



**Village of El Portal
Village Council Meeting
Date: 1.23.18
Meeting Start: 7:01 PM
Meeting End: 12:05 AM
Meeting Length: 05:04:15**

Mayor Cubillos: Today is January 23rd. I would like to call the General Council Meeting to order. Did I say today is January 23rd? Yes, I did. It is 7:01 PM. If I can have a moment of silent meditation followed by the pledge of allegiance.

[silence]

All: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands. One nation, under God, indivisible, with liberty and justice for all.

Mayor Cubillos: Thank you. Madam clerk, may I please have a roll call?

Clerk: Roll call. Mayor Cubillos.

Mayor Cubillos: Here.

Clerk: Vice Mayor Nickerson.

Nickerson: Here.

Clerk: Councilperson Mathis.

Mathis: Yes. Here.

Clerk: Council person [unintelligible 00:00:53] isn't here. Councilperson Roman?

Roman: Here.

Clerk: Also present for the record Yenise Jacobi, Village Clerk. Christia Alou, Interim Village Manager. Jason Silver is sitting in for Village Attorney. Irwin Williams, CFO. Ronnie Huffnagel acting as Chief [unintelligible 00:01:05]. We have a quorum.

Mayor Cubillos: Excellent. Thank you so much. At this time, is there a motion to approve the agenda as is, or are there any additions, deletions?

Mathis: I'd like to make an addition under new business. Discussion of 2018 ballot initiatives.

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Mayor Cubillos: There has been a request to add under new business, 2018 ballot initiatives. Is that correct?

Mathis: Yes.

Mayor Cubillos: Okay. Any other additions, deletions? Hearing none, may I have a motion to approve the agenda with the addition?

Mathis: I move approval.

Mayor Cubillos: The motion has been made by Councilperson Mathis to approve the agenda with the addition. Is there a second?

Nickerson: I second.

Mayor Cubillos: Second by Vice Mayor Nickerson. All in favor signal by saying, "I".

Nickerson: I.

Roman: I.

Mayor Cubillos: Any nays? Hearing none, the agenda for January 23rd passes. At this time, is there a motion to approve the minutes from the December 19th it was received in our packet? Is there a motion, or is there any comments, suggestions, deletions to those minutes? Hearing none, is there a motion to approve?

Mathis: I move approval.

Mayor Cubillos: Move by Councilperson Mathis. Is there a second?

Roman: I'll second.

Mayor Cubillos: Second by Councilperson Roman. All in favor signal by saying, "I".

Mathis: Aye.

Mayor Cubillos: Any nays? Hearing none, the approval of the minutes for December 19th pass. At this time, acknowledgment of visitors and special presentations, we have none. I just

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want to thank you all for being here, residents and our planning members, and as well as our engineering firm is here as well.

At this time, anybody in good in welfare that would like to come up with anything? Each member, resident has three minutes. Hearing none, the first agenda item is going to be our financials. I'd like to ask Irwin Williams to please come up and take us through our year to date financials.

Irwin : We're going to taking a look at the financials for the two months ended November 30th, 2017. You should all have the packets. I had a handout for tonight which is updated, everyone should have a copy. I'm just going to go over some of the items, the variances that need some explanation. Again, we're looking at the statement of the end of November.

If you look at the first page with the revenues and we look at our ad valorem, you'll see that year to date as for the end of November was only \$7,800. But you look just below it, in December we [unintelligible 00:04:03] just over \$1 million in the month of December. The bulk of the ad valorem, you'll see when we look at the December's financial at the next meeting, you'll see that additional million dollars in the revenue section.

If you go down to miscellaneous income you'll see there's a year to date of 229,219. If you look beside it, you'll see that that represents 90% of the expenditures from the hurricane that we have submitted to FEMA for reimbursement. When we look down at the public works expenditures and a few sheets, you'll see the offset to that on the other side on the expenses side. What we did here is we set up a receivable expecting that we're going to get back 90% of what we claimed for reimbursement.

Mayor Cubillos: I have a question.

Clerk: Also present for the record Councilperson Dreher.

Mayor Cubillos: Miscellaneous revenues I don't like, I'd prefer there'd be a separate line item for hurricane Irma. Because miscellaneous revenues additionally when I asked for that to be created it was for the moneys that we would raise for events.

Irwin: I had that split up here later on also.

Mayor Cubillos: But is it in that same line item?

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Irwin: Yes. You'll see in the revenues. The miscellaneous, you'll see, I've got a split up for the 80th anniversary split up.

Mayor Cubillos: Yes, I know.

Irwin: But to your general ledger I'll split it out separately in the general ledger line.

Mayor Cubillos: I'd like for purposes of the revenue and for an appropriated line item, if it is separate. There are times that there could be a generous amount of money that is raised, but I need it separate so that it is clearly distinguished. Especially as it comes to hurricane Irma and reimbursement from FEMA, they're really specific. I'd rather be really clear what we have spent, what we anticipate to receive, be two completely separated line items.

Irwin: Fine. Then later on you'll also see a report that shows the revenue and expenditures from Irma year, so far what we submitted detailed line by line. We're going to turn, as we go through all, if you turn to the Village council department 511, two pages over. Two things I want to point out. The executive salaries right now are showing a zero for two reasons.

One is I didn't get all the W2s and I9s in for everyone, are 99s Werner and Omar knows also. Everyone else in January was caught up in January on the January reimbursement, so you'll see it on the January report. The first quarter through October, as well as the payment for the month of January, will be reflected in the January statement.

Harold, did want to point at one thing. We called the FRS and it appears that for council people that are becoming employees, they want that the information we're sending to them, there's a window that they only open every couple of years. We can only put you in at the standard employee rate of 7.9%, until the next enrollment period. Then that would go up to the 38% at that point.

Mathis: Yes. I spoke to them last week.

Irwin: The last time it was done it was 2006, I believe, it was the last open period that they had. It's every couple of years, but should be coming up.

Mathis: Thank you.

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Irwin: If you go further down to the bottom, you'll see there's one line item that we had not budgeted at the beginning of the year, which is for the computers you all received. You can see there that there's \$2,890 that were spent on computers.

Mayor Cubillos: That was budgeted for. That was budgeted for, 100%.

Yenise: It's under administration?

Mayor Cubillos: That was budgeted for under either in finance administration or under the Village clerk. But that was clearly budgeted for.

Yenise: Not under me, it was under--

Irwin: I'll move it to finance administration.

Yenise: [unintelligible 00:07:59] computer that we [unintelligible 00:08:00].

Mayor Cubillos: Is there any way that my last name can be fixed? It's been like that for nine years. Thank you.

Irwin: No problem. Any other questions on Council before I move on to the next? I really have no comments in finance and administration. One thing, I ask the attorneys, would you please ask Mr. Geller to send his invoice in on time? Again they are [unintelligible 00:08:50] following several months behind.

Attorney: Will do.

Irwin: Thanks. No comments on building departments. Village clerk, really, no comments at all, nothing over budgets. Then we go to public affairs, Mayor, where we're going to talk about the department 519. Unfortunately the backup sheets, they're out of place. If you could kindly turn to department 529 and look at the sheets right behind it, you'll see. We're going to start by taking a look at the 80th anniversary.

Now, Mayor, remember you said that you didn't think we had all the revenues run for the event? What I did as you can see, is went in, I put in every receipt, who we received it from. If that does a degree, I'd like you to cross reference it to your schedule and we can see what the differences are.

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Mayor Cubillos: The credits that you have that was raised was 10,000?

Irwin: 10,450. You'll see it individually listed by either individual-

Irwin: -or Corporation

Mayor Cubillos: I'm going to tell you right now what I have.

Irwin: There are some more expenses that have just trickle in, there's about a \$1600 more expenses that will be posted in this coming month that had not been received. The differential will go up by about \$1600.

Mayor Cubillos: Just give me one minute. I have raised for the 80th of 10,950.

Irwin: So really it's \$450 from what you have?

Mayor Cubillos: Yes.

Irwin: Okay, Good.

Mayor Cubillos: Plus cost-

Irwin: I don't know what it is, we'll--if you [Crosstalk] and tell me what it is, we'll try to see where it went.

Mayor Cubillos: Got it.

Irwin: On the event, we can end up losing--it's probably going to be about \$4,500 by the time we're finished.

Mayor Cubillos: It's going to be what?

Irwin: About \$4500 in expense over revenue.

Mayor Cubillos: That's impossible. We had \$10,000 budgeted, we raised \$10,950. According to my list that I received from the clerk, the chief and the manager, we spent \$14,337. If there's anymore invoices than that, then I'd like to know because it's not in my expenses.

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Irwin: What you just said makes sense. If you spent 14 but only took in 10, then you lost four.

Mayor Cubillos: But we raised 10 and we were budgeted for 10,000, so we have a total 20,000.

Irwin: I don't follow.

Mayor Cubillos: In our public affairs budget, there was \$10,000 appropriated for this event.

Irwin: Okay. Now that we haven't exceeded the net for the event-

Mayor Cubillos: Yes we had budgeted 10,000-

Irwin: Fine. We're good, I understand.

Mayor Cubillos:-and we raised 10,950. There's an excess, there's not an under.

Irwin: Good. If we turn the page to Halloween Party, you can see the expenditures for Halloween party. According to what I have in my records, there was no revenue for the Halloween party it was just expense.

Mayor Cubillos: To my side, I didn't raise any money--I don't think we raised any money for that event, no.

Irwin: Any other questions on the Public Affairs part?

Mayor Cubillos: No.

Irwin: Okay, if we turn the page to 539 which is the Public Works budget, and you turn the page as I mentioned earlier, here you will see the report for hurricane Irma where you can see all of the expenditures that had been incurred for the hurricane through the end of November. [unintelligible 00:13:13] 24,640. There was \$346,000 in expenditures.

Mayor Cubillos: I'm sorry, can you repeat that again in public works?

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Irwin: In Public Works, if you look at the next page you'll see all the expenditures for the hurricane, for hurricane Irma. [crosstalk] Right after 539 [crosstalk]. I know if-- [unintelligible 00:13:39] Yes, next month they will I might show this page [unintelligible 00:13:41]. Again, this is a line by line of everything that's been received to date. On the other side, you'll see the 312,000 represents what I've booked as receivable for or expecting to get back from the \$346,000 and expenditures.

speaker 1: Actually, there was a quick note last time at the Public Works Committee meeting about the intern Cash grants. I think I spoke with Robert, I just saw him here but maybe Chris here can speak to it, I don't think we got that grant right?

Mayor Cubillos: No.

speaker 1: We probably need to adjust that number here. The 40,000, I think we budgeted 20,000 and then we were hoping we get the matching grant for 20,000. It shows 40,000 here, so maybe we need to adjust to twice.

Irwin: Yes, I get when we do the major budget amendment, we'll take care of--any other changes we have, we'll take care of all of them at the same time. [Crosstalk] In fact when we get to the point where we're going to have the amendment, we'll have a discussion together and we'll go through each one of the departments to make whatever changes we need to make. Any other questions on the expenditures? If you turn to the very last page you'll see Cash and bank, these numbers have changed dramatically since this November statement.

The reason you see a negative \$34,000 is when we bought the police cars, the accounting clerk did not bother to check how much money was in the account and he just wrote the check so I got a call from the bank and the next day, the money was transferred from the reserve over [unintelligible 00:15:37]. At this point, what I've done is I've transferred money back to the reserve because we collected all that ad valorem. Today I transferred a quarter million dollars back into the reserve so the reserve today is sitting at \$1.2 million now and back into the reserve account. Any other questions?

Mayor Cubillos: No, not from me.

Irwin: I will try to get you the finances of December. I'm working on finishing off for the reconciliations now. For the next meeting, we'll have the reconciliations through December. I

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will also include the special revenue financials for any expenditures and revenues in the CITT funds or Special Revenue funds and the Storm Water Funds, whatever the revenues and expenses are year to date will be included. Werner if you could just--even tomorrow just call Carolyn, she can send you use the W4 and the I9 and you'll just drop it off--

Werner: I actually have the form, the printed-- I know Chris just you sent out the email some time ago, it's just a matter of due diligence.

Irwin: Okay, very good.

Werner: We'll talk.

Irwin: Okay, perfect.

Mayor Cubillos: Any questions for Irwin before we move on? Okay, hearing none, thank you. As we discussed, we'll always make sure that the financials are at every council meetings so that we are abreast of what's going on and covering it at every month. At this time, we'll go to agenda item number two, agenda item number two is consideration of recommendation of the generous extent the administration and finance committee meeting regarding the village attorney and possible action there are on.

At the Admin and Finance Committee, it was discussed where we're at with our village attorney with regards to ongoing tardiness with has relates to contracts as it relates to our Septic to Sewer program that we've been on hold on several areas due to waiting for a legal opinion here or there. I'll welcome the chair at this point of the Admin and Finance Committee to go ahead in further discussion and I want to open it up to the council.

Speaker 2: Good evening everyone. As the Mayor have discuss few minutes ago on that just now, this came up on the--I put this on the agenda for our committee after several months of concern after we did a review with the attorney. Things improve for about a month but we continue to have the same concerns, so the committee agreed that this is something that we should definitely bring to the full council and discuss. As we're moving forward with the village, it's really important that we get things timely, that the operation is not disturbed by one of our contractors who is not getting back to us.

I think that we've sat here, I've sat here now on the council for a year and I've experienced and listened to many concerns. We've been delayed with meetings, we've been delayed with

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decisions, I just think that we're doing a disservice to our residents, to our village and to ourselves. If we're not holding someone such as our attorney accountable, to the expectations that we have, the high expectations that our residents have, then we're not doing our jobs. The committee agreed that we should bring it to the full council and I guess I'll open it to anyone in the committee if they want us to add anything to it before we start our discussion.

Mayor Cubillos: I'll add as well that one of the reasons that led us to revisit this area of conversation is, it's not the first time as chairperson, councilperson Roman of the chair of the committee stated. Last March this was the topic of discussion where we came together as a council and I brought to the council concerns that I had with regards to-- One of the big things I would say is probably contracts. We have gotten into a trend where we practice business without a contract being in place and that's not good government, that's not good business, that's just not the way we need to move forward and do business as. If it's something that I would like to change because I know the residents are asking for it, we can't do it unless the full council is in line with what we're talking about.

What we did last year is in March, we were all supposed to meet with the attorney. I met with the attorney, Attorney Geller at the time and there were commitments made that things would improve. They did probably for 30-60 days. We respect and understand that our attorney is also a state legislator so we take that into consideration as it relates to being late, not being here, not being accessible but I would have thought that by now being in that position, that maybe an associate or another shareholder of Greenspoon because our agreement is with the firm that there would have been another member here that would be well vast in who we are, what we are and what our needs are.

We take back a little history here and Herald who's been here a little longer than I have, even though he left and came back. Our village is different today as to where it was 20 years ago, 30 years ago and 10 years ago. Perhaps the way business was done then was okay but we've reached a point where we have more things pending. We have a lot of vendors that are all tied in together with the projects that we do. Whereas maybe at one time our attorney could say, "Oh, you know I'll get it to you in a week or two." With the council then, I wasn't here. The council then, 15 years ago would be like, "Okay, you know we have it."

We are moving our village into the 21st century and we won't accept a **[unintelligible 00:22:17]**, we have development happening in our town. If we want these things to happen in a timely manner and more importantly in a manner that's going to be less litigious to the

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village, we need to have an attorney present at our committee meetings. That's a recommendation that I'd like to make as we move forward especially public works, especially planning and zoning. But we need to have an attorney who's present. One of the things that I have-- When I say I at the moment, I try to be as fair as possible because I understand we're all busy.

I understand that we sit up here and we are public servants and each of us have different jobs and each of us come here once a month and I understand that we all serve so many different roles. At some point, we have to stop and say, "Okay. What's the priority?" We ran for office for a reason, we want to be an attorney for a municipal government for a reason, we want to be the clerk and the manager and police officers for small towns for a reason. It feels like everyone puts us first, a manager, a clerk, council, police officers. At some point, we have to hold the attorney who's probably the most pivotal role in this entire body accountable as well.

It is not fair that we are working Friday at ten o'clock at night and it happens every month. It happens because we are kind and we are patient and we are generous with our time but as I said we all have families. While I respect that, our attorney has to travel and I respect that he's an attorney when he comes back home and then the villages last so it's Friday before he comes for meeting and the clerk, the manager and the mayor are all on the phone trying to get an agenda done. Can't do business like that.

That's why the residents are not getting it on time, that's why the council doesn't have sufficient time to potentially really review it and more importantly, when you're working at Friday at six, seven, eight, nine, ten o'clock at night, you're inclined to make mistakes because we are human and because we are tired and because maybe we're not home, maybe we're driving home or maybe we're at a restaurant with our husband and our children but we are on the phone with an attorney, we're on the phone with the clerk trying to get these things done because we're team players and we want to help one another.

I think that we've done that for a long time but at the cost of who? I try to be that team player, I try to work with everyone, I try to understand everybody's schedules and times but it's time that the council really takes a look at this because as councilperson Roman and the committee is bringing it to the council- -brought it to the council last year as a real concern because I didn't want to be in this position a year later. No one said anything and by no one I meant the council said anything at the time and that was March of last year.

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It's got to be addressed. I'm not saying that I want Joe Geller to be gone, I'm not saying I want Greenspoon to be gone, what I'm saying is that change needs to happen. Whether we decide to stay with Greenspoon, whether we decide to stay with Joe Geller, whether we decide to terminate the relationship with Greenspoon and move on to another firm but a decision needs to happen because we cannot expect-- I mentioned this to Joe Geller, I realized he wasn't going to be here and I sent him an email and I said to Attorney Geller, "You're an elected like I am and you understand the responsibility to the public and to your constituents." I said, "We can't continue doing business this way, we're just not good government to go into contracts when there's no contract."

It's time that we address exactly how we are going to move forward and how the contract is going to look like and it was who is it going to be? We have to hold the attorney responsible just like we hold the chief responsible, just like we hold our manager responsible, just like a clerk is responsible, just like the council is responsible. I guarantee you that if the clerk or the manager decides to put in their stand in every other month, no offense Jason because I think you are a great attorney. The residents are going to be like, "What's going on here?"

We can't operate that way even though I understand Attorney Geller is by contract is not an employee but there's still a level of commitment. Even with that said, as I've looked at other municipalities as the council moves forward, a couple of recommendations that I'm going to make. I'm not making a recommendation of terminating anything, what I am making a recommendation is three things. Number one, we need to define what the monthly fee stands for. Number two, there should be office hours attached to that.

Our CFO is a contract employee or contract vendor that's in a contract with us and he is here once a week. We know that, so what does it look like with the attorney in terms of a contract and added to that, need to be that he needs to attend the committee meetings because we do business at the committee level and it gets moved on to the county level.

Someone has to inform the attorney because the attorney is not here and the gist of the ordinances and resolutions come out of public works and come out of planning and zoning. If the attorney is not there, then the due diligence goes on the council, on the chairperson, on the clerk, on the manager and then we don't know who does it and then the attorney doesn't get it. Then usually it's the mayor sending an email to make sure it gets done.

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As we move forward and we are busy and we are moving into an area of three developments and we're moving into an area of big projects that we've brought into this town, money that we're bringing in from Tallahassee, it really is time for the council to come together and it's important that the residents who are here understand that we of the council can't sort of talk to us, "Hey you know, councilperson Dreher, councilperson [unintelligible 00:28:35] what do you think?" We have to have these conversations in an open forum and the spirit of transparency to all of you.

At this moment I have-- This is the second time, this is even though came up from councilperson Roman but second time I'm coming to the council, I really I'm coming to you because I can't make the decision alone. I may be the mayor but I'm only one person. For anything to happen and for change to happen, there needs to be a minimum of three of us on the same page to move something forward. If not, next year we are going to be here having the same conversation because we are not really owning up to the responsibilities that we have as elected leaders at least here in Alpo tile. I don't know if the-- I think we have one more committee chair and then I'd like to hear from the rest of the council and then we'll open up for public discussion.

Nickerson: First of all it's good to see everybody out here tonight at the administration of Finance Committee which I sit on with our chairperson, councilperson Roman and our mayor, Mayor Cubillos. We were at the meeting very close to making a decision about the attorney. It's kind of unfortunate that he couldn't be here tonight because

one of the many reasons why we didn't go forward to making a firm decision on him was because I said that I want to hear his side and I want to give him a chance to address these issues that we were coming up with. I'm sad to see that he couldn't be here tonight, that's unfortunate. I did also, as the mayor alluded to-- I did also want to hear from the other two members of the council who are not on the committee because you know all of our voices are equal in regards to that. It's difficult because it's like how many chances do you give somebody and how often can you address the same thing?

I think that just me personally, I would just say this and then I'll close up and open it up if the Mayor is not back, we'll open it up to other council members. I'll just say this, when it comes to committee meetings, I think going for, that's non-negotiable, I think that that has to be done from now on, that our attorney has to be at our committee meetings. I think that when it comes to the building and the office hours, I think that's non-negotiable from now on, I think

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that that has to be addressed immediately. My opinion and I'll just say this before we move forward, my opinion would be that I still would like and I know this is past due, but I still would like to hear from him.

I would suggest, this would be my suggestion that we make our final decision on whether we are going to retain Greenspoon [**unintelligible 00:31:58**] or whether we're going to retain our attorney at the February council meeting. That would be my suggestion, only because I would look at this as a probationary period I guess and justice-- I do believe that when you are considering an individual, you should give that individual a chance to speak for themselves and address the issues. Like I said, it is unfortunate that he's not here and that is not our fault tonight. He should be addressing it here tonight but still, that would my recommendation. Thank you, Madam Mayor.

Mayor Cubillos: I have a few comments to that but I want to open up to the council, then when the council is done, we'll open up for public comments to any residents who's here. We have councilperson Mathewson and councilperson Gerald will like to-

?Matthewson: [unintelligible 00:33:00] I understand where everyone's coming from. Like the mayor said, I have been on here longer than most and I also agree with [**unintelligible 00:03:16**] I'd like to hear from the attorney. I did have a brief conversation with him, when I saw this on the agenda. I do believe that he is in Tallahassee but I would like to hear from him as well. I think you can go now.

?Gerald: Okay, thank you. I agree with the rest, with the Vice Mayor. I understand the Mayor's point as well definitely we have upcoming projects we're looking to move forward with our village especially with our infrastructure projects, but I definitely would like for him to be here as well. I reached out to him and to the same comments council person Herald mention that he's in Tallahassee right now but it will be great at least to get his point of view at least he will know what we've discussed like perhaps our Vice Mayor said it will be great for him to be here and Jason you can perhaps relay the message and take it from there.

Mayor Cubillos: I have a question. Joe Geller knew this is on the agenda. I know he knows because many people called me and asked me why is he being fire. I said he's not and I don't make those decisions. Did he give you--did he tell you anything to tell us because he was very well aware of the topics, he saw the agenda as we were working on it on Friday at 10:00

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at night, so I know he's seen the agenda. Few of his colleagues called me and asked me why was he being fired?

With that said, actually at the Admin and Finance committee, it was my recommendation not to make the motion to recommend the termination, it was my recommendation to come to full council because I wanted to hear from him, so I would hope that if you can't be here because he's in Tallahassee that he had and I do feel bad for you Jason I hope you're taking really good notes and inform him of everything that's happening. I know there's nothing personal, I think you're fantastic, but did he tell you anything? Again, he was well vast on the agenda and what was going on.

Jason: [unintelligible 00:05:34] first of all, good evening everyone and thank you for the clear communications and the feedback, that's always important. I did speak with Mr. Geller about all the parts of our agenda tonight and propose resolutions and other issues that aren't even on the agenda tonight but clearly on future agendas. Here's what I'll say because I was listening closely to some of the concerns with regards to having office hours here, we're attending PNZ meetings or public works meetings. But absolutely Mr. Geller I spoke with him about that, that could certainly be arranged with these, we have over 200 attorneys at the firm.

A lot of attorneys with in-depth experience on these issues. I have a lot of experience with these issues. But certainly with coming to if there's a specific meeting you wanted Mr. Geller, him personally there, he indicated that that could certainly be arranged as long as his schedule allows, or if you want someone here in office hours, not a problem at all that he could even designate a deputy village attorney per se, a recognized attorney staff member like other municipalities may have obviously.

You're not too get too many-- into many details of billing or rates but that's something I think that he obviously had a discussion that would have to be had as far as that something that might be more on an hourly basis but at a very reasonable rate. I don't want to get into the numbers but he made it very clear to me that that is not a problem at all and that we would love to help out with that as long as there's a strong discussion and communication about that. I know for a fact that that can be done and that his schedules, as long as you plan ahead, there's a way to do it, that could be set up rather easily.

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I heard those points and I know that he's certainly open to doing that as far as certain things come up to last minute. I know this particular, those are matters today that he received some information on Friday afternoon which started the chain reaction of him working late and communicating with the [unintelligible 00:07:47]. I certainly believe that he expresses this, he has been here a long time, and how much experience he's had. How much he cares for the village and the residents of the village.

I've known him for some time where he certainly cares deeply about doing the right thing and keeping the city and the village in a very good position and the council in a good position legally. I certainly think he's a very good person to do it, but with those concerns, I heard them loud and clear, that certainly can be worked out.

Mayor Cubillos: Any other comments from the council? I will add that I appreciate all that you said, none of this is new to attorney Geller, this is not the first time this is being brought up. Knowing him as the professional that he is, we've asked for there to be a coordinated effort because I understand we all get busy and we can't always get Joe Geller because we always have other things to do, but we need an attorney we're a priority because I understand in your state legislator, like no one would elect me the Mayor if the village wasn't a priority to me even though I own my own business, even though I'm incredibly busy on a personal level, but the village of Alpo tile is my priority and I make it my priority.

When some of the residents calls me or the village calls me, if I can't be there five minutes, I'll be there in 15. I don't expect the attorney to be here in 15 minutes, but I expect him to be available and I expect him to have things done in a timely manner. That's nothing new in municipal government and someone who's been in municipal government for 26 years as attorney Geller would know that. What concerns me and again I'm all for a conversation, I've had this conversation with Joe, this is nothing new, I actually--not only did I extend out to him in a phone call, I put it all in the email to him because nothing-- none of this is really new.

Again, when you have institutional knowledge, not only with a town but just in municipal government, you know what good government looks like. I would like to know how that's going to change when it should have been like that already. I mean for me to be able to be okay with this, I need to know how are we going to wake up one day and all of a sudden this is going to be important because that just doesn't happen overnight. That's a concern to me. For preview to the council, because as the mayor you're more involved in certain areas of

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contracts and so on and so forth but -- and as I pointed out in an email, it's not just [unintelligible 00:40:22] contract that we waited five months to happen. It's also the planning and zoning contract that we waited one year. We're doing business without contract for one year. It was waste management.

