

**MINUTES DRAFT
Special Call Meeting
August 27, 2019
7:30 P.M.
Council Chambers
6601 Main Street
Miami Lakes, Florida 33014**

1. SPECIAL PRESENTATIONS: None

2. CALL TO ORDER:

Mayor Manny Cid called the meeting to order at 7:41 p.m.

3. ROLL CALL:

The Town Clerk, Gina 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 8:03 p.m.

4. MOMENT OF SILENCE:

Pastor Juan Barek led the invocation.

5. PLEDGE OF ALLEGIANCE:

Vice Mayor Rodriguez led the Pledge of Allegiance.

6. ORDER OF BUSINESS (DEFERRALS, ADDITIONS, AND DELETIONS)

Councilmember Dieguez made a motion to waive the Special Rules or Order regarding item 11B, to discuss the item and to waive the rules of time limitations. Vice Mayor Rodriguez seconded the motion and all were in favor. Councilmember Alvarez was absent.

7. PUBLIC COMMENTS:

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

Esperanza “Hope” Reynolds came to the Town Council to speak about the proper decorum rules that should be followed during meetings and proper decorum rules applying to elected officials, about Mayor Hernandez’ remarks and Councilmember Ruano’s request for Mayor Hernandez to apologize in public to the residents of Miami Lakes, and asked for the special taxing district budgets to be revised to lower the assessments.

Alexander Ariano came to the Town council to talk about the Special Taxing District and specifically congratulated Loch Lomond Security Guard property owners for reducing their assessment by \$190. He requested reserves in excess of 5% be eliminated and the assessments to be lowered.

Juan Barek came to the Town Council to speak on behalf of all the Hialeah Miami Lakes Republican Club and stated that State Representative, Ms. Cindy Polo, made a statement that was disrespectful to the resident of the Town of Miami Lakes.

Richard Kuper, Executive Director of the Miami Dade County League of Cities came to the Town Council to speak on behalf of the League and the important role it plays with all the municipalities and emphasized the desire to continue having the support of the Town of Miami Lakes.

8. APPOINTMENTS: None

9. COMMITTEES: None

10. CONSENT CALENDAR: None

11. ORDINANCES IN FIRST READING

A. Special Taxing Districts (Piderman)

The Town Attorney, Raul Gastesi, read the title of the Ordinance into the record.
The Town Manager presented the item.

Vice Mayor Rodriguez moved the Ordinance in first reading and it was seconded by Councilmember J. Rodriguez. The Town Clerk called the roll and the motion failed, 1-5, with Councilmember J. Rodriguez voting in support and Councilmembers Collazo, Dieguez, Ruano, Vice Mayor Rodriguez and Mayor Cid voting in opposition. Councilmember Alvarez was absent.

After the discussion and passing of the item 11B, Ordinance in first reading of the FPL Franchise Fee Infrastructure, the Vice Mayor Rodriguez made a motion to reconsider item 11A, which is the Ordinance in first reading regarding the Special Taxing District. The motion was seconded by Councilmember J. Rodriguez. The Town Clerk called the roll and all were in favor.

Councilmember Collazo motioned to waive the rules and it was seconded by Councilmember Dieguez and all were in favor.

After some discussion, Vice Mayor Rodriguez made a motion to move the Ordinance in first reading and it was seconded by Councilmember Ruano. The Town Clerk called the roll and the motion passed, 5-2, with Councilmember Alvarez, Dieguez, J. Rodriguez,

Ruano and Vice Mayor voting in support and Councilmember Collazo and Mayor Cid voting in opposition.

B. FPL Franchise Fee Infrastructure Account (Dieguez)

The Town Attorney read the title of the Ordinance in first reading.
The Town Manager presented the item.

Councilmember Dieguez made a motion to discuss the Ordinance in first reading. Councilmember Ruano seconded the motion and all were in favor. Councilmember Dieguez explained that he was going to make 7 amendments to the Ordinance in first reading and he was going to do so via 7 different motions. The motions were as follow:

1) Motion for the second Whereas clause to read “during the 2019 Budget Sunshine Meetings, the Town Council discussed concerns regarding specific uses of FPL Franchise Fee dollars; and for the third Whereas clause to read “as a means of ensuring that monies in excess of 3% of collected monthly Franchise Fee dollars would be used specifically for Town infrastructure projects; and for the fourth Whereas clause to read “ the Town Council desires to codify restrictions on the use of excess Franchise Fee Dollars, and provide a mechanism for its accounting and calculation; This motion was seconded by Councilmember J. Rodriguez and all were in favor.

