

**MINUTES**  
**Special Call Minutes**  
**June 21, 2021**  
**8:00 p.m.**  
**Government Center**  
**6601 Main Street**  
**Miami Lakes, Florida 33014**

**1. CALL TO ORDER:**

Vice Mayor Luis E. Collazo called the meeting to order at 8:06 pm.

**2. ROLL CALL:**

The Town Clerk, Gina M. Inguanzo, called the roll with the following Councilmembers being present: Carlos O. Alvarez, Jeffrey Rodriguez, Marilyn Ruano, and Vice Mayor Luis E. Collazo. Councilmember Josh Dieguez, Councilmember Tony Fernandez, and Mayor Manny Cid were absent.

**3. MOMENT OF SILENCE:**

Town Attorney Raul Gastesi led the invocation.

**4. PLEDGE OF ALLEGIANCE:**

Councilmember Marilyn Ruano led the Pledge of Allegiance.

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

Vice Mayor Collazo made a motion to move up Items 13A, 13B and 13C. Councilmember Ruano seconded the motion and all were in favor. Vice Mayor Collazo re-opened the Order of Business and made a motion to combine 13A and 13B and Councilmember Alvarez seconded the motion. 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 during public meetings.

There being no one else in Council Chambers wanting to participate in the in-person Public Comments section of the Agenda, the Town Clerk proceeded to read the names of the online participants and asked if they would like to speak.

Ms. Esperanza Reynolds participated via Remote Public Comments. Ms. Reynolds stated that she has been following the Building Ad Hoc Committee and its stated purpose, since its creation and since the item was presented in the March 2021 Regular Council Meeting Agenda. She stated that she was surprised to see many contractors, owners, engineers and other professionals associated with the Rosewood project that was completed without a permit. She mentioned that when a department is reviewed, they applaud the efforts and that this should be done with certain regularity to achieve excellence. She stated her concerns about having an unpermitted work because no one knows what was done. She also expressed many concerns about the process handling this through the Building Ad Hoc committee. She proposed a solution to the issue and asked Town Council to vote to complete the forum with the public, allow recommendations to be presented to the Town Council, let the Town hire new Building Official or find internal talent that can do the job, the mission, incorporate the recommendations as originally suggested; that the Town Council should complete the end process review of one of the most important roles in our town, which is the approval of projects that renovate constructing family homes and commercial properties.

**7. APPOINTMENTS:**

None

**8. COMMITTEE REPORTS**

None

**9. CONSENT CALENDAR:**

None

**10. ORDINANCE – FIRST READING:**

None

**11. PUBLIC HEARINGS – ORDINANCES – SECOND READING:**

None

**12. RESOLUTIONS:**

None

### 13. NEW BUSINESS ITEMS

#### A. To Discuss the Implications of the recent First DCA ruling, in the matter of Green v. Alachua, on Town COVID policies. (Alvarez)

Combined with Item 13B, Vice Mayor Collazo asked Town Manager, Edward Pidermann to highlight points in the email he -Town Manager Pidermann- sent out earlier in the day, to help start the discussion of these items. Town Manager Pidermann began by stating he felt that things relating to Covid were turning around based on the Health Departments data on vaccination rates. He continued by saying all town visitors and vaccinated Town Staff no longer need to wear masks. However, it is recommended for guests and expected of nonvaccinated employees to wear masks. There is also no need for proof of vaccinations.

Councilmember Alvarez then began to present the item and expressed his concerns on still requiring the wearing of masks. He stated the phrase “shall be expected” creates an issue. Councilmember Alvarez believes the masks should become optional across the border, rather than expected or mandated.

Town Attorney, Raul Gastesi then added that the policy Town Manager Pidermann set regarding masks is doable and not to any extreme. However, he stated that if the Town Council had any issues with the Town Manager’s policy, then they can make a motion to change it to the way they find more fit.

Councilmember Ruano first thanked the Town’s legislative team in Tallahassee for their support and also she thanked Councilmember Alvarez for calling this Special Call meeting to discuss this matter. She stated she was under the impression that mask mandates were already lifted for guests in Town Hall because mask mandates are not allowed in any governmental facilities per the Governors orders. She expressed many concerns about what was voted for in regard to wearing masks in Town Hall for visitors. She sided with Councilmember Alvarez and stated that if masks are optional for councilmembers and visitors then they should be for all Town Staff as well whether vaccinated or not.

Councilmember Ruano made a motion to amend the policy drafted by the Town Manager in order to make masks optional. Councilmember Alvarez seconded.

