



**Village of El Portal  
Public Safety Meeting  
Date: 7/17/18  
Meeting Start: 6:34 PM  
Meeting End: 10:10 PM  
Meeting Length: 03:29:37**

**Mayor Claudia Cubillos:** I like to call the Special Council Meeting in order. Today is Tuesday, July 17th and it is 6:34 PM. We'll have a moment of silent meditation followed by the Pledge of Allegiance.

**[background noise]**

**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:** Yenise, may I have a roll call?

**Yenise Jacobs:** Vice Mayor Omarr Nickerson.

**Vice Mayor Omarr Nickerson:** Here.

**Yenise:** Councilperson Wener Dreher.

**Councilperson Wener Dreher:** Present.

**Yenise:** Councilor Harold Mathis.

**Councilor Harold Mathis:** Present.

**Yenise:** Councilor Vimari Roman.

**Councilor Vimari Roman:** Present.

**Yenise:** Mayor Claudia Cubillos.

**Mayor Cubillos:** Here.

**Yenise:** You have a quorum.

**Mayor Cubillos:** We have a motion of the agenda. It was moved Councilor Roman saying to revise. All in my favor, just say, "Aye."

**All:** Aye.

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**Mayor Cubillos:** Yenise, hearing now the agenda for today's Special Council Meeting, please, we'll pass. I would like to acknowledge our CFO, our attorney, our chief and our FEMA consultant, and the representative attorney, and the manager. All right. We're going to go to the first item in the agenda. Oh, actually, no. Does anybody go to Welfare? We want to come up with 10 big signs before we move to the agenda.

This is Special Council Meeting with regards to the ordinance that has come forward with regards to applying for a credit line to be able to solidify and close out our Hurricane Irma expenses. I'll go ahead and I'll ask both the attorney and the manager, at the moment, to you want to say anything about having the ordinance written to the record and I will take it from there if there is any questions.

**Harold:** Do you want the ordinance read first?

**Mayor Cubillos:** Yes, sure.

**Harold:** The ordinance of the Village of El Portal, Florida, authorizing the issuance of a grant proceeds note, series 2018, Line of Credit, of the issuer in the principal amount of not to exceed \$1,250,000 to finance certain cleanup costs resulting from Hurricane Irma, providing that the note shall be payable from pledged revenues.

Authorizing and delegating to the mayor or village manager the sale of the note to the bank pursuant to the terms and conditions of a financing agreement with the bank; approving the execution and delivery of said financing agreement; providing for the rights, securities and remedies; making certain covenants and agreements in connection therewith; making such determinations as required to afford such note "bank qualified" status; providing for severability; and providing for an effective date.

**Mayor Cubillos:** Okay, great. Thank you. At this time, I would like to go ahead and ask-- We have three representatives; we have our bank here, we have our FEMA consultant, and the bond attorney who's here tonight with regards to- [crosstalk] I'm sorry.

**Roman:** Financial manager of [unintelligible 00:03:19] is also here.

**Mayor Cubillos:** I didn't realize he was a part of this but okay

**Bruno:** [unintelligible 00:03:36] Bruno. I'm the financial adviser of the village. I'm part of this call.

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**Mayor Cubillos:** I realize that but I didn't-- Oh, okay. We will cover that now. Anyway, with that said, as the council, I didn't get the opportunity to not only reach out to the attorney who's here this evening, the bank or the manager to this time to go ahead and ask questions as to why, if you have any questions, with where we are at right now our CFO is also here as well.

**[00:03:57] Harold:** If I may, madam mayor, I'd like to introduce Special Council in this regard we have JoLinda Herring with Bryant Miller Olive. She is here with her partner, David Miller. They have served as and will serve as the disclosure bond counsel for this transaction.

