

**MINUTES**  
**Regular Council Meeting**  
**October 8, 2019**  
**6:30 p.m.**  
**Government Center**  
**6601 Main Street**  
**Miami Lakes, Florida 33014**

**1. SPECIAL PRESENTATIONS:**

Special Presentations took place prior to the commencement of the Regular Council Meeting.

Mayor Cid called resident Carlos Andres and Major Ruiz and recognized Officer Reynaldo Angulo for his extraordinary performance of his duties and collective action toward a home burglary situation.

Mayor Cid and the Town Council presented a Proclamation to Popular Bank of Miami Lakes for their 126<sup>th</sup> year anniversary. Attending on behalf of Popular Bank were Mr. Luis Hernandez, Mr. Miguel Rosales and Mr. Orlando Oliva.

**2. ROLL CALL:**

Mayor Manny Cid called the meeting to order at 6:40 pm.

The Town Clerk, Gina Inguanzo, called the roll with the following Councilmembers being present: Carlos Alvarez, Luis Collazo, Joshua Dieguez, Jeffrey Rodriguez, Vice Mayor Nelson Rodriguez and Mayor Manny Cid. Councilmember Marilyn Ruano joined the meeting at 6:49 pm.

**3. MOMENT OF SILENCE:**

Scout Angel Eladio Armesto led the invocation.

Ariel Fernandez was present via video and stated that we must remain positive always.

**4. PLEDGE OF ALLEGIANCE:**

Troop 566 from Miami Lakes

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

The Youth Activity Task Force Report was added to Item 8, of the Committee Report. Vice Mayor Nelson Rodriguez' Item 13C, on Danny Quesada, was moved up to be discussed after Public Comment. The Attorney Reports was moved to be heard after Appointments. Councilmember Dieguez pulled the minutes from the Consent Calendar to make some corrections. Motion by Councilmember Collazo to approve the new order of business and it was seconded by Councilmember Dieguez. All were in favor.

## **6. PUBLIC COMMENTS:**

Bonnie Cintron came before the Town Council to speak in favor of Item 13E, in favor of Item 13H and in opposition of Item 13D.

Dave Oliver came before the Town Council to speak about the annexation of the land west of I-75 that was discussed many years ago by a prior Town Council, about Ms. Angela Garrison and how the Town Council of that time voted to not annex the land west of I-75. He also expressed stated that he is concerned with the heavy traffic and congestion in Miami Lakes. Councilmember Ruano voted to waive the rules regarding time constraints and Councilmember Collazo seconded the motion. All were in favor.

Sean Schwinghammer came before the Town Council to speak about the old Civic Association and the Architectural Control Committee that existed in Miami Lakes many years ago, and the look of our community back then. He asked the Town Council to be sharp, to be more tight and to make the town more pristine. Councilmember Dieguez made a motion to grant 30 additional seconds to all speakers during the Public Comments section of the Agenda. Councilmember J. Rodriguez seconded the motion and all were in favor. Mayor Cid instructed the Town Clerk to not take time during the Public Comments Section of the meeting.

Claudia Lucas came before the Town Council to speak in support of Item 13B. She also expressed concern with Item 13N and stated that there are too many legal things going on with the Town of Miami Lakes and that Town Attorneys need to stay focus.

Mirtha Mendez came before the Town Council to speak about the two trees that were cut down in Loch Lomand by the owner of the property and asked the Town Council that she wanted to know when those two trees were going to be replaced. Also, she asked about the replacement of the trees that fell down during Storm Irma, she expressed her concern with the widening of streets, the FDOT issues regarding the Eminent Domain, expressed concern about the elimination of medians all over town. Lastly, she asked the Town Arborist to stop granting permits for removal of trees.

Angel Ernesto came before the Town Council to speak about our town growing into a big city and that the Town Council should not forget that the most important matter is that our community comes first; that our town takes priority.

Lynn Matos came before the Town Council to speak about the sales of the February 29<sup>th</sup>, Food and Wine tickets, and she thanked the community and town for their big support. She also spoke about the grant process and reminded everyone that applications are due by October 15<sup>th</sup>.

After the discussion of the Attorneys Report, Angelo Garcia requested to speak. The Public Comment Section of the Agenda had been closed, but Councilmember Ruano made a motion to waive the rules and it was seconded by Councilmember Collazo. All were in favor and Public Comments was re-opened.