Right now, PBA, we're four months behind. It's a trend that it seems to be okay that everything else has to get done but the village of El Portal contracts have to just wait. I'm not okay with that. I'd like to think that my council is not okay with that. You can't be. Guess what? That's opening us up to some litigious problems. We were operating without a contract? That's a problem. As an attorney, and I'm not one, but as an attorney I would think that you would know that. That was one of my biggest concerns that I put in an email.

To me, how that's going to change from one day to the other, I'd like to know that to feel more comfortable. I am going to open this up to the public. Decisions are not going to be made tonight, but I'm going to make sure that when before this council makes a decision that every resident out there that has come to me is going to be present here so that this council knows what they want. This is not about what we want. It's about what the residents want. But it's not really what we want, it's what's best. We're in January of 2018 and as I told him on an email, and I'm going to tell you, and I'm going to open it up to the public. I don't see many residents here this evening. As see only about four, five maybe. If that cannot go on like this and I'm really serious.

If the council decides to stay with him, I'm going to make sure that every resident notes that you all did that and I didn't. When we don't have contracts in place, when we're operating in a manner that we shouldn't be, I'm going to make sure the residents know that because it is wrong. It is completely, completely wrong and I cannot -- and guess what at the end of the day, you know what the residents are going to say? They're not going to blame attorney Geller. Guess who they're going to blame? They're going to blame the council. Guess who the attorney reports to? The council.

If we're allowing our employees to behave like that, and again, "Hey, I like you. You come to our five case. This is nothing new. I really hope you're taking good notes because you were thrown in this." But if I'm a state legislative I'm an elected leader and I know I'm busy, I would've appointed somebody already. I would've appointed an associate. We had somebody called Alicia Luis. She was fantastic. I don't know what happened to her. I don't expect Joe

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Geller, but I expect an attorney who knows who we are, what we are, what we need and in a timely manner. That's what we expect. That's what we pay for.

Hey, guess what, if we got to pay a little more a month, we will. But you got to show up and you got to show up on time. You can't tell me you're in Tallahassee and you can't tell me you're in a trial and you can't tell me any of that. If we did that as a council the residents will not vote for us again. If there's no council comments I'm going to open it up to the public.

Speaker 6: I do have to give more comment, if I may. I echo everything that the mayor has to say. I think what's most frustrating to me is that not too long ago during a review, I personally reviewed every single concern with Geller. To me, not to see any type of change, because the mayor did say there was a change for maybe a month or so, I personally didn't see a change at all, it's just a slap in the face. This is not new. I'm new on this council. I've only been on this council for a year, but I've been a resident of El Portal for 12 years. I've been an active resident of El Portal for many of those years.

I've attended many council meetings as a resident. I've seen Joe Geller fall asleep. I've seen Joe Geller delay other projects such as the old trailer park. I've seen a lot as a resident. Now, sitting up here, I do believe in giving the benefit of the doubt. It's been a year I've evaluated and to me this is not the way to move forward. To me, if I did not bring this up as chair and if I do not speak up tonight, I'm not doing my job as an elected leader and as a resident, as I want this village to move forward. With that all in my comments but I'm very passionate about this subject because it's something that it's not just a year ago, it's not just two years ago, this is an ongoing subject for many years. Thank you.

Mayor Cubillos: Council [unintelligible 00:45:01] did you have something. Somebody has something.

Nickerson: [crosstalk] Yes, I just want to say, as I said before, I think at the February meeting this should be addressed whether, I think in this be relate to Mr. Geller, Attorney Geller, that even if he is not able to make the February meeting, this is going to be dealt with at the February meeting whether he's here or not. The February meeting will be his last chance to be present here and to make his voice heard and if he just can't make the February meeting we're going to go ahead and then make our decision.

Jason: I certainly will convey all this to him and I appreciate it.

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Mayor Cubillos: Thanks, Jason. Councilperson Dreher.

Dreher: Yes. There were couple terms that were thrown out. Joe Geller's name, Greenspoon. Few questions here for the folks that have been here longer than [unintelligible 00:45:52] and I have. Is the contract specifically with Joe or is it with Greenspoon? Well, if the relationship's not working with a specific council-

Mayor Cubillos: Yes, you're right. It's the agreements with their firm and the assigned attorney is Joe Geller. If we decide to stay with Greenspoon we can clearly identify if we have to through a series of interviews and then there's a process for that, but it's with their firm.

Dreher: Sure. Then just to set some direction for the upcoming meeting and because we go over with the clerk as far as setting up an agenda, so do we want to already set this agenda item for the upcoming meeting and specifically what's that going to be? What's going to be the topic? Should we remain still at H2 with the same verbiage or do you want to further get -- since now when you guys brought this to the council meeting it was just the finance and admin. Now that we're all as part of the council, do you want to review this H2 wording and perhaps we can get more clearer direction as to what we're moving forward? Whether it's going to be Greenspoon or is it going to be Joe Geller, that will be great.

Mayor Cubillos: That's excellent. That's exactly what I was going to- -the last point, what I'm going to do, Councilperson Dreher so I'm going to open up a public discussion and then after we hear the public we come back and then the council can make -- do we want a motion of this exact thing? Do you guys want to alter it and then you all make a motion and then together? Now that we've all heard it and we've all talked about it and then together we can say, "We make a motion for this agenda item to go to February exactly as is or make a motion for us to amend it to look like this." Does that answer your question? Yes. Okay. Any other questions?

Dreher: Not me.

Mayor Cubillos: Council Mathis.

Mathis: I'll wait until-

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Mayor Cubillos: Okay. If there's no more comments from the council I'm going to open it up to the public for residents to come in and make a comment on this particular agenda item only. At this time I'm going to close the council meeting and open it up for public comments. You can come up and talk about this item. Come to the podium and name and address for the record. On this agenda item only.

Hugh: Hugh Godwin, 400 Northeast 85th Street. Okay, I'm very glad that this matter came up and everything and I agree with what you said. I wanted to make two additional comments and one question. El Portal is just by a virtue of being so small, it's one of our strengths but it's also puts huge additional burdens, I think, on you, on the council, on the full-time staff and particularly on all the people that work for the village and consultant type positions or positions where the village has to hire someone to fill a position like our chief financial officer or planning office department.

Those things are all consultants and I think it creates an unusual situation for both the council and puts a tremendous extra burden and responsibility on the other people. Normally with this type of government, with a council manager type of government if this was a big village, each of these areas would have a full-time official in the village. That would be their department and a lot of things that the council has to do business that gets transacted at committee meetings probably could be delegated and you're under tremendous handicap because of the sunshine law and everything else. The reason I'm saying this is that it puts special demands and I think it takes a very special kind of relationship with the attorney. I guess all I'm saying is one way of looking at it would be one problem with Joe Geller is simply that is a very prestigious person and has tremendous responsibilities and that may just be the kind of attorney that would work best for the village would be someone who was functioning more, as on the council for only one year a long time ago. But at the time it happened, we had a wonderful attorney. Who even though he was in a big firm was-- the village was absolutely his priority and he was available all the time. I think now may be the case that you want to get somebody who's really good, really vast in working with government things but maybe not quite so prestigious.

I'm sorry. I'm talking a little too long, I'll try to be the only one more minute. I would say that the next council meeting, it's really important not just to decide the matter of Joe Geller in this firm but to maybe have a discussion about exactly what kind of attorney you want. I mean, what kind of relationship, I mean these things like office hours like availability and things like that. If I'm getting into some legal problem for example and I hire an attorney

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hopefully it won't last long but it's got to be someone when you're in a situation where you're running this village in total real-time, totally your time, not able to talk to each other because of sunshine and the attorney has to fill that gap.

He has to make things happen. You need to individually think about what you want your attorney to be and include that in your discussion. That's point one. Sorry it's a lot. Point two I'll be much briefer but it confuses me about the position of the attorney because the attorney is a position that's named in the charter. Our attorney is Joe Geller but the contract is with the firm. I can see how that would work out and we could pick somebody else but it's always troubled me a little bit because Joe Geller is also an elected representative, which is good.

He knows about that stuff and that's wonderful that he has that position. It kind of worries me a little bit because I just feel like he's functioning in a political position. He's involved in activities and state politics which are wonderful, good. I happened to supported him a lot of times but I also feel like there's a potential for conflict of interest given that he is not just a hired attorney of the firm but he's a person in our charter. I'd like you to ask, I don't know what the answer to that is, maybe it's just a problem to me but I'd like you to think about that also. Thank you.

Mayor Cubillos: Yes. I'm going to make three comments to it. The village attorney is defined by charters or require position, yes, but it is by the firm because cheques are made to Greenspoon. If it's something that is legally not right then I would think our attorney would've let us know that already. The other point I wanted to make is, I agree with you, with regards to being an elected and being an attorney. I've spoken to many Mayors out of the 34 cities here in Miami-Dade County. Being in that role because when you're elected and then you're also the attorney in the town, sometimes you forget the role you serve.

You got to remember you're not elected, you are elected but not elected in that town that you're the Mayor in. I completely agree with you and it could be contradicting in some issues. For example, I may be the [unintelligible 00:54:21] ordinance when at a state level you could be somewhere else and locally your recommendation could be differently so I've taken a look at that. I'm sorry I agree with you and I hope that the way forward hopefully perhaps be with an attorney that's not elected. I would strongly recommend that. I'm not saying that's still in GreenSpoon but that might be a better direction for the village as that's something I've been advised through other Mayors in this town.

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The last point is, you know what, we are small but we have a lot going on. It's not unheard of for the attorney to have office hours because and a lot of municipalities they do. It just has to be well defined in the agreement from the beginning. It's not to say that you have to be here Monday to Friday 8-10 but it can state that you're going to be here one day a week. At least we know what that one day so if we need anything, [unintelligible 00:55:09] it could be Monday, could be Tuesday, could be Wednesday.

That's not unheard of. Let's say you get a big-time attorney, it's also not unheard of for them to appoint the deputy and that deputy maybe the one that's going to be at the municipality all the time. It doesn't have to be the attorney but it's got to be someone who's well vast, well knows what who we are, what we are, what's going on and can answer any questions and say anything or anything in that nature and can sort of identify what's going on. That's not impossible, it's not unheard of to have an attorney to have office hours or days. All that, as long as it's properly done initially in the contract when you hire a firm or an attorney, to my knowledge and to what I've read and to what I've asked through other attorneys who are village attorneys and other mayors, it's not a problem.

The thing with small town is that I think that's where gets the best of Joe Geller because he has been with us when we were sleepy small town 26 years ago that he forgets that we're not that town anymore. We have residents that are really savvy, really smart and they want stuff done and they want it done today. It's not happening. It's not happening because we are government and things doesn't happen overnight, it happens over time. At the same time, we can work a little more together, it can happen a little quicker.

We're not that sleepy small town. We need an attorney who's well vast in development, well vast in land use, well vast in a growing department like the police department that is going to keep us out of an illegal matters. We're not going to be the city of Miami, we're not going to be El Portal of 26 years ago. The El Portal 26 years ago, the way we did business then was okay. But it's not okay anymore because we have a lot more going on. We need someone that's aware of the little farm, what's going to come up, and how's that going to affect traffic and what's going to be the land use. How's that going to impact maybe all over Florida? Someone who's engaged and really excited about what's happening here and wants to be a part of our growth.

I hope the council does keep in mind too when we're thinking about that attorney because you want somebody really experienced but then you want somebody whose like us. We are

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all eager, excited and we want things to happen and so on and so forth. It has the emulate. The attorney, the manager, and the clerk work for the council and they have to really execute our vision and our mission. If our mission is one to be forthcoming and progressive we need that. I would think that the council is going to select someone or want someone that's going to carry that out. **[unintelligible 00:57:35]**.

You want to say something? Name and address for the record.

Anders: My name is Anders Arbong. Address is 460 North-East 89th street. My time is short I will be brief. [laughs] My time is so sure that I'm here and **[unintelligible 00:57:54]** but she sent me to speak on one of the next topics. This I was interested because I don't know exactly how long a relationship we were talking about with the attorney. How many years is it?

Mayor Cubillos: He's been here about on and off 26 years.

Anders: Okay. It sounds like the village is more or less like in a bit of transition into next phase of development, things like this. Is that kind of general description?

Mayor Cubillos: Yes.

Anders: My background in hospitality in terms of hiring. Everyone wants to say hiring-firing. But really, it's hiring. If you're firing is because you're hiring. It sounds like there's a need for an attorney that fits in a little bit different dynamic than what is being needed in the past. My suggestion would be very much along the lines what the gentleman first comments were regarding understand what your goals are, what you want to have out of that position so you create the goals you are looking for and when you are looking for that person you'd be looking at the experience that they have as supposed to essentially **[unintelligible 00:59:05]**.

Might not be the person who is-- they might not have the same resume, the same level of resume, but they might have the experiences speaks towards really where a niche village-- so you have niche projects we are now talking. It's a little bit different than a larger community again as the gentleman said so. Then in terms of right office hours and things like this, it's part of the goals. That's one thing I want in this position so that's part of a structure and then you go and seek that.

I wouldn't be surprised if it takes you 60 days to come to that arrival because if it's just the February meeting where you're essentially finishing the vetting process of the current

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situation, you probably want to sleep on that as it were to the next meeting as opposed to making a decision in the heat of the moment. I imagine how that might be at the February meeting. Instead of having a heated reaction to that pushing and knowing that that might get pushed to March allows you the time to plan and now you have 60 days to go out and see who you could find and you might fit that position that you're looking for. For me this seems to be almost cut and dry personnel hiring situation as opposed to anything outrageously dramatic, right?

Mayor Cubillos: Can you repeat your name for the record, please?

Anders: I'm Anders Arbong. If you've ever seen workaholics, I'm the daredevil. [laughs] Then I've got comments on another topic but I will wait.

Mayor Cubillos: Thank you, Anders, great seeing you. Any other public comments from residents on agenda item H2?

Noel: Good evening. Noel Pace, 286 North West 91st Street. Mr. Silver, I've known John Galer for 10 years okay? Good attorney, very nice guy, very good to me. Came to our wedding, all right? We're friends with Joe, all right? As a lot of people are. The thing is, though, is that, there's a difference being friends and doing business, right? Even if we're great friends, if we're not getting the business done and that's what we're here for, it becomes a problem. Right now El Portal is transitioning. It is not the little sleepy town that it used to be. The term 'the little firm', hey, if you go walk over there it's not little.

It's actually a huge piece of property in terms of Miami size now and so it's going to be greatly developed I would think. Same thing with the sanctuary, same thing with these things. You and I both know, we're both lawyers, we know that from a responding [unintelligible 01:02:05] piece, Joe, the firm is the attorney for the village. A firm just like a corporation it's an artificial person. Even if it says it's a person in the charter, the firm is making that representation. If Joe had that 26 years experience, hey, we know there's great people like you, okay?

How comes there hasn't been a coordinated representation that could take place? I think the mayor outlined those parameters today. I think I would definitely recommend going back and sitting down with him. I do think that the political ramifications of some of the stuff, there are some conflicts of interest there that probably need to be looked at but overall, no one wants to

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fire anybody. I agree hiring is the key thing, all right? There's a big cost to change and firing but at the same time, we got to get this together, okay? It's not reasonable to have people work till eleven o'clock at night because this is the last priority of the day.

Try to come up with a reasonable proposal, okay? A few hours each week, co-related with one of the financial guys there, when the mayor's available, when the clerk's there, when the mayor's there so you, guys, can achieve an economy of scale to get some things done. I think that that's probably the best way forward. I know you guys don't want to lose this account. No one does. You're being a good sport here.

I know you're taking it right from the grill a little bit. But that's okay. That's the job, right? I empathize with the council because they're-- let me tell you, the people want stuff done. There are savvy people who live here now, investing and want to buy properties and so on and if they can't get the business of the town done it's a problem. That's my public comment. Thank you.

Mayor Cubillos: Any other public comments? Okay. Here we now close the public comment and open it up back to the council for agenda item H2. At this time it's been recommended for this item to be considered for the February meeting by Vice Mayor Nickerson. Council Person [unintelligible 01:04:22] may have had a good point to ensure that whatever we move forward is one that we're going to take action thereon. It's going to be a continuing discussion or are we going to make an amendment so that we go in in February we have a better idea.

We are talking 30 days. I would be very open and I'm quite sure the council will be too. I think there's going to be a special council meeting [unintelligible 01:04:49] for an item the second week of February there may be, right? I think for public works. I think so something. Okay. I'd be very open if he wants to attend, if we want to have either a special admin and finance committee meeting where he can be here, if he wants to talk about it at a special council meeting, so that we can identify some and target some areas there so that when we come to February we're a little better prepared to make that decision as a group here. But that's my take and I open it up to the council and their recommendation for the February council meeting.

Speaker 3: If I may and I appreciate members of the village and I agree with them that and the mayor that it would be great to identify some core important priorities that we're hearing

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tonight. I can convey them [**unintelligible 01:05:44**] about them extremely quickly and know where the priorities of the village are from tonight. I definitely think that will be great.

Mayor Cubillos: Does the council have any comments?

?Mathis: I was going to make a comment before we open it to the public. I'm going to suggest that we send it back to committee, the committee comes up with the guides of what they're looking for. I know tomorrow we're probably going to get all calls from Joe because I know it's going to get back to him and all of us are going to be able to talk to him individually and address our concerns once more and I think that things will change.

If not then we will have to do what we need to do but I think February is too soon. I would suggest, I would say March. We've run this race before but now if we have it stringent on what we're looking for, what we need to progress and move forward with our attorney and what the needs of this village is, then there is no questions about what the end result will be and that's just my take on it.

Mayor Cubillos: I'm going to agree and disagree on that. I'm okay with a March decision but I'm not okay with it going to committee. This point is not a committee conversation it's a council conversation and it needs to be open.

?Mathis: Well, it's a committee recommendation, so.

Mayor Cubillos: Adding to that I would keep the March decision but I want Joe's comments in February. He has 30 days to know that he needs to be here. If he can't make it in his schedule in 30 days that he's got to be here in February and address us and the residents on this matter, then that's a conversation in itself. He's got to be here at the February council meeting, we address it as an agenda item with action thereon, and then at the March we make a decision. However, there's two months. That's 60 days.

Within 60 days, this is what I know it's going to happen. Because guess what's happened in the last three, since this is been on the agenda. Everything has gotten done. I asked the council that do not make your decision on what he's done in 60 days. In the last four, everything we've needed to the exception of the PBA contract has been done. I'm going to tell you what was truly interesting. He's done it all and I get five calls today because I'm expected

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to sign it all in five minutes. No, I don't work that way. I need more than five minutes to sign agreements.

?Mathis: Then why are we giving him the opportunity?

Mayor Cubillos: I say this to say I asked the council I agree out of respect because he is not here and all of we are mentioning that and I agree he needs to be here. I asked the council that whatever decision is made cannot be based on his 60 days performance. Because I guarantee you that in the next 30 days, everything you all need is going to be done and it's going to be done in a very timely manner which goes to show me that it can be done. We're not that busy or we have people that we can delegate to and you need to tell him that because I will. I asked the council, we make decisions together.

Mayor **[unintelligible 01:09:21]** doesn't make any decision by herself because I get nothing done with one person. So I'll repeat it again before I move forward, let this decision not be one reflecting on what he's done in 30 to 60 days. It's got to be truly one on what we have received in the last, for some of us two years, three years and so on and so forth. I want to hear what Council Person Drey has to say. I would like the decision to be in March. I'd like Joe Galer to be here in January it's my recommendation. He needs to be at his Ps and Qs and if he can't do it, he needs to find somebody to do it.

?Noel: Listening to a couple of comments from the residents

Mayor Cubillos: and as well from the council, in order to set a productive meeting for the upcoming especially when he's going to be here, he's basically going to tell us, "Okay, what what does the council want? Do you want from me more office hours?" Like Noel was saying. No one wants to get fired, right? Do we want to put that specific into the agenda? By the way **[unintelligible 01:10:264]**.

Noel: **[unintelligible 01:10:31]**.

Mayor Cubillos: **[unintelligible 01:10:33]** Do we want to move forward? We understand the village is going through a transformation, right? Now we need more hours than what we had planned 26 years ago. What are we saying? Are we saying we're going to need- by the way, Joe, we're going to have some presence from legal counsel two hours three hours per week in order to work efficiently more closely with with Christian and our vendors. Is that

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what we want to bring up to him? Or are we saying by the way- because those points were brought up to us. Well, we're in the middle of transformation and we acknowledge that.

The way that things have been running as of today with that same old model it's not working for us. Whether it's Joe's fault or whoever's fault it's not working. We need to start with that model and we got to come up maybe like Matthew says, bring it up to the Finance Committee, think about how that model is going to structure and then we bring that proposal to Joe and say, "Listen, Joe," or, "This is not working."

This is in consideration like Noel said, no one wants to get fired here. At least we bring that whatever model what they want at least I haven't heard it. All I heard was we have a transformation going on in the village this is not a village from 26 years ago but I think as council we also need to set that direction [unintelligible 01:12:01] model right? There's also like one on one email conversations like Noel said on people being up to eleven o'clock but we don't have that visibility, right? I did with my due diligence that was brought up during the Public Works meeting. We worked with Steve and we brought that up.

I would feel comfortable as a council setting what is that future model from our legal counsel and make that proposal. Whether Joe can suffice that then we move forward if we can then--

?Mathis: I agree with Council Person Drey there needs to be a written plan but I want you all to remember something because a lot of us have a short-term memory. In November when this fiscal year started, I said that I want to have weekly meetings with the attorney, with the finance director and the manager. Happened once. Now the difference and I agree with you there needs to be but that was identified. I clearly said that to get things done and to be more effective, we need to meet. I meet with the manager once a week because I don't have time to come in here every day and I don't like to bother anybody.

So I like to have a set meeting I come [unintelligible 01:13:13] I come in I try to meet with [unintelligible 01:13:15] once a week because I know he's here once a week. I said the same thing with Joe and we achieved it one time. I have no problem revisiting what I suggested back in November when the fiscal year started and saying there needs to be-we're not going to make it too complicated because we're not going to go from nothing to a lot. I think once a week is sufficient. I think if you can commit to meeting with your mayor, manager and your CFO once a week.

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It's been suggested now. I didn't put it in writing and I think it's on my mayor's report but I'll put it in writing. But that was suggested. The second thing, Noel, you're not privy to all the emails but I want you to know something. The mayor approves the agenda. That's how governor works. You all got the agenda at 11:30 at night and the residents did. That has to tell you that your clerk was working at that hour. Aside from your mayor setting and approving the agenda before it goes out to the public, who puts those items on the agenda? The attorney, because there's resolutions and ordinances. If the agenda is not going out by the clerk it's not because of the clerk, the mayor, or the manager, it's the attorney.

An attorney is in a professional position. It is their job to tell us what we need. It is their job to really tell us their expertise because they're the attorney. That's somewhat the difference. I agree. There needs to be a written plan. It needs to be identified. I would prefer at this juncture for it to be identified at Council and not a committee because it's gotten past committee. The committee agrees we need to do something.

I want it to be a full-blown council because of a council meeting more residents comment, it's a more a back-and-forth conversation, it's more open and I think it's a little better and it allows all of us the opportunity to really give our opinion. Five of us can put an opinion better together than three and at the end of the day everything moves through the council, okay? I agree there needs to be written plan.

Mayor Cubillos: Perhaps-- I'm sorry.

?Mathis: Go on.

Mayor Cubillos: To the mayor's point about staying up until eleven o'clock, maybe we can bill into the contracts by the way. This is our standard procedure that the clerk needs on Wednesday, right? Just--

?Mathis: Council Person Drey. But Council Person Drey I have to interrupt you, because the mayor stated in December, and it's in writing, everything has to be, I don't mean to raise my voice, but everything has to be to the clerk the Wednesday before the meeting.

Mayor Cubillos: Okay, but let me finish--

?Mathis: It is in writing, it is in black and white, and can I tell you something else I did--

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Mayor Cubillos: No, I understand.

?Mathis: -and you're not in copy?

Mayor Cubillos: No, I understand.

?Mathis: Two weeks ago I sent the attorney an email. I didn't put you, guys, in copy because I'm not allowed. I put the manager, I put the Clerk and I put the CFO I [unintelligible 01:15:54] put them all on copy. I took the time to write a page email to the attorney with every resolution from Public Works and Planning and Zoning that needed to be in this agenda and I asked him to please give it to the clerk by close of business on Wednesday. Last Wednesday was the 17th. The clerk got it and every day I emailed and actually [unintelligible 01:16:17] was on copy. We didn't get it till Friday.

We got an email that said, "I'm traveling," then we got an email says, "I'm in court," and then finally he called all of us, and by all of us I mean the manager, clerk, and the mayor, at seven o'clock on Friday. To all due respect, this is every month the Friday before the council meeting. That's why I said that parameter in December, that's why I put it, and I said it on the record, and Joe Geller was here. I set it on the record, there was plenty of residents here, I have the mayor's report and I said it I am not going to allow any more agenda items to be late because you have those residents that email the clerk and they get really mad because the supporting documents are not there .

Then it looks bad on the council. So I said no more. If it doesn't make it by Wednesday it's not going to go on the agenda item. Then I have Steve from Pannonia thinking, "Oh my god, if we didn't get about Wednesday but we got to get these in the item." Out of respect to the projects, I've allowed all the items to be on the agenda. Technically, as a person that approves the agenda I could have said no to everything because she didn't get it on Wednesday. Instead I said, "Okay, you know what, once again I'm going to feed the bad habit." The three of us work until seven, eight, nine, ten o'clock on a Friday .

Mayor Cubillos: Okay, I agree to your point-

?Mathis: All that has been said.

Mayor Cubillos: -that you've posted this information, you've communicated to him verbally. But to the point that I was--

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?Mathis: Written.

Mayor Cubillos: Written as well.

?Mathis: I don't verbal I do written.

Mayor Cubillos: We've just made a comment that we have a contract with Greensburg, right? Okay, let's build this as so lays into the contract. If you don't meet by this time there's penalties. There's stipulations you can bill into contracts. All this it's part of that model. By the way, now we're operating on this procedures having the information and **[unintelligible 01:17:59]** you know this you work with contracts. We need to be specific, lay out those terms that we're looking and that's going to help build our future model for making sure we can move forward with our projects or legal aspects. We are all on board and we were cohesive without everybody being clear with. So.

Speaker 5: May I.

Mayor Cubillos: Yes.

Speaker 5: From everything I'm hearing, everything we've been discussing because obviously this conversation we're having tonight is not new. I do believe we already have the goals defined. Why do we need to continue to drag this out? Here's a trend that we have here on the council. We bring something up, we discuss it, we think things are personal, we care about people's feelings. It's not about feelings. This is nothing personal. This is business. But our trend is we discussing, we want to move it. It's two months, three months, because no one wants to make a decision. No one wants to be the bad guy. It's not about being a bad guy. It's about doing your jobs, doing what you were elected to do.