**Mayor Cubillos:** Do you want to call and present anything at this time, JoLinda?

**JoLinda:** I'm here to answer any questions, like certainly with the ordinance but I can explain to you.

**Mayor Cubillos:** That might be a good idea. Let's go ahead. Let's start with that.

**JoLinda:** What you have in front of you is an ordinance, which authorizes the line of credit and an amount not to exceed \$1,250,000 delegating to the village mayor and/or manager the authority to finalize the financing agreement, which is a part of your package, to and with the Florida Community Bank. All the provisions, also in your packet, you should have a term sheet, which was provided by the bank, which included all of the provisions for the bank to be able to close on the line of credit. Also, as part of that, there would be no pre-payment penalty.

If the village, at some point, decided that they wanted to pay this off, this line of credit will be for 364 days, just slightly under one year, and you have the ability to pay it off. The bank is requiring that once you receive your grant funds from FEMA that you apply those to the pay down of a loan. I'm available to answer any questions.

**Roman:** Just for the record, I spoke with the attorney about two hours ago and went over some questions so, as for me, I don't have any further questions beforehand unless you guys want to-- Okay.

**Mayor Cubillos:** I spoke with JoLinda, as well as with the attorney and the manager, with regards to how we got here today. More importantly, I went and opened up to the residents because but I don't see her at this evening but I don't know if the council, which councilpersons here has arrived, has had the opportunity to go through it and ask our either bond council, manager, FEMA consultant, bank or our attorney of record. This would be the time to go ahead and address any questions.

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**Nickerson:** I don't necessarily have any questions for her about the ordinance or the line of credit, but as an overall question, I was looking at the numbers and for us, as the village. This line of credit isn't, form what I was looking in unless I was calculating it wrong, doesn't cover. There's still an outstanding amount that we owe after this credit.

**Mayor Cubillos:** I am going to ask the manager to chime in, but to what we have been going through with the current outstanding one debt that we have, it's 1.2 million. Am I correct?

**JoLinda:** Looking on outstanding invoices are a little bit more it's 1.4 total that where the line of credit is for 1.2.

**Nickerson:** I was looking at that and we're still a couple of hundred thousand dollars after this line of credit so I didn't know-- I actually didn't know how that was going to affect us to get more. [crosstalk]

**Mayor Cubillos:** No. This is the only amount that we were approved for so we asked for more but it's not what we were approved for.

**Nickerson:** I guess there's a bit of discussion maybe attesting or something.

**Mayor Cubillos:** Not only that, I mean you can come up if you like, but we've been paying down based on our general fund and our reserve so we have been paying down most of the debt. If you were going to say something, you got to come on the podium.

**Bryant Miller Olive:** The total outstanding's over 1.5 million, the line is going to be for 1.25million so both \$250,000 will have to come out of the general fund reserves to cover the difference. We have tried for a bigger line, but they would not approve any. The 1.25 is the most that would go on the line.

**Nickerson:** That's what I was looking at. I was looking at the numbers. That's what the thing that got to me, but thank you.

[background conversations]

**Mayor Cubillos:** Does that conclude the questions from the council?

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**Werner:** Actually, I had a chance to request the village manager from the actual invoices. From what I have is I has submitted two copies. One which is the paid invoices for \$115,000 approximately.

**JoLinda:** That's a little bit more. There's one after that.

**Werner:** Then, the remaining one is for \$1,052,000 approximately, right?

**JoLinda:** The next page is 1.4. There's another \$400,000.

**Werner:** I'm sorry, but it doesn't state. There's 1.4.

**Nickerson:** That's the addition of 400 I think.

**Bryant:** There is two invoices; one for a million and one for 400,000 and change [crosstalk].

**Werner:** Looking at the actual invoices here, I see here a specific unit price for each of the item descriptions.

My first question is how does-- We selected this vendor, which I think a vendor title Looks Great Services, right? My first question is just to understand, first up, how do we go about selecting this vendor? Second question, try to understand a little bit more on how this unit prices compare to the competition? I know we've had a FEMA consultant here. I just want to get a better understanding how these prices that we're getting billed for, compare to competitors out there, and as well I need an attestation on what we're being billed for. That's what really somebody who's actually there making sure that those items that were being billed for actually happen. I did-- Excuse me.

