

MINUTES
Special Call Meeting
July 31, 2023
6:00 p.m.
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. CALL TO ORDER:

Councilmember Collazo called the meeting to order at 6:00 p.m.

2. ROLL CALL:

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

The following Town Staff members were present: Town Manager Edward Pidermann, Deputy Town Manager Tony Lopez, Budget Officer Melissa Hernandez, Parks and Recreation Director Jeremy Bajdaun, Town Clerk Gina M. Inguanzo, Deputy Town Clerk Victoria Martinez, Town Attorney Raul Gastesi and Deputy Town Attorney Lorenzo Cobiella.

3. MOMENT OF SILENCE:

Councilmember Josh Dieguez led the prayer.

4. PLEDGE OF ALLEGIANCE:

The Pledge of the Allegiance was led by Councilmember Marilyn Ruano.

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

Vice Mayor Alvarez moved Item 8B to after Public Comments.

Councilmember Fernandez moved to approve the Order of Business and Councilmember Dieguez seconded. The motion passed unanimously.

6. PUBLIC COMMENTS: (29:50)

(Phonetic spelling of each speaker's name will be used throughout the minutes unless correct spelling is known.)

The Town Clerk, Gina M. Inguanzo, read the instructions of proper decorum that are to be respected and followed during public meetings.

Ms. Hope Reynolds came to the Special Call Meeting and participated in in-person public comments. She stated that she was surprised that the Town Council is bringing back the Millage Rate to be considered.

Ms. Bonnie Cintron came to the Special Call Meeting and participated in in-person public comments. She stated that the electronic signs are the best way to communicate about meetings taking place in the town. She also spoke about the budget and that this is no time to spend more and tax more. She mentioned that the Rolled Back Rate will be perfect as long as some unnecessary programs stop.

Mr. Angelo Garcia came to the Special Call Meeting and participated in in-person public comments. He referenced the email that Mr. Albert Aguiar sent to the Town Clerk's office regarding the Finance Budget, and he asked the Town Council to look into the budget that Mr. Aguiar proposed. He also asked the Town Council to stop spending money and stop misusing money.

Ms. Mirtha Mendez came to the Special Call Meeting and participated in in-person public comments. She spoke about the reconciliation of the TOML and stated the amount of dollars for operating surplus for the last 10 years. She emphasized that every November, the Town has a reserve, because you report the income at 95%. She also mentioned that budget workshops should be done before September and that the Town Council needs to tell the Town Manager what to do regarding the numbers proposed.

Ms. Esther Colon came to the Special Call Meeting and participated in in-person public comments. She stated that the Town Administration has had a surplus for over a decade. She spoke about the budget, emphasized that a zero-based budget should be done to figure out where the misspent money is and she mentioned that perhaps is time for the Town to incorporate.

Mr. Dayan Jimenez came to the Special Call Meeting and participated in in-person public comments. He spoke that he does not go over his personal budget, that for us to have a robust economy we must lower our spending. He mentioned that the government is spending too much money and that the Town Council should stop wasting time debating.

Mr. Bill Perez came to the Special Call Meeting and participated in in-person public comments. He stated that the Town's budget process is broken, workshops should have been done earlier in the year. He stated that they voted on the roll back before the budget process was done and you should not outsmart the process. He stated that there might be a shortfall over 1 million dollars in our police services, and that is substantial services. He asked for the Town Council to fix the budget and increase trust. He would like the budget process to start earlier in the year and to have some sort of civilian committee composed of individuals with qualifications to make recommendations.

Mr. Keith Alfrin came to the Special Call Meeting and participated in in-person public comments. He stated that we live in Miami Lakes because we want our community a certain way, tree lined

streets, streets that do not flood and safety- all things that cost money and that comes from taxes. He stated that there are many things that Miami Lakes wants and that are not funded. He does not think the Town Council is wasting money without thought.

Public Comments Via Zoom (51:13)

Mr. Abel Fernandez participated in zoom public comments. He reminded all the elected officials of some of their campaign promises that they have made over the years. He mentioned that he understands the importance and value of Police and Fire and other municipal services and he also mentioned that every year, during the reconciliation, we have close to a million dollars every year; he mentioned that perhaps putting a team of individuals with knowledge and experience to look at the budget could be beneficial and he mentioned that this is not the time to continue pushing taxes up and he thanked Mayor Cid for setting a precedent about the roll-back rate.