That is why I'm so passionate about this. Because I may just be sitting here, and I'm going to repeat myself, for one year but I've been at this village for 12 years. Coming to many council meetings as a resident. Council Person **[unintelligible 01:19:38]** probably the newest resident. But you've been here for a long time. You, used to come to the meetings. You, are aware of what we're talking about not only as a council person but as a resident. Vice Mayor, you've been on this council for a very long time. You, too, know.

Mayor Cubillos: You have a history, you know the history of the little farm. You know all of that. Lastly, Mathis. You, do the same. Why do we need to continue to give the 60, 90 days? I

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understand we need to at least hear from him. He had his opportunity. We did a review. Every single thing that is being discussed tonight was discussed at that review. The mayor has brought this up several times as well. We've identified that we wanted to find the monthly fees, we want office hours at least once a week and we want him at committee meetings. The rest, if we're hiring a professional attorney, that professional attorney should know what to do.

If we're hiring someone who has government experience, that professional should know exactly what to do, should guide us. In one year I have not received one telephone call from our attorney. Not One. Why? I'm a council person. He should bring things up to my attention. I asked him if he can be forthcoming, if he can tell us especially with us that are just getting on the council. I didn't get that. I still have not received that. I do believe that we have very specific goals already and I do believe that moving forward- and it's not about if our contract is with Grinspoon, fine.

Maybe he comes back and maybe we have a proposal as to how we're moving forward, what attorney we're getting, what those hours are going to be and so that person can be here for those committee meetings, that person could be here once a week and define what those fees will be. Maybe that's what we decide on at the February meeting. But, personally, I don't believe that I want to sit here and sit at the council and continue to have Geller be the person representing us. Because he has not been representing us. He has not been doing his job. I have no problems with any other attorney at his firm.

Obviously, we got to do our due diligence and figure out if that's a right fit for us because it is about the hiring. But that's my personal opinion. That's how I think we should move forward. I don't see why we need to continue to bring this up, leave it the same way, discuss it in February, come back in March, make a decision. What's that decisions going to look like, the goals are there.

Speaker 2: If that's the case, then why is it written this way? If that's the case, why don't we just go to Grinspoon and say, you know what, we don't want Joe anymore. We need another attorney to come in and start from that point on.

Mayor Cubillos: It's possible action thereon.

Speaker 2: Why aren't we doing that now? [Crosstalk]

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Mayor Cubillos: I haven't asked for a motion. There's got to be a motion to move forward and we're just still talking.

Speaker 2: I know, but we're talking about Joe Geller. We're not talking about the firm. At the end of the day, it is the firm. We just have Joe Geller sitting in that seat. So not taking anything personal, let's put it on the firm.

Mayor Cubillos: I'm going to say I agree with Mathis but I want to point out something that Council Person Roman said that I am going to agree on and I'm actually going to agree on because we've all done it here. Those that don't want to make decisions just like we are allowing Joe sit there. We do that because we don't want to make decisions but you know what we all sit here we got to set-- with all due respect, I don't mind putting contracts in place. I deal with them every day, I've owned the business for 10 years but if I have to tell a professional attorney what to do, that worries me.

I know that I have to put a contract and what you got to get paid and what the retainer is going to look like and how much of what it's going to cost the village and if you're going to be here once a week or what have you, but I'm not going to outline like you got to get a contract to move a certain-- You need to know that. You need to know that if there's not an executed signed contract by the mayor or manager and we're still doing business with that firm, that the village is in liability. So I don't feel comfortable. I feel that that's not needed and, Council Person Drey, you're right but I've done it and it's all in writing.

With that said, I agree with Council Person Roman that we have to stop backpedaling and we need to put our big boy pants on and make a decision together and if Attorney Geller is going to be at Grinspoon then we make the decision. We're still on Item Two, you can make a motion to make a recommendation to move a specific way and if it passes, it passes. It's based on the council right now. I think we've talked about it for almost an hour now, like an hour and a half. Is there a motion for H2, whether it's amended, whether it's completely different, we're discussing the village attorney with Grinspoon Mater, is there an action that the council wants to take and move that action?

It doesn't even have to be moved to March, just by the way. But we do need to make a decision and we have to stop being worried or what's going to happen. It's the best for the village. Whatever is bad, nothing is personal. There's got to be a motion **[unintelligible 01:25:52]**. If you read the charter, I don't like to say this but attorneys can be removed and an

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interim can be pointed in one day to the other. If you don't want to say that I think we're going to appoint new ones until-- There's many different avenues but the council, you, just need to figure it out and what's good for the-- If there is a motion to be made and let's move it forward. Whatever the world the council is, I'll leave it open to the council.

Speaker 2: I move that we stick with Grinspoon, revamp the contract, and have a new attorney come in. At the end of the day, It's a great firm. They have tons of attorneys and like you mentioned Alisha Lewis, she was phenomenal, Jason also but that would be my recommendation, my motion.

Mayor Cubillos: I want to discuss the motion but there's got to be a second [unintelligible 01:26:50].

Speaker 3: I'll second for you.

Mayor Cubillos: Okay, there is a motion to keep on Grinspoon and assign or appoint another attorney. There's a first and there's a second. I can open it up to discussion to the council. The first comment I'm going to make is, Grinspoon one of the biggest shareholders is Joe Geller and his brother. If the council's will is to do this, I haven't seen the contract, although I've asked for it for a long time.

?Mathis: That's something I was meaning to--

Mayor Cubillos: I'm not done yet. But I don't want this associate to be led by Joe Geller. They need to learn through us and they need to learn the village. Because then guess what's going to happen. We're still going to wait for responses. "No, I haven't heard from Attorney Geller so I don't know the answer on that." I don't want to be in that same predicament and that can easily happen. Especially if you assign a junior associate or even if a senior associate that can be intimidated because guess what, this account used to be the shareholder and, oh my god, I got to go to Joe Geller and I don't want--

So I asked the council to be aware that that happens. We have to be aware of that because no senior associate is going to want to make a decision without going to the shareholder. Keep that in mind when you're thinking about keeping this firm and to think that things are going to be clear to lead through a new attorney when they're all going to be worried because their

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boss who signs their check is going to want to opine in every issue. That's my only comment to that. Any other discussion on this? There's a motion. Yes.

?Mathis: Just for clarification, when we say review the contract, we're planning to put that legal service model to fit to our new vision of how the village should work like office hours.

Mayor Cubillos: Any other discussion on this?

Speaker 5: On this motion.

Mayor Cubillos: On this motion. I'm going to open up to public comments in a minute. Okay, hearing none, I'm going to open up to any public comments but I'd like to move quickly because it's 8:30. We have a long agenda.

Speaker 6: [unintelligible 01:29:07] 400 Northeast, 85th Street. The contract is with the firm, not Joe Geller, right? He holds the position but it's the firm that failed to deliver on their request to sign documents at a certain time so I think at this point to just ask the firm to change attorneys when the firm is the one that's not delivered. It doesn't take Joe Geller himself and only Joe Geller to write these things or do that. The problem is only with one attorney at this firm. There's no problem with the firm. Where you hire the services of a company it's a corporation. [laughs] I think

Speaker: you have to do both together it seems to me.

Mayor Curbelo: You know what, actually, I have a pretty good memory but you reminded me on a matter. At the time we had a land-use attorney named Steve and he had to work with Juan. The delay in response from Steve- are you shaking your head, Juan? Okay. -was extensive. Let's all not forget that. Steve Wary, is I'll remember that name? Steve Wary, sweet, nice, even a good looking guy, but the responses took a long time. I can even pull up the emails that were not so kind from Mayor [unintelligible 01:30:43] because I was not happy. Thank you for reminding me about that here. Any other public comments?

Crystal Carol: Just a quick one. Crystal Carol, 480 Northwest 91st Street. I think the key here is, just like what was mentioned as far as working with the firm, the firm is not going to change. The firm is who the firm is and that is it. I think the thing to remember is that if we have all these new and exciting things that are going to be happening within our village, that it's going to take new and exciting blood in order to introduce all those things and make sure

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that they're following what the vision is of the village. I as a resident would like to see someone new, would like to see some fresh experience, well versed people that can help us with what it is that we want to do within our village as a whole. That's it.

Mayor Cubillos: Thank you. Any other public comments? I see fewer residents out there. Okay.

Speaker: Just quickly. Do I need to say my name again? Okay. [unintelligible 01:31:55] 416 Northeast 89th Street. Just wanted to say what Council Person Roman said and what she said.

[**Mayor Cubillos**]

Mayor Cubillos: Any other public comments? Okay. Hearing none I'm going to close public comments. I'll put it up back for discussion. There is a motion made by Council Person Mathis, to keep Greenspoon Mater, assigning a new attorney. That's the motion and there's a second on the table. Excuse me?

Mathis: A caveat to that was a new contract. We need a new contract. [crosstalk]

Mayor Cubillos: If there's no further discussion, Madam Clerk, I'll take roll call.

Clerk: Roll call. Council Person Drey?

Drey: Yes.

Clerk: Council Person Roman?

Roman: No.

Clerk: Council Person Mathis?

Mathis: Yes.

Madam Clerk: Vice Mayor Nickerson?

Nickerson: No.

Clerk: Mayor Curbelo?

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Mayor Cubillos: No. Is there any other motion to move forward to--

Nickerson: Madam Mayor, I would like to go with my original motion of having this being decided at the February meeting. Having Joe Geller here. It could be worded the same way consideration of the recommendation of the January 16th Administration and Finance Committee regarding the Village Attorney possible action thereon and we can make that action at the February meeting. I don't think we should wait till March, I just think we should do it at the February meeting. If he's not I want to hear from him. I think that he should attend the February meeting as I originally said.

That's his final chance. If he's not here we make the decision at the February meeting and that's it regardless whether he is here or not. If we hear from him or we don't. If he's not there for the February meeting I believe it should be the final chance as I originally said when this first all started. The motion is: we consider the recommendation of the January 16th Administration and Finance Committee meeting at the February council meeting regarding the Village Attorney possible action thereon. That's my motion.

Mayor Cubillos: Thank you, Vice Mayor Nickerson. There is a motion to make the decision at the February council meeting, that's in 30 days from today, in the hopes that perhaps Joe Geller may be at that meeting to hear from him directly. He may choose to send us an email, but there is a motion to make that decision at the February Council meeting. Is there a second?

Drey: Second.

Mayor Cubillos: It's been second by Council Person Drey. There's a motion to make this decision at the February council meeting. The motion's been made by Vice Mayor Nickerson. It's been seconded by Council Person Drey. Any discussion from the council? Any discussion from the public? Okay, hearing no discussion from the public, they're nodding their heads no. Any further comments before we go to a motion on that? The only comment I'm going to make is we're backpedaling. We're given a [unintelligible 01:34:59] 30 days. I'm going to tell you something, in 30 days [unintelligible 01:35:02] is looking at me, he's got a lot happening that they need from us, contracts and all.

Keep that in mind. I think we achieved a lot in four days. I can only imagine what we may achieve in 30. Just keep that in mind. We have a lot going on that's time sensitive, especially

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as it relates to our septic to sewer project that as it is already delayed. We're backpedaling a little with that. Keep that in mind. We don't have that luxury to sit around and wait. Because that means we going to have [unintelligible 01:35:34] another agenda item. We have resolutions that didn't even make it to this council meeting because we didn't get a response.

Roman: May I?

Mathis: Excuse me, I just want to add a little comment there why the septic to sewer project might be delayed. I just want to add this to- perhaps Christiane know this but, and [unintelligible 01:35:55] knows this. We've been trying to schedule a special committee meeting since October, and part of the committee members never made themselves available and, Christiane, you know it.

Christiane: Yes.

Mathis: Roman feels very passionate as well. I also feel very passionate as well, why still a number of the committee members did not make themselves available, constantly asking, via Cristia, audience to move forward with the [unintelligible 01:36:30] contract. I just want to reiterate here it's not only Joe's fault but I've heard in the past people say we failed, and we failed on that one.

Mayor Cubillos: I was not available at all in December. I had a lot of commitments in December. I was not available for any meeting. But even if we would have met we didn't have a signed Panoni contract. We didn't have a legal opinion until Friday of this year. Keep in mind all that we are doing right now for the sewer to septic-

Mathis: Call for the question.

Mayor Cubillos: -we are doing, we are doing-

Mathis: Call for the question. Call for question.

Mayor Cubillos: -we are doing it without a-

Mathis: I call for the question.

Mayor Cubillos: -we are doing without a signed-

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Mathis: Your Honor. Your Honor.

Mayor Cubillos: -executed- I'm done.

[crosstalk]

Mathis: No, no, no, no. I called for the question.

Mayor Cubillos: -assigned executed contractor.

Mathis: You have to stop.

Mayor Cubillos: Assigned executed contractor.

Mathis: I called for the question.

Mayor Cubillos: Is there any other comment from the council?

Roman: I do have a comment, and I agree that_

Mathis: I called for the question.

Roman: I agree that--

[crosstalk]

Mathis: Your Honor.

Mayor Cubillos: There is a motion.

Mathis: -I called for-- yes. You need to vote on the motion. I'm calling for the question.

[crosstalk]

Mayor Cubillos: She has a comment.

Mathis: You're discussing stuff outside of the motion.

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Mayor Cubillos: We haven't heard what Council Person Roman has to say.

Roman: I agree that we're backpedaling with that motion, again. Let's say, Geller comes. We're here at the February meeting. He apologizes. He says it's never going to happen again. Okay. I can't be there once a week but I'll send somebody to committee meetings. Okay. I'll be there or somebody else will be there. Then that means our Council-

Mathis: Your Honor, I called for the que--

Mayor Cubillos: Let her finish then we're going to go to put it to the vote.

Roman: -will use that, have such a soft heart again because we can't make the difficult decisions.

Mathis: Then why are we here? Then you make the decisions that you want to make because evidently you've already made that decision so what-

[crosstalk]

Mayor Cubillos: Council Person Mathis, with all due respect-

Mathis: I called for the question.

Mayor Cubillos: -there's a motion-

Mathis: I called for the question and you're not voting on it.

Mayor Cubillos: -and she's talking about this.

Mathis: No, she's not. No she's not.

Mayor Cubillos: Yes, she is.

Mathis: She's talking about something else.

Mayor Cubillos: No, she's talking-

Mathis: As you were talking about something else.

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Mayor Cubillos: He wants us to make a decision in February. She's talking about that. I understand that Joe's a really personal friend of yours but this is not personal. Let's just all take a step back. She's addressing the motion. She's allowed to speak just as you were.

[crosstalk]

Mathis: I don't know what-- you, guys, are saying that people are backpedaling.

Mayor Cubillos: I have made my decision.

Mathis: Then make the motion. Make the motion--

Mayor Cubillos: There's a motion on the table by Vice Mayor Nickerson, it's been seconded by Council Person Drey, and that decision is to make a decision at the February council meeting. Council Person Roman has a valid point to think about before we make the decision in the event that he may not be there and how we are going to address it then. So it's a very valid into- [crosstalk] Is there any further conversation on this motion? Council Person Mathis, would you like to say something?

Mathis: If the Vice Mayor has made the comment that at that meeting it will be discussed then why are we question it if doesn't appear?

Mayor Cubillos: If you all vote for yes then we have to think what we're going to do in 30 days. So it's a valid something to think about before we make a decision.

Roman: And-

Mayor Cubillos: Any other final comments on this motion?

Nickerson: Madam Mayor?

Mayor Cubillos: Yes.

Nickerson: Like I said if he appears or doesn't appear we make our-

Mayor Cubillos: It doesn't matter you have a motion and the motion is what you made you cannot alter it now, there's a person that second it.

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Nickerson: I'm not altering it. I'm not altering it. I'm answering what

were saying and I'm just giving my response to that. Whether he's there or is not there we're making our decision. I think I said that earlier. The reason why also I believe that it should be in February is, one, because he's not here tonight as I said from the very beginning and I would like him to be here. Secondly, when we talked about having him at the committee meetings from now on we talked about having him do the office hours from now on.

That has not always been there as far as the committee. This is new information. Therefore I want him to be able to have that information and come here at the February meeting with the new information. I'm just trying to be fair. Everybody always knows that I try to be fair to everybody. I think with this new information it would be fair to give him this one last chance whether he's here or not at the February meeting.

Mayor Cubillos: I'm going to close. Vice Mayor Nickerson, he knew in November and December that we asked for change. We were going to meet once a week and it was voted on, we all agreed on, and it's in black and white and it's in an email. He knew that that had changed. Meeting once a week was going to be like the new way to do business as we moved into the new fiscal year.

Nickerson: But committee meetings [unintelligible 01:41:10] with us. Having him at the committee meetings.

Mayor Cubillos: With that said do I have roll call, please.

Clerk: Roll call. Council Person Dreher.

Dreher: No.

Clerk: Council Person Roman.

Roman: No.

Clerk: Council Person Mathis.

Mathis: Yes. I don't know what we've voting on.

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[background conversation]

Clerk: Vice Mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor [unintelligible 01:41:33].

Mayor Cubillos: No. Now what you were voting now was to make a decision in February. This motion fails. Is there a motion that we would make amend for the February council meeting?

Dreher: I have a motion. I have a motion to make that decision in the February committee council meeting, but us as a council bring that legal service model that we want to envision for the firm to move forward with.

Mayor Cubillos: You're going to have to repeat that I don't understand. Can you repeat it again? Say that on the microphone, please.

Dreher: Sure. Basically, make a decision during the February meeting but us as a council come up with the structure legal service model that we want to envision for the future. Examples such as office hours, folks to be here, and that's it, yes.

Mayor Cubillos: That's fantastic but we're not talking about model now. We're talking about firm. Your motion is just to come up with a model and the firm is staying as is? I'm not clear.

Dreher: Just, basically, our vice mayor's point that we want to make this decision but I think we still need some direction to give him, right? Are you going to be here on what day of the week? How many hours? We cannot keep on operating this way. Some definitive legal service model that we can present to him as well. We just don't want to approach him and say, "Listen, this is it." We also have a vision of how we want to move forward with the village. That's the intent of the motion.

Mayor Cubillos: The motion is to just come up with a new legal model?

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Dreher: No, no, no. Come up to Nickerson's original motion, right? Make the decision during the February meeting but us as a council, we need to commit to having that service model that we're looking from him.

Mayor Cubillos: Keep the same firm. Because right now we're discussing firm and attorney but we're talking about legal model. The motion you have is just to come up with a legal model by February but we're keeping the same firm.

Dreher: Make that decision during the February. Yes, but us as a council we also need to have that responsibility that this is what we're looking for. Maybe Council Roman's vision service model or whatever. I'm just saying service model might be different from what I'm looking at. Maybe I have different expectations and maybe I'm just- maybe you have a different rating criteria than she would have.

That's what I'm saying. Let's make the decision during February but us as a council commit ourselves to elaborating some service model whether this can be at the finance and admin, that would be great and we all can bring ideas as well. That's my recommendation. Just a quick adaptation to our vice mayor's original motion but I just want to have us as well committed to seeing what's that service model because I don't know what's [unintelligible 01:45:00] service model.

I would need to speak with Cristia as well and for her to feel comfortable. By the way now that we're working with the Pannonia team I would expect two hours, three hours. I haven't had that conversation with Cristia. From an attorney to be here present at this time. Especially now that we have those meetings where administrative tasks are- we'd want him there as well Cristia. Would you want him to be in those meetings?

Mayor Cubillos: Is there's a motion? Then I'll make some comments. There's a motion to adapt a new legal model and make a decision in February. Is there a second to that?

Councillor: I'll second.

Mayor Cubillos: Motion been made by Council Person Drey and it's been seconded by Council Person Mathis. I have a comment. I understand what we are saying but they are attorneys and they are professionals. To come up with a legal model and tell an attorney how much time they need to spend on matters in my opinion is backwards. Attorneys tell us this is

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what's going on, this is a land use matter, this is a Public Works matter, this is a Department of Transportation matter, and as a result it's going to be an X amount of 25 hours based on these, that's how that works. For us to identify that in a specific manner doesn't, in my opinion, make sense from what I've seen, but that's my suggestion.

I think that it may limit us because if for some reason we defined that in a contract and it requires more, it's not good business and some good contracting. Lastly, if we were to go with another firm or another attorney, whatever, it may have limit us where they may see more or want to do more but, "You know what? This is what the contract. That is what I'm going to do." I don't know about that. I would really question doing a model beforehand. When you're dealing with attorneys, accountants, CPAs, that's all a legal license entity that's a little different than regular contracting. I'm going to open it up to council then I'll open to public comments.

Roman: I have to agree. They're professionals and I think what we need to set is our requirements. Again, our requirements are we define our monthly fees. They're in monthly fees. They're here once a week, and they're here for our committee meetings. You're here to protect the [unintelligible 01:47:33] of El Portal and represent the village of El Portal. Those are our requirements and then you as a professional attorney are supposed to know what to do with that.

Mayor Cubillos: Any other comments before I open up to the public? Hearing none, I'm going to open up a public comments on this motion.

Crystal Carroll: Crystal Carroll, 480 Northwest 91st Street. Enough already. That's basically what I feel. I feel like it's been addressed multiple times as far as what is needed as a village. I feel like everybody has addressed the fact that he's not doing his job. Whether it's the lawyer himself or the firm, we are not satisfied. As the customer they need to do their responsibility to make sure that we are. Being protected as a village is priceless. I feel like it sounds on multiple occasions like they've been given information about what's expected, what's required, and what's needed, whether it's a hour, 10 hours, 15 hours, they know better than we would and then you would.

I feel like I have to agree with the council that this is just enough already. Make a decision, give them until February, have him show up. If he can't show up that says enough. Have him be here February and put the ball in his court. These are the things that we want presented to

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us on February 16th of how you're going to do it and let's move on. If you can't then we need to move on and part our separate ways and then we can just move forward because enough already.

This is the back and forth and the expectations have already been outlined multiple times. As a resident I'm ready to move on. I'm ready for February 16th. If the firm cannot show up or he cannot be here then that says everything that we need to know. He needs to come with paper in tow of how he's going to execute exactly what the needs are that have been outlined on multiple occasions it sounds like. That's it.

Mayor Cubillos: Thank you.

Mathis: I agree.

Noel: Noel Pace, 20694 1st Street. Council person Dreher, I concur with the mayor. An attorney's responsibility, when you consult an attorney you know there is an issue but you may not know exactly how to deal with the issue or what's required to deal with it. You can't set parameters and hours and time and so on because the issue may be a lot deeper, it's not like buying a car.

Working with an attorney is like working with an account, it's like going to the doctor and then telling-- you know something is wrong, you don't know what it is, you don't know what is required, they're going to tell you professionally what's required. I think that's the way to go here on this. I definitely agree with all of you. The cheese in doctor Spencer-- the cheese is moving, okay? Can Greenspoon and attorney Galer move to where the cheese is going, or it's going to be somebody else. I think that, you do have to give him time to respond to this, is the fear he's not going to be here in February because of the legislatures and session? Is that the issue here or is it something else? That's my question to the council, may not-- what?

Speaker 2: To me it's just whether he's going to be here or not I think that he knows that this is like the final frontier is in February.

Noel: I was thinking there's going to be some shipping and some response between now and February that--

Mayor Cubillos: You know what? I agree but from the person that calls me and said to me, he can't be there he knows he's being fired. It's not the first time he's fired from the village so,

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oh well. Doesn't really say a lot to a mayor when I hear that but it's what I hear. Anyway, with that said, I respect your comments and I'm going to move on to **[unintelligible 01:51:49]**.

Speaker 2: Thank you ma'am.

Speaker 4: **[unintelligible 01:51:59]**. Council person Drey, I appreciate what you said. The first two remarks, your first motion was sort of like, what I said when I talk before but I also realized and hearing you talk and also the mayor talking about the planning that I wasn't really that aware of planning this administrative meeting and things like that that in some sense the council and the manager have been active in setting an agenda, planning things as you would do with an attorney.

You knew what to do and you also reminded me of the fact that there's a council who plays a part in this too. You said an agenda that means council members have to come for the things they have to come to two which is hard, because you have to do so much stuff already. Again, it's what I say about we may not be a small sleepy village anymore but we're still small in terms of personnel and we're never going to have the budget and population based maybe will in the future I don't know.

I'm disagreeing with you now just because I think you raised my thinking to a little, I really think that kind of ongoing professional relationship with attorney in terms of what's required has been set by the village by this kind of planning for administrative meetings.

Mayor Cubillos: Thank you. Any other public comments? Okay. Madam Clerk, do we know where council person Mathis is? Is he going to come for the vote? Is he coming? There is a motion, thank you. There is a motion, me by council person Drey and it's been seconded by council person Mathis to come up with a legal model and decision made in February. Madam clerk, can we get a roll call?

Clerk: Roll call, council person Dreher.

Dreher: Yes.

Clerk: Council person Roman.

Roman: No.

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Clerk: Council person Mathis.

Mathis: Yes.

Clerk: Vice mayor Nickerson. Vice mayor Nickerson?

Nickerson: No.

Clerk: Mayor Cubillos?

Mayor Cubillos: No.

Clerk: Motion failed.

Mayor Cubillos: Is there another motion for the, on the attorney Galer Matta?

Speaker 11: I have a motion. I have a motion to the consideration of the recommendation of January 16th the administration finance committee regarding the village attorney and following the-- what's today's date?

?Noel: 23rd.

Speaker 11: January 23rd council meeting to move forward with possible action in selecting a new firm for the village of El Portal.

Mayor Cubillos: Are you making that motion to happen tonight or in February?

Speaker 11: In February.

Mayor Cubillos: In February. There's a consideration of the recommendations of the January 16 admin and finance committee regarding the village attorney possible action they're on and that action be to consider a new firm at the February council meeting. Am I correct?

Speaker 11: Correct.

Mayor Cubillos: All right. Is there a second to that motion?

Speaker 1: This motion is we're going to address this at February considering a new firm?

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Mayor Cubillos: Yes. There is a motion, is there a second?

Speaker 5: I'll second that motion.

Mayor Cubillos: Motion has been made by council person Roman it's been seconded by vice mayor Nickerson, is there a discussion? There's a motion on the table, discussions from the council? I'll open up briefly to public comments after. Okay, hearing none I'll open up for public comments, any public comment? This is the time to address.

Anders: Good evening. Anders Arbong. 460 North East [unintelligible 01:56:22] street. That sounds entirely reasonable. Does the council believe that within 30 days you could find viable one, two perhaps even three different firms. I find that I really find myself agreeing with what the lady had said regarding finding a personality match on those with the firm that would be as in line as possible with what the villagers outlined in terms of their long term planning. To that I would ask you the council to [unintelligible 01:56:59] in the next 30 days have viable options in that same discussions at the February meeting to discuss and comparison to or even outright in need of however that would work out February.

Mayor Cubillos: You want that answer right now?

Anders: I don't know, yes.

Mayor Cubillos: It's the same time.

Anders: Could also be considered as a rhetorical question as well but I'll leave that to you.