Angelo Garcia came to the Town Council to speak about the Canal Restoration project, about his frustration regarding this project and asked the Town Administration to supervise this project better.

## **7. APPOINTMENTS:**

Ricardo Outerino was appointed to the Veterans Affairs Committee, nominated by Councilmember J. Rodriguez.

Mirelis Castillo was appointed to the Cultural Affairs Committee, nominated Councilmember J. Rodriguez.

Eddie Blanco was appointed to the Economic Development Committee, nominated by Vice Mayor Rodriguez.

Mario Pinera was appointed to the Education Advisory Board, nominated by Vice Mayor Rodriguez.

Diana Soto was appointed to the Cultural Affairs Committee, nominated by Councilmember Collazo.

Councilmember Ruano motioned to approve the Committee Appointments. Councilmember Dieguez seconded the motion, and all were in favor.

Shortly thereafter, Councilmember Ruano acknowledged and thanked Jen Cuello and David Garcia for their great participation at the Funclution event that took place on October 5<sup>th</sup>. Mayor Cid asked if they could be appointed to the Special Needs Advisory Board tonight. The Town Attorney advised that if that was the case, a motion to waive the rules was needed. Councilmember Ruano motioned to waive the rules and it was seconded by Councilmember Collazo. All were in favor.

Jen Cuello was appointed to the Special Needs Advisory Board nominated by Vice Mayor Rodriguez. David Garcia was appointed by J. Rodriguez. Councilmember

Alvarez moved to approve the new appointments and it was seconded by Councilmember Dieguez. All were in favor.

## **8. COMMITTEE REPORTS**

### **A. Youth Activity Task Force**

The Youth Activities Task Force Chair, Tony Fernandez, presented to the Town Council his committee report. He also reminded the Town Council about the Limitless Love Concert, scheduled to take place on Saturday, October 12, 2019 from 6:00 PM – 8:00 PM at the Miami Lakes Congregational Church. He also reminded the Town Council about the Halloween event and he spoke in depth about changes incorporated to the event.

## **9. CONSENT CALENDAR:**

Councilmember Dieguez made a motion to re-open the Order of Business. It was seconded by Councilmember Ruano and all were in favor. Councilmember Dieguez then pulled item 9B, from the Consent Calendar. All were in favor.

### **A. APPROVAL OF MINUTES**

- September 10, 2019 Regular Council Meeting
- September 24, 2019 Mayoral Annual Budget Address
- September 24, 2019 Second Budget Hearing

Councilmember Dieguez stated in detail the corrections that needed to be done regarding his items on the September 10<sup>th</sup> and September 24<sup>th</sup> minutes and asked the Town Clerk to rework the wording of his items with him to correct them. Councilmember J. Rodriguez seconded the motion and all were in favor.

### **B. A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING THE TOWN OF MIAMI LAKES SMART TECHNOLOGY IMPLEMENTATION PLAN FOR 2020-2035; AUTHORIZING INCORPORATION OF THE SMART TECHNOLOGY IMPLEMENTATION PLAN FOR 2020-2035 INTO THE STRATEGIC PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. (Pidermann).**

Councilmember Dieguez made a motion to make an amendment to the resolution, directing the Town Administration to not include the study into the Imagine 2025 Plan at this time, and to further direct the Town administration for projects within this study or plan to come to the Town Council in individual basis for any inclusion or to proceed to apply to any matching grant or to proceed in any work. Councilmember Ruano

seconded the motion. The Town Clerk called the roll and the motion passed, 4-3, with Councilmember Alvarez, Vice Mayor Rodriguez and Mayor Cid voting in opposition.

Vice Mayor Rodriguez made a motion to approve the Consent Agenda items, 9A and 9B, as amended and it was seconded by Councilmember Dieguez. All were in favor.

#### **10. ORDINANCE – FIRST READING:**

None.

#### **11. ORDINANCE – SECOND READING:**

A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO SOLAR ENERGY SYSTEMS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT ARTICLE VI, “SUPPLEMENTARY REGULATIONS”, AND AT ARTICLE VII, “ENVIRONMENTAL REGULATIONS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pidermann).