**Mayor Cubillos:** Why don't we ask her to questions.

**Werner:** Yes, and because the reason why is I've had some concerns, some other residents by the way we saw two, three trucks. Just to make sure who can attest to that here in the sources and the invoices. That's what definitely I would like to get a better understanding if you can help.

**Mayor Cubillos:** Can you come to the podium, please?

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**Gabrielle Benigni:** I'm Gabrielle Benigni, the president of Disaster Program and Operations. To answer your first question regarding Looks Great Services and how they were contracted. First of all, it was through a mutual aid. The El Portal Village was suffering emergency road clearing and debris hazards that created many, many obstacles as well safety hazards for the community and a health hazard. Governor Scott had declared the disaster and extended the debris removal.

Waste Management reached out to Florida City because they knew that we were contractors and we have worked on before in the past with El Portal back in 2004 and 2005, as well as waste management comes to us to help some their clients when they have issues like this. Waste Management has an existing contract with El Portal, but the new disaster did not allow for them to have any emergency clause, plus waste management did not want to mobilize to do the debris removal. They only wanted to perform the debris disposal. We entered into a mutual aid or, we, El Portal entered into a mutual aid contract. The mayor called Mayor Otis Wallace in Florida City as well as sent a follow-up letter for request.

They maintained compliance with the State of Florida Mutual Aid Compact Act, which has a form B attachment to allow El Portal to request from other cities any type of backup support for labor, equipment, contractors, resources, supplies. LGS was the debris removal contractor for Florida City. which was solicited for, legally, pre-hurricane season and bid for the two CFR200 requirements, as well as Florida City had solicited for our services for FEMA recovery and debris monitoring.

FEMA requires a debris monitoring contractor to be contracted as well as debris removal to monitor the daily efforts at the debris removal and to verify these qualities that you see here on the bills. We came and mobilized upon the mayor's request. After participating with the mutual aid, we knew that there would be a limited time because it was emergency services and emergency clearing. We established a debris management site, which was donated to El Portal at the church. That also was reimbursed by or billed for debris reduction and final haul-out. The rates. To answer your question on the debris disposal final haul-out as well as the debris removal rates.

The removal rates for hazard limbs and trees, they are, I would say, very comparable and more cost-effective than Dade County's contractors. Dade County's contract had \$15 a cubic yard, and I believe Looks Great services was around \$12 a cubic yard. The debris reduction was a lot more cost-effective than going with the Dade County contractor. Hence, El Portal chose the most feasible economic solution and available. Contractors who are in supply and demand

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was low. Many contractors did not mobilize who even had contracts with the cities so Looks Great Services did mobilize on behalf of the city.

**Werner:** When you say El Portal choose the most economically feasible solution, were there any options out there? Because when you say you're comparing the most economically feasible solution, I'm sure you're comparing this to obviously some other contractors.

**Gabrielle:** Mayor Claudia, I had informed her of the other contract rates and told her the contractors that could be available by mutual aid, and they were more expensive.

**[pause 00:15:21]**

**Werner:** Do you recall who those other companies were?

**Gabrielle:** Pardon?

**Werner:** Do you recall who the other companies were?

**Gabrielle:** Oh, yes. I know who they are. One of them is G7 Holdings for Dade County. He also has the Miami-Dade public schools' contract, and he also has the hazard-limb trees removal. I believe the other company could have been Esprit and/or-- Esprit didn't even mobilize from Miami Shores. They didn't show up so they wouldn't have definitely come over to El Portal. They were very selective of picking the larger cities, which was sad.

**Mayor Cubillos:** I want to add something that I probably didn't elaborate on and councilperson jury asked. Because many times, I went to the site when they were working, but to answer your question, because I think you asked, there's a lot of trucks and how do you know who did what. The company that was selected, they had what's called monitors. Before any truck left the site, they actually would take a picture of the truck and what was inside of it. Their people had to put a percentage like the truck was 78% full, 85% full or what have you. Then the company that was working for El Portal, which is Gabriela, had their own people and they had to do the same thing.