Mayor Cubillos: Any other public comments? The only thing I would add to that Anders is that with this item being in the agenda, I don't about the council but first [unintelligible 01:57:41] contacted me, a few of them. I said that I didn't that the decision was going to be made Tuesday and if it was that they would here from one of us or the manager or so on or so forth.

Anders: Madam mayor, clarification. Is this motion or council person Roman either one. Is this motion saying that from now until February we're going to start looking at different firms or at the February meeting we're going to decide if we're going to start looking at different firms?

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Mayor Cubillos: Council person Roman, would you like to clarify your motion to for vice mayor Nickerson?

Roman: We can certainly look at other firms in 30 days. There's no reason why any of us can't pick up the phone or answer the phone and speak to and interview firms and have those for discussion. The motion is to make a decision on a new firm in February.

Anders: Okay, so with this motion we are in a sense getting rid of [unintelligible 01:58:56] tonight?

Roman: Well, consider the possible action of getting rid of [inaudible [01:59:03] moving forward a different firm. Can you read the--

Mayor Cubillos: For a point of clarity as with the clerk was just asking me, for point of clarity, well you said it was consideration, it's two of them out in the end. Consideration of the recommendation of the January 16th admin and finance committee regarding the village attorney. Possible action there on, action being to consider a new firm in February?

Roman: Correct. That's how I read it.

Mayor Cubillos: Therefore meaning that in 30 days when we come back, a guarantee of this goes public, we'll probably have 10 firms here on February and then the council would have to make a decision if that's the avenue we're going to go and who will we pick. I'm sure within 30 days many of us will get phone calls and at that point, you're at your privilege to recommend the charter state, you do not have to have an RFQ, you appoint the attorney by the vote of three and that's really how that process would go if it's the will of the council to move in that direction. Does that answer your question?

?Anders: Thank you, yes, ma'am.

Mayor Cubillos: Is there any other discussion? No? I want to open it up for public comments again because I see them standing, and I have to open up the public comments, but very briefly because I want to vote. Good, open up for public comments.

Anders: Anders Arbong, 460 North East 9th Street. This is a point of clarity, I think I might have confused the situation. Really, what I was trying to say was in that you are preparing for this motion. This motion prepares you for an action in February. That would create a reaction,

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and so regardless of how that action turns out in February, it would mandate but at least be prudent to be prepared for both scenarios already in February. It could also be that impetus that would generate the performance out of the firm that you are talking about.

It could happen, it seems like the council is opened to the possibility that that could happen. That was the reason for me bringing up the course of action in terms of reaching. Also the firms, or vetting other firms, because of the action that you discussed in this motion to occur in February is going to create a reaction which you may as well be prepared for, rather than not be prepared for. That was the point of clarity. I might have confused that, I'm sorry.

Mayor Cubillos: No, no, no, you're actually correct. Definitely, this decision would cause a reaction. We have to be clearly prepared for that in February, yes Liliana Pickle

Liliana: Liliana Pickle 181 Northwest City, 87th Street. Hi, guys. How are you [inaudible 02:01:58]?

Mayor Cubillos: It's nice to see you here.

Liliana: Thank you. Good to see you next door.

Speaker 2: How are you doing? Yes. [laughter]

Liliana: Who makes Admin and Finance Committee?

Speaker 1: Councilperson Roman, Vice mayor Nickerson and Mayor Cubillos.

Liliana: You guys discussed this on your committee meetings already?

Mayor Cubillos: You missed the opening. This has been a topic we've talked about for a while. This is not the first time it comes to full council. Last year, even when we were at other mayors here, it's come up in the time that I've been here. Something that councilperson Roman said is we just drag our feet in it. Then it came up last year, and then it went away. Then in lieu of a few things that have transpired, it came up again, and here we are.

Liliana: This was discussed on your last committee meeting? It was brought up to council? Okay.

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Mayor Cubillos: Yes.

Liliana: Okay. In Corporate America-- I'm just going to make a suggestion, I don't know if any of you have experience, we write people up. We give them a verbal, then we give them a written, and then obviously if things are not up to part, then they're let go. I would definitely suggest you guys bring this up to Mr. Geller and give him a chance.

Mayor Cubillos: Just two things on that, he had a review last year. The review was contingent upon him performing different and better. It better didn't necessarily happen long term. Joe is not an employee, he's a contractor, so it's a little different than being an employee. It'd be different if it would be for Janice Jacobi or a manager or police officers. It's a little different because they're actually employees working here everyday. When it comes to the attorney and our CFO in our planning, they're all vendors, so they have to pay retainers.

Liliana: What was his score when you guys evaluated him? Satisfactory?

Mayor Cubillos: Average.

Liliana: What does that mean?

Mayor Cubillos: Average was like a three, four, three, three.

Liliana: What was the maximum?

Mayor Cubillos: Five. The common denominator with all of us, even the really new ones, was communication. The common denominator was communication. We addressed it publicly with him at a Saturday meeting and so and so forth. We agreed that we'll continue the relationship contingent upon a change. The change would be more communication, meeting once a week. All of that was sort of already identified our needs based in how we were growing where identified there. Then the day it got re-solidified in the new fiscal year in November, where I put in writing to him and on the meeting that meeting weekly was necessary because we have a lot going on. Said in the parameters as far as like the clerk needs to receive things by a certain date. That was said several times and then went in writing.

Liliana: Thank you.

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Mayor Cubillos: No, thank you for being here. Crystal Carol?

Crystal Carol: 480 Northwest, 91st Street, Crystal Carol. Just to reiterate, this has now gone almost two hours, but we did talk about all of that. I think that the motion, as a resident, the motion should be that February 16th, he comes with the proposal--

Mayor Cubillos: It's not February 16th. It's 30 days, it's February 24th. For Tuesday, sorry.

Crystal Carol: Thank you. 30 days, the next proposed date, he would come with in writing exactly what has already been discussed over the last two hours. However, I do believe that we should also start looking for different attorney firms because it is going to cost a lot in coverage, it's going to cost a lot if something does happen or if potentially he doesn't come to the meeting in February. I think the motion that should be made should include the fact that yes, he will come with a proposed contract or agreement or revise or revision to what it is that you guys are missing right now in the contract. Then in addition to that, that it's opened for looking for new firms.

Mayor Cubillos: May I? With the motion that I made, he can come prepared.

Crystal Carol: Agreed.

Mayor Cubillos: Its possible action there.

Crystal Carol: It better is done.

Mayor Cubillos: He can come here prepared, he can come-- I believe that what you just said is covered in that motion.

Crystal Carol: It was a little vague. I didn't understand that it was okay to now not necessarily solicit, but there will be other attorneys that--

Mayor Cubillos: He's going to be here, he's still our attorney. Per a charter the council could fire their attorney, get rid of their attorney whenever they want. This is not what we've done. We've gone through a process, my motion is cleared in the sense that I don't think we should back pedal. I personally feel if it was my decision, just councilperson Roman's decision, we would be selecting a firm today, but it's not my decision; therefore, my motion is to possible action there.

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Crystal Carol: That would be inclusive of looking--

Mayor Cubillos: Yes, anybody can come prepared. When you come to a meeting, you can come prepared, and you can state whatever that should think.

Crystal Carol: Sure, I think also it gives a sense of it's easy when the familiarity is there, and then you get comfortable in possibly knowing that there are other firms that are interested in representing our village that it might light a little bit of a fire. It might no but at the same time, people shouldn't get complacent in the fact that they have the job and it's guaranteed. That's something that I feel like it sounds like has been discussed in this panel.

Speaker 1: Thank you.

Noel: Noel Pace 206 Northwest on 1st. Just so I'm understanding this, you guys can decide to keep him in February or not keep him in February. That's the point of discussion here, right? I would think that in the end another wait till February 23rd to come to the council or each one of you to come up with a proposal or shape this better. I would think they would do that.

Roman: I would think so.

Noel: All right. Yes, I think that Crystal Carol file writing is probably what's at store here. Jason Silver is a smart attorney, you guys know where you're at with this thing. Let's get it fixed. That's it, that's all I think everybody wants here. It's got to be fixed permanently, the mail has to be met on some stuff. I think you can do that, why wouldn't you be able to? You guys are [unintelligible 02:08:55] or whatever, it's fine. Okay, thanks.

Nickerson: Any other comments? Hearing then going up to the council, is there any comments? There's a motion, the motion to consider at the recommendation of the Admin and Finance Committee meeting to consider a firm at the February council meeting, which I believe is February 24th.

Speaker 2: Yes, you're on. I think with this motion I'm pretty much there. I'm like three quarters in. I just don't want this to end up being in February that when we get to this agenda item, we're all rushing to pick a new firm without first giving him at least a chance to speak for himself. That's my only concern, that I wish it could've been like a two-part motion to where we address him first, and then we go and if we don't keep him, then we go into the new firms because I just don't want to rush past him and straight to the other firms in

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February. That's my only reservation about this motion, otherwise, I think it's a very good motion.

Mayor Cubillos: Any other comment. I just want to add, we're definitely not rushing this. If this was rush, would have done years ago, so this is not a rushed decision by any means, it is definitely not a decision I take lightly. It is just like hiring a clerk, hiring a manager, contracting an attorney is a big decision. I don't take it lightly because if I would have taken lightly I would have pushed it a year or two ago.

I've given it a year I've given it two, I'm very fair, I'm a team player, I help out wherever I can, but there comes a time when I ask myself the question, "If I was doing the mayor 10% or three percent of the time and wouldn't we be talking about it this longer?" I wonder if I be to be voted again. Ask yourself the question if you all are not doing your job I guarantee you **[unintelligible 02:10:45]** is going to tell you one next door.

With that said, I just say, I'm pleased. For the record, I'm not taking decisions lightly, we are not rushing the decisions. We have been talking about this for a year and then some. I would like to believe that the attorney would call you all within the next 30 days. I would believe he would pick up the phone and call you guys or if not if he sees your phone number come through his phone that he would get out of session and maybe speak with you because El Portal matters that much. Can I have a roll call please?

Clerk: Roll call. Councillor person Dreher.

Dreher: No

Clerk: Council person Roman.

Roman: Yes.

Clerk: Council person Mathis.

Mathis: No.

Clerk: Vice mayor Nickerson.

Nickerson: No.

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Clerk: Mayor Cubillos.

Mayor Cubillos: Yes. I'm going to tell you something boys and girls. It's 9:15, a decision has to be made and everything has been set on the table. I can make it motion everything has been said. I'm going to make to say is that motion the decision is to be made in February. It's very simple and a decision could be to hire a new firm still. That's it. There is a motion that a decision is the same thing that I'm just wording it very differently but the decision needs to be made in February and that decision may include a new firm.

No, I'm the mayor. My motion is-- and I'm making the motion and my motion is that the decision is to be made in February and it may be to consider a new firm. It's very similar to what you've said, very similar to what Drey said. I want the same thing. A decision wants to be made in February and it could include a new firm.

Roman: I'll second.

Mayor Cubillos: I think we need public comments again. There's a motion made and then there's a second but it's very similar to what you all have said. Decision has to be made we have is there discussion to that motion.

Nickerson: I think that's a great motion. I think that's the motion you made was a good one. I think what our Mayor made was a great motion. I think that my concern with council person Roman's motion although I thought it was a great motion was that I'm just concerned that at the February meeting we were going to rush right through it and rush right to the new firms. That was my only concern about that. If which is the way you worded it was the two-part word that I was thinking about, was that-- what's the first part?

Mayor Cubillos: The motion is that there's going to be a decision made in February and that decision could include a new firm.

Nickerson: Okay. The decision is going to be made in February that's the first part, decision one, Joe Geller and then decision for a new firm and that's the second part.

Mayor Cubillos: No, there's one. There's a decision to be made and it may include we hired a new firm. We may say, "Joe, we're going to keep [unintelligible 02:13:58] under these conditions." Or, "Hey, you know what? The council voted to that we're going to move forward. There's a three vote or four or five votes or not and then we move to a new firm."

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Nickerson: I just want to make sure he gets his chance to speak and address what we're talking about. That's my only concern .

Mayor Cubillos: Vice mayor Nickerson, he had the opportunity tonight and he will have it in February again, hands down that's why we're here. Just remember this is why we didn't decide as an admin to find as we wanted the council to make the decision together.

Nickerson: As long as he gets that opportunity madam mayor, that's all.

Roman: He's going to have the opportunity to call you.

Mayor Cubillos: He's going to have the opportunity to call you too and you can have the opportunity to call him too. It's very fair. We're waiting another 30 days so he can be here because we thought he'd be here tonight.

Nickerson: Just be fair.

Mayor Cubillos: We're being very fair. We've been very fair. I believe we've been incredibly fair. Is everything okay? We can make a roll call?

Clerk: The motion is to include for the same wording to hire a new firm?

Mayor Cubillos: Yes, motion's to be we made in February and it could be to hire a new firm. There's a first and a second. Any discussion? Okay, they're all telling me sip and lock and put it in my pocket. Madam clerk, can I have a roll call please?

Clerk: Roll call. Council person Dreher.

Dreher: No.

Clerk: Council person Roman.

Roman: Yes.

Clerk: Council person Mathis.

Mathis: No.

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Clerk: Vice Mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor Cubillos.

Mayor Cubillos: Yes.

Clerk: Motion process [**unintelligible 02:15:24**] of February.

Mayor Cubillos: Yes, February 24th. H3. If you all noticed the wording on this different than the second one because the manager was there at the admin and Finance Committee meeting. Consideration of the recommendation of the January 16 administration and Finance Committee that the interim Villa manager become the permanent village manager and possible action thereon. I will open it up. I'll bring up the chair again who I brought this motion the committee voted to bring it forward so that we all can have an open discussion.

Roman: Okay. On this H3 motion we the committee discussed it again and brought up, we need to discuss how we're moving forward with this position as the contract was extended. It was extended until what date?

Mayor Cubillos: February 15 resolution year.

Roman: February 15, and so after much discussion back and forth we've all agreed that the interim village manager has been doing an excellent job, we agreed how important this position is, we agreed that during [**unintelligible 02:16:40**] at less than 30 days or 30 days. We couldn't have done a better job and that had to do a lot with our new interim village manager or interim chief and the mayor.

Those are the three people in reality that worked really hard during that time. As you all know the council cannot speak outside that includes in an emergency which I think it's pretty ridiculous but it doesn't include in an emergency. These three individuals did an amazing job. Not only has the interim village manager did an excellent job during that hurricane Irma but during this transition she reports and speaks to every single council person.

She keeps our goals in mind and a direction of what the council has is moving forward. Yes, there are things we agreed that perhaps there's these things to learn. She has attended

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trainings while she's been here to enhance her skills and her knowledge. This is a new position for her. With all of that in mind and much it was a five-minute discussion I actually said that perhaps we extended a little bit longer but then after I listened to the rest of the committee.

I agreed that why extend it when we have someone who can do that, who's been doing the job, who's been doing the job well, and not only that but it takes so much to train someone. It takes so much to go through just the process. We're already. We're breathing lighter now that we are moving forward, that we're moving forward with many of our initiatives. Having to post and hire someone new means a delay.

It means that we're not doing our jobs as elected officials, that we're not making the decisions, the tough decisions, and the decision is the important decisions that need to be made which include the hiring process. If we've already gone through that process of peace-- obviously, nothing is a breeze but it's been in consideration to what we had before the experience that I've had in the one year, I agreed that you know what? We should definitely move forward with this, let's not waste any more time and let's just move us forward. That's how this ended up here at the council meeting today and I'll open it up to the rest of the committee. If you want to say something before we open it to Council.

Mayor Cubillos: I need to say a few things because I said it on the record at admin and finance, I was slightly torn but not really much because I did believe that it needed to be posted. Let me tell you why I ended up going the other avenue. This is not a position that can pay a lot of money. If this position could pay a little more money, where we can get an experienced manager to come in, maybe I would say yes.

David Roseman was not the council's first choice. He was the second choice. There are council members up here that are different, so, and the position that we were put to hire David Roseman, was because of the other council members, because the interim that was hired at the time, was on a very short time frame. He had to go back to the county, so we were stuck with the second person that was in line, so we hired David Roseman, even though the interim manger then was a 401, I didn't vote for that interim manager. I do believe, if we would have picked another interim manager that could have been here longer, we could have done the whole thing all over again and we would not have been left with David Roseman, and I don't like saying stuck or left because David Roseman is a very nice person, but it just didn't work out.

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It put us in a position of a payout that was unfair to the village and to us because I'm a taxpayer too. As a result, something that I learnt, working with David and then definitely working with Christia is the amount of time that I have put in to help out in this learning process, there is a huge learning curve to become the manager. It's one thing in being a corporate manager or owner of a private business. Government is government. You have to learn government. While she didn't have Village manager experience, she is a government attorney and she is a bit of Chief of staff of our county commissioner. She has some knowledge on how government processes work and that's a little complicated in itself. The other thing was that she is a professional, and there's a lot to be said about being a professional.

She is an attorney, and I find it interesting because, she is an attorney, but as the manager or as an interim manager, she takes our recommendations and she actually listens. Now most attorneys don't do that, because they think they are always right. I'm married to one. It happens. To actually hear someone who takes notes, and actually says, "You know what, okay, I'll take it from that perspective." I think that says a lot about her being a professional. When you work with a professional, you start expecting that from your other professionals even more.

Maybe that's where, it has set up the bar to where I thought the village needed to be anyway, especially as a village attorney, I used to emulate that professionalism. When you are a CPA attorney, you have a license to be just exactly that, a professional. There's a lot to be said for that. Lastly, the other reason is, I couldn't imagine now, going through an entire RFQ to hire a new manager, and then, go through the process, it takes time, and see what's out there. Whoever is out there, and if they have the experience and are going to want a lot of money, we don't have it to pay.

The position pays about 80 85 and yes we could probably use some of this three years to five years government municipal experience or as a manager you can come in and really take it by the helm, as you pointed out so eloquent before a lot will be alleviated off from us especially as a mayor because you will do less because your manager is so seasoned. We don't have that luxury because we don't pay that much. I think considering the parameters of what the position can pay, I think that it's definitely something I am sure that the manger is, I don't want to say, sure she can do more out there but I actually believe she actually wants something a little bit more so she is a mother, she wants she wants to study, and she lives literally two blocks away. So I thought this will become a win win.

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The irony and I'll close it off by saying, the council came up with objectives for the former manager in February of last year of which, maybe, two items were done. Without the interim manager actually knowing, just from hearing all of us repeat ourselves, she's done most of it already.

The village hall's been cleaned up, we have the **[unintelligible: 02:24:21]** contract is being executed today, she is working alongside Warner to get the septic to sewer done. Waste management, we were on the contract for a year, she's finally gotten through channeling it through Joe Geller, pushing it to make sure it gets done. All this little things, this nuances that were on there, the CFO and the finances had not been cleaned up, all this little things that were really simple that we asked for never got done.

If you look at the goals, or whatever we said, even if you take out the time frame, the February, March with the strategy session, we took a look at all that, all that was undone. None of it got done. Without the current interim Manager, no way, it ain't got done. There are still a lot of nuances here and there but for the most part of village **[unintelligible: 02:25:12]** she has a quote on providing security so that the residents come it looks a little better.

All those quotes, you all may not see it just yet, because in government it's not overnight you have to get three quotes and you have to get approval from the council, you have to go to the committee because everything goes to the committee before it goes to council, so a lot of this things are already moving forward. I close in saying that if I had the pleasure of working with both Ronnie and Christia, I use them by their first names with all due respect, during Hurricane Irma, and I couldn't have picked a better team. I think our residents would agree with that.

That in itself was a catastrophe that hit us at a mile scope, but we did really well considering here and there, but for the most part am really happy with who we contracted. I am really happy with the communication that she still have with other members that used to be here, so we were able to pull resources and come together, we really came together. I also want to applaud the council because they didn't give us a hard time. They saw that we had to get the mission done, and they let us just move in and do it because, the wheels were rolling. We didn't have time to stop because the residents needed to be taken care of.

There is a lot to be said, and in a moment of crisis, your true colors and character come out. You are either going to sink or swim. I believe we all swim, and I believe we all did well. It

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probably set us back a little bit because we have work to get done, but even with the eight weeks that felt like one long day for me and Irma, we still have been able to achieve mile stones that maybe we need to do a little bit better and communicate with the residents, in terms of like what are the background work we do, but when I see that, I am thinking, as the mayor, I don't know if I have that time to give a brand new manager again. Because it took a lot of time and she is just about there and even though she is incredibly smart she is a professional. She still needs to learn here or there but to be really be in that role and be able to take this recommendations and listen says a lot about her character.

Because most people think they know it all, they come in and they want to do all this changes, but she comes in and understands that division is the vision of the council and the execution that she is going to do is that of the council. To me that's really important. She works well with the clerk. She works well with the police department. I've got very positive feedback from the police department. As you relate to the whole environment and morality and what we are doing here. Hey we are not perfect. We have still a lot more work to do. No we do and I believe if we can set professionals, in the roles that they need to be, then we can get there, we can achieve what you all want us to achieve, hopefully in a better time manner.

That's why I came even though I was still both. Because I wanted to see what else was out there, but in the purposes of, but clearly as we move forward if this is something that we agree with, her contract is going to be something better read and better discussed and obviously better done so that, we are all trying to keep in mind that the contract that was done with the former manager, that council person is not here anymore, even though we technically all voted on him, with some of us, but that person is not here, so I say here to say that we have all learned so we are going to definitely ensure to look at better things and not trust on certain other measures and make it so that it's a win win win.

The only way it's going to happen and it's going to be good, if it's to work for you all, if it's to work for the council, and it's to work for the person taking the position. With that said, that's all I have as far as this. Vice Mayor Nickerson, do you want to add before I put it up to the council?

Nickerson: No, madam chair person and madam Mayor, you guys have said it perfectly. I couldn't say any more myself.

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Mayor Cubillos: I want to open it up to the council. Council person Drey and council person Mathis were not in that meeting. Council person Drey actually was there and he voiced his concern about the contract and wanted to be sure that if this would have moved forward. I'll let you all move on that, and then open it up to the public comments.

Dreher: Basically, I have two comments. Obviously, yes. The contract would be something important. I did speak with Joe trying to understand what are the steps. He provided me with that information. There is another concern and it has nothing to do with the performance of the village manager. I feel that we need to open it to the rest, to the outside folks. To give that opportunity. I understand madam Mayor's comments, yes. There's a learning curve. We are going to have to go over through that and this has nothing to do with anything related to the performance of the manager. I saw all the good work. I acknowledge that. I feel there needs to be that open, you know, we have to post it to the outside membership, outside and to the-- get external candidate. This has nothing to do with the performance of the manager. That's my only comment.

Mayor Cubillos: Contract and open it up. Okay. Council person Mathis?

Mathis: I think she came in and has done a fantastic job. Again, to see someone to just get up and go when we got hit with Hurricane Irma. These three women are my heroes. All three of them were Wonder Women and you hear that women working together is a crazy thing. This was a well oiled machine with no one knowing what direction they're going in and it happened. I applaud you for taking it on. I applaud you for taking it on. I definitely applaud you for taking it on. I think I'm comfortable, I'm happy. It's nice that I don't have to call every day, but to get an email or message and not have to call in and not try to try to get something out is a wonderful thing, so thank you.

Mayor Cubillos: Also to add, in my nine years being here, we actually get a written report from the Manager before the council meeting as to what she's achieved in the last 30 days. Public comments? I'll close up page three and open it up to public comments and then I'll allow the Manager to speak thereafter, okay?

Speaker 1: 206 Northwest 91st Street North Phase. As the first dude of El portal and as someone who was probably the one male of the triumvirate of the female Mayor, the female Manager and the female Chief of Police, I have to say-- and the clerks, so that was actually four. The Quad Council. Great job. Like super, okay. It was the right move to make Interim

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position to advertise the Interim position. I mean, in my own opinion, you already advertise the position men. Just like in the big leagues, there's a tryout and I would have to say in this particular case, Christia Liu passed the tryout with flying colors and I would recommend making her our permanent Manager for the village of El Portal.

Speaker 5: Thank you.

Mayor Cubillos: Thank you.

[background conversation]

Speaker 5: It's freezing. Look at my face.

Mayor Cubillos: It's okay, we're good.

Lilliana: 181 Lilliana Pickle 181 Northwest 87 Street, a question for you Madam Mayor. You mentioned it takes a long time to go through the process of finding the qualified Village Manager, then you going to take your time finding the Attorney, why don't you take a time to find a Village Manager as well?

Mayor Cubillos: I don't understand it. Take the time where?

Lilliana: Take your time to open it up for other candidates to apply and to find the right fit, a different Manager. You are going to take a time to find a new attorney, correct? Why didn't you open it up for other candidates to apply?

Mayor Cubillos: Two things; the Interim village manager is doing her job and secondly, my current attorney is not. If it was my decision tonight, I would have gone another [unintelligible 02:34:01] with the attorney, but clearly, as you also from the councils, not their avenue that they wanted to go. That's my answer. There are many firms out there that have law firms that are fantastic that I think that I think the village could benefit from them.

When you're doing this as often as we do and as active as I think I try to be for the village, we get to meet a lot of firms and I'd go to actually other council meetings. I speak to their attorneys, I see what they're doing. I'm pretty active in my role because it's important for me to be as well informed as I can for you all. I would have felt comfortable three to five, four firms to recommend but if the village attorney was doing his job it wouldn't be a conversation

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but the village manager is actually doing her job. We have the benefit of having David Roseman as Interim manager, we probably would have opened it up.

Lilliana: A year and a half ago when you were going through the same process there was former Biscayne Park Village Manager--

Mayor Cubillos: She was my choice for the Interim Manager and I didn't have the support. She would have been my choice.

Lilliana: My recommendation is to open it up for other candidates.

Mayor Cubillos: She's really happy in another job right now. She was my first choice, and Robert Rony was here.

Lilliana: I'm not saying to her. Just open it up for other people to apply.

Mayor Cubillos: Okay, thank you.

Hugh: Hugh [unintelligible 02:35:35] 400 Northeast, 85th street. Like the Mayor at the committee meeting, I think there's a strong feeling of being concerned as reflected in what people said, and neighbor said. On the one hand, it seems that Interim Manager has done a really great job and is working really well with you but procedurally people feel like it should be open for search but I said then, I was so laid, I barely even remember what I said [laughs] but I said that I think in balance though, it was better to continue with the Interim Manager whether that was working and so I've been thinking about that since about whether that was the right choice but I thought a couple of other things.

One is related to what I said about the attorney that's even more so than the manager which is that every municipality is different but we're really different because of the size, because of the huge constraints of sunshine. Council person Roman mentioned how straining and hard that was during the hurricane when you couldn't talk to each other but that was huge demands on the council in terms of communication and gives the manager a job that a manager of a big, much larger municipality where there's a full-time person to represent working with each committee and stuff like that. To me, the kind of things that were mentioned are really important.

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Secondly, I was also thinking about what happens if you open it up again. I mean, one thing that really struck me in this past search in other ones we've had for managers is that people apply for a manager position but they don't really know about the situation here in El Portal. I felt like all the candidates last time were kind of like clueless about lot of the things about the village.