The Town Attorney, Raul Gastesi, read the title of the ordinance into the record.

The Mayor opened the Public Hearing.

There being no one wishing to speak, the Mayor closed the public Hearing.

Susana Alfonso, Principal Planner, answered questions posed by the Town Council.

The Deputy Town Attorney read the proposed modification done to the Ordinance, as requested by Councilmember Dieguez.

The proposed modification is on page 9 of 11 of the Ordinance, where it defines the Primary Use Solar Energy System definition. A new sentence will be added, after the word primarily offsite. The new sentence will read: Offsite facilities are those located in industrial zone areas, whose purpose is to generate and provide solar energy or other users.

After some discussion, Councilmember J. Rodriguez made a motion to accept the Ordinance but to revise the ordinance in accordance with the recommendation given by the Planning & Zoning Board, which is to remove the Pole-mounted systems as permitted by right. Councilmember Dieguez seconded the motion and all were in favor.

Councilmember Dieguez then made a motion to amend Section 8, Sec. 13-1702(a) with regards to Primary Use Solar Energy system, in order to add the following language at the end of the paragraph, for it to read: "Offsite facilities are those located in industrial zone areas, whose purpose is to generate and provide solar energy or other users". Councilmember J. Rodriguez seconded the amended to the motion and all were in favor.

The Town Clerk then called the roll on the original motion as amended, and the Ordinance in 2<sup>nd</sup> reading passed, 7-0.

## **12. RESOLUTIONS**

A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE AWARD OF A CONTRACT FOR DESIGN SERVICES FOR THE NW 59<sup>TH</sup> AVENUE EXTENSION, RFQ 2019-27 TO STANTEC CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$626,780; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney, Raul Gastesi, read the title of the ordinance into the record.

The Town Manager, Ed Pidermann, answered questions posed by the Town Council.

Councilmember Alvarez made a motion to move the resolution and it was seconded by Councilmember Dieguez. The Town Clerk called the roll and the motion passed, with all being in favor.

## **13. NEW BUSINESS ITEMS**

### **A. Special Taxing District Elections (Dieguez)**

Councilmember Dieguez made a motion directing the Town Manager to conduct annual election retention for the various STD's in the Town of Miami Lakes. Councilmember Dieguez stated that he would like to conduct annual retention elections for the Special Taxing Districts, specifically for the STD's solely within or contained within the boundaries of an HOA. Also, if in the annual election retention, members do not receive 50% plus 1 of the votes, they will considered for automatic removal from the Board, pursuant to a Managers Report, following the vote, and the member removed would be prohibited from being reappointed for one year. Cost of the election would be funded by the STD's own assessments. The motion was seconded by Councilmember Collazo.

After some discussion, Councilmember Dieguez withdrew the existing motion and made the following new motion: for the Town of Miami Lakes Special Taxing Districts to have a Annual Right Track/Wrong Track Election and this mechanism would provide greater insight as to whether the residents are getting or not a great service and this would provide feedback from the residents and allow more participation of the residents. The motion was seconded by Councilmember Collazo and all were in favor.

Councilmember Collazo gave feedback and suggested to have a Straw Ballot Election in order to get more resident feedback. Councilmember Collazo stated that he would like to add an amendment to the original motion, and stated that “every time the Special Taxing District is going to invest more than their 15% of their operating budget into a Capital improvement, that it should go to a Straw Ballot initiative. Councilmember Dieguez seconded the motion and asked the Town Attorney to give his legal advice as to whether the discussion initiated by Councilmember Collazo regarding Straw Ballot Elections, was or was not given proper public notice. The Town Attorney recommended for this topic to be introduced during a future council meeting. After listening to the Attorney’s recommendation, Councilmember Collazo withdrew his motion and stated that he would bring it back in a future meeting, in the November Meeting.

#### **B. Mobility Fee Review (Ruano)**

It was explained that the Mobility Fee Workshop is scheduled to take place on October 15<sup>th</sup>, so Councilmember Ruano pulled her item.

#### **C. Danny Quesada Memorial (Co-sponsored by all Town Council)**

Vice Mayor Rodriguez motioned for a memorial marker and a Royal Oak tree to be planted in honor of Danny Quesada. He also motioned to rename Meadow Walk to “Running with Danny Lane”, at the request of many neighbors who contacted him, when they heard of the passing of Danny Quesada. The motion was seconded by Mayor Cid. All Councilmembers co-sponsored this item. All were in favor.

