

MINUTES
Sunshine Meeting on Proposed Budgets
for Security Guard and Lake Maintenance NSD'S
July 31, 2023
6:30 p.m.
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. CALL TO ORDER:

Councilmember Collazo called the meeting to order at 7:15 p.m.

2. ROLL CALL:

The following Councilmembers were 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.

Councilmember Fernandez presided over the meeting and stated that at the July Regular Council Meeting, the Town Council discussed the NSD Budget, and he understood that the Town Council needed to take a deeper dive into these matters. He stated that he had a meeting with both Ms. Melissa Hernandez, the Budget Officer, and with Mr. Jeremy Bajdaun, the Parks and Recreation Director, to drill the NSD Budgets. He stated that he called this Sunshine Meeting with the intention of having a discussion with his colleagues, as well as to have members of the NSD's and members of the public, to give the Town Council additional feedback before a final decision on these budgets.

Councilmember Fernandez also explained the format of this meeting and he mentioned that he wishes to go through every NSD Budget and for members and Town Staff to be able to ask questions regarding these budgets. Councilmember Ruano asked if public comments were allowed in this meeting and Councilmember Fernandez responded in the affirmative and emphasized that this meeting was all about public comments. The Town Council chose to follow the order of the NSD Budgets, as established in the agenda packet.

3. PUBLIC COMMENTS: (1:28:07)

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

Miami Lakes Section 1-

Mr. Boris Forster came before the Town Council and participated in public comments. He spoke about the Neighborhood Services Districts and his concerns with the Miami Lakes Section 1 NSD Budget.

Ms. Esperanza Reynolds came before the Town Council and participated in public comments. She spoke about the Neighborhood Services Districts and her concerns with the Miami Lakes Section 1 NSD Budget.

Ms. Maribel Balbin came before the Town Council and participated in public comments. She spoke about the Neighborhood Services Districts, she stated that she is a Committee Member of the Miami Lakes Section 1 NSD Committee, and she stated that she volunteers in this committee with the best intention.

Ms. Helen Costa addressed the Town Council and participated in public comments via zoom. She spoke about the Neighborhood Services Districts, she stated that she is a Committee Member of the Miami Lakes Section 1 NSD Committee, and she stated that she volunteers in this committee with the best intention.

Mr. Renard Amaro came before the Town Council and participated in public comments. He spoke about the Neighborhood Services Districts, he stated that he is a Committee Member of the Miami Lakes Section 1 NSD Committee, and he stated that he volunteers in this committee with the best intention.

Councilmember Ruano, on behalf of the Town Council, thanked all the individuals that volunteer in the NSD Committees. She reminded everyone that they (Town Council) are the governing body and that they are the ones that ultimately approve of the budgets and that it is their responsibility to get everything right. She also thanked them for all their work and time as volunteers, she stated that there should be no stress on their end; that the Town Council is trying to go over the ordinances and that the Town Council appreciates all their hard work and time.

Councilmember Ruano then read into the record the written public comment from Ms. Georgina Luces. Her public comments were about the Neighborhood Services Districts, and she expressed her concerns and issues with the Miami Lakes Section 1 NSD Budget.

Councilmember Ruano then read into the record the written public comment from Ms. Maria Santelices. Her public comments were about the Neighborhood Services Districts, and she expressed her concerns and issues with the Miami Lakes Section 1 NSD Budget.

Ms. Tina Gallinar came before the Town Council and participated in public comments. She spoke about the Neighborhood Services Districts and stated that she was 100% in agreement with the previous public comments. She asked about the original ordinance and asked about the procedure the NSD Committee Members follow, as to whether they agree or disagree with adding items to the budget. She asked for the community in general to be heard about these matters.

Mr. Jeremy Bajdaun, Parks and Recreation Director, answered questions posed by the Town Council.

Ms. Melissa Hernandez, Budget Officer, answered questions posed by the Town Council.

Ms. Esperanza Reynolds came before the Town Council and participated in public comments. She spoke about the Committee Rules and about the Miami Lakes Section 1 contingency reserve.

Mr. Keith Alfrin came before the Town Council and participated in public comments. He provided feedback and clarification regarding the issue of projection after the end of the year builds; he also mentioned that with purchase order method, the Town should have a good sense of the money that is going out.

Ms. Esperanza Reynolds came before the Town Council and participated in public comments. She emphasized that the funds of Miami Lakes Section 1 should not be co-mingled and that there should be a checking account in place; that every invoice should be seen by the public and that a citizen's audit should be allowed to take place.

Ms. Helen Costa participated in public comments via zoom. She mentioned that she is a member of ML Section 1 NSD and that it is not an easy job; she also acknowledged the role and leadership of the Town Council; she mentioned that when the committee took over, things were not working well; the guard gates were always broken, the guards were always missing, the trees looked horrific and there was very poor lighting. She invited the public to attend the ML Section 1 NSD meetings and she emphasized that the committee has never had extra money. She also mentioned the reasoning why street humps are recommended by the NSD committee and how to stop the arms from being down and in operation.

Mr. Boris Forester came before the Town Council and participated in public comments. He spoke about the reserves, that the budgets are well below what is being projected, and that they are being left the same in order to store more money.

Councilwoman Ruano summarized that regarding Miami Lakes Section 1, that 10% reserves not are not to accumulate; no place for placeholders' line for future repairs and for future repairs to come out of contingency.

Ms. Irene Gutierrez came before the Town Council and participated in public comments. She stated that she resides in Royal Oaks East. She mentioned that her community is not getting the service they pay for.

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

Mr. Eddie Blanco regarding the Miami Lakes Budget Meeting

Mr. Albert Aguiar regarding the Miami Lakes Budget.

Public Comments were closed.

4. 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. He 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. Councilmember Dieguez 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, 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 one of you, not just one person.

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 item, Item 8B, because it was discussed less than 6 months ago and you are bringing it back, it should have a waiver. He explained that at the time the Special Rules or Order were 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, 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 mentioned that in this particular case, 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 (8A and 8B) were included in the agenda and published at the same time.

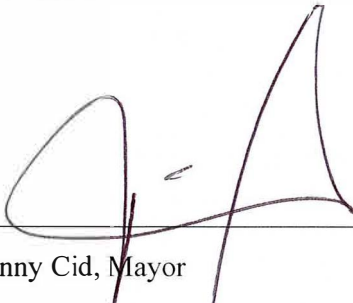
Councilmember Dieguez rescinded his motion and renewed it, under the advice of the Deputy Town Attorney, for safety purposes, to include the 4-Day Rule requirement as a waiver. He then motioned to waive Section 6.5 of the Special Rules of Order and the 4-Day Rule, as it applies to item 8B. The motion 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.

5. ADJOURNMENT:

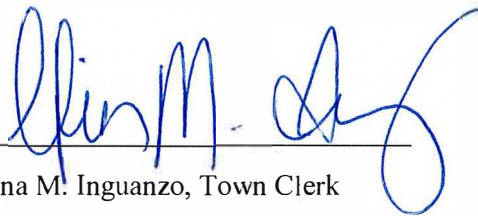
There being no further business to come before the Town Council, the meeting adjourned at 7:14 p.m.

Approved this 12th day of September 2023.



Manny Cid, Mayor

Attest:



Gina M. Inguanzo, Town Clerk