

**MINUTES DRAFT  
Special Call Meeting  
October 3, 2019  
8:30 A.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 8:38 a.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, and Mayor Manny Cid. Councilmember Carlos Alvarez joined the meeting via telephone call and Vice Mayor Rodriguez was absent.

**4. MOMENT OF SILENCE:**

The Invocation was led by Councilmember Collazo.

**5. PLEDGE OF ALLEGIANCE:**

Councilmember Ruano led the Pledge of Allegiance.

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

The Town Manager, Ed Pidermann, stated that he is going to move some money around in order for the Mayor and him to travel to Tallahassee during Committee Week. He explained that he will be moving money from his budget in the next days, to be able to go to Tallahassee. Councilmember Collazo made a motion to move the order of business. It was seconded by Councilmember J. Rodriguez and all were in favor.

**7. PUBLIC COMMENTS:**

Dr. Dave Bennet came to the Town Council to speak about the bridge situation, the Interlocal Agreement with Hialeah, the lack of agreement with DOT, about traffic control and no large trucks to be allowed during peak hours and restricting traffic flow with tolls.

Yvonne Moreno Velazquez, participated via live remote public comments and stated that she is very concerned about the opening of NW 154 and NW 170<sup>th</sup>. That asked the Town Council to not let them open the bridges.

**8. APPOINTMENTS:**

None.

**9. COMMITTEES:**

None

**10. CONSENT CALENDAR:**

None

**11. ORDINANCES IN FIRST READING**

None.

**12. ORDINANCE IN SECOND READING**

None

**13. RESOLUTIONS**

None.

**14. NEW BUSINESS**

**A. To Discuss the Continuation of the Litigation of the Bridges (Cid)**

The Town Attorney, Raul Gastesi, via conference call explained why he asked Mayor Cid to call this special call meeting.

The Town Attorney presented the item. He gave an overview explanation of why the Town of Miami Lakes initiated the Dispute Resolution procedures based on Miami Dade County's the threat to violate the road transfer agreement; he explained that Miami Dade County has made it clear that despite the initiation of the Dispute Resolution proceedings, that they will not cease the building out and construction of NW 170<sup>th</sup> Street thru the town from I-75; the Town Attorney stated that he has attempted to keep the status quo in many conversations leading up to the Dispute Resolution, all to no avail; he also attempted to set up a mediation conference to get a solution, but Miami Dade County told the Town Attorney that it could not be done nearly for two more months; the Town Attorney also informed the Town Council that on October 2<sup>nd</sup>, constructors were discovered by Town authorities excavating and defacing portions of NW 170<sup>th</sup> Street, on the eastern side of I-75, within the Town's municipal boundaries; he stated that this conduct will not cease and he then stated what Florida Statute Section 164.1041(2) provides for and explained that if this statute is met, the Town Attorney can proceed with litigation.

He stated that he believes the health, safety and welfare of the town and significant legal rights, as set forth in the road transfer agreement will be affected and compromised if the town waits for the dispute resolution process to take its normal course.

The Town Attorney stated that he needs the following motion to be made: “Because I believe that immediate danger to the safety, or welfare of the public requires immediate action or where that significant legal rights to be compromised if a court proceeding does not take place before the provisions of the dispute resolution act are complied with, I move to have the Town Attorney commence immediate litigation to prohibit Miami Dade County and any and all persons from constructing NW 170<sup>th</sup> street from I-75 into the Town of Miami Lakes and seeking such and further relief, including injunctive relief and damages”.

The Town Attorney presented a PowerPoint presentation, including pictures taken on October 2<sup>nd</sup>, showing the excavations on portions of NW 170<sup>th</sup> Street, on the eastern side of I-75, within the Town’s municipal boundaries.

The Town Clerk was asked to read the motion suggested by the Town Attorney, which was, “to have the Town Attorney commence immediate litigation to prohibit Miami Dade County any and all persons from constructing NW 170 Street into the Town of Miami Lakes and seeking such and further relief, including injunctive relief and damages and this is because the maker of the motion believes that immediate danger to the safety, or welfare of the public requires immediate action or where that significant legal rights to be compromised if a court proceeding does not take place before the provisions of the dispute resolution act are complied with”.

Shortly thereafter, Councilmember Dieguez made a motion “to direct the Town Attorney to take all steps necessary including the initiation of litigation, injunctive relief and damages to enjoin the county from building out improvements on 170<sup>th</sup> Street and taking other steps from opening up the bridge, because I do belief that it would impair the health, safety and welfare of the residents of Miami Lakes, not only for the obvious traffic congestion concerns and everything that it entails with respect to public safety concerns, but for reasons that I have stated before, I believe that our first responders would have to service a wider area and that would also detrimentally impact the town of Miami Lakes, so for that reason I make my motion”. Councilmember Collazo seconded his motion. Councilmember Dieguez also added to his motion that “I believe that more than being a threat to the health, safety and general welfare to the town of Miami Lakes, it would be an **immediate** threat to the health, safety and welfare of our residents.”

Councilmember Collazo then made an amendment to the motion, stating that he wanted to add the following language to the motion: “it has to do with health, safety and welfare of the public or that **significant legal rights will be compromise.**” Councilmember Ruano seconded the amendment to the motion, and all were in favor.

The Town Clerk called the roll on the main motion as amended and the motion passed 6-0, with Vice Mayor Rodriguez being absent.

## **15. MANAGERS REPORT**

The Town Manager, Ed Pidermann, notified the Town Council, as previously explained under the New Order of Business, that he is going to move some money around in order for the Mayor and him to travel to Tallahassee during Committee Week. He stated the funds would come from the salary savings, due to the positions that currently are not filled.

## **16. ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 9:20 a.m.

Approved this 12<sup>h</sup> day of November 2019.

Attest:

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Manny Cid, Mayor

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Gina Inguanzo, Town Clerk