The Mayor called for a recess.

The Mayor re-opened the meeting at 7:31pm and all were present. The first item to be discussed after the re-opening of the meeting was the Appointments Section of the Agenda.

#### **D. Artificial Grass (Cid)**

Mayor Cid made a motion to direct the Town Manager to work with the Town’s Building Official and staff, and bring back to the Town Council, options for drainage and for artificial grass, and how it would look and impact our town, and how can we implement and allow our residents to have artificial grass in their backyards. Vice Mayor Rodriguez seconded the motion. The Town Clerk called the roll and the motion

passed, 5-2, with Councilmember Dieguez and Councilmember Collazo voting in opposition.

#### **E. Retrofitting Alternative for Lake Patricia and Lake Katherine (Collazo)**

Mayor Cid made a motion to waive the Special Rules of Order. Councilmember Dieguez seconded the motion and all were in favor.

Councilmember Collazo spoke about the FPL program that partners up with municipalities to underground utility lines. On this respect, Councilmember Collazo made a motion directing staff to look into the undergrounding of power lines thru programs that could eliminate the cost share to the residents or at least minimize it significantly. Councilmember Dieguez seconded the motion.

The Town Manager brought the Town Council to speed and explained that FPL introduced legislation to mandate undergrounding of powerlines and that legislation in this regard was already passed. The Town Manager explained that all the customers of FPL will pay for the undergrounding, regardless of how the Town Council votes. He also stated FPL is targeting some areas to work on first, and he added that he spoke to the Senior Vice President of Power Delivery, to see if any of our Miami Lakes areas could be included in the Pilot program; the Town Manager also stated that if this doesn't work out, he would reach out to FPL, who is currently working now on a 3-year pilot program, to see if Miami Lakes could be at the top of the list.

Councilmember Collazo spoke about the FPL program that they did with Miami Springs. Councilmember Collazo mentioned that maybe the TOML can bring partners into the program, like FEMA, to lower or eliminate the \$30,000 cost or push our name to the top of the list so that we are considered for the pilot program sooner than later. After some discussion, the Town Clerk called the roll and the motion passed 6-1, with Mayor Cid voting in opposition.

#### **F. Investment Evaluation Discussion (Dieguez)**

Councilmember Dieguez made a motion directing the Town Administration to set up a date to have a workshop in order to discuss how we go in making our investment related decisions, and to get a broad overview of what is within our Investment Policy Statement and perhaps give direction to staff, in accordance to what we learn in that workshop. Councilmember J. Rodriguez seconded the motion and all were in favor.

#### **G. Blockchain Voting (Cid)**

Mayor Cid pulled his item on blockchain technology and stated that he will bring it back at some future time, once the pilot program in West Virginia and in the county of Utah are completely released. He explained in a nutshell that this is about some pilot programs using this technology to allow residents to vote via phone.

#### **H. Canopy Protection Workshop (Ruano, Collazo)**

Mayor Cid made a motion to waive the rules, Councilmember Collazo seconded the motion and all were in favor.

Councilmember Ruano made a motion requesting staff to put together a workshop regarding our tree canopy. Councilmember Collazo seconded the motion. Councilmember Collazo requested a FAQ to be developed in anticipation for this workshop and maybe put the FAQ in our social media platform, so that we are more transparent and have the information ready for the people. All the councilmembers were in favor.

#### **I. Sponsorship and Naming Rights Restrictions (Dieguez)**

Councilmember Dieguez made a motion directing the Town Administration to develop general guidelines for naming rights as it relates to town property that it would specially restrict, within the bounds of the First Amendment, naming rights that would involve obscene speech. The motion was seconded by Councilmember Alvarez and all were in favor.

#### **J. Ten Year Strategic Plan Review (Dieguez)**

Councilmember Dieguez made a motion to waive the Special Rules of Order and it was seconded by Councilmember Alvarez.

Councilmember Dieguez made a motion to conduct the 10 year Strategic Plan within the first quarter of 2020. The motion was seconded by Councilmember Rodriguez and all were in favor.