The Town Clerk then stated for the record, the names of the individuals who sent written public comments:

Mr. Eddie Blanco regarding the Miami Lakes Budget.
Mr. Albert Aguiar regarding the Miami Lakes Budget.

There being no one else wishing to speak, Public Comments was closed.

7. NEW BUSINESS ITEMS

A. Modification to Resolution 15-1325 (Dieguez)

Councilmember Dieguez presented this item and explained that in 2015, the Town Council passed Resolution 15-1325, which restricted the use of certain Town resources, including letterheads, staff time and facilities, to events that were approved by the Town Council. There is a subsequent amendment, that exempted certain events, like National Day of Prayer, the Shoe Drive and some other events. Those events were exempted from the restrictions of 15-1325.

Councilmember Dieguez then motion to request that the Town Council adopt the resolution in front of them, (hand delivered by Deputy Town Attorney Cobiella), and which at any rate was provided for in the new business item, which would further exempt the events that are organized by the Town Council, that do not utilize public funds and not require Town Staff outside the ordinary course of their employment and finally, that it is publicly noticed.

Councilmember Dieguez went to emphasize that the publicly notice aspect was the biggest purpose for passing the original resolution at the time. Councilmember Dieguez emphasized that the resolution ensured for all the councilmembers to be aware of the events taking place and that they all could have the option of attending to these events. He then stated that he wants to keep the spirit of the original resolution and add additional events, such as the

Volunteer Appreciation Breakfast spearheaded by Councilmember Fernandez and Mayor's Chess Challenge, so that the Town Council does not have to vote on every single event, whenever they want to use Council Chambers. Councilmember Dieguez also added that this has been their practice and that he understands it's a commonsense change, so that it does not become overly cumbersome to do something for the community, that it not going to cost the public a dime from our treasury. The motion was seconded by Councilmember Collazo and Councilmember Fernandez concurrently.

Councilmember Ruano motioned to re-open Public Comments and the motion was seconded by Councilmember Fernandez. All were in favor.

Ms. Esperanza Reynolds came to the Special Call Meeting and participated in in-person public comments. She mentioned that during the Pizzi years, the emails would come from his name and now, the email the residents receive from the town is from one elected official; she mentioned that the residents would like to hear from each and every one of the elected officials, not just one person, not just one politic and not just one agenda.

Ms. Esther Colon came to the Special Call Meeting and participated in in-person public comments. She mentioned that many events that take place in the Council Chambers should be town events; she mentioned that it is upsetting that many events are hosted by certain people, yet committee members were asked to pay for their own breakfast. She stated that every elected official should stop using Town Staff; that if you are going to use the town facilities, make it equitable for all of you.

After discussion amongst the elected officials, the Town Clerk called the roll and the motion passed 4-3; Councilmember Fernandez, Councilmember Ruano and Vice Mayor Alvarez voted in opposition.

Deputy Town Attorney asked for a moment of personal privilege and thanked Ms. Adriana Argat, for being his intern during the past week.

B. Proposed Millage Rate Adoption (Fernandez)

Prior to Public Comments, as a housekeeping item, Councilmember Dieguez made a motion to waive the Special Rules of Order as it pertains to Item 8B, and Councilmember Fernandez seconded.

Mayor Cid stated for the record, that he will be voting no to the waiver of rules for this item because of transparency purposes regarding the 4-day rule. Councilmember Dieguez then asked for a moment of personal privilege, and he asked for the Town Attorney to explain the 4-day rule.

Deputy Town Attorney, Lorenzo Cobiella, explained that Section 6.5 of the Special Rules

of Order, states that any item within 6 months, that has already been heard, cannot come back to be rescinded or basically voted down. He explained that this particular item, because it's less than 6 months and you are bringing it back, it should have a waiver. He explained that at the time it was adopted, this only required simple majority but in 2015, this section of the rules was amended, and it now requires a supermajority; he explained that the rules require 2/3 of the Town Council to approve it, in order to move forward. He explained that 5/7 need to vote to move this forward.