2) Motion to amend Exhibit A to read the following way: “Effective, October 1, 2021, all monthly FPL Franchise Fee revenue in excess of one-half (1/2) of the collected monthly FPL Franchise Fee or \$106,250, whichever is greater, shall be used by the town exclusively for.” Councilmember Ruano seconded the motion and all were in favor.

3) Motion to strike clause number 5 and for clause number 4 to read the following way: “Tree Trimming, removal, replacement or planting. The motion was seconded by Councilmember Collazo. After some discussion, Councilmember Dieguez withdrew his amendment and made the following new motion: To add clause number 5 back to the Exhibit A and leave clause number 4 with the changes already done by his amendment. The motion was seconded by Vice Mayor Rodriguez and all were in favor.

4) Motion to direct the Town Attorney to add the following language: “restrict use of this excess franchise fee money to only those bonds, matching grants, or other debt instruments that will mature or require a match within five years and that are solely for the purposes outlined in Exhibit A”. This motion was seconded by Councilmember Ruano and all were in favor.

5) Motion to direct the Town Attorney to add following language: “that the funding levels of the projects listed in Exhibit A as they exist in FY18-19, must be maintained from sources other than the excess franchise fee money”. This motion was seconded by Councilmember Ruano and all were in favor.

6) Motion to direct the Town Attorney to insert the following language: “No franchise fee money shall be pledge toward any debt instrument or matching grant prior to October 1st, 2021”. Councilmember Ruano seconded the motion and all were in favor.

7) Motion to require the Town Council to vote on the franchise fee on a yearly basis. Councilmember Ruano seconded the motion. After some discussion, Councilmember Dieguez withdrew his amendment.

The Town Clerk called the roll on the original motion as amended, to pass the Ordinance in first reading and it passed unanimously.

12. ORDINANCE IN SECOND READING

A. Ordinance in Second Reading, FPL Franchise Fee Rate (Pidermann)

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

The Town Manager presented the item.

The Mayor opened the public hearing.

Public Comments:

Mirtha Mendez came to the Town Council and spoke about the Franchise Fee. She stated the reasons why the Town Council should not vote in support of the Ordinance in 2nd reading.

Monica Barnes, Legal Counsel from the FPL, came to the Town Council and answered questions from the Town Council.

Armando Fernandez from FPL came to the Town Council and answered questions posed by the Town Council.

Vice Mayor Rodriguez made a motion to approve the Ordinance in second reading and it was seconded by Councilmember Dieguez. The Town Clerk called the roll and the motion failed, 3-4, with Councilmember Dieguez, J. Rodriguez, and Vice Mayor Rodriguez voting in support and Councilmember Alvarez, Councilmember Collazo, Councilmember Ruano and Mayor Cid voting in opposition.

Shortly thereafter, Councilmember Collazo made a motion to reconsider the Ordinance in second reading. The motion was seconded by Mayor Cid and all were in favor.

Then, Councilmember Collazo made a motion to set the Franchise Fee Rate at 3%. The motion was seconded by Councilmember Ruano.

After some discussion, Vice Mayor Rodriguez made a motion to set the Franchise Fee Rate at 5.5%. The motion was seconded by Councilmember J. Rodriguez. The Town Clerk called the roll and the motion failed, 2-5, with Councilmember J. Rodriguez and Councilmember Dieguez voting in support and Councilmember Alvarez, Councilmember

Collazo, Councilmember Ruano, Vice Mayor Rodriguez and Mayor Cid voting in opposition.

Then, Councilmember J. Rodriguez made a motion to set the Franchise Fee at 6% and for the Town Council to reassess it in June 2020, and this would allow the Councilmembers not to raise the millage rate. The motion was seconded by Councilmember Dieguez. The Town Clerk called the roll and the motion failed, 2-5, with Councilmember J. Rodriguez and Councilmember Dieguez voting in support and Councilmember Alvarez, Collazo, Ruano, Vice Mayor Rodriguez and Mayor Cid voting in opposition.