#### **K. Amendment to Council Procedures (Dieguez)**

Councilmember made a motion to waive the Special Rules of Order and it was seconded by Councilmember Collazo and all were in favor.

Councilmember Dieguez made a motion to amend the Council Procedures, so that once the motion is made, we would proceed to three minutes of discussion per councilmember, followed by three minutes of debate per each councilmember and then 1 additional minute per councilmember for rebuttal. Vice Mayor Rodriguez seconded the motion. The Town Clerk called the roll and the motion passed, 4-3, with Councilmember Alvarez, Councilmember Ruano and Mayor Cid voting in opposition.

#### **L. 2020 Census Efforts (Dieguez)**

Mayor Cid made a motion to waive the Special Rules of Order and it was seconded by Councilmember Dieguez. All were in favor.

Councilmember Dieguez then requested to waive the rules for item 13M as well and Councilmember Ruano seconded the motion and all were in favor.

Councilmember Dieguez combined both items, 13L and 13M and asked the Town Manager to provide a Manager Report in the upcoming meeting. Councilmember Alvarez seconded the motion. The Town Manager explained that he was ready to provide the report at this meeting and no need to wait to the November meeting. So, Councilmember Dieguez then withdrew his motion.

Clarissell de Cardenas, Community and Communication Director provided a report regarding the 2020 Census efforts.

Councilmember Dieguez stated that he will request a Sunshine Meeting between the Mayor, the Town Manager, Clarissell de Cardenas, personnel from Commissioner Bovo's office and himself to discuss other ways to improve the efforts, and for this to take place during the first quarter of next year.

#### **M. Bulky Waste Pick up (Dieguez)**

This item was combined with item 13L.

The Town Manager gave an oral report on this matter, as requested by Councilmember Dieguez.

He stated that he met with the Director of Solid Waste from Miami Dade County and it was discussed that County Commissioners also want a schedule to be provided to the residents with more concrete information of dates that bulky waste is to be picked up. The Director of Solid Waste told the Town Manager that the county is working on creating a more predictable schedule so that residents are aware of when bulky waste will be picked. Once the County creates the schedule and informs the Town Administration, the Town Manager will share with the Town Council.

#### **N. Resolution for Warning All Municipalities about Miami-Dade County Breaking Interlocal Agreements (N. Rodriguez)**

Councilmember Ruano made a motion to waive the Special Rules of Order and it was seconded by Councilmember Dieguez. All were in favor.

Vice Mayor Rodriguez made a motion requesting a Resolution to be drafted, informing all municipalities in Miami-Dade County of the potential damage that will be done if the County breaks the agreement between Miami Lakes and Hialeah on the 154 Overpass and any other contract that other cities may have including with the School Board. Councilmember Ruano seconded the motion for discussion.

After some discussion, Vice Mayor Rodriguez pulled his motion and made a new motion requesting the Town Council to allow him to work with the Mayor's Office, so that Mayor Cid can send out a letter to all the cities in Miami Dade County and to the Miami Dade County League of Cities, letting them know about the possible violation of Home Rule and asking the cities to contact their County Commissioners and this letter to be done with the guidance of the Town Attorney. Councilmember Dieguez seconded the motion.

After brief discussion, Councilmember Collazo made an amendment to the motion, to also request that the Miami Dade County League of Cities and the Florida League of Cities file an Amicus Brief in support of the Town of Miami Lakes. The amendment to the motion was seconded by Vice Mayor Rodriguez and all were in support of the amendment. Then, the Town Council passed the main motion, as amended, and all were in favor.

#### **14. MAYOR AND COUNCILMEMBER REPORTS:**

None

#### **15. MANAGER'S REPORTS:**

##### **A. Town Manager Monthly Police Report**

Town Major, Javier Ruiz, provided the monthly crime report to the Town Council for the month of September and he emphasized on the stolen vehicle which was detected by using the LPR system, and subjects were arrested. He also spoke about the presence of his police team at several Town events, such as Coffee with a Cop day, the Bike Night Ride and the Culinary Tour. He also answered questioned posed by the Town Council regarding the positions in the Police Department that are vacant and he explained the these 2 positions will be filled in the next two weeks. Police Officers will be addressing and educating more the residents in the Satori area and he reminded the Town Council about not leaving objects inside cars.