He also explained that the 4-day rule is also applicable, because, although it is not defined in the Special Rules or Order, he emphasized that it is defined in the Miami Dade County Rules, and what it says is that for regular meetings, you can't hear items that have been added 4-Day's prior to a regular meeting. He explained that in the Miami Lakes Special Rules of Order, the "4-Day Rule" appears twice -once in items that are being brought up after the regular council meeting agenda has been published, which is not the case here, because the agenda was published with both items at the same time and the second time is when a new business item is being brought up 4 days prior to a regular council meeting.

Deputy Town Attorney Cobiella mentioned the Special Rules of Order lack clarity regarding when the Town Council calls for a Special Call Meeting, and then you add an item afterwards -whether it requires a waiver or not- it is not specified in the rules. To this point, Deputy Town Attorney Cobiella did mention that in this particular case, emphasized that both Item 7A (regularly scheduled item) and Item 7B (the added item) were both published at the same time. Deputy Town Attorney Cobiella then stated that in the abundance of caution, it wouldn't be bad for the Town Council to hear and if they decide to waive one, waive the other. He finished by stating that it would be good and transparent on the Town Council's part.

Councilmember Collazo asked regarding the 4-Day Rule, that in the past there have been items that have taken an affirmative vote by this Town Council and have come back in less than 6 months, like the Bond Ballot language, and he stated this Town Council has historically established a precedence that we can re-hear items prior to six months. Deputy Town Attorney Cobiella agreed to Councilmember Collazo's statement and stated that this is a rule that has not been involved by the Town Council with any frequency, yet he emphasized that the rule exist, and that the Town Council should waive it.

Councilmember Collazo also asked if this was properly posted to the public and Councilmember Ruano made the statement that the legal notice in the calendar website was published but no agenda was attached. Town Manager Pidermann responded that the Special Call Agenda, is required to be posted 48 hours prior to the scheduled meeting and that this agenda, with both items included, was posted 96 hours before the meeting; thus, it doubled the 48-hour requirement.

Mayor Cid asked the Town Clerk questions regarding the Special Call and Town Clerk Inguanzo responded that she notified all the elected officials for a Special Call Meeting

being called for the item of Councilmember Dieguez; she also stated that she did not notify the elected officials of the added item by Councilmember Fernandez, because she has been told that added items to a Special Call Meeting do not have to be notified. She also stated that both items were included in the agenda and published at the same time.

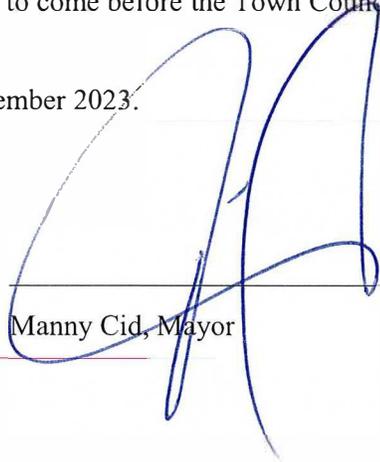
Councilmember Dieguez rescinded his motion and renewed it, under the advice of the Deputy Town Attorney, for safety purposes, to include the 4-Day Rule requirement as a waiver. He then motioned to waive Section 6.5 of the Special Rules of Order and the 4-Day Rule, as it applies to item 8B. The motion was seconded by Councilmember Fernandez. The Town Clerk called the roll and the motion failed because supermajority was not reached; Councilmember Ruano, Vice Mayor Alvarez and Mayor Cid voted in opposition.

Thus, the item was not heard.

8. ADJOURNMENT:

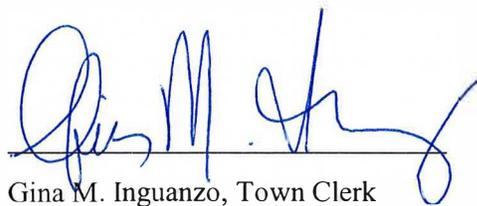
There being no further business to come before the Town Council, the meeting adjourned at 7:14 p.m.

Approved this 12th day of September 2023.



Manny Cid, Mayor

Attest:



Gina M. Inguanzo, Town Clerk