Vice Mayor Rodriguez then motioned to set the Franchise Fee Rate at 4.5%. The motion died due to lack of second.

Then, Councilmember Alvarez made a motion to amend the original motion made by Councilmember Collazo, to set it at 3%, to go thru the exercise the next few months and for the Town Council to vote back on this on June 2020. Also, he stated that millage rate would not be raised. The motioned was seconded by Councilmember Collazo. The Town Clerk called the roll and the motion passed 4-3 with Councilmember Alvarez, Collazo, Dieguez and J. Rodriguez in favor and Councilmember Ruano, Vice Mayor Rodriguez and Mayor Cid voting in opposition.

The Town Clerk then called the roll for the original motion as amended, and the motion passed, 5-2, with Councilmember Alvarez, Collazo, Dieguez, J. Rodriguez and Vice Mayor Rodriguez voting in support and Councilmember Ruano and Mayor Cid voting in opposition.

13. RESOLUTIONS

A. Resolution in Support of Designating TOML Zip Code (Cid)

Motion by Mayor Cid to approve the Resolution. The motion was seconded by Councilmember Collazo and the motion passed 6-0, with Vice Mayor Rodriguez being absent.

14. NEW BUSINESS

A. Resolution in Support of Condemning City of Hialeah Mayor Carlos Hernandez Derogatory Statements (Ruano)

Motion was made by Councilmember Ruano to approve the resolution which condemns the derogatory statements made by the Major of Hialeah and with no press release from the Town of Miami Lakes, thus, the media component would be removed. The motion also directed the Town Manager to memorialize all the comments made by the Town Council regarding the derogatory statements made by the Major of Hialeah. The motion was seconded by Councilmember Collazo.

Public Comments:

Mirtha Mendez came to the Town Council and stated that the derogatory repetitive comments made by Major Hernandez cannot be tolerated.

Marcos Gutierrez came to the Town Council and stated that the comments made by the Hialeah Major Hernandez were foolish but that all the effort should be fueled to not have the Town bridges opened; that when ignorant comments are made, the more foolish the major of Hialeah looks, but that we should focus on the bridges and not be distracted by his comments.

Claudia Luces came to the Town Council and stated that the elected officials should all have a unified position and show solidarity with the residents regarding the inflammatory remarks made by the major of Hialeah.

Mayor Cid made a motion to waive the Special Rules of Order regarding time constraints and asked to speak for a little longer than three minutes. Councilmember Dieguez seconded the motion and all were in favor.

The Town Clerk called the roll and the motion failed, 1-4; with Councilmember Ruano voting in support and Councilmember Collazo, Dieguez, J. Rodriguez and Mayor Cid voting in opposition. Councilmember Alvarez had recused himself and Vice Mayor Rodriguez was absent.

15. REPORTS

A. MANAGER'S REPORT

1. Phase 1 of Bridge Park

Danny Angel, Director of Parks and Recreation, gave a PowerPoint presentation on the NW 154 Bridge Park and explained the proposed project and the proposed budget. Mayor Cid made a motion to adopt the conceptual design presented and to not exceed the \$206,000 proposed and to work on this project without having to go to outside consultants. The motion was seconded by Councilmember Dieguez and all were in favor.

2. Update on Lucida Project

The Town Manager informed the Town Council that a letter was received a few days ago, from the Florida Housing in regards to the Lucida Project, and in this letter, the Florida Housing Authority was requesting comments from the Town of Miami Lakes, because the developers of the Lucida Project had applied for some incentive to construct for affordable housing. The Town Manager explained that he sent out a letter advising the Florida Housing the parameters under which that application was approved and the letter also explained that any changes that deviate from their application, the developers must bring back to the Town Council for their review and approval.

B. ATTORNEY'S REPORT

The Deputy Town Attorney, Lorenzo Cobiella, gave the following update: Letters on 154 and 170th have gone out and they have asked for a meeting of the bodies to be held amongst the relevant parties, regarding NW 154 NW. This meeting would be with FDOT, the City of Hialeah, and Miami Dade County.

16. ADJOURMENT:

There being no further business to come before the Council, the meeting adjourned at 10:48 p.m.

Approved this 10th day of September, 2019.

Attest:

Manny Cid, Mayor

Gina Inguanzo, Town Clerk