I think what that makes me feel is that I weigh very heavily when the council says, "This person works with us, communicates with us, enables us, in spite of the Sunshine Law and all the difficulties to get things done." That works to me, that counts really heavily. The other thing is, like I were to get FIU, so we have laws that say we always have to have a search for regular position no matter what, even if we've hired somebody for the position but for some reason they have to have it temporarily or be an Interim, but then it's very clear and everyone knows that there's such a thing as you do a search.

Occasionally, the outside candidates come in and there are times when someone comes in and just sort of blows you away and says, "Well, we are going to hire a different person." But usually, it's understood that the search is kind of routine. I think in government it's not like that because you're under such scrutiny, so I think to me, opening it up for search even though it's more correct then I certainly agree with you and everybody that says it's correct, I just think that there's going to be a huge delay and I think there's an enormous probability of whining out with the Manager who's much worse or who's having a sort of disaster situation again in the sense of-- I think just practically speaking, things are happening so fast we can't really afford to go to this process again, even though it would be nice if we were able to do that and again, my choice would be-- I do have some, I'm always feeling like the villagers never plugged in enough with fund raising with county planning but I think things have gotten a lot better on that front. I'll keep bugging and nagging everybody to do that but I think at this point we really run the gamut, you guys have run the gamut of looking at different people. I think if the current interim manager works with you, that to me is what's really important.

Roman: Thank you, Hugh.

Mathis: Thank you, Hugh.

Mayor Cubillos: Thank you, Hugh.

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Andres: Andres Sivan, 460 Northeast 89 St. I just have a couple quick questions. As I'm looking at the agenda for the evening, I do want to ask if the issue regarding the resolution of the village council to authorize, approve and authorize the village managers, the negotiate an agreement with the survey and design to serve as planning consultant for the village of El Portal and subsequently to include serving as director of planning and zoning. Is any of that contingent upon making the decision about the interim manager becoming--? Okay, all right.

As you can tell, I'm new walking into what's going on here, however, I was sent here to this meeting tonight on behalf of my wife who has a concern that, procedurally, there is, if nothing more than a perception of cutting a corner. Me, walking into this with no background information is, I'm looking at the agenda and I'm already struck with a question, does one have to do with the other?

I believe you tell me we can move on with the other item without addressing the interim manager item, so that puts me at ease that that's not an underlying motive for fast-tracking, essentially, this process. Everything that I've heard in terms of the concerns sounds like a concern that the process, the fast-tracking of this process. I haven't heard anybody raise any concerns outright or directly to the ability of the interim manager to be the manager. In that regard, if you were to open this up to the public for no other reason than to satisfy people who believe that you're cutting a corner that also-- What would be the point of that?

The final question I have is, is there anything that would dictate that you would need to or be required to open this position to the public?

Roman: No.

Mayor Cubillos: No.

Andres: There's none, okay.

Mayor Cubillos: In our local charter nothing says we must post the position.

Andres: So there really is no corner being cut in this process.

Mayor Cubillos: Absolutely not.

Andres: There's only the perception of a corner being cut.

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Mayor Cubillos: Absolutely.

Andres: Okay, because as I listened to the opening remarks on this topic it sounded a little bit like a sales pitch as far as a justification for why a corner is being cut. In that regard, I would just encourage the council to-- it sounds like you guys have it well thought out and underhand in terms of-- it's not just a matter of the need to get this done so you could move on and be stable, instead of having this continue to show up. To make this decision that means we have a manager and you can move on with other business instead of worrying about the longevity, how long are we going to have this interim manager.

Now, finally, you can really begin in earnest for things like this. I guess I just want to speak to that it seems to me that we have essentially a perception that a corner's being cut and so I just want to know.

Mayor Cubillos: I want to say a couple of things. Number one, it wasn't a sales pitch what I was saying. In my opinion, just as I was clear and vocal with our attorney, I was the same with the manager. I'm one to applaud where applause needs to be needed and I'm one to just lay it out where it needs to be laid out, it's our job. That's where I'm coming from because you mentioned something about her ability. My saying that was in the hope that it would educate and show you all what I thought her ability was because, hey, you know what?

A resident called me and we were talking back through things, "Oh, mayor I can't go to everything". I said, "Sir, I understand. That's why you elect us" because when I tell you the amount of meetings we come to and the amount of meetings that we attend but that's what we're elected to do and I'm really okay with it because I've made the conscious decision that I'm a public servant and I'm a public servant for the village of El Portal. Although I have a husband and I have a business, the village of El Portal is my priority. You have to make that decision when you run for office because it's a lot of your time. It's a lot of your time and you have to love what you do. That's why I wanted to be really clear when I was saying everything about her ability was based upon that.

The other thing, perception is-- at some point, there needs to be trust. That's what I told the resident on the phone today. I said, "We ask you all to come to meetings. We ask you all to call us and shame on us if we don't call you back". I call all my residents back and a lot of them have become friends because they realized that that's what happens, we're so small it

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happens like that. We hope that at some point there's a level of trust because that's how we get elected.

There are times that we have to make many decisions, many, and there's nobody here. The village manager is a serious decision but let me tell you, the septic to sewer was a serious decision. The blend use map was a serious decision and there's not that many people here. At some point, I hope you trust us and you vetted us when you've interviewed us, whether you voted or not voted for us, that we were going to make those decisions for you to the best interest of you all.

Because just like you, Andres, I'm a taxpayer, I'm two properties. I've lived here for 10 years. I don't plan on going anywhere and one day I'm not going to be the mayor and I want to be sure that the town that I vested is going to be a fantastic one. The work that I do is laying that out as well, so I promise you that I have the best interest of the village. I'm not going to hire someone who I think is, "Oh yeah, she's nice or pretty", or, "he's nice", no. If that was the case I would've keep Joe because he's my friend and he went to my wedding. I can't operate that way.

Let me tell you something, in today's climate and in today's social media I don't cut corners. I don't do any of that because that will be discovered and I don't do that.

Andres: From a long-term planning perspective. From the perspective, the viewpoint of long-term planning, to make a hiring decision based on convenience could be detrimental to long-term planning. This, I think, is probably what a lot of the residents think where the concern lies. It does sound like the feeling is unanimous across the council, that the interim manager is somebody who has El Portal, the interest of El Portal at the heart of what she's doing. It has been demonstrating that in addition to having the experience and the skills necessary to continue the job at the level that the village requires.

My final point would be that it sounds like she would have no problem at almost any pool of talent that you would find as you would open it up to the public and that as long as that process would take it sounds like you do, in fact, have someone who can provides stability to the village while that process would take place, however long that would take. I would say that, in that regard, I would think the council would have full confidence that she would still be the person you'd be choosing even after going through that process.

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Mayor Cubillos: It's not about the length of the process, it's also about respecting the position. When you have a qualified individual, I hate to lose them because we decided to go to a 6, 8-week process and then we're going to go through the process that we may lose the candidate and then, hey, guess what? We're going to be without a manager and then we got to appoint the manager in one meeting.

I think that there are ways to go about it as it relates to a contract. With the proper attorney in place, he's going to execute the contract and ensure that we sign one that's going to be the best for the village and not what we've done in the past.

Andres: There's may be some [unintelligible 02:48:58] communications made because I'm just suggesting that what I hear as far as the concerns of the residents in terms of [crosstalk]

Mayor Cubillos: What I would really ask and beg of you that when residents make that, they need to call us and then at least come to two meetings because if they see that, they'll understand the process. When they understand that process they realize we're not cutting corners. We're doing what's best with what we have and what we believe in our experience is going to really work really well. But if for any reason I didn't think that in the four months that Christia, or five months that Christia Alou has been with us, if there was any slight of doubt that I had, I would not be doing this because, guess what? You all are going to remind me of that. I make mistakes once and I try not to make them again.

I wholeheartedly believe that whether she's with us for two, three, four, five years, I don't know the answer to that, I do believe she's going to give the village all that she has. In the short time that she's doing it that's what I've seen. If there's a dramatic change when she becomes permanent, I'd be very surprised. Things happen but I don't foresee that happening. She's vested in the community. She actually attends the events. She's a part of it. She helps them.

Events may seem like, "They're events", no. It's those events that we have put together in the last six years that has made the community what it is. That sense of community we have, the power of next-door, the power of communication, the power of knowing your neighbor was all created through events. When managers go to the event and managers go to Tallahassee, it says a lot. Managers don't [unintelligible 02:50:34]. The time that I've been here, they don't like doing that. So it says a lot when they take the time to do it because we all do it because

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we love doing the events and we believe in the spirit of what it creates, but to have the manager and the clerk and your police there, that's team. That speaks volumes.

Mathis: I'm going to piggyback on that.

Roman: May I first? Okay. The first thing that I want to say is that this is an interim position, which is a try. We have tried it. The position, it wasn't that she was just the only person here. The position, it was out there that we were looking to hire an interim manager. That was out there. It's been out there since she's been here that we have an interim manager. If there are any candidates out there that wanted to come forward, they could have reached out to anyone of us. They could have sent in their resumes.

This is not something that we're just echo everything that the mayor said. Again, it's us, we're making this decision. We work with this person, whether it's the daily or so forth, but there's a process. You go into the charter, we're not cutting corners. It's the best decision for the village. If we post it, that's time. We all know time is money. Post it and give the opportunity although we have a great-

Andres: Time is money, but convenience has a premium there, I think so.

Roman: No. Absolutely, but we have the candidate already.

Andres: If you're satisfied, I'm satisfied. Anyway, just more comments than arguments.

Roman: Perfect.

Mayor Cubillos: State your name and address for the record.

Noel: Noel Pace, 206 North West 91st St. I think transparency in procedure is important. One thing is, now that I've been coming to these meetings for nine years, is that I'm not sure everyone has an understanding of the entire process. This is not a one-week, night-a-month gig. I can tell you that the interim manager had been reviewed at the committee meetings that take place every other month and that that review, those interactions among the council of making sure that she's doing what she's supposed to be doing is not just an application tonight. It's a constant process.

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I can say as someone who was here when the position was advertised and we saw who we attracted. We had some good quality candidates to be an interim manager, because if you have been around this, you'll see that that's how a lot of municipalities do this, is that it requires a tryout. Most municipalities hire an interim manager. They're on board for a number of months. Then, hey, it either has worked out or it hasn't.

In this particular case, your tryout included the worst storm we've had here, basically, since Hurricane Andrew. You also had a interim police chief we had to work with at the same time. It all actually came very well together. If anything, in this particular case, it's been more thorough than normal in terms of not cutting corners or whatever. Whatever the council's decision is the council's decision, but as a witness, day in and day out, month in and month out, for a number of months now, of this particular person in this job, I would advocate keeping her. That's it.

Mayor Cubillos: State your name and address for the record, please.

Crystal Carol: Crystal Carol, 480 North West 91st St. I really wanted to commend because, though I've heard everybody say, or a couple of people say that we should open up the process all over again, I think actions speak volumes. I feel that, like Noel, I witnessed the last procedure and process. Yes, it is time-consuming, however, I really do believe that when you have someone that's willing to put 150% into a situation that they're brand new at and have no idea what to expect, that is close to the community, lives very close.

I could write anything on a resume. I could write any piece of paper, any knowledge, any comment, any accolade, any anything that I really want to do so that you could be aware of it. Going through the process just to simulate the process is irrelevant and I, as a resident, feel that having witnessed the last procedure and witnessed the last candidates and witnessed what went wrong with the last manager, as long as the lesson has been learned and the actions of the contract are going to be correct, I think that's key.

There's something to be said about a person that walks into our village, as small as it is, that's willing to pick up a paper or drop off a gallon of water. I'm speaking from experience because I've seen it. Not just some random comment or toot your horn, I've seen you do it, and I think that, as a resident, if you have someone that's been put at your feet that's willing to work with everybody, that should be valued.

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By just going through the motions or listening to next door or having people make comments about it should be the right way to do it, come to a meeting. Come to the meeting and see what happens. Go to a council meeting, go to a committee meeting, because the work is being done. It's not just some random comment that, "Why did they automatically get the job?". They got the job because they've been doing the work.

Roman: Thank you.

Mayor Cubillos: Thank you. Any other public comments? Hearing none, I want to close the public comments, open it up back for the council. I'd actually like to hear from the manager. My apologies.

Christia: Thank you all for your kind words. I appreciate the residents who came out tonight to speak on this matter as well. I've been the interim village manager for five months now. It feels like a lot longer because we've accomplished so much and done so much within that time. I know or have worked in some capacity with the residents who are here tonight and so many other residents.

I started a week before the hurricane struck. I am a single parent. Not only did I have to secure, and this was the first hurricane I was ever in, but I had to secure my own home and my child as well as this village. It was a challenge. I wasn't brave, I have to admit it, but with the mayor's assistance and the acting chief's encouragement and the village clerk, I felt that strength in numbers.

Mayor Cubillos: -so they can hear.

Christia: Okay. I called on that strength, that this group of professionals could really pull it together. We listen to each other. We work well together and we care. After the hurricane, then we had to get immediately back to business because we also had a budget cycle to attend to and deadlines and filings with the state, with the county, with the federal government, had to deal with FEMA on top of that and ensuring that we got reimbursed for this very expensive hurricane.

There's been a lot going on. You don't see it. I'm in here working for the village. The reason I do that, you don't know me, for those who don't know me, I can tell you I am a professional. I'm a lawyer. I went to law school at the University of Maryland in Baltimore, Maryland and

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worked on Capitol Hill for a number of years before I moved here 11 years ago. I came here thinking, "Okay, I'll just get into something locally and be involved in my community".

I did that. I have worked for the county for a while, for Commissioner Evanson who was the mayor here, in El Portal, and gave me a lot of opportunities. DC is one thing, that's federal government, that's a huge undertaking. To come to a small municipality, I think is just as challenging. It has given me a lot of opportunities and room for growth. I'm excited about the challenge of taking what I know from DC and bringing that here to this small village. I do live close by. I care about what happens here. I live just a few blocks north, just three blocks north, actually.

I'm working with the police department, working on the PBA contract, working with village residents. From dirty yards to storm, water, drain maintenance and trees in the road, so many things that we had to deal within that were armor related as well as just our day today things that we had to deal with. It's been a good challenge and I hope that you appreciate and like what I'm doing because I like what I'm doing and I ask for your input, I ask for you all to come by, people come by whenever they want to and we talk and when we can't talk I find a way to talk to you because, again, I'm professional and I will return calls within 24 hours, emails or I will get on whatever your request is and we try to do that turnaround as quickly as possible, because guess what? I got a lot of other stuff I got to go to and if I don't do it now-- I have to do it now, that way it's done.

So, I'm working through the village and I hope that you will see that I'm doing that and I hope that you will continue to trust in me and maybe gain some trust in the work I'm doing for you. And I think that's it. If anyone has any questions for me, just know I'm available out too if you want to make any comments. Thank you.

Roman: Thank you.

Mathis: Thank you. Can I say something?

Mayor Cubillos: Thank you, yes, go ahead.

Mathis: I've been up here, in this role longer than anyone. I've actually-- Christia would be the seventh manager that I've had workings with, and there's only been three that I would say that I have no problem closing my eyes at night knowing that this village is secure, and she is

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one of those three. I'm most comfortable with voting on this decision, most comfortable. She closed it for the public.

Dreher: But I reopen it, I reopen it, I reopen it, I reopen it. We reopen it, quickly for public comment to know [unintelligible 03:02:16]

Liliana: Liliana Pickle, 181 Northwest 87th St. Christia, why do you want the job? You're an attorney.

Christia: I don't practice traditional law. I'm an attorney but I've always done government relations. I want the job because I'm not going back to Washington DC. The work I did there I can do here and I'm doing it here. I'm happy to do it, I like the village. Like I said, I live close by. I'm a patron of our community, I was involved with the Miami Shore Recreation Department, I'm on the Adrian Ash board, I'm on the Miami-Dade County government obligations bond, advisory committee. I care about what's happening in my community, is what I'm saying. That's why I want the job. If it's here and I want to make a difference and help this village with the skills I have, and learn something as well.

Liliana: Okay, thank you.

Mayor Cubillos: What was the question? I missed it, sorry.

Audience: Why do you want the job?

Mayor Cubillos: Any other public comments or can I close public comments? I'm hearing none, I'm going to close public comments and open it back to the council. Agenda item H3, consideration of the recommendation of the general [unintelligible 03:03:34] manager, therefore, is their motion.

Roman: I'll motion.

Mathis: I will second.

Roman: I would like the motion to-- would be interim village manager to become the full-time village manager for the village of El Portal.

Mathis: I second it.

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Mayor Cubillos: Contingent about the contract being signed.

Roman: Contingent upon the contract being signed.

Mathis: [laughs] I second that.

Mayor Cubillos: Will you restate that motion, please?

Roman: Yes. I motion to move forward with the interim village manager to become our full-time village manager at the village of El Portal contingent an executed contract.

Mathis: I will second that.

Mayor Cubillos: Any discussion from the council?

Nickerson: I just want to say quickly that I think that Ms. Alou is a perfect candidate. I am, though, torn, as far as opening it up. I have to say that part of me does feel like we should open it up to the public. That's going to be a decision I want to make right now, is open up a vote because part of me does feel like that. I don't know, I will make the decision, I guess, in the next few seconds.

Mayor Cubillos: I just want to add and be really clear, there's a resolution on the agenda tonight to extend her interim to the 15th. So, when and if this motion is to pass, there needs to be one-- Where's our attorney? Usually, is done by the attorney. It needs to be done where there's a guideline in terms of a timeline. So, let's first go through motion and then I will bring that up afterwards. There's a motion, any further discussion? There's a motion-- Yes, sir.

Mathis: On the contract in addition to the motion, I would say that-

?Speaker: Turn around. We can't hear you.

Mathis: On the contract piece, that means that the entire council is going to review that contract and then there's going to be another motion where we are going to be bringing up for review of the contract.

Mayor Cubillos: Yes. How it works and not necessary there's a missing component. How it works now is, if this would pass, there needs to be a next conversation whereas the timeline

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for the contract and then, generally, we assign the chair of admin and finance to work with the attorney on the contract. Then the contract must be received by the council by exit date, so the council has sufficient time to review it in the hopes that it will be passed off in the next council meeting. But there's a timeline and we have to give everybody accountable to that, and the contract could depend upon the attorney, okay?

Mathis: What's the target time frame? You have to discuss and the finance [crosstalk]

Mayor Cubillos: No, no, no, no. After this motion, if it passes, we'll discuss it together here. And then we'd come up with a timeline that we'd like to see happen. We have a resolution on the agenda to extend her interim basis that we all voted on in December. That could be a time to say, "Let's extend it to the end of February to give us more time, so we can have that--". That also is another conversation that we can have as we move forward, okay?

Any other further discussion on this motion to make the village manager permanent contingent upon a signed executed contract? I'm hearing none, I'll close it up again, any public comments? Okay. Hearing none, madam clerk for a roll call.

Clerk: Roll call, councilperson Dreher.

Dreher: Yes.

Clerk: Councilperson Roman.

Roman: Yes.

Clerk: councilperson Mathis.

Mathis: Yes.

Clerk: Vice Mayor Nickerson.

Nickerson: No.

Clerk: Mayor Cubillos.

Mayor Cubillos: Yes.

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Clerk: Motion passes forward.

Mayor Cubillos: Okay. The next discussion is-- Where's our attorney?

Roman: He's in the bathroom.

Mayor Cubillos: Okay. Jason, the council agreed 4-1 to make the manager permanent contingent upon a signed contract. How it worked in the past when we did it with Basel and with David, when David became permanent, as now the council is going to agree on a timeline, a feasible timeline. We agree on assigning the chair of admin and finance to work with the attorney. I want to ask the council for a timeline that is reasonable to have this contract done and then email to us for us to review, and then what would be a time that we would sign off on that. That's where we'd need your guidance to ensure that the timeline is sufficient and ample enough.

Keep in mind we have a resolution on the agenda tonight, that was voted on in December, to extend her interim into February 15. I'm not saying that we have to be rushed, we can possibly extend that resolve to maybe the end of the month. I need your feet back and guidance on that. And then, once you make a recommendation, I want to hear from the council.

Jason: I will check with Joe. I know in the agenda for tonight, there's no issues with that resolution which we are going to hear later tonight. With this I could touch base with Joe about how much time he would need, but I can't imagine it being super extended about of the time, 10 to 20 days, but I think it should be very usable to get it done back and forth with the council and get it in time.

Mayor Cubillos: Through the council, I think the first thing we need to identify is that the chair of admin and finance will work with the attorney. We can come up with the date. If you've said 20 days-- Did she tweet us?

Audience: 10 to 20.

Mayor Cubillos: Did say 10-20? Okay, today is the 24th so, in our hands, and keep in mind that we would ask councilperson Roman to take the lead on this to ensure that it gets done and that we receive in our emails so that we have time to give feedback on. Because that feedback, for those if this is first time that you're going through it, all of that feedback will

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happen at the council meeting. If you want to email it beforehand to the attorney, that's fine, but at the end of the day, the contract is going to be agreed at a council meeting. Does it be side agreed and privately, or in email or anything like that. But we need sufficient time, I would say, for me, a week to review it would be enough for me. If the council meets on the one, two, three, four, the 27th? On the 27th? If the council meets on the 27th, I know you're out of town for a week, I'm out of town for a week. Would we agree-- and this would be on Councilperson Roman to take the lead on ensuring that this comes through, that we receive it through the clerk by February 16?

Jason: Yes. Joe said 10 to 20 days is fine as well.

Mayor Cubillos: So, if he says 10 to 20, can we settle on 15th? Okay. So, let's settle on 15th since that's middle.

Roman: February 15?

Mayor Cubillos: 15 days would be-- That would be 15 business days I would assume, right? So that's eight--

Roman: Business days, 10 would be February 6, and then 20 days would be February 20.

Mayor Cubillos: 15 days will be what?

Roman: 10 days would be February 6, 20 days would be February 20.

Mayor Cubillos: Okay. Why don't we do February 9, 15 days? We do right in the middle. If he says 10 to 20, can we settle at 15 days?

Roman: So, February 9?

Mayor Cubillos: February 9, [unintelligible 03:11:07] February 9. That gives us more-- Is the council comfortable with February 9 receiving the email by the close of business?

Nickerman: Yes, madam.

Mayor Cubillos: So we've agreed that we're going to receive a draft to contract for the manager, and the chair of admin and finance is to work with the manager and the attorney to

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ensure that it gets done, and that through the clerk we receive it by the 9th of February, giving us time to review it and get feedback to the attorney. Are we all okay with that? Yes.

Nickerman: That's two weeks and a half, right?

Mayor Cubillos: Yes. We're given 15 business days. I think he just text Joe Geller, and Joe Geller said 10 to 20 days and I put right in the middle to 15 days.

Nickerman: That's fine.

Mayor Cubillos: Okay. I'm going to say it again for the record. We've agreed that Councilperson Roman along with attorney Geller with Christia Alou will oversee-

Christia: I'll send it to you.

Mayor Cubillos: Okay, perfect. And then we will review it. We, council, we have to review it and we have to be prepared to make comments when we come to the meeting. Coming to the meeting cannot be the first time we see the contract, okay? Please have all your comments ready, and it'll be planned at the discussion for well over an hour, and then we'll come to an agreement. If it's anything really specific, I kindly ask you to reach out to the attorney, not to Councilperson Roman, or it's even the manager, okay? We all understand that?

Nickerman: Yes, madam.

Mayor Cubillos: Okay.

Nickerman: Why wouldn't we be able to reach out to the manager? [crosstalk]

Mayor Cubillos: That's why I said, "Or the manager", not Councilperson Roman, yes.

Nickerman: [crosstalk] Or the manager, [crosstalk] you said council order.

Mayor Cubillos: I said the attorney or the manager, not the Councilperson. Absolutely, of course. Any questions on that? Christia Alou, are you okay with that?

Christia: I'm fine. Those things are fine.

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Mayor Cubillos: Okay. All's clear. All right. Moving on. For some of your agendas there was an H4, a marijuana discussion. I'm going to-- For purposes of time and respect at the time, I'm asked to strike that to the next council meeting. I do want to, for the record, state that one of the reasons why it's not on the agenda was because the draft ordinance that the planning and zoning committee actually passed at the committee was not the ordinance the clerk received from the attorney. We cannot have an ordinance at the council meeting that's not passed to the committee.

Nickerman: Absolutely right.

Mayor Cubillos: These are some of the things that happen when you work a Friday at nine o' clock at night. We need to have a discussion with the draft ordinance and a full, open conversation about marijuana dispensaries in the village of El Portal. I kindly ask you all to really review the ordinance and have a discussion with the attorney and be ready to have a full-blown discussion at the February council meeting. Are we all on the same page? Council?

Roman: Yes.

Nickerman: Yes, madam.

Mayor Cubillos: Councilperson Dreher?

Dreher: Yes.

Mayor Cubillos: Mathis? Okay. All right. We're going to move on straight to the resolutions. Jason, we have the first resolution was to extend our, speaking of Irma, we have to extend our disaster program operations by law and by state law after the disaster and emergency period was over. We have to extend it, we put an RFQ out and we're actually going to receive one proposal which is the same company we're working with. We need to be sure that we have a proper resolution in place.

Jason: Sure. Good evening. This is resolution number 2018-01, a resolution of the village council of the village of El Portal, Florida, to approve award for request or proposal RFP. RFP number 2017-02, village of El Portal to Disaster Program and Operations Incorporated, INC, for disaster degree monitoring and disaster management and recovery services, providing for the incorporation of recitals, providing for an effective date.

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Mayor Cubillos: Okay. Great. Thank you so much. Manager, if you would like to say anything further about that as to why this resolution is on the agenda?

Christia: Yes. Disaster Program and Operations Inc. with our emergency response disaster recovery consultant, we found them in the late-night hours of-- right after hurricane Irma. Thank goodness they responded, because we really didn't have any plan for hurricane recovery response and we had to act quickly. Luckily, we found a group or an organization that had worked with the village of El Portal before. We met with them that night here in the village hall, late, and we contracted with them. That's what you do in emergency, but once the state of emergency was over, we had to make a formal contract with a disaster recovery specialist, and so I did put out an RFP, and they were the only ones who responded. This is the village disaster debris monitoring and disaster management recovery services. We need them, we need them to be in place, because November is coming and we don't know what's going to come down the pipe, but it's always good to have a consultant or a contractor on ready in case disaster strikes.

Mayor Cubillos: Any questions for the manager from the council? Okay. Hearing none. Is there a motion to adopt resolution 2018-01?

Mathis: [inaudible 03:17:01]

Mayor Cubillos: A motion has been made by Mathis, is there a second?

Dreher: Second.

Mayor Cubillos: Second by Dreher. Any discussion from the council? Hearing none. Any discussion from the public on resolution? Hearing none. I'm going to close public comments. Madam clerk, can we have roll call please?