They had to make sure that the company, obviously, the debris-hauling company, didn't put, "Oh, yes. The truck was 100% full because they paid on weight." It had to match the company that we had hired, which was Disaster Program Operations, and they put a percentage. I went there and I overviewed or not overview. Just wanted to see what they were doing because, obviously, that didn't make sense but he wanted to get a feel for it. It was a really tight-knit

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operation as far as a checks [sic] and balance for sure because we didn't allow them just to have their own monitors. We had our own monitors. That spent a little more money as well.

Even aside from picking what we felt would have been the better choice, like Gabriela said, when I spoke to other mayors throughout Miami-Dade County, they had selected Company X, Y, Z. I don't have them off the top of my head, but they didn't even show up. Because, basically, what was happening, there were such a demand for these companies and they would just go somewhere else because, clearly, that city would pay more. Then the other component of not really going and not local with the County, some cities did that but if we'd have done that, then we would have another issue. We would have never been cleaned within 30 days.

The debris probably would have still been there between December and January. Because if we would have been one of the other cities that Miami-Dade County would have had, then we were probably going to lead for less because we had this. Even though relatively speaking, that was a lot of debris for us, that was nothing compared to highly Miami Garden or Dade County and City of Maimi went through themselves, which was the cleanup. That was another reason we knew our residents would not have been incredibly happy having the debris around for 60, 90 or 120 days. We opted for the quicker route. When you work within a 30-to-60-day parameter, the reimbursement rate is higher as opposed to waiting.

**Gabrielle:** I'm sorry. I didn't elaborate on the process and the procedures or the fact that if a mutual aid contract had been entered with Dade County contractor to higher rate, that contractor has to satisfy his first contract first before he offers mutual aid and takes away from that city. He has to bring in extra crews. That wasn't probably a viable solution but also the monitoring process. What we do is every truck before, every piece of equipment is certified; the make, model serial number and the details. The trucks are measured and we sign off and the trucker agrees to it so we have truck certifications. Then at every big truck that they're loading, these loaders or self-loaders.

There's a monitor present and they view the contents being loaded, the type the of contents. When it was taken to the debris management site, which was a real cost-effective solution and, Grant, you don't usually take a debris management site on a parking lot that's small. We knew if we accelerated the debris reduction, your disposal would be significantly reduced on the cost. You have like 20-somewhat thousand like 26,000 cubic yards removed. It was reduced down to 6,000 for disposal, which was really good.

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We measure the trucks and then all the hazard trees and limbs. We went around. With the permission of Claudia

and the mayor, and sometimes Chief Ronnie, we would look at the trees and spot the trees that had all the hazard limbs that could be a safety hazard to your community. They could fall and kill somebody, or a hazard tree that had been damaged, where it's leaning and could be uprooted. Those were identified.

GPS coordinates were taken on every single tree. There's [sic] ticket ledgers for every ticket for every tree and all the hazard limbs that were removed were per tree. There's a volumes [sic] of documentation to satisfy the FEMA requirements for category A debris removal. That's how we did our monitoring because you cannot get reimbursed if you don't have the documentation.

**Werner:** You say you did the monitoring. I remember I ran into Christy a couple of times on a Friday. I know you on a Friday afternoon maybe 5:00 or 6:00 PM down at the site, which she's measuring Gabriel and the church. Just trying to out together when you say monitoring, I know, Christy, you were getting the trip reports.

**Christy:** I was going through the ledgers and just ensuring that.

**Werner:** I'm just trying to put that together and-

**Gabrielle:** The process is the truck loads and there's a monitor with the track. They call them a laud-haul monitor. They have a ticket. That ticket goes with the monitor of the truck, and the monitor estimates what they think it might be. It goes to the DM site. We had a tower inspector there, we call tower monitor. The tower monitor looks inside the truck and says, "Okay, you're at 75% full or 80% full." FEMA does not allow for 95% or 100% full, so we have to make sure when they're loading the truck so they load all the way to the top and compact it because there's [sic] void spaces that the vegetation creates. When they come in, it settles some. They may think they are 85% but it's going to be 75%.

