is intended to set forth our understanding as to the nature and scope of the legal services we have agreed to render for you, the amount of our fees for those services, the manner in which our fees for those services shall be determined and the terms upon which you will make payment.

Nature of Legal Services.

You have engaged our firm to represent the Town of Miami Lakes as Town Attorneys. We agree to assign a full-time attorney to the Town in order to provide the following services:

- Review and/or Draft all resolutions, ordinances prior to their consideration by the Council or Planning and Zoning Board;
- Review and/or Draft all agreements prior to their execution by Town Staff;

- Review and provide legal support to procurement department on all RFP, RFQ requests;
- Review and provide legal support to the Planning and Zoning department; this includes review of all development, zoning, variance requests;
- Serve as Town Prosecutor of all Code Enforcement Violations;
- Assist Town Manager by providing legal counsel and provide legal assistance to Town Staff at his discretion;
- Work with Town Manager and Staff to streamline and standardize procurement process and agreements;
- Work with Town Manager and Human Resource to create sound policies and procedures;
- Provide Town Council with routine updates on legal matters;
- File an Answer and Monitor foreclosure litigation (any additional action in such matters is considered litigation);
- Attend Council and Mayoral briefings with the Manager;
- Continue ongoing work with Staff on
 - o N.W. 59th Avenue Project;
 - o Zoning Overlay;
 - o Finalization of Trademarks;
- At the Town Manager's and Human Resource direction, provide continual education and training to Council, Mayor, Manager, Staff, Town Committees;
- Assist all workshops, special calls, council meetings.
- Provide open door policy
- Serve at the pleasure of the Town Manager, Mayor and Council.
- Occasionally meet with a Town resident to assist staff in resolving an issue (at the sole and absolute discretion of the Town Attorney).

Fees for Services

We have agreed to fixed fees for all legal services of \$16,666.67.00 per month, excluding litigation and special projects as assigned by the Town Council and/or Town Manager. It is our general understanding that the Firm will dedicate an average of 40 hours per week to this account. Excluded services would be billed at \$200.00 per hour. Litigation matters that are within the firm's expertise and can be handled by the firm would continue to be billed at the rate of \$200 per hour.

Costs

In addition to the fees mentioned above, we anticipate that certain expenses may be incurred and advanced on your behalf. These expenses may include filing fees, recording costs, out-of-town expenses, delivery charges, long distance telephone charges, photocopies, special postage (express mail, certified mail and the like), computer research charges, court reporter expenses (including cost transcript and Court Reporter's fee for attendance), court costs (such as filing fees, etc.), accounting and appraisal fees, fees and

expenses of experts necessary to assist in preparation and hearing of your case, investigation costs, word processing fees, computer charges and applicable lobbyist registration fees. In addition to our fees for legal services, you agree to pay us for such out-of-pocket expenditures. In the event unusually large costs or advances are anticipated, we reserve the right to require an additional cost deposit from you prior to undertaking the expenditures of funds on your behalf.

Payment of Fees and Costs.

Our invoices will be submitted to you on a monthly basis and each invoice will be due and payable when rendered. You must understand that if any invoice remains unpaid for more than 30 days after it is rendered, we reserve the right, in our discretion (subject to court approval, if necessary), to cease to provide further legal services to you. You will however, be liable to us for the payment of any fees earned and any costs incurred by us to that time, together with any applicable taxes.

Withdrawal from Representation.

We reserve the right to withdraw from representing you if you have misrepresented or failed to disclose material facts to us, or if we disagree about the course of action which should be pursued.

Termination by the Town.

This Agreement can be terminated by the Town without notice, by majority vote of the Town Council.

Representation of Other Clients.

We are bound by rules of legal ethics not to represent any client if representation of that client will be directly adverse to the interests of another client unless each such client consents to such representation after consultation. Your signature of this letter will constitute such consent from each of you with respect to the matter or matters specifically described in the paragraph of this letter entitled "Nature of Legal Services".

Fees for Other Services.

Special Projects which are not within the firm's expertise, for example bonds, trademarks/intellectual property, forfeiture, and tax matters may still require outside counsel.

Commencement of Representation.

If the foregoing is agreeable to you, please acknowledge your understanding and agreement by signing this letter and delivering it to us. This amendment is effective commencing February 1, 2018.

We appreciate your confidence in our Firm and we assure you that we will make every effort to perform our services in a prompt and efficient manner.

Very truly yours,

GASTESI & ASSOCIATES, P.A.

By: 
RAUL GASTESI, ESQ.

AGREED AND ACCEPTED on this 29th day of January 2019.

TOWN OF MIAMI LAKES

By: _____



Town of Miami Lakes Memorandum

To: Honorable Vice Mayor Rodriguez & Councilmembers
From: Honorable Mayor Manny Cid
Subject: Dispute Resolution Procedures for NW 154 Street
Date: 1/29/2019

Recommendation:

A Special Call Meeting will be taking place to discuss the need to reassess litigation options regarding renewed interest from Miami-Dade County in opening the NW 154th Bridge.