Clerk: Roll call. Councilperson Dreher.

Dreher: Yes.

Clerk: Councilperson Roman.

Roman: Yes.

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Clerk: Councilperson Mathis.

Mathis: Yes.

Clerk: Vice Mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor Cubillos.

Mayor Cubillos: Yes, yes.

Clerk: Motion passes.

Mayor Cubillos: Excellent. Thank you. Next in line, we have Plusurbia. Plusurbia's been our planning and zoning consulting firm since December of 2014. We want to put a contract in place to ensure that we are in line with what we need to do for a good government. Jason, can you please read resolution 2018-02 into the record?

Jason: Yes. A resolution of the village council of the village of El Portal, village of Florida, to approve and authorize the village manager to negotiate an agreement with Plusurbia Design, PUD, to serve as planning consultant for the village of El Portal and subsequently to include serving as director of planning and zoning, providing for incorporation of recitals, providing for an effective date.

Mayor Cubillos: Excellent. Thank you so much. Is there a motion to adopt resolution 2018-02? As I've stated before, Plusurbia, who's present here today, if we have any questions, has been our consultant since December of 2014 and has done so-- That's not bad. We want to be sure that we have an executed contract in place to ensure that we move forward in the right manner for 2018. Motion has been made by Councilperson Mathis, was second by Councilperson Roman. Any comments before we open up to the public? Hearing none. Opened it up to the public on resolution 2018-02 for Plusurbia contract.

Hugh: Hugh [unintelligible 03:19:06], 400 Northeast 85th Street. I just want to say what a great advance it's been in terms of planning for the village that have been working on a foreign based code and all the different things they've done. I think this is really a good thing.

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Mayor Cubillos: Thank you. Any other public comment? Okay. Hearing none. I'm going to close public comment. I'll put it back to the village council. [unintelligible 03:19:33] discussion, Madam clerk, may I have a roll call?

Clerk: Roll call. Councilperson Dreher.

Dreher: Yes.

Clerk: Councilperson Roman.

Roman: Yes.

Clerk: Councilperson Mathis.

Mathis: Yes.

Clerk: Vice mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor Cubillos.

Mayor Cubillos: Yes.

Clerk: Motion passes.

Mayor Cubillos: Excellent. Thank you for patience Ron, Camilla, and Megan. Next, we have resolution number 2018-03. This is the interim village manager extension that was made and proposed in December. Jason, if you can please read it into the record.

Jason: Sure. A resolution of the village council of the village of El Portal to extend the interim village manager's employment to February 15, 2018, providing for incorporation of recitals, providing for an effective date.

Mayor Cubillos: Okay, excellent. As we stated earlier, this is what we talked about in December with regards to extending the interim manager's contract expired on December 21st and we needed to do write and have a resolution to contract in place, so we're extending

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the exact same thing, nothing has changed until February 15. Is there a motion to approve Resolution 2018-03?

Mathis: [crosstalk]

Mayor Cubillos: Motion's been made by Councilperson Mathis. Is there a second?

Roman: I'll second.

Mayor Cubillos: Second by Councilperson Roman. I'll open up to public comments, close up council meeting to public comments. Any questions with regards to this resolution 2018-03, extending it to February 15, making it interim? Okay hearing none, I want it to open it up back to the council. Jason, I have a question. If we are extending this to February 15, and we're not going to meet into the 27th for the council meeting to talk about the contract, it puts her in limbo for 12 days.

Roman: Should we just extend the date?

Jason: No, we-

Roman: Change the date?

Mayor Cubillos: There's a motion-

Jason: I don't think there's an issue changing the date, since we still going to be working on a contract up until the 9th, so for timeliness purposes-

Mayor Cubillos: But there's a motion. Can there be an amendment made to the motion to extend the resolution to February 28?

Jason: Actually, someone can make a motion [unintelligible 03:22:02] typical--

Mathis: Or we can fail the motion.

Mayor Cubillos: Is there a motion to extend the resolution that expires on February 15, but we don't meet to February 27-

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Roman: Amend.

Mayor Cubillos: To amend it to February 28th? Did you have a question?

Mathis: I'm just thinking of something procedural. We had to do this resolution because we extended it at the [crosstalk]

Mayor Cubillos: Because it expired in December.

Mathis: We have to vote on this as is, correct?

Jason: No, you can revise it.

Mathis: Okay, okay.

Jason: It's just like any other [crosstalk]

Mathis: All right, then I'll make an amendment to it to fall in line with the—

Mayor Cubillos: The end of the month.

Roman: The of the month, February 28.

Mayor Cubillos: February 28.

Mathis: February 28?

Roman: February 27.

Mathis: February 27?

Roman: 27, is the way.

Mayor Cubillos: Yes, but the 28th is the end of the month so-

Mathis: 28th, February 28.

Mayor Cubillos: That way the next day is?--

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Mathis: March 1st. Till March 1st.

Mayor Cubillos: Okay that's even better.

Roman: That's fine.

Mayor Cubillos: There is an amendment to the motion to extend this resolution to March 1st. Payroll probably better. There's a motion made by Councilperson Mathis to extend it to March 1st, second by Councilperson Roman. There is a motion with an amendment to the motion. Any discussion? Any discussion from the public comments? Hearing none, village council, madam clerk, roll call.

Clerk: Councilperson Mathis?

Mathis: Yes.

Clerk: Councilperson Dreher?

Dreher: Yes.

Clerk: Councilperson Roman?

Roman: Yes.

Clerk: Vice-mayor Nickerson?

Nickerson: Yes.

Clerk: Mayor Cubillos?

Mayor Cubillos: Yes.

Clerk: Motion passes [unintelligible 03:23:35]

Mayor Cubillos: All right. Next, we're moving on to resolution number 2018-04. I definitely have some questions on this, State Revolving Fund Loan Program.

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Jason: A resolution of the village of El Portal, Florida, relating to the State Revolving Fund Loan Program making findings, authorizing their loan application, authorizing a loan agreement, establishing pledged revenues, designating authorized representatives, providing assurances for project financing on project number SW1320L, providing for incorporation of recitals, providing for conflicts, sever-ability, providing for an effective date.

Mayor Cubillos: Okay great, thank you. Before I ask for a motion of this resolution, this is a project that's tied into a lot of moving variables. You all received-- This was discussed at public works of great length. We all received, I believe via email, an opinion, not a legal one, an opinion from Nestor Torres from CITT. Did you all receive that email?

Roman: I didn't see it. I probably received it but I didn't see it. I didn't read it.

Mayor Cubillos: Okay. If we all remember and, Councilperson Dreher, excuse me, chime in at any time. This State Revolving, there's two resolutions that at some point must get passed, but it's all contingent upon payment, that we can assure payment back on the loan. The reason that this didn't pass in December was because the council won in a legal opinion to ensure that we could use CITT, which stands for Citizens Independent Trust Funds, a transportation trust, that we can use those funds to pay back this loan. We had heard "Yes, no, yes, no", so as a result, we asked if there could please be a legal opinion?

We had an attorney here at the public works meeting, because we hadn't heard from our attorney. That attorney indicated that using those funds is not the best use of government appropriation. And then, Joe Geller, attorney Geller on Friday at late hour says, "Hey, Nestor Toledo from CITT has issued an opinion". Nestor Toledo, I think he's the executive director, has worked for the CITT for a very long time, but he's not an attorney, and those in copy of the letter were not attorneys. Then I asked attorney Geller, he says, "Well, you're not going to get a letter from an attorney unless of course they are your client and you're going to pay them". I said, "Okay, but we received it from another attorney, because we seek outside counsel on this matter and he's advised us that no, he doesn't recommend it, but hey, we can use local gas tax as an option".

So the reason that that's relevant to this conversation is because, in this resolution, along with the one after it, there is a line in section three that we have to specifically put in there, that says, "The revenue's pledge for the repayment of the loan are the village's revenues from the", and then it's blank, or should be blank, and in there we're either going to local gas tax or

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Citizens Independent Transportation Trust. There are no senior liens which would take priority over the repayment of the loan from the pledged revenues. I asked the manager, "Did you have a copy of that letter so that the legal opinion from attorney Hearn and Nestor, so that the counsel can review it?"

Christhia: We only have the one from Nestor. Attorney Hearn require affidavits today from me and the CFO, and we got those to him but he hasn't [unintelligible 03:27:27] the actual letter, but I can imagine-- I unfortunately did not bring my phone tonight.

Mathis: I have the letter from Nestor.

Roman: I have the letter in front of me.

Christhia: Okay, [crosstalk]

Mayor Cubillos: Yes, she has. Okay, the letter.

Christhia: But we do have. Let me just grab that writing from our helpful [unintelligible 03:27:44]. I do have [crosstalk]

Mayor Cubillos: What does the affidavit say?

Christhia: It's just that we can use other revenue sources. Let me see here.

Jason: And just for the record, Joe Geller, village attorney, has not seen that specific letter, so he would like to see it before commenting on it, but it's up to the council making a decision, but village attorney did want everyone to know that this letter he-- the village attorney's office, that this letter is sufficient. That's on letterhead of the CITT, and it's from a person acting in the role of the CITT. That the village should not be concerned with this position in this letter whatsoever. It is valid and protects the village in any event in any possible issues.

Mayor Cubillos: I'd like to get a legal opinion on that letter, because that's not from an attorney. I'm getting an opinion from an attorney but that letter is from a non-attorney, and I'm sure there's a loophole.

Jason: You're not going to get any legal opinion from the county, because the county's attorney's office-

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Mayor Cubillos: Oh, I'm okay with that. That's why we seek outside counsel, because attorney Geller didn't respond to our calls, so the manager seeks outside counsel, and I think that's what the affidavit is attached to. Keep in mind there's multiple sources of revenue, it's not CITT, there's local gas tax. The reason that this is really important is because everything is tied in together, like Panoni's contract has to be signed, the application was submitted, but the application needs these resolutions.

You can correct me if I'm wrong. At some point I'm going to bring you up and Steve. All of this is attached together, and all this has to get done so that we can properly execute this, but what I reiterate strongly on is what we put here as a line item, because this is what we're using as a guarantee to pay back, and many times government municipalities makes the wrong move and says that they're going to use funding, and it's a misappropriation of funding. It's not big dollars, but we still have to be really cognizant of the decisions that we're making and where the source is coming from, which is why I've been a stickler to get a legal opinion. While I respect Nestor tremendously, an amazing individual and a professional, but I think there needs to be a legal opinion on that letter, but I want to hear from the council.

Dreher: Christia, can I get a copy of that affidavit?

Christia: This isn't the legal opinion yet, it was just something he needed to prepare.

Dreher: Just to be clear, that legal feedback, they're stating that we can use the storm water and gas funds?

Mayor Cubillos: It's called the gas tank, but not the--it's of service tax.

Dreher: Service tax. Joe has not seen that affidavit, and he will like to see it.

Jason: Technically, it is the role of the village.

Dreher: Of the village attorney to review it.

Christia: It's just here for backup, that's why to secure it, but I have it, it's here.

Dreher: We are clear then, we have this other e-mail where Joe confirms from-- he has an e-mail from Nestor Toledo who is the liaison of the CITT, and he copies-- and you can see my

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phone where he copies the executive directors, and as a lawyer, he's blessing that letter that we can move forward with this in the CITT. Is that the understanding?

Jason: Absolutely. He's happy, with this manner, it's sufficient. Directors of the organization are copied, he did say if there's another source of information, that he'd be happy to look at it, but that he feels very comfortable of this, for purposes of the resolution that the mayor had in her hand. You can keep the CITT language, or you can also say and or any other legally appropriate source of funding too, if you want to consider this. The point of the village attorney is that he was happy with his letter from his-- that's his legal position. In the long term, he said he is happy with the resolution here being passed.

Dreher: That resolution makes reference, not to any particular line of revenue, it's just a blind resolution? We have to fill it in.

Jason: Get in line, that paragraph you can revise. Slightly, to any appropriate, legally appropriate sources.

Dreher: What's your recommendation then for the other council? That you're representing us.

Jason: I echo Joe as I spoke to Joe about it, we both feel the letter is fine as is for the CITT funds. I haven't seen this either yet. I would want the actual letter once you get it from the outside council. Joe wasn't there when that outside council was there. I would certainly would want him to see all of those documents first before blessing that, but right now, the positions at this letter is fine, and buying the CITT, and there's a traditional term and stops, the count, from taking a position adverse to what this letter says. That's pretty much what you want. Again, it's up to the council, but it's our position that this is fine.

Mayor Cubillos: Any other comments from the council? When I vote on something, I want to be more than fine. I want to be sure that this a legally binding document that is going to-- I feel a lot too, but again, this is something that I ask the council to be really aware of because-- yes?

Dreher: I'm comfortable with it.

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Mayor Cubillos: Have you read it? I want to be sure that everybody in the council has read it and have received it. For purposes of transparency, Jason, can you read it to the record please?

Jason: The letter? Just for the record, they also contain attachments which I could reference to.

Mayor Cubillos: What are the attachments?

Jason: They were the e-mails with Nestor and Joe.

Mayor Cubillos: I received that.

Jason: This says it is dated January.

Roman: Sorry, we can't hear you.

Jason: I'm sorry. This letter is dated January 19th 2018. Joe did receive it late Friday afternoon after asking for a few times from Nestor because we wanted a formal position from the CITT on their letterhead. It says, "Dear Mr. Geller-" it's addressed to him at our law firm address, "the purpose of this letter is to confirm our resumed conversation regarding the village of El Portal and your e-mail to my office at December 1st 2017 attached. As I mentioned, the village of El Portal may use charter county transportation sales, sur-tax funds, for both the-- and this is in bold-- septic to sewer phase one project, and the-- and this is in bold also-- storm water master plan project-- end bold-- as described in the attached correspondence.

Both projects are eligible under the transportation portion of the PTP ordinance, as they both involved major roadway projects within the village. In addition, it is important that the village of El Portal provide this office with the required reports associated with the above mentioned projects. If you have any questions, please contact me at area code 305 375-1357, it's signed by Nestor Toledo, Municipal Liaison. It copies a Charles Sherr, executive director. Javier Bettencourt, executive director, and Carl Muzi Sr., executive secretary, and it is on the Citizen's Independent Transportation Trust letterhead.

Mayor Cubillos: I had a question, so Greenspoon Marder, has how many attorneys?

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Jason: Right now, over 200.

Mayor Cubillos: None of them is an expert in CITT?

Jason: Well, that's an interesting term in expert. What do you mean by expert?

Mayor Cubillos: Well, they can provide a legal opinion on that letter, because Joe has verbally said its great and it's fine or in an e-mail, it's okay. He's our attorney and he's being paid by the village. Could he provide a legal opinion on that letter? On Greenspoon Marder letterhead, so that we could have it attached to that, if that's the avenue that the council wants to go.

Jason: If you want, I don't see a problem with it. It really comes down to the legal now, it's pretty simple.

Mayor Cubillos: There's nothing simple to the law, but okay.

Jason: For this scenario, in this context, and I meant it to keep it simple for everyone. It's a person employed by this agency, this government agency.

Mayor Cubillos: Hey, guess what? In 20 years or 10 years when none of us are here, and neither is Nestor or CITT, I want to have a legal binding letter letting us know that the mayor who's going to be sitting up here is not going to be saying Mayor Cubillos did all of this without this. All of us know, we're not necessarily going to be here when all of this could be happening.

Jason: It's a person acting in his capacity, this is appropriate capacity on the letterhead of the organization and the leaders of the organization or account are attached. You also have copies of e-mails where Mr. Geller communicated with this gentleman, met Nestor Toledo. Long story short, if you were to have a trial over evidence purposes, we feel it will hold up. I don't think you'd ever have to get to that point, because-- it is clear that this is fine, but I can certainly ask Joe to put that on his letterhead saying after his analysis of the letter, it meets the threshold of being legally binding, on account of the CITT.

Mayor Cubillos: That's something I think that should have been done without even being asked because we have to make decisions and everybody's waiting for decisions, and to me-- and it's something that we've been asking for months now is a legal opinion.

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Jason: I understand.

Mayor Cubillos: That was my reply back to Joe, is Nestor Toledo is not an attorney, and having received the letter, can you provide the letter because you are the attorney. I would feel much more comfortable if I have a letterhead on Greenspoon Marder assigned by my attorney, Joe Geller, saying, "I've read this. To me, it's legally binding, and I think, feel whatever we're saying that this is fine. Whatever."

Jason: Certainly you ask him for that.

Roman: I have a question, may I? The letter states, "In addition, it is important that the village of El Portal provide this office with the required reports associated with the above mentioned projects." It doesn't state what required reports. Now, are those required reports required in order to approve the funding or are they-- this is left for interpretation.

Jason: I can certainly talk to Joe. I know there's a multiple step process with this, but it seems, again, our position is it's appropriate.

Nickerson: I'm along the same line of thinking as yourself Madame Mayor and Councilperson Roman. That was one of the first things that popped out of my mind, Councilperson Roman, more about that paragraph. Also, even though that's on that letterhead, if this individual was, let's say removed from his position, I also would feel more comfortable with our village attorney's opinion on the letterhead of his firm. Yes, recommendation, going for it, and without those things being answered Madame Mayor, I'm just not comfortable with this decision.

Mayor Cubillos: This is tied into the next two resolutions. Again and in spirit of Penoni and even in Councilperson Dreher that they've worked countless hours on this project and to Rob and everybody else. This is something that is--

Jason: I will say that he was asking for it for sometime and did get it late Friday afternoon but I'm certainly happy to ask him for those additional documents.

Roman: Where does that leave us?

Mayor: It leaves us at the will of the council. There has to be a motion to pass this resolution and the two resolutions to follow are contingent upon that one line that we've been waiting

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for for months. How long has he been waiting for this? Excuse me I'm sorry, Councilperson Dreher. How long have we had this pending? Has it been since October, November?

Dreher: Is my answer going to go on the record for next, what is it? Next meeting we have before the council meeting, is that what you're asking me?

Mayor Cubillos: No, I want to know, you've been working for how many? [crosstalk]

Dreher: I think we all know. You being part of the council right? You know.

Mayor Cubillos: When was this resolution go, was it October, November meeting I don't remember. Either way, it definitely's been more than a month. Maybe Robert has the answer to that question, when did this-- or actually Steve, sorry if you can come up, when did this resolution come to us first? Was it August, September or October?

Steve: November.

Mayor Cubillos: Okay November. Since November.

Robert: Robert Rano 1544 Mercy Avenue. Steve and I spoke to Joe on Friday evening. He told us he would give us a legal opinion above and beyond what CITT has said from himself.

Jason: On top of that he would like the resolution passed first. That's I think where you are, that's his position, he wants the resolution passed first and then he will file and draft and sign the appropriate documents. He feels everything.

Mayor Cubillos: I'm sorry I don't really know who works for who here but with all due respect, you all can be the mayor if you like and you can sign resolutions and applications for \$4 million whenever you all want. You want me to sign a resolution that resolves the village to-- that the attorney is going to provide a legal opinion. Well, I don't know, it seems a little backwards to me. The resolution is the resolution that we're resolving that is being signed by the clerk, by the mayor and by the attorney. I would feel comfortable that if you're going to do the legal opinion why don't you just do it to begin with?

Robert: I can't answer that question but I will tell you one thing about this. The resolutions go with the applications, okay?

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Mayor Cubillos: Yes, which I was resistant to doing but in the will of team spirit I still signed it and it was sent of to the state.

Robert: Okay, now when the application goes to the state, they prepare the package and then they get it back to us and then, right. At that point you can decide you can either execute the agreement or not execute the agreement. This is essentially an offer letter, an offer to the state that this is what we want to do. Granted, I agree with you in that respect. I would have felt more comfortable if we had that legal opinion from Joe today but I will tell you that we do need to get those from a time frame perspective, we need to get this passed tonight.

If we don't get it passed, I'm just being perfectly honest, if we don't get it passed, we might as well just punt either to maybe May. I spoke to the state maybe May maybe August, maybe next year and just put everything on hold. Granted what I would say is pass the resolution with the understanding that you don't sign them until we get the legal opinion from the attorney.

Mayor Cubillos: I can't pass a resolution and then agree not to sign it.

Robert: No, no I'm just saying, just wait until you get that legal opinion. In a perfect world we would have had the legal opinion in our hands right now. Granted I wanted to have it. If you don't and we had this conversation at the committee meeting, if we don't then let's pass this on.

Mayor Cubillos: Listen, I'm only one person. This is the will of the council, the council wants to move forward on this, they don't need my vote but I have said from the beginning this is a project that is really important. There is a lot of moving pieces to it. Hugh Gladwin was here at the public works meeting, he said, "This is very involved and there is a lot that goes into it but if you do things wrong from the beginning, it doesn't set a good tone to the state or to anybody."

I think it's great that we all say yes let's just do it and let's just pass it but the people to sign it has to be me. I have to be most comfortable and I would hope the council has to be most comfortable. This takes us back to where we're always at. We are always in a position of no strength because we would be in a position of strength if our attorney would be here or if he's not here, to keep us equipped with what we need, so hey, guess what, we're not caught in a litigious position.

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You all may think this is a joke, you all may laugh at this but this to me is not a joke. This is serious and I'm not going-- and again this is the will of the council, the council wants to make a vote, you all want to pass it, go ahead and do it. This whole project got here without my vote anyway, so they don't need my vote, they just need my signature. I'm just going clearly on the record that I think it's a disservice to do things backwards because that's just showing our attorney that we allow that kind of work to happen and that's basically why we're in the position that we are in.

Jason: Again it's the attorney's position, he's reviewed and analyzed it, he feels that--

Mayor Cubillos: That's great I want to hear him, go ahead.

Robert: I got to this process in November in the kickoff meeting. I agree with you that things could have worked better. I think that with what you discussed today with the attorney, regardless of what happens, things will work better, but we have a decision to make. Do we want to accept that 550,000? Do we want to do the storm water? Do we want to do the waste water? If we don't, then by not passing the resolutions tonight, we pretty much are not going to do it. I'm just being honest.

Mayor Cubillos: Yes but for clarity purpose, this is not about a half a million because that storm water's different. This is a \$4 million project that we're putting the village on the line for, it's very different. Okay.

Dreher: There's a clarification, it's a \$4 million project but it's broken into stages. Right now we're at the stage which Robert mentioned which covers half a million dollars.

Robert: Yes, but to be clear, passing this resolutions doesn't put you on the line for anything.

Dreher: Correct.

Robert: Okay? This is an offer to the state that this is how we're going to pay for this, okay? Until they reproduce those documents and get them back to us, then you have that determination of whether you want to execute the contract or not. Really just passing today, doesn't put you on the hook for any money. You will not have an [crosstalk]

Jason: In a way you're being very cautious and diligent but the point we're making is that just passing a resolution and relying on it this appropriate letter will not backfire on the

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village at this point in time because it's such a multi-step process where this is just step one and then you send documents to the state. There's an application process, you hear back. You go back and forth, so that's how I discussed it with Mr. Geller.

Robert: I will say Madame Mayor, with what has transpired since Friday till today with the attorney, I think that you will get that letter very soon and that things will turn around on this project. That's my goal.

Mayor Cubillos: Did you want to say something?

Steve: I want to add, Robert is correct what will happen if you pass this resolution and Mr. Geller, which he committed to us on the phone Friday but it's not done tonight. He will sign the formal FTEP legal opinion letter. I think he wants to amend it.

Jason: Well, there's a matter he will review and work on and--

Dreher: It's not a custom letter or--

Jason: Well, he wants to apply maximum diligence to it with his review.

Steve: That's a requirement and when DEP gets that and one other formality from the village, they'll prepare an agreement and the village will not be obligated to anything until the actual agreement that spells out the funding terms assigned. Our hope is that if we get this done, DEP will underwrite it, they'll get it back to us within a week or 10 days and then that's at that moment is the time that it's take it or leave it. It's an actual contract at that point.

Mayor Cubillos: I do have a question for you. You said that we don't have to legally pay for this or do anything. I think you just said something like that, correct?

Steve: You won't be obligated to that project until you actually sign the agreement.

Mayor Cubillos: My concern when you say that and I think about this is that, how much money do the village owe you right now? About a hundred grand? Okay, give and take okay. I say that because we're operating without a contract with you, with all due respect I thank you for what you've done. We're operating without a contract, all this is tied in to be reimbursed to pay you. We're continuing you, your work, you come here, everything cost money.

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We're being built all over but nothing is really in stone that we're going to get any money. Again I think as of today or soon, now that the village, the attorney approved, I think we're going to have a signed contract and I think that's only because we, I harangued them horrendously on Friday. No, we don't have to pay, so we don't have to pay you right now until all this is said and done.

Steve: That's a legal question. I don't how to answer that. We've been performing work trying to get this done by March.

Mayor Cubillos: I understand without a contract and you guys have been great. This is not on you here. I'm just saying that the onus is really on the council because we haven't-- you're doing a lot of work, I see the bills, I see the cheques that have to get ready that I have to sign and the manager has to sign but we don't have anything executed, a binding contract with the engineering firm. Now we have really no concrete "eh" that we'll get even this. All that is tied in together. Am I correct?

Steve: Yes. Once this is agreed the DEP will pay our bills basically. The village won't get the money until this is executed. Once that's done when, the agreement is executed--

Mayor Cubillos: And the legal opinion is formed and everything is binding.

Steve: The legal opinion. We're this close and then DEP pays all the bills. Then the village will have the money to pay us.

Dreher: A quick question, we're binding once we sign that agreement, right?

Steve: Right.

Dreher: DEP needs these two resolutions to draft that agreement, right?

Steve: Yes.

Dreher: Let's say we go with the route, yes. I'm just saying it hypothetically. We're just going to say CITT or we send them the affidavit to Joe with whatever work the other firm did and he comes back let's say in a week and he says, "You know what? Let's use the gas money", but until we get that agreement do we have that flexibility to say, "Well, we can choose that

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source of revenue." If you don't know that we can ask Jason. He can comment on that. We need a legal perspective.

Steve: The funding source really should be identified now because we're running out of time and the agreement-- the underwriters are ready to put the final touches on the application but they just want to -- we have a letter already from Christia and Irwin stating the amount of annual funds that are available in CITT and the reserves. They're ready to go and finalize it and get it back to you for next week. If that's not going to be it--

Jason: I spoke to Joe about that and you could put that language in the resolution because you don't want to just drop CITT after all these efforts.

Steve: And we really need CITT for the next phase.

Jason: CITT and/or other legally appropriate source of funding.

Roman: I have a question, can we put all three?

Dreher: That's a good point there. Can we do that for the [crosstalk].

Jason: I wouldn't cut off any other option, by keeping it broader you say any other legal--

Roman: Can we put CITT, can we put the gas, whatever, and/or any other?

Jason: I don't see a problem with that. Again Joe hasn't seen the additional documents but he said that you can do the CITT or any other legally appropriate source.

Christia: If I may to the other legal-- the other attorneys that were researching other funding sources also stated that we are free to diversify. Meaning put different funding sources. That was definitely an option and they suggested it too. I don't have that in writing but I will have it in writing.