We call on behalf-- It's our call, not the contractors call because we are a third party. After that's written on a ticket ledger, at the end of the day, all the tickets on the packet are reconciled, matched up with-- making sure there is no data missing. Then we would show Mayor Claudia or whoever came out to see it. That data is entered into an Excel type of ticket ledger, so you can sort by ticket number to make sure there's [sic] no duplicates. We sort it by truck certification to make sure that the trucks, the certification capacities were correct and accurate as well as the linear hangers. When the linear hangers are cut, the monitor takes a picture.

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It measures the tree radius, but they have rates per size of tree when they cut it down. It has to be a hazard tree. You have to have a proper photograph with the GPS coordinates and a ticket. The ticket that goes on to a ticket ledger, and then we reconcile by the size of trees, with the photos, with the GPS coordinates to make sure all that's correct. Same thing, the hazard limbs that are removed per tree, photograph of the tree, as well as the GPS coordinates and a ticket.

Those tickets are all reconciled so when the contractor invoices El Portal and they submit all of their data we don't approve it, it has to match our data. We did, we were able to reconcile with them, they made their corrections on their invoices according to our records. We didn't approve their first go round the tickets four times, [chuckles] but on the fifth attempt, they got it right.

**Mayor Cubillos:** To add to what Councilperson Dreher was saying, when you would see the manager over there is because I think every day or every Friday all the tickets because it's the tickets that are carbon copy so she would have to receive them every single day.

**Gabrielle:** Every day.

**Mayor Cubillos:** At the end of every day, whoever the monitor was at the site, they had to come, deliver it to her. She had to sign every single one. What happens when we got the invoice all those tickets have to get matched to the invoice.

**Gabrielle:** With the ticket ledger, reconciled. We had to scan all these tickets because FEMA does not accept manual copies anymore so all the documents are electronically scanned per category, per project, and per dates of reimbursement.

**Werner:** Is that ticket-- I'm sorry.

**Mayor Cubillos:** I was going to just explain to you.

**Werner:** Is that ticket ledger with the pictures available if we want to drill down into just to question?

**Gabrielle:** Absolutely, we can show you photographs. We even have a ticket ledger for the reduced debris we unloaded. Same thing goes to disposal company, they sign off and we reconcile with waste management on the disposal side as well because there's [sic] always errors. Waste management had some ticket numbers messed up, and they were corrected and the invoices were correct.

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**Werner:** Is that ledger is available on our side or is there a special area where we can access that? Is that something you can share with us?

**Gabrielle:** We can go over it with you if you'd like, whenever, and I believe you have an extra drive. We keep things electronically, and it's what we submit to FEMA. We also give another copy of it, and we have a special database we keep these on.

**Werner:** That would be great. I would like to see it. My next question and being like a house owner I know I have an insurance. Typically FEMA works like an insurance. I understand in the health insurance, in the house insurance, let's say I have a procedure in the health insurance. Let's say I got a colonoscopy. My insurance has a limit and say, "We are able to pay you based on averages on a colonoscopy, let's say, \$1000."

Out of all that we've submitted here in these two invoices, and help me understand here a little bit, what are we expecting to say for FEMA to come back to us and say, "Yes, you submitted for \$1000," I'm just running a hypothetical number, "\$1000 worth of claims." Based on our comparables or rates we can pay you 80% or whatever designated price. Not sure if you follow the question.

**Gabrielle:** I do. I think FEMA does not tell an applicant a limitation on the quantity. They do scrutinize the rates. Regionally, when counties or cities select contractors, they look at the rates and you pick the most. Sometimes the most cost-effective is not going to get the job done, and they know that so you pick a reasonable cost. FEMA likes that word "reasonable cost". FEMA has and with El Portal participated in and why you see the different projects if you've given a list of projects FEMA has an Accelerated Debris Program, which the State of Florida participated in a little bit later in the game, but what it allowed for is that it allows for an increased disaster reimbursement versus 75%.