ATTACHMENTS:

Description

NW 154th Resolution

RESOLUTION NO. 19-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AUTHORIZING THE TOWN ATTORNEY TO TAKE ANY AND ALL REASONABLE MEASURE TO DEFEND, ADVOCATE AND LITIGATE AGAINST ANY ENTITY, PUBLIC OR PRIVATE, THAT DIRECTLY OR INDIRECTLY ADVOCATES FOR A CONNECTION OF N.W. 154th STREET OVER INTERSTATE 75, PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Mayor Cid)

WHEREAS, N.W. 154th Street, also known as Miami Lakes Drive is the principal East-West artery of the Town of Miami Lakes' (the "Town") transportation network; and

WHEREAS, on February 11, 2003, the Town of Miami Lakes (the "Town") adopted Resolution No 03-11, which authorized the transfer of local roads including N.W. 154th Street from Miami-Dade County to the Town; and

WHEREAS, on December 19, 2003, the Town adopted its Comprehensive Development Master Plan ("CDMP"), which included goals, objectives and policies regarding development, land use, and transportation; and

WHEREAS, the CDMP Transportation Element addressed the need for cooperation with State and local planning agencies regarding the Town's transportation network, including the need for maintenance and improvements to N.W. 154th Street and the desire to work with Miami-Dade County to maintain acceptable levels of service given the volume of traffic on N.W. 154th Street; and

WHEREAS, on April 19, 2006, Miami-Dade County (the "County") adopted Ordinance No. 06-43, which approved an application by the City of Hialeah ("Hialeah"), to amend the

County's Comprehensive plan in order create an interchange at N.W. 154th Street and Interstate 75 ("I-75"), and to open a connecting bridge via N.W. 154th Street over I-75; and

WHEREAS, on June 22, 2006, the State of Florida's Department of Community Affairs (the "Department") issued a Statement of Intent finding that the County's Ordinance was not in compliance with State law; and

WHEREAS, on July 10, 2006, the Department filed a Petition, with the State of Florida's Division of Administrative Hearing regarding the County's non-compliance, *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*; and

WHEREAS, on July 13, 2006, the Town filed a Motion to Intervene in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*, supporting the Department's position of non-compliance and opposing the creation of an interchange and connection at N.W. 154th Street and I-75; and

WHEREAS, on July 11, 2007, Hialeah and the Town executed a settlement agreement in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*, with the approval and consent of the County; and

WHEREAS, in exchange for the Town's withdrawal of its Intervention in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*, Hialeah promised to request the withdrawal of an interchange at N.W. 154th Street and I-75 from its County application, and cooperate with the Town to ensure a prohibition over the creation of a N.W. 154th Street connection over I-75; and

WHEREAS, on July 26, 2016, the Town amended the Transportation Element of its CDMP, reaffirming its desire to ensure cooperation with State and local planning agencies regarding the Town's transportation network; and

WHEREAS, that amendment to Transportation Element specifically removed any language regarding the widening of N.W. 154th Street, and specifically excluded a N.W. 154th Street connection over Interstate 75 as part of its Transportation Improvement Plan; and

WHEREAS, on February 11, 2017, during a public meeting of the County's Board of Commissioners, Commissioner Jose Diaz discussed the creation of legislation to open a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, upon information, during the month of August 2017 the Town learned that an item to open a bridge connecting N.W. 154th Street over I-75 would be discussed at the September 2017 County's Board of Commissioners meeting; and

WHEREAS, said proposed legislation was, and continues to be, contrary to agreements made between the Town and Hialeah in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM* , of which the County is aware; and

WHEREAS, on August 14, 2017, the Town passed Resolution 17 – 1469, in order to allow the Town attorney to proceed with appropriate actions to prevent the opening of a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, soon thereafter, and in accordance with Florida Law, the Town Attorney, Mayor, Manager, and County Attorney and Staff met to discuss the matter; and

WHEREAS, as a result no action was taken by the County's Board of County Commissioners to open a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, recently the Town has learned of a renewed interest and push by the County to open a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, the opening of a bridge connecting N.W. 154th Street over I-75 is inconsistent with the Town's Comprehensive Plan; and

WHEREAS, the opening of a bridge connecting N.W. 154th Street over I-75 will have a material negative impact on the Town and its residents, and is contrary to public policy; and

WHEREAS, the Town Council believes it is in the Town's best interest for the Town Attorney to take appropriate measures to prevent the opening of a bridge connecting N.W. 154th Street over I-75, including the initiation of the conflict resolution procedures as defined and explained in Florida Statutes Chapter 164 and Florida Statutes § 186.509, and all legal action otherwise necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization of Town Attorney. The Town Attorney is authorized to take all necessary actions to prevent the Miami-Dade County' Board of County Commissioners from placing any items on its agenda concerning or referencing the opening of N.W. 154th Street over Interstate 75, and further to take any action necessary to prevent the opening of a connecting bridge at N.W. 154th Street and Interstate 75, including but not limited to initiation of the conflict resolution procedures as set forth in Chapter 164 of Florida Statutes, and Florida Statute § 186.509, and further, the filing of legal action against all private or public entities, and to seek any and all remedies available under the law, including but not limited to Administrative, County, State and Federal law.

Section 3. Authorization of Town Official. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement this resolution.

Section 4. Authorization to Expend Budgeted Funds. The Town Manager is authorized to expend budgeted funds.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

Passed and adopted this ____ day of _____ 2019.

The foregoing resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

- Mayor Manny Cid _____
- Vice Mayor Nelson Rodriguez _____
- Councilmember Carlos O. Alvarez _____
- Councilmember Luis Collazo _____
- Councilmember Josh Dieguez _____
- Councilmember Jeffrey Rodriguez _____
- Councilmember Marilyn Ruano _____

MANNY CID
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY



Town of Miami Lakes Memorandum

To: Honorable Vice Mayor Rodriguez and Councilmembers
From: Honorable Mayor Manny Cid
Subject: Appointments
Date: 1/29/2019