##### **B. Social Media Policy**

Clarisell de Cardenas informed the Town Council that our social media followers have increased by 50%. The policy's goal is to establish proper guidelines for users for proper behavior thru the different channels. The policy provides the best practices for the social media users and will establish guidelines for social sites, all without infringement on the first amendments rights and also a section about social media for our employees in general.

Councilmember Collazo asked the Town Manager to report about the work that is happening with FDOT and the easements that might be taken by Eminent Domain in the November Regular Council Meeting.

## **16. ATTORNEY'S REPORTS:**

### **A. Michael Pizzi JR. v. Town of Miami Lakes**

The Town Attorney, Raul Gastesi, stated that the case was dismissed three times, based on the pleas. The third time, a motion to dismiss was granted with prejudice. The Third District Court of Appeals saw the case “de novo”, and in this instant, three Judges disagreed with the two Judges from the lower court and they reversed the case. The decision was that Mr. Pizzi gets to proceed to attempt to prove his case. The Town Attorney summarized and explained the legal opinion rendered by the District Court of Appeals.

The Town Attorney called for an Executive Session on the Pizzi matter and an Executive Session on the NW 170<sup>th</sup> Litigation, to be held soon. It was agreed that it will take place on Tuesday, October 22<sup>nd</sup> at 8:30 am.

### **B. NW 170<sup>th</sup> Litigation**

The Town Attorney, Raul Gastesi, explained that on the Special Call, held last week, you voted to proceed with the litigation against the City of Hialeah and essentially bypass the Dispute Resolution Process because of time constraints. He stated that he filed the lawsuit, he served the lawsuit for temporary injunction. The Town Attorney stated that he spoke to the County Attorney’s office, and they told him that the only thing the County did was to issue a permit. He also contacted the FDOT Attorney’s and he was told that they never issued an RFP. The Town Attorney received the Development Agreement, between the Developer and the City of Hialeah. The Town Attorney stated that he needs to investigate further but it seems to be that the road and excavations were done because of the insistence of the City of Hialeah. He is analyzing who is behind all of this.

After a lengthy discussion, the Town Attorney stated that he needs the following motion to be made: “Because I believe that immediate danger to the health, 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 the city of Hialeah 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”. Councilmember Ruano moved that motion and it was seconded by Councilmember J. Rodriguez. The Town Clerk called the roll and the motion passed, unanimously. Thus, the Town Attorney will amend the complaint to add the City of Hialeah.

### **C. Dawn Jenkins v. Department of Management Services, Division of Retirement**

The Assistant Town Attorney, Lorenzo Cobiella presented the case to the Town Council and answered questions posed. Raul Gastesi and him explained that the TOML has not been sued yet, but he understands that it is in the best interest of the Town that the Town hires the legal services of Law Firm of Levinson, Klausner, Kaufman, Jensen & Levinson and for that law firm to represent us. The Law Firm is charging \$350 per hour and it would come out of the Litigation reserve.

Councilmember Dieguez made a motion to direct the Town Attorney to hire the Law Firm of Klausner, Kaufman, Jensen & Levinson in order to file a Motion to Intervene in the case of Jenkins, to protect the Town's rights. The motion was seconded by J. Rodriguez. Shortly thereafter, Councilmember Collazo made an amendment to the motion, and stated that he would like to put a limit "a cap" of \$10,000 as a budget for this litigation and if it needs to exceed that amount, to come back to the Town Council. Also, it was stated that the Town Council should be able to see the reports that the law firm will be sending the Town Administration for the legal services rendered and be able to keep track of the case. The motion was seconded by Councilmember Alvarez and all were in favor. Then, they voted in the original motion as amended and the motion passed 6-1; with Mayor Cid voting in opposition.

### **D. Valiente Case**

The Town Attorney stated that they received a report from Valiente's Attorney's.

Mayor Cid stated that he wants the Town Administration and the Town Attorney to work together and put together a press release and coordinated those responses as soon as possible.

## **17. ADJOURNMENT:**

There being no further business to come before the Town Council, the meeting adjourned at 10:59pm.

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

---

Manny Cid, Mayor

Attest:

---

Gina Inguanzo, Town Clerk