Usually, FEMA, across the board, pays 75%. The state, you are only responsible for the remaining 25% and state pays half of it. In this case, FEMA pays for the first 30 days, but there was a date like September the 17th through October 18th, FEMA reimburses 90% of the disaster debris removal cost including monitoring. From October 18th through December 16th, they offer 80% of the cost reimbursement for both of those items. Then 75% from December 17th through March 3rd. El Portal participated in the pilot program, which is called Accelerated Debris Management Program as well as Florida City. That's why you're getting a higher percent of reimbursement versus just the 75%.

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**Werner:** Just take an example then, based on this accelerated program that you're saying, that we perhaps we're going to get a 90% reimbursed. Looking at here at the invoice of the \$1.0-something million, the highest amount here comes out of the trees with hazardous limits, 24 inches, right? There's a quantity of what is that, 5,500. Is that trees or hazardous limbs?

**Gabrielle:** The 90%. Are you looking at a spreadsheet? First of all, for Looks Great Services, we had, I want to emphasize the quantities-

**Werner:** I just share with you.

**Gabrielle:** You have. There's something like-- I have just the invoice numbers and the rights on this spreadsheet per debris reimbursement.

**Werner:** I'm looking at this item it says trees with outwards limbs great than 24 inches. Are we saying there were 5,500 trees?

**Gabrielle:** Yes.

**Werner:** 5,500 trees.

**Gabrielle:** 5,500 trees, yes.

**Werner:** In the village.

**Gabrielle:** With limbs that had greater than 24 inches, so they had to cut that were damaged and hanging.

**Werner:** We have 5,500 trees in the village.

**Gabrielle:** No, you have a lot.

**Werner:** Then, out of this 9,668 value of work that we are getting, based in that accelerated program, we're going to get 90% back.

**Gabrielle:** Yes. This is 9,211,517. Yes.

**Werner:** We're certain and 100% sure that we have 5,500 trees in the village.

**Gabrielle:** We have the ticket ledgers and the tickets, yes. I can show you that.

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**Werner:** You can attest to that.

**Gabrielle:** Yes.

**Nickerson:** Madam Mayor.

**Mayor Cubillos:** I want to add, Councilperson Dreher, there was a town hall. The reason I say this is because each of us have different residents that come to each of us. One thing that's really important is to let them know is that all of this was covered in great detail at the town hall that we held in April. We had an emergency preparedness town hall

that Gabriela and her team helped me put together. We went over every single line item. There was about maybe, I'd say, 15 residents there. We went through the whole process; what was done, how we got to where we are at today, the monitors, the hauling, the reimbursement process, the amount of-- We went through absolutely every-- Just so you know that this was all covered in the event that residents may ask, "No one told us anything."

No. There was a pretty-advertised town hall specifically on this. Then, I believe Councilperson Roman was there, Vice Mayor Nickerson was here. I don't remember Councilperson Mathis, but I knew you were traveling at the time for work. Just FYI, because I know the residents called and they're concerned. It's really important to let them know that there was definitely a town hall discussing all of this because, clearly, this is hands down one of the most important things we has to do. The experience, for all of us, was to handle Hurricane Irma. The most efficient and--

**Yenise:** Mayor, another question for Gabrielle. Would that be?

**Mayor Cubillos:** Yes.

**Roman:** Gabriela, while you're okay to have a question for you. Can you just clarify to everyone why it is that the urgency of getting this line of credit or loan at this time?

**Gabrielle:** Because FEMA has a reimbursement program, that means you have to pay it or they will not reimburse it. That's the reason why. [chuckles] We can only submit part of the records and we're submitting and trying to get the rest. Well, basically, what's going to happen is, the records will be submitted. If the check isn't counted, they'll come back and say, "Well, where is the payment?" This delays the process.

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**Roman:** By when do we have to pay them?

**Gabrielle:** As soon as possible-- We're sitting on