Steve: I don't know the answer to that but it's probable that you could pledge all three but you'll just have to provide the financial information which shouldn't be a problem. When you have an established utility you can pledge your general fund revenues if you want, it's just more documentation that's needed. They just want it to start up like this, they suggested given

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something that has a track record and something you can point to. If that's the route you want to go, I don't see a problem with that, listing all three.

Nickerson: I just want to point out we wouldn't be in this position if we had another attorney.

Mayor Cubillos: Any other questions or comments for either Steve and Robert? Then I'll open up for public comments and then we can see if there's a motion. Any other? Not yet, some public comments. Any other questions for Penoni or Robert from the council? Okay, hearing none, no thank you guys, I appreciate it so much. I'm going to go ahead and close the council and open for public comments. Then I'll go bring it back to the council for a motion.

Hugh: Okay Hugh Gladwin 400 North East 85th street. I think I'm trying to make sure I understand the situation here but I think the problem is you're going forward, there's going to be tremendous expenses the village is going to meet the flood requirements and everything. I mean just the things that were presented at the public works committee meeting. There're big items there that so far it's unimaginable how we're going afford. There are other items that are going to play havoc with our form based code and everything which we we won't to do.

We do have to scramble to find ways of funding these potential things and building towards that future. If it is the case, staying in the running for this particular funding is contingent on passing this resolution. To not pass-- if I'm understanding right, to not pass the resolution would be a huge negative step for the future which you may have to do if you feel like you don't have the legal justification.

We're in a situation where timing-- it's so clear in these meetings that you are at there and everywhere else and these different recommendations that El Portal is like City of Miami you've got to put in a \$5 million pump, in El Portal you've got to put in a \$5 million pump. That's over simplification but I think if there's any way that we can do this to make sure that if the state then comes back and say we're going to make the offer something that you can get this at that point we still have the chance to say no if we think that we've committed to something that's wrong or legally wrong. I think you were saying that at that point we can still say no, right?

Steve: Yes, it's not an agreement.

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Hugh: It's not an agreement. Compared to like saying we're not going to stay in the running and we're not going to be eligible for this source of loan or funding or whatever is pretty drastic decision if I'm understanding this right.

Mayor Cubillos: Yes, but that would almost be equivalent as putting a source of funding that we have no real-- I don't know about we-- I don't have any comfortable acceptance letters. If we're going to put the CITT as a funding source that we're agreed that we're going to use it to pay back a portion of the loan but we don't really know if that's the case. That's almost equivalent to lying to the state because basically we submit all this and then it comes back that, "You know what, no you can't really legally use CITT." or for whatever reason.

That's where the hold up is because I think that we do have one source of funding but everybody wants CITT because that's where some of the most money is at and the state's not dumb, they're pretty smart. That's why they would rather use that. I've always asked and I haven't received it yet. What others municipality are you doing work with Steve, that has used CITT as a guaranteed funding and can I see the document? I'd love to see the document. For this equivalent project and they're using as a repayment source, CITT and their [unintelligible 03:58:22].

Hugh: Would there be an opportunity when it comes for the final approval to say, "Okay, we're going to sign but we're going to substitute another fund."

Mayor Cubillos: My concern is let's say we get to that point and let's say it's not CITT and let's say, I don't know. I'm being devil's advocate here, right? Then that doesn't work out but we still owe him a lot of money. We still owe Pennoni a lot of money. Not him, Pennoni. That's where we have to be careful because everything is tied in together. I want this to go through. It's part of what we've been working on since summer of last year but things have to be-- the stars have to align here because everything's tied in together because Pennoni deserves to be paid.

Hugh: We have to pay them anyway. That's part of the gamble.

Mayor Cubillos: Not when you don't have a signed contract because it hasn't been properly reviewed so technically no.

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Hugh: Initially just as a resident I had my doubts too because it's a gamble. You have to pay Pennoni or another company to go this far with the thing and--

Mayor Cubillos: Actually it's not a gamble if this would have been done in summer of last year. If somebody would've gotten that legal opinion in the summer of last year and say, "Hey, is this something that we can really do because you got to do all your homework before you get into a really big project like this." How CITT was just thrown out there, if you're going to throw something out there like a-- there are municipalities that go bankrupt for doing things like this. This is wrong-- excuse me it's not-- It could be wrong if we don't just cover all of our track. That's--

Hugh: Even if there'd been a contract with Pennoni, right now, they're at the risk, not the village in that.

Mayor Cubillos: Absolutely. It's unfair across the board, absolutely.

Hugh: Right. I mean, maybe that this whole thing isn't a good idea, that it's too risky. In which case, you should vote no. You realize--

Mayor Cubillos: I'm going to have to interrupt you again.

Hugh: Yes.

Mayor Cubillos: No, only interrupt you. I need a motion from the council to continue. It is 11:01. By charter, we can't go past 11. I need a motion from the council that they want to continue with the agenda.

Nickerson: Motion to continue.

Mayor Cubillos: Motion has been made by Vice Mayor Nickerson. Is there a second?

Roman: Second.

Mayor Cubillos: Second by Councilperson Roman. Madame Clerk, may I have roll call? Thank you.

Clerk: Councilperson Dreher.

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Dreher: Yes.

Hugh: That finishes what I think.

Clerk: Councilperson Roman.

Roman: Yes.

Clerk: Councilperson Mathis.

Mathis: Yes.

Clerk: Vice Mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor Cubillos.

Mayor Cubillos: Yes.

Clerk: Motion passes.

Mayor Cubillos: Okay. Sorry. It's just because by charter, our meetings can't go past 11.

Jason: I did confirm with Joe word for word that if the language says CITT and/or other legally appropriate source of funds as we discussed before, then that works.

Mayor Cubillos: You know what? I appreciate the text at eleven o'clock at night, again. Why couldn't that have been in writing? Why couldn't we all see that on Friday? Why can't we have that? I'm sure if he was sitting, the mayor and he's been the mayor before, he would demand that of the attorney. We expect the same back. I appreciate the text. Okay. I'm going to move it to the council with regards to, there's a resolution.

If you guys have heard anything, if you have any questions, I ask you to ask the attorney or the manager at this point. If not, if you don't have any more questions, do you have a motion for Resolution 2018-04? If you do have a motion, you must be very specific what the verbiage says for section three.

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Nickerson: I have a motion to bring this resolution forward which, the specific verbiage would be based on our attorney's guidance which it would be to pledge the CITT or other funds wording into the resolution. We need to see that letterhead from your firm by tomorrow. Can we commit to that?

Jason: Let me confirm with him.

Nickerson: While you're confirming, Madame Mayor, do you want to skip this to resolutions then come back to that or do you--

Mayor Cubillos: We can. That's a good idea. I'll do that. We're going to come back to that. The next two resolutions are tied in together. No, you're next. We're going to go to ordinance. We do have an ordinance for code and ordinances permit fee amendments. This is a first reading. I'm going to have, first, the attorney read it into the record. Then, Juan, I will call you up.

Attorney: An ordinance of the Village of El Portal, Florida, this is ordinance 2018-01. An ordinance of the Village of El Portal, Florida amending the code of ordinances, Chapter Five, Appendix-Permit Fee Schedule, Zoning fees. An order to amend the zoning fees, providing for incorporation of recitals, providing for conflict and repair, providing for severability, providing for code officiation, providing an effective date.

Mayor Cubillos: Thank you, Jason. This is a long time coming. We've been working on this for a while now. Juan from Plusurbia is going to give us some background and feedback. Any questions, please address it to Juan.

Juan: We've been working on this for a while. I really don't remember how long at this point. We did some comparisons with other villages and other towns. In your packet, you should have those comparisons with the City of Miami, Hialeah, North Miami, Biscayne Park, Pine Crest, Miami Shores and Sunny Isles. Based on those comparisons, we came up with what we believe is a reasonable fee schedule for zoning only. It doesn't include building.

I understand the building department is also looking at their fees and how they need to update them. It is also my understanding that these fees have not been updated since the 1980's, just FYI. We need to keep up with the times. The idea of this, of course, is to be not only fair but also to cover costs so that the village doesn't incur additional costs or costs beyond what we

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are being asked to do. The charter still has the recovery fee from the applicant. Any fees that are beyond or if anything goes outside of the scope that we have in this fee schedule, we can always use that ordinance. I'll answer any questions you may have.

Mayor Cubillos: Is there any questions from the council to Juan with regards to this first reading?

Nickerson: None here.

Roman: No.

Nickerson: No.

Mayor Cubillos: Okay, thank you. Hearing none, is there any public comments to this? Yes.

Hugh: Hugh Gladwin 400 North East 85th St. When I read the list of recommendations, I know from what was done to prepare for it that these are very comparable with other municipalities. Still, it made me realize how low the village's fees are for certain things. There's going to be probably an outcry once people read this list and see. I think we need to explain maybe more, the rationale for it when we get into further readings but I think it's absolutely necessary to get this up.

The second item, which is much more personal, item of stickers [laughs] was exactly what I was expecting is there's one fee item for-- what's it called-- reverting a right of way. If the village has a right of way that goes through somebody's property and the property owner has been maintaining that forever, the property owner can petition and say the village has never exercised its right. They've set a fee for that of \$8,000. I happen to have such a right of way thing.

I've been talking to my attorney. That's actually kind of illegal, I mean unexpectable fee to pay. In essence, what's happening is you're reverting land. My property would increase. [clears throat] This is actually a matter that I discussed with the previous village attorney, not so much for me, but my next-door neighbor. The right of way easement goes through her kitchen. The village actually owns her kitchen. She's trying to sell the house. It's a really dire situation.

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I talked to the previous attorney, I mean previous village manager. He had the land, Plusurbia review it. I think he felt as long as the two property owners conform to zoning and the archaeological district, whatever it is over there, it should go through without a problem. It doesn't, so then it would have to go to Joe Geller, to the village attorney to prepare a resolution for the council and the council would pass it. At this point, I can let you know just for that one particular fee, if you did pass it, I'd want my lawyer to make sure that that's a reasonable thing you'd expect.

That was a year ago or almost a year ago. People have said, "Well, if the village attorney makes the whole village wait for a year for these things, you don't have much chance being an individual citizen." In that particular case, I want to tell you I don't have an objection. I think people will want to really get feedback on this whole issue here.

Mayor Cubillos: Just to address that concern, I agree 100% with you. This is a first reading. The second reading most likely would be not only publicly noted. Last quarter, Councilperson Roman did a recycle workshop. Then she invited Juan from Plusurbia to come in and talk a little bit about zoning and land use map. When the year started, I decided to do town halls every month. Last month was on the development of the Radar Church. In February, Juan from Plusurbia has agreed to come in at no cost to the village.

[cheering]

Mayor Cubillos: He's going to come in for a town hall. Then the town hall is February 24th. It's right before the council meeting. Not only is it going to be publicly noted, I will be sure that I'll publicly note it on my town hall that we're going to host, that we're going to definitely address this.

Hugh: Yes, great.

Mayor Cubillos: That's February 24th, Saturday.

Hugh: Right, okay. Thank you.

Mayor Cubillos: Thank you Hugh. I just haven't had a chance to tell you. Sorry I haven't had a chance.

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Village of El Portal
Village Council Meeting
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Anders: Anders Zed, 460 North East 89th Street. Just a quick question to some of the points that he's speaking of, there are perhaps it sounds like known existing sticking points with some of the zoning and fees. Would something on the order of a non-transferable grandfather clause be appropriate in terms of-- for example, if you have known sticky points with a zoning and things like this rights of way and the like around the village, if those could all be addressed in this transition to the new fees where you have an opportunity for existing issues like that to be resolved with the grandfathered fee where you make it as--

If those things could be addressed then there's less drama in the village in the future. It might be something to consider in terms of doing something like a grandfather clause for current fees on people who are living here now to be able to address some of these issues so that they could be resolved and kind of pay it forward in terms of limiting the amount of drama that the village experiences in the future or someone saying, "Hey, I would address this issue if it were not for this new fee." I don't know. Something like that might--

Mayor Cubillos: I'll let Juan address that he's right behind you.

Anders: Then just maybe on some of the-- Boiling the pot slowly, would it be like, "Hey, this year the fees is going to go to here, but the next year it's", also a chance to alert the public, like we're not all up on zoning and--

Juan: I'm not sure if I understood correctly, but in terms of grandfather, you mean fees?

Nickerson: I think just asking for like a moratorium until the fees actually kick in. We're saying, "Okay, on this date, these fees are going to go up here.", so people are prepared instead of saying, "As of tomorrow morning these new fees are this." I think he's asking for that because people as of right now don't know about the fee increase so we're saying "Okay you guys just know in however many months these fees are about to kick up and here are three reminders before they actually do.", so people can gradually accept it into their--

What he is also saying, therefore, it's then people might before the new fees kick in might say, "Okay well let me get this stuff done now", and it might be more of a people rushing to get things done that maybe they were procrastinating on earlier because they don't want to wait until the new fees kick in also so that's what he's saying those two things.

Mayor Cubillos: Thank you Vice-mayor.

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Juan: In terms of grandfathering fees, typically in most municipalities have worked on the basis of what permits are running at this point. If you're not going through a permit right now, if you haven't applied for a permit while this is moving forward, you're going to take on the new price. That's how typically things are done in other municipalities. With regards to procrastinating on something that is a zoning issue, as a citizen, I can tell you that I've applied once for a permit and that was a by right for my house and I didn't even have to pay a penny.

We can go through this but I assume that most citizens, most people in the village rarely go for a zoning change for non-residential, a code text amendment, a variance for residential, these things. By the way, the variances for residential which is the typical one that we do see happen, our recommendation is an increase of \$300. That hasn't-- and we're looking at an existing \$200 that hasn't changed since the 1980's.

Just to finish, the rest of the ones that you see here, I really don't think that anybody is going to go for a comprehensive plan amendment. That's typically what is done by an attorney for a large project. The last thing that I wanted to mention, part of the reason why we're going for this is not just to update the fees but also to include some fees that are not existing in the code today. For instance, there is no fee for rezoning. In fact, there's barely any language for any rezoning. That's a major issue that we've had to reinvent or invent as we have been working with the church and also for the trailer park.

We're introducing new fees and new language which also should go hand in hand with chapter 17 in order to clean up some of those. I'm not putting it on the table, but there are things in the code that are missing, literally they're missing. We're trying to figure out what way we can work with applicants without really having a legal backup.

Nickerson: I understand Madame Mayor, if I could just continue just really quickly and close this up. I don't think anybody up here, I don't think any of the residents has a problem with what you're doing. We appreciate you bringing us out of the '80s. We appreciate that very much. I think that what may help out the residents is more not for you, it's more for the council I think. I think that maybe the communication aspect and maybe allowing these fees to not kick in tomorrow morning if we pass this.

I think maybe to allow individuals, allow residents, to make the announcements, allow residents to know these are coming at this certain date and maybe to allow them

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communication maybe two times before they actually kick in, is what we need to do but that has nothing to do with what-- you've done your job and we appreciate that but I think to better serve the community and honor the community better. Thank you very much. Councilperson Roman. I think that we should, as a council, as we're deciding this now, we should make that decision also to have these fees kick in down the line. Not too far down the line but not right away either.

Juan: We have one more reading though.

Nickerson: Yes we do, but that might not be time enough either that's something we have to discuss up here I think.

Juan: Could you publish it I think it in the website between first and second reading. See if anybody is interested, could come and--

Nickerson: We could. I think we need to decide if that still would be time enough because second reading might be the next council meeting which is a month and I don't know if a month is enough time for people to know that there's going to be all these fees that are jumping that high.

Mayor Cubillos: I have a question and perhaps I missed it and I apologize if you asked. If this were to pass today and it passes in February, when does it go into effect? Does it go into effect and when we say so or it goes in effect February 28th?

Juan: It goes into effect when you vote.

Mayor Cubillos: When the minute you sign it, okay.

Juan: One last point that I wanted to make. Whatever fees you're not charging right now, they should go as part of the recovery fee. At the end of the day, I think-- that really depends on how you're billing your applicants-- but you're actually probably billing them more than if you had a set standard.

Mayor Cubillos: I have a question since we have waited for so long with this, can we not-- if we pass it tonight, we're going to have the town hall, February 24th, can't the second reading be in March, give them sufficient time to do what they need to do?

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Nickerson: I'm with that.

Roman: Okay, but a question can we put it effective April 1st?

Mayor Cubillos: No that was my question. Once the ordinance has been executed, signed by the mayor, the council and the mayor, the attorney, and the clerk, it goes into effect the next day. The ordinance yes, but if we pass it tonight and we have the town hall and then we do it into March, that's 60 days that we're giving the residents and we'll be sure that the council, they put on their Facebook page, we'll put it on the website, we'll make sure it's on the front page and all that good stuff.

Juan: We can address it at the-

Mayor Cubillos: And at the town hall that you have volunteered your time fo.

Juan: I'll put a line item on the fees for that one. [laughs]

Nickerson: [laughs] On the fees.

Mayor Cubillos: Okay thank you so much. Thank you Anders. There is ordinance I'm going to close public-- Any other public comments? Okay, hearing none, I'm going to close public comments open it up to the council. Is there a motion to pass the ordinance 2018-01 on first reading? Motion been made been made by Councilperson Roman, second by Councilorperson Dreher. Any discussion before I request a roll call? Hearing none, Madam Clerk may I have a roll call, please.

Clerk: Councilperson Dreher?

Dreher: Yes.

Clerk: Councilperson Roman?

Roman: Yes.

Clerk: Councilperson Mathis?

Mathis: Yes.

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Clerk: Vice-mayor Nickerson?

Nickerson: Yes.

Clerk: Mayor Cubillos?

Mayor Cubillos: Yes.

Clerk: Motion passes.

Mayor Cubillos: Excellent. Okay, so this ordinance will be- the second reading will be in March and we will be sure to publicly inform the residents. Thank you Hugh and thank you Anders. Okay, attorney are we ready?

Jason: I spoke to Mr. Geller about Councilmember Dreher's request to have that letter within 24 hours, and he said "Yes, that's fine."

Dreher: He will email us that tomorrow? With the letter.

Jason: The position with the names that we can pass these. Again on for the record, it's recommendation with that language I've discussed previously.

Roman: Can you repeat that language?

Jason: Sure.

Mayor Cubillos: Can you repeat what the legal-- because we've been waiting for a lot of things. What is that legal opinion really going to say, after you enter that question?

Jason: It's my understanding, I'll pretty much say that the letter from that store, from the CITT[sic] as opposed [crosstalk]

Mayor Cubillos: So based from your understanding, so you don't really know-- we're not clear with what he said.

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Jason: Joe feels that it is appropriate [crosstalk] and demonstrates that CITT proves using the [unintelligible 04:20:37] . That's pretty much as a valid letter to- that stops CITT from taking any adverse position in the picture against us. [crosstalk]

Mayor Cubillos: Excellent, thank you. Any questions for the attorney? I'm sorry, many questions for the attorney?

Roman: [inaudible 04:20:54] Can you read again what was suggested? [crosstalk]

Jason: Sure. The language that the attorney would suggest is to say in the resolution, CITT and or other legally appropriate source of bodies, and that way the village has the option of CITT funds or the other funds.

Mayor Cubillos: I have a question, and I think there's already a motion. If we're going to identify CITT, why are we identifying the other sources? Because there's not that many, there are two more. Why can't we identify them all? We are honed in identifying the language for one, why aren't they all being on there?

Jason: I did asked him, he prefers the broader language of any other legally appropriate sources. I can ask him again.

Roman: I think I had asked before. CITT, the other two, however they're worded, and any other sources or whatever, or any other sources.[crosstalk]

Mayor Cubillos: What are the sources? Can we identify exactly what the sources are? Can we put CITT which stands for, we all know, and then local gas tax which stands for something else. I think there's only two or three. [crosstalk]

Jason: Gas and storm water.

Mayor Cubillos: [Spanish language]. I mean, exactly. So we'll continue with the agenda. Did you need [unintelligible 04:22:17] ?

?Steve: If I could just add a quick comment. DEP[sic] underwriters, they looked at both the resolution and the-[crosstalk]

Mayor Cubillos: Yes, the application.

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?Steve: -opinion letter and they need a match.[crosstalk]

Mayor Cubillos: Does it need to match the application? [crosstalk] Because the application only says CITT.

?Steve: These are both attachments to the application. So when the underwriter looks at this, they're going to say-- the question for Christia was, all right, if you're going to use CITT, give me the funding revenue per year, what your prior obligations are and what you have in balance, so I can't say other. It's got to be specifically named, because whatever that is-- [crosstalk]

Mayor Cubillos: It's what I said. [laughs]

?Steve: Yes, okay. I won't leave that. [crosstalk]

Mayor Cubillos: My only concern, now I want to remind the council that when this application was submitted, it said only on the application, CITT.

?Steve: You can change. Whatever you decide, you can put on there.

Mayor Cubillos: We can change the application?

?Steve: If you want to, yes.

Jason: Once you get the proposed agreement back from the state, then you can also negotiate that substantially.

?Steve: It's the final agreement that counts.

Nickerson: On the application, you can say CITT, gas tax, storm water. [crosstalk]

?Steve: But what we have reapplied, Joe just have to provide the income information for the underwriter. [crosstalk]

Dreher: Can I make a motion then, please? [crosstalk]

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Mayor Cubillos: Any other questions before motion's been made. No, there's no motion on the table. [crosstalk] Is there a motion to consider this resolution?

Dreher: Is there a motion to consider the resolution?[crosstalk]

Mayor Cubillos: But it's got to be based on- it's got to be specific.

Dreher: Exactly.

Nickerson: Councilman, before you make your motion, can I just recommend that because these two items are related, companion items, that your motion apply to both? Can we do that?

Dreher: Okay

Mayor Cubillos: Excuse me. Before we do that, you would have to read the resolution 2018-05 into the record, and if there's a councilperson that wants to make a motion, he'll make a motion for both.

Jason: This is resolution number 2018-05. Resolution of the Village of El Portal, Florida, relating to the state revolving fund, loaning program, making findings, authorizing loan application, authorizing a loan agreement, establishing pledge revenues, designating authorized representatives, providing assurances for project financing of project number, WW1320C, providing for incorporation of recitals, providing for conflicts, severability, providing for an effective date.

Mayor Cubillos: Before this motion, I just thought of one more thing. I know we're going to get a legal opinion, Councilperson Dreher has requested that he wants that by tomorrow, but I also want to be sure that the attorney answered Councilperson Roman's question. She said something that the letter's dated by pending projects. So is it contingent upon pending project-- [crosstalk] they're words, so we need clarity on that as well, I just want to be sure.

Jason: You want clarity on that last paragraph on the reports.[crosstalk]

Mayor Cubillos: I don't have it in front of me, but she read it as well.[crosstalk]

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Jason: I did hear it back from Mr. Geller about specifically listing the storm water and the gas. He would've rather keep it broader because he honestly has not seen the documentation about those, he can't vouch for those personally.

He is the person given a legal position because he hasn't seen the docs or the letters from those entities, or whoever would've set these other attorney that he doesn't know much about vouching through his entities. He does not feel comfortable vouching for those two. He feels just keeping a[sic] broader with other legally appropriate sources is adequate. [crosstalk]

[background conversation]

Roman: Didn't Steve just say that it has to be listed?

Nickerson: But that's only with the final contract, right?

Mayor Cubillos: Steve.

Steve: The underwriter right now is waiting for the specifics. So if you say "other", you have to have a legal opinion that matches the resolution, so it has to name what is because they're going to ask what the other is. The resolution has to specifically state it.

Mayor Cubillos: Does it have to be the same attorney? Because we have the legal opinion. [crosstalk]

Steve: You want to submit multiple legal opinions? Is that the question? You want to submit multiple legal opinion letters?

Mayor Cubillos: No, no. He's just saying that Attorney Geller has recommended to us to say "CITT and other", he doesn't want us to state anything specific on this reso. But you had just stated that it needs to be specific.[crosstalk]

?Steve: I'm just the engineer. I would say that it needs to be named, because I know the underwriter, they need to have a match. "Other" isn't a specific source.

Mayor Cubillos: [inaudible 04:27:20]

Jason: I'm checking.

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Nickerson: Question for Mr. Ron[sic]. If you would give me a short bullet point, what would be the downfall if we don't pass this tonight? What then, how does that look?

?Ron: The downfall is you would be pushed to a later cycle, potentially May or even August. If there was money in the pot, the money is being drawn out by different municipalities right now, so there might not be money in the pot later on, but they will push you to a later cycle.

Nickerson: If there's no money in the pot later on, is it that we're waiting another to redo this process again? What are we looking at?[crosstalk]

?Ron: No, realistically, no. Realistically, you could push it to, say August at the latest, where more money is going to be available, with the documents that you have, and that they would just move the documents over there.

Nickerson: Thank you.

?Steve: The big issue is that your disadvantage community survey that we did is only good for one year. If you don't take advantage of this money, we did it last May or June, if you don't secure the money before that, you may not be a disadvantage community anymore to be qualified for the 80% grant. That's the deadline we've been talking about. That's why we're trying to get a shovel ready by mid-March.

Nickerson: So the possibility of not passing this today is that we may not get-

?Steve: The grant.

Nickerson: -at all?

?Steve: You may lose your eligibility for the grant.

Jason: I did hear back from Joe. He disagrees with the provision that you should put the other two specific entities in. He says CITT, or like I said before, the other legally appropriate sources of funds and or other legally appropriate sources of funds.

[background conversation]

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?Steve: I'm not going to disagree with the attorney, but if you say CITT, it qualifies. You have the form letter, the application, they're going to approve it.

[background conversation]

Jason: I'm putting on the record Mr. Geller's position.

Nickerson: So can we say CITT, storm water, general fund, service tax and other fund?

Jason: He says just keep it CITT and or other legally appropriate sources of funds.

Nickerson: That's what he's going to validate tomorrow. That's what we're going to get tomorrow and a statement from your firm stating, yes, we can move forward with that sort of verbiage.

Jason: He's going to get rid of letter discussing that store's letter, and that's appropriate.
[crosstalk]

Nickerson: But he recommend [crosstalk]and CITT?

Jason: He just can't vouch for-- no disrespect to this other attorney of the outside council, they arrive without his-- without him knowing about it, but he can't vouch for their position without seeing your report. That'll be inappropriate.

Mayor Cubillos: I want the council to know that we can seek outside council anytime. It's up to the preview of the council to trust the legal opinion from an attorney. Attorney has a Florida Bar number, they are not going to jeopardize that.

So keep that in mind that I respect Attorney Geller completely, but we seek outside council to help this project, and that's why we seek it so-- it's a legal opinion. I'm not saying it's an equivalent of Geller, but it's a legal opinion that is by an attorney. [crosstalk]

Jason: Very well could be that just Joe hasn't seen it, so he can't vouch for it. It will be inappropriate for him to do so. [crosstalk] That's the language he recommends as the CITT and other legally appropriate funds.