Town Attorney, Raul Gastesi added that by making someone wear a mask is in violation to their right to privacy. He added he understands where the Town Manager is coming from to try and make Town Hall a safe workplace; however, he emphasized that it is in violation of the law to mandate masks. Therefore, he stated that is why the Town Manager feels it is expected for masks to be worn and that he is not mandating the masks to be worn. Deputy Town Attorney Lorenzo Cobiella also explained the recently adopted orders on this matter.

Vice Mayor Collazo got clarification that the verbiage is changing from expected to optional in the Town Manager's mask policy for Town Hall.

All were in favor and the motion passed.

**B. Directing Town Attorney to Seek an Opinion from Florida's AG Ashley Moody, regarding the adoption of SB 8 into law, OSHA new COVID policy and DCA case Green v. Alachua (Cid)**

This item was combined with Item 13A. Vice Mayor Collazo presented this item and asked Town Attorney Gastesi if he sees any concerns regarding the changes they have made and he also asked about OSHA's policy. Town Attorney Gastesi responded that OSHA's new policy states masks are now recommended and no longer mandatory just like the policy just placed on Town Hall.

**C. Building Ad Hoc Committee Meeting (Rodriguez)**

Councilmember Rodriguez presented this item and stated that there have been many changes going on in the Building Department, so he would like to give Mr. Rivas and Mr. Angel a chance to catch up with their new positions. He expressed that the success of the Building Ad Hoc Committee relies heavily on the collaboration of the Building Department and that he hopes that Mr. Rivas and Mr. Angel become involved and collaborate with the committee for it to become successful. Therefore, Councilmember Rodriguez made a motion to postpone the Building Ad Hoc Committee for 60 days to allow for Mr. Rivas and Mr. Angel to consolidate their views of the Building Department and reconvene and finish out its purpose. Councilmember Alvarez seconded the motion.

Councilmember Alvarez then asked the Town Manager if new positions in the Building Department were being added and if the Special Projects Manager position is being eliminated. Town Manager Pidermann replied by saying no new positions are being created, there will only be a redistribution of roles and titles. As for Special Projects Manager, Town Manager Pidermann plans on filling that position with someone soon.

Councilmember Ruano then asked what was the original sunset date of the Ad Hoc Committee and Councilmember Rodriguez replied by saying it would come with recommendations at the August Regular Council Meeting. Councilmember Ruano then stated she doesn't see the need to extend the sunset committee. Councilmember Rodriguez added the purpose is to give the people with new positions time to get acquainted in them and that it was recommended by some committee members.

Vice Mayor Collazo agreed with Councilmember Ruano on the fact that the Building Department situation has dragged and he stated that the Building Ad Hoc Committee should bring forth their recommendations and get things going as soon as possible.

The motion failed 2-2; Vice Mayor Collazo and Councilmember Ruano voted in opposition. Thus, the Building Ad Hoc Committee will continue meeting and will present their recommendations in the August Regular Council Meeting.

#### **14. REPORTS**

##### **A. Attorney's Report**

Town Attorney, Raul Gastesi asked the Town Council to collectively think about the Special Rules of Order -on waiving rules when items are not added to the Agenda on time. Town Attorney Gastesi stated that he understands that they have been granting this rule out of courtesy to each other; however, he emphasized that the rule requires for it to be used for emergencies. Therefore, the Town Attorney suggested the need to redraft the rule so that there is a rule in place that is followed and not a rule in place that is ignored. Vice Mayor Collazo feels as though the Town Council waives the rules based on congeniality since there is a different culture in the council now as opposed to councils before.

Councilmember Ruano asked Town Clerk, Gina M. Inguanzo if the items are not being presented on time due to the time of day or the day in general. The Town Clerk replied saying that for the most part, everyone presents on time. That usually, when councilmembers receive news over the weekend, then they present an item after the deadline. She stated that in her opinion, the delay in presenting new business items late is due to the fact that residents reach out to the Town Council over the weekend-after the deadline. However, the Town Clerk agreed with the Town Attorney about re-defining the rules and suggested that the Town Council perhaps should take some time to go over and revise the Special Rules of Order.

Councilmember Rodriguez then made a motion to amend the Special Rules of Order to remove the emergency aspect of the rule. Vice Mayor Collazo seconded the motion and all were in favor.

#### **15. ADJOURNMENT:**

There being no further business to come before the Town Council, the meeting adjourned at 9:11 pm.

Approved this 21<sup>st</sup> day of June 2021.

  
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Manny Cid, Mayor

Attest:

  
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Gina M. Inguanzo, Town Clerk