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Mayor Cubillos: That's exactly what I was going to say. You want us to put it down on the record?

Mathis: No, I'll make a motion.

Mayor Cubillos: Go ahead.

Mathis: I'm going to make a motion that we revisit this tomorrow. [laughs]

Mayor Cubillos: I'm available to come meet tomorrow if you all need me [crosstalk] but this is important and I wanted it done right. I'm very okay in my agenda. I'm here tomorrow. I don't have anything planned. I want to feel comfortable that is done right, and if we need to meet again tomorrow, that's our job. We have it all tomorrow, and we meet, and we pass, and we are all very happy. I'm okay with that.

Nickerson: But if we meet tomorrow, we need to advertise two days in advance.

Mayor Cubillos: Can we meet Thursday night? [crosstalk]

Roman: We can't meet tomorrow.

Mayor Cubillos: So can we meet Thursday night?

?Steve: You can continue the meeting, can't you? You just don't close the meeting. [crosstalk]

Mayor Cubillos: We can continue the meeting tomorrow?

Roman: Good.

Jason: I don't know if Joe could be able to be here, we'll certainly have to [crosstalk]

Mayor Cubillos: It doesn't matter, he's going to provide the legal opinion. [crosstalk]

Mathis: We'll have the letter that we need.

Mayor Cubillos: He's supposed to have it-- Councilperson Dreher wants it tomorrow. [crosstalk]

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Jason: I called him the other day, he got the letter that-- the letter about [unintelligible 04:32:43] . Again, he cannot vouch for any other sources of the funds.

Nickerson: Yes, right now, we're just trying to put into the resolution. [crosstalk]

Jason: [crosstalk] CITT, for lack of better words. [crosstalk]

?Steve: Just to be clear about something. So they're going to use CITT for the underwritings, they want to know is there money there? Do you have access to it? Is it okay? At the end of the day if you decide or do not want to use or can't use CITT for whatever reason, that's okay, you can pay with somebody else. The state doesn't care what you pay it back with, just to be clear on that.

Mayor Cubillos: I know. But my concern is if we do use CITT, and then we shouldn't have. Because that's what's illegal, or that's not-- that's misappropriation of money. [crosstalk] That's my only concern is not where the money is coming, it is where the money is coming, that it's legal that we can.

And that it doesn't matter who's sitting up here, what attorney, what manager, what clerk we have here, that whoever is here is doing what's right for the village. That's all that's most important to me, and I would think the residents.

?Steve: Once we do get the documents back, I mean, I'm sure, and this is what I would recommend, too, is that we have a full meeting-- CITT is in a transition now with executive director but- [crosstalk]

Mayor Cubillos: I see that. [crosstalk]

?Steve: -and sit down with them to go over this specifically. [crosstalk]

Mayor Cubillos: What position, [unintelligible 04:34:09] this position.

Jason: He is the division [crosstalk].

Mayor Cubillos: Are we agreeing to move this meeting to Thursday night then? Because I can do Thursday night, too. I can't do Friday night, but I can do Wednesday or can do Thursday night. Even if we don't close the meeting, what if we continue-- [crosstalk] Can we

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just not close the meeting and continue tomorrow? So she doesn't have to publicly notice it? I mean, we do it anyway.[crosstalk]

Mathis: We do it.

Mayor Cubillos: We can notice the continuation.

Jason: I'm going to just confirm.

Mayor Cubillos: Then we'll meet tomorrow night. We'll have the legal opinions that's been requested, and then we can solidify things tomorrow.

?Steve: Would it be possible to approve it contingent on getting that legal opinion? Is that legal?

Nickerson: No, that's not.

Mayor Cubillos: We approved your counter contingent on the clause, and it's four months later.

?Steve: I'm just asking.

Mayor Cubillos: No, I agree, I understand, but given--

Roman: Track record.

?Steve: What's that?

Roman: It's a track record of our attorney.

?Steve: But if we don't get it done, we can come back and revisit again. It's not [unintelligible 04:35:11] we can have another council meeting to approve it, if that condition wasn't met? I say to get everybody. I can't be here Thursday.

Nickerson: They are driving back to Central Florida.

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Mayor Cubillos: Technically, we don't need to if we're going to pass it, we're going to pass it, you just get it via the clerk, or through the mail-- I mean, to the scan document or something.

Nickerson: There's always questions. [crosstalk]

Roman: We're missing the attorney's signature.

?Steve: Is the only hold up that you don't have the legal opinion tonight? Is that the--

Mayor Cubillos: That's sort of been the whole hold up for months now, hasn't it? [crosstalk]

?Steve: If you further the [crosstalk] on that, it sounds like we're there because CITT wrote the letter and-- [crosstalk]

Mathis: He feels comfortable with using CITT and other legal fund, right? [crosstalk] He wants to put that into the resolution. [crosstalk]

?Steve: He put that language in, [crosstalk] it will work. [crosstalk]

Jason: He is a 100% behind all that. The CITT and or other legal appropriate funds. [crosstalk]

Mathis: With the condition that you provide us a legal opinion by tomorrow.

Jason: He says he can get me the letter tomorrow.

Mayor Cubillos: If there's a motion and there's a second, and there's a minimum of three votes, this moves forwards. If there's a motion, just be clear in the motion. [crosstalk]

Nickerson: There's a motion to include into the resolution the verbiage of CITT and other legal service--

Jason: Legally appropriate service. [crosstalk]

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Nickerson: Legal appropriate service funds, with the content that the legal firm provide us tomorrow letterhead stating that we can use this CITT funding. That's the motion. Do I have a--

Roman: I'll second. [crosstalk]

Mayor Cubillos: Did you?

Mathis: Yes.

Mayor Cubillos: I apologize, Councilperson Mathis said he made a motion. [crosstalk] You made a motion?

Mathis: Yes, I motioned to move this until tomorrow.

Mayor Cubillos: I apologize, did you get a second? [crosstalk]

Mathis: I'm sorry, you didn't addressed it.

Mayor Cubillos: There's a motion to move this-- [crosstalk]

Roman: [crosstalk] quorum, we'll have people all of this, this motion has been [crosstalk]. His was the first motion, for 20- whatever. The 2018 [unintelligible 04:37:31] .

Mayor Cubillos: 05, for both? [crosstalk] Who seconded?

Roman: Nobody seconded. [crosstalk]

Mathis: We went back to--

Mayor Cubillos: We went to discussion? [crosstalk]

Mathis: : Yes. We went to first reading--[crosstalk]

Mayor Cubillos: So there was no motion that was ever seconded? There was no motion? Because it was never seconded? It wasn't second. [crosstalk] There is a motion, is there a second to that motion? The motion for 2018-04 and 2018-05 to indicate CITT, same thing or other source funding contingent upon the letter.

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Roman: I second.

Mayor Cubillos: It's been seconded, and that's CITT/other legal appropriate funding [crosstalk] and a letter by tomorrow.

[background conversation]

Nickerson: We have a second motion?

Mayor Cubillos: It is second by Councilperson Roman.

Clerk: Roll call.

Mayor Cubillos: Any discussion? Okay, no.

Clerk: Councilperson Mathis?

Mathis: Yes.

Clerk: Councilperson Dreher?

Dreher: Yes.

Clerk: Councilperson Roman?

Roman: Yes.

Clerk: Vice Mayor Nickerson?

Nickerson: No.

Clerk: Mayor Cubillos?

Mayor Cubillos: No. But you got three votes, so you're okay, no. [background conversation] Do you say happy birthday? I want to know what time we're getting that letter, so find out. [crosstalk]

Nickerson: Please.

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Mayor Cubillos: With that said, I'm going to move forward. Are done? Yes, we are done with resolutions and ordinances. We are going into-- oh, it's my time. Village Management Report, I'm going to make it brief. I actually have it written down. There are some points that I want to go over briefly, I mean, quickly.

I put together a report, and I'm going to try to ensure that I get it in writing and get it to you all. Steve, you should have listened, you shouldn't leave, you should listen to the manager's report. [laughs]

[background conversation]

Dreher: They're going to Central Florida.

[council singing happy birthday]

Mayor Cubillos: We can sing on the record?

[council singing happy birthday] [background conversation]

Mayor Cubillos: My wish is all I want is that legal opinion's on time.

[laughter] [background conversation]

Mathis: You can't blow it out. It's a sparkler.

Mayor Cubillos: Can I get a picture of this? [background conversation] That was to put me in a good mood. [laughter] I have a manager report real brief. I want to just advice everybody, we had a first town hall in January 13th, it was very well attended. We had over 50 plus residents that attended.

The presenters were the Sanctuary Proprietors, Seth Gadinsky, and Sam, and he brought one of their future tenants, Juliano, who's the [unintelligible 04:40:35] kitchen and proprietor. They all displayed the preliminary rendering shared division in history.

Seth Gadinsky's mother was a former state representative in this area, so he has deep roots. He also expressed that their offices set the sale will be in the sanctuary, so that really solidify them I wanted to be a part of the community as far as their is business concerned. I've asked

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for them to send me professional pictures of their **[unintelligible 04:40:59]** , so that I can have it posted on the Village's website so that we can all see it.

They are currently working with Miami-Dade county on permits, and they anticipate an opening here in spring of 2019, very exciting. The upcoming town halls that I have dates for, Saturday, February 24. This is El Portal's form based code featuring Juan from **[unintelligible 04:41:23]** and to discuss further all of these things, especially what we talked about today.

March 17th, we're agreeing as we're going to be talking about reduce, reuse and recycle. Councilperson Roman is going to have code compliant workshop that day. Saturday, April 14th, is our next town hall and it's going to be hurricane preparedness. Saturday, May 12, empowering women. It's mother's day that month, and I've joined forces or, I met with the Democratic Women's Club here at a meeting.

I was with a mayor of another town and a commissioner, and we're going to have panel of female local elected leaders. Republican, Democrat, Independence[sic] and they're going to come to address women issues. We have a small luncheon, and it's going to be an elected leader of all females, and it's going to be all female issues from jail to all of that stuff, and all female issues on that month.

Saturday, June 16th, is the next town hall. It's going to be get ready for budget season. We're going to have a Q&A in our budget. We're going to have an open forum discussion on transparency, on residence coming in and giving us their opinion on our budget. Next, I want to talk about planning and zoning.

TischlerBise is a fiscal, economic and planning consulting firm El Portal contracted last year to come in and analyze the impact that the three areas of development, **[unintelligible 04:42:53]** church, and exterior little forum, we'll have in the village and its departments.

The next step is that the council is to email the manager their lists of projects and recommendations to be considered by council as we prepared to negotiate with each developer whether it's an exaction or whether do develop an agreement.

Some of the thoughts that I've come up with is-- I did one for each sanctuary. I'd loved our village offices to be there, and maybe a preferred lease rate for El Portal residence, and an

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annual premier sponsor for all of our events. The Annex area, I'd like them to have a smooth green space connectivity to El Portal would be my recommendation.

Little Farm, I'd like them to have a dedicated green space and help us with their agent infrastructure. A trolley from the west all the way to the Little Farm. A dog park, anybody knows me, I've been wanting a dog park for years. I want them to be also an annual premier sponsor. Transportation and public works, Miami-Dade county. The TPO, which is the transportation planning organization reached out to me last week.

They had already spoken to the manager in preparation of the upcoming transportation summit which is this weekend at the Miami-Dade Wilson campus. The manager and I are meeting with the key players of the Biscayne Corridor this Thursday at 11 o'clock.

All Aboard Florida, if you all know, they're really getting a lot of publicity. There are some good and some not so good maybe, but we've been working with our lobbying firm's Ackerman, and arranging a February meeting with not only the manager here, but the Little Farm developer, our lobbying firm, and the All Aboard officials to discuss what would it take for us to lobby and have maybe a train stop here in El Portal, as we're coming up with the development of the Little Farm, maybe something we can talk about.

This past week, the department of transportation and public works of Miami-Dade county, last week they were working in our town. They happen to be working on the block that I live on. So I actually stopped them and after-- I was actually in a really big hurry to go somewhere, but I had to decide do I need to get to my appointment or do I need to be mayor.

So I got off the car, and an hour later and about five phone calls later, I got a hold of who we needed to speak to, because I believe the council agrees with me that while we advocate for the Miami-Dade county to come and do improvements in our town, they really need to let us know.

Because number one, they don't know the work that we're doing, and it should be coincide with what we're doing. Moreover, if they're going to be tearing up streets in our town, we should have some access to that information so that we can better inform our residents. Fernando Mendoza who's the person I spoke to, has advised me that that will never happen again.

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That's where I got the forum, and I had a manager and the clerk send it to you all. I want to have it posted on next door. They're a little behind the [unintelligible 04:45:44] because of Irma. But just so you all know on the west side, they have already improved all the ADA sidewalks, but it would have been nice to have known that, just maybe it could be something that we can do, and, "Hey, there's a project that we have in mind. We're ripping up streets."

And now they're resurfacing completely from 86 to 91 north west 2nd avenue. I don't know about you, but beside being the mayor, I live in that block and I had no idea. I really, really, really was a bit firm with them, and I think they really got the message.

So I'm going to ask Councilperson Dreher to have that communication as chair public works. They need to inform you, they need to inform the manager of what's going on. They just can't come into our town and just do all this work. We should have some kind of a heads up.

Dreher: Quick question, when you communicated with them, did you let them know?
[crosstalk]

Mayor Cubillos: Yes. I haven't emailed them back because I was a little busy yesterday, but I'm going to follow up with an email. I'm going to put it to the clerk and forward it--
[crosstalk]

Dreher: Just introduce me to whoever it is and then we'll make sure we can look at that.

Mayor Cubillos: 100%, because that was yes. Tree City USA, our current chair, Barbara Fuechsl resigned. We got that email early on Saturday morning. I immediately-- Ron contacted me, I haven't had the opportunity to reach out to Hugh or to Adam. I'm going to be reaching out to you this week.

I'm under the impression that with your schedule, with Adam's schedule, that you probably could not be the chair because we all know how time consuming that is. Robert Ronald made a recommendation of a couple of residents that he met during the planting of the trees.

I met with one of them yesterday. His name is Miguel Bordier. I completely forgot to invite him this evening, but we're going to have a few more meetings, then he wants to-- and then I told him that it was really important that if we appoint him, that the communication of some of the items that were laid out in that email needs to be better defined through a resolution.

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And that the Tree City USA should meet every other month like the committee meeting does, a week before public works, so that the tree board can come to the public works committee and address all their concerns, issues and ideas, so that the public works committee, if they agree on, can move it forward to the council.

Miguel Bordier, I will be sure you all have that information, but I literally just met with him yesterday, and it was a recommendation by Robert Ronald. A great gentleman, he just moved here August of last year. He's very passionate about that what the village has to offer, he is a property manager for three executive homes in Miami-Dade county, so he has the time and the experience on what like right looks like because it relates to curb appeal and tree canopies and all that.

Great guy, and I'd love you all to meet him if it happens to work out. If you all have somebody that you like to recommend, let the clerk know and she'll let us know. Nature Trail, I don't if Robert Ronald wants to come up and give us a quick update. I asked him but I did not write it down.

Robert: Very quickly. I know everybody wants to leave. Robert Ronald, 1544 Mercy avenue. I spoke to the school district today. I think at the last public works committee meeting, we talked about the lift station site. We talked today about potentially putting that lift station site into the agreement.

They have the agreement. We worked out all the details. Now they're going to send us a survey of the school site. [unintelligible 04:48:58] is going to carve out the lift station site. We have to do the attachments for it, but my hope is that we'll have the attachments back to them within about two weeks, and then they can put it on their agenda and hopefully pass it. But we've gone through all the issues.

Mayor Cubillos: Thank you. Just please keep us in the loop as the entire public works committee. That concludes that. Public safety, the public safety committee meeting, we spoke in great detail about speeding and having more than one police officer per shift.

We've come up with some recommendations. Their need is to have one more full time police officer. We're having that discussion in great detail. But speedy[sic] was something that not only from the perspective of what the police officers can do, but what we can do as a council

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as they relate to the coming devices, and speed bumps-- there's a lot of streets in our community that are just like highways.

We really need to start addressing that as we move forward into the new fiscal year. Is it going to be an additional police officer? Is it going to be speed bumps? Are we going to do a traffic study? Speeding is something that comes and goes, but it's always a subject that needs to be addressed and identified and risk resolved, so that the residence can feel like we've addressed that concern.

I want to thank Lawrence Mazzuca[sic]. He's a resident from NE 90th St. He always host a holiday dinner for the Council Police Officers Administration, usually is a happy new year. So, I want to thank Officer Battaglia, Officer Sharp, Officer Santos, Councilperson Mathis, and Councilperson Roman and I, we attended on behalf of all of you-- delicious meal, and it's so kind. He always does it and it's just beyond generous.

Beyond generous. He does this often, so if you have the opportunity, please be sure that you try to make the next one, and at least say thank you, because he was heartbroken that the manager, the clerk wasn't there, that all the council wasn't there, that the entire police [laughs] department wasn't[sic] there. We tried to explain to him that it is not possible, but we, we represented.

Officer Battaglia will now be overseeing crime watch. He'll be sure to work along with the information [unintelligible 04:51:06] as initiated, and he's going to work alongside our chief as well. Talk little bit about Horace Mann, on Friday, January 26, at 9AM, the academy next to Horace Mann is going to be renamed. It's the Academy for Community Education.

It's going to be renamed to Dr. Marvin Dunn Academy for Community Education. Dr. Marvin Dunn, you can Google him, but he began his career as a Navy officer. He served from '61 to '67. He served under USS Saratoga, was a commander of the 14th battalion, commander in Illinois.

He is a retired FIU instructor. He taught there for 34 years. He was born here in DeLand Florida, and he's been encouraged or motivated to run for congress. I believe he's running for congress, as well. So the school's is going to be named after him.

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That ribbon cutting is Friday at nine, and I have been invited. If anybody wants to come, let me know, I will be at the-- is that Horace Mann? It's right next to Horace Mann. So, that's where I will be if any of you would like to join me, please join me for the ribbon cutting and welcoming them.

Acting chief, [unintelligible 04:52:22] village manager and I are going to meet with Principal Lawrence of Horace Mann Middle School. The topics that we are going to talk about is excessive trash left all over the street and the [unintelligible 04:52:32] of the village.

The broken marquee, the doggy trash bags completely pulled out and they're wasting the villages money, because they're all over the place. The fence on NW 2nd Avenue has been broken for a long time and remains open to little bit concerning the safety for the kids, and of course the education compact initiative that we had to restart because now they have a new principal.

A little bit of community outreach. Your council attended the kickoff for the Art Deco Weekend. I attended, Councilperson Mathis attended, Councilperson Roman attended. I attended the 5,000 Role Model breakfast. It was 25th anniversary. I want to make sure that we purchased that table again, but I was able to sort of squeeze it at the last minute, and represent the Village of El Portal.

I felt that was incredibly important during the climate that we live in today. I wanted to inform the council that I will be in Tallahassee next week from Monday to Thursday. Councilperson Dreher, you want to hear this. El Portal's house bill 2925, that is accepted to [unintelligible 04:53:37] has passed the Agriculture and Natural Resource appropriation committee.

I will be in Tallahassee next week lobbying not only for that, but for the storm water. Moreover, not only lobby for that, there is a lot of state issues that are impacting home rule and home municipalities that are really important. Councilperson Roman is actually attending [unintelligible 04:53:57] date, and I think the manager, I'm not really sure yet, and so we are all going to be there next week.

I'll be there for four days, and I think they're there for two days. A couple of upcoming events. Dr. [unintelligible 04:54:08] called me last week, and I haven't had a chance-- this is

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after the public affairs meeting. We haven't had a black history month luncheon in a while, and I told her that I will be maybe more than glad to host one. So we're going to have that on Wednesday, February 28th.

So it's a black history month senior appreciation luncheon, and that will be Wednesday, February 28th. Food Truck night. In an effort to scale back-- we are also busy, we can't make in all meetings and everything. We didn't have one in January, we are going to have one in February, February 16th.

I figured if we can do them the nights that we don't-- the months that we don't have committee meetings, I think it's just easier on the Council in terms of commitment. So we'll have it February 16th, family food truck night, from 5:30 to 8:30.

I want to introduce a two-mile walk. I was inspired by the council woman in Miami Garden's-- Felicia Robinson, who's really active when it comes to heart month. Because my birthday was yesterday, we are all getting a little older, but I think a free event to the community to come out, walk, have some healthy breakfast afterwards, I think it's really nice, and I think that a healthy village is maybe more productive village.

Opa-locka has a lot when it comes to that, and I admire that the town of that size can do it. So, I think the town of our size can do it. The mayor has a fitness challenge going on. I was a little motivated by that. So there's going Mayor to Mile Heart Walk free to the village, free to family, dogs, and children, Saturday, February 3rd at 8AM. It is Yenise's birthday, so she'll probably will not be here that morning with us. [laughs]

Before I conclude my report, I want to always encourage the residents to please visit our website, Elportalvillage.com to always stay up to date with what's happening in our village. Sign up to receive a newsletter, sign up to receive official emails from our clerk. And that concludes my report.

[background conversation]

Mayor Cubillos: I'll let him talk about it. I didn't see it here. One thing I didn't see here, but I'm going to go ahead and let the manager give the report, and then I'll talk about it under unfinished business. [crosstalk]

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Village Manager: I'm going to make it as brief as possible. [laughs] I want to let everyone know about the 4th Annual El Portal Art Festival. It's being held on Saturday, February 10th, from 2PM to 6PM in the Antique Shop, North Parking lot. So please attend and support. Councilperson Roman is chairing this event. She has great ideas. It's coming together really well, so please support us with that.

Just a Hurricane Irma recovery update. We are continuing to do the infrastructure repairs. We are addressing them with our female consultants. Signs are being repaired. I know there are a lot of signs down, but they are being worked on, and the consultant's repair person is making rounds and fixing them, so we'll continue to keep an eye on that.

Village Attorney Joe Geller and I are still in negotiations for the PVA contract and has scheduled a meeting, a third meeting date has been scheduled for February 9th, at 3PM here in village hall. That's a Friday. We continue to worked on septic to sewer, and **[unintelligible 04:57:50]** . [background conversation]

Acting Chief Hufnagel and I attended a training webinar last week called Meeting Organizational Change. I think she found that training for her own professional development, but I thought would be pretty interesting, so I attended as well. We did the webinar together. So that was a change, and it gave us some idea about change, and since we wanted change for the better, we certain ideas that we could implement here.

I will continue my cleanup effort and organizational effort here in the village hall. I'm looking at document retention, companies, and just some other matters that I did put in my village report that are a little more detailed than I would like your guidance counsel on just how to move forward that.

Because I think the large part of the cleanup is going to be putting things where they belong, or finding a place for things, so that we can have space, adequate space for people who work here.

Mayor Cubillos: Do you want your village manager report to be included in the minutes when the clerk sends it out?

Village Manager: It can be. I don't know. [laughs]

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Mayor Cubillos: Then think about today [crosstalk] I just gave you mine, I don't know if it's-- [crosstalk]

Clerk: It doesn't matter because it's verbatim. So whatever you said, it's recorded there, and it's getting [unintelligible 04:59:24] anyway. [crosstalk]

Village Manager: Whatever I say, but not that like the thing I wrote and sent to the council members is a lot more detail--[crosstalk]

Clerk: If you wanted to do that, you can. It's up to you, regardless if public records want to read it. [crosstalk] I'll let you know. [background conversation]

Mayor Cubillos: Village attorney.

Jason: Good evening. I'll keep it brief as well, it's pretty late. Again, I will certainly convey all the positions of the council at the highest extent possible to Mr. Geller. He is aware your positions or any upholding. I appreciate your correspondence tonight and conveying your positions. I will convey them as the highest priority possible. I appreciate you all having me as the only guy. I have enjoyed being here and working with you all. I appreciate the passion of the council members.

Mayor Cubillos: Unfinished business. I apologize that I did not bring up the Art Fair. I just want to reiterate another point at the Art Fair. You don't want to miss it. It's our fourth annual. If you want to be a sponsor, contact Councilperson Roman. If you want to be an artist, contact Councilperson Roman.

It's something that the committee has really nurtured in terms of really supporting event by allocating certain amount of budget for it. The last three years have been fantastic. You can take a look at the website, the videos from last year are on there.

Not only that, but the pictures for the Art Fairs on '15, '16 and '17 are all now on the website. If you want to have the opportunity to take a look of what you would miss if you don't come, definitely take a look at those pictures. I also want to take a moment and remind everybody that our 80th anniversary photos are also on the website under community photos. Go take a look at them.

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They are fantastic, fantastic, fantastic photos. Always gear yourself towards the website, because we're really trying to streamline, so that we have one source of official receiving information, and always reach out to us. If you need anything, we are always here. If anybody wants to say anything towards the unfinished business-- okay, hearing none, 2018 valid initiatives.

Mathis: Yes, just wanted to let the council know that I am working with the attorney to-- for valid initiatives for the November six election, which has to be turned in by Tuesday August seventh.

Mayor Cubillos: Tuesday, August seventh?

Mathis: Yes. The first one is changing council members title from council-- councilperson to commissioner. The second one is to initiate terminating our terms from two years to four years. That's what I am working on.

Mayor Cubillos: Now the two to four years, not for all seat where it will be staggered?
[crosstalk]

Mathis: We are looking at the staggering of the seats as far as the cost effectiveness.
[crosstalk]

Mayor Cubillos: Yes, because I think that at some point, if you are going to do that, I would strongly recommend that there be three chairs, or however it works. Three chairs that are four years. Two chairs that are two years, because either way, it's always going to be in the gubernatorial or presidential race, so that's fine. It can't be the way we are operating now which is okay, and it has worked out.

But going on the whole theme of what we've been talking about the way we're doing business, is not the way we can continue doing business. Being able to have some type of continuity is to be able to stagger those seats. The way they are right now, you're going to have a whole brand new council on November.

As you've all seen today, there is so much going on. We need some type of continuity to be consistent happening up for the village. Anything else? [crosstalk]

Roman: I agree to that, for sure.

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Mayor Cubillos: Anything else? Excellent. Perfect. Anybody again on welfare would like to come up and say anything at this time?

?Speaker: Yes. I want to say, I think you did a great job by hiring [unintelligible 05:03:44] .

Mayor Cubillos: Thank you. You could have said that on the podium. [crosstalk] Hearing none, nothing here-- hearing none, zero motion to adjourn meeting.

Mathis: So move.

Mayor Cubillos: Motion has been made by Councilperson Mathis, is there a second?

Nickerson: I'll second it, too. [crosstalk] [laughter]

Mayor Cubillos: Councilperson Roman has second. All in favor, signal by saying aye?

Council Members: Aye.

Mayor Cubillos: Any oppose, your nay? Hearing none. The January 23rd council meeting adjourns at 12:05 PM.

Roman: AM. [crosstalk]

Mayor Cubillos: AM. [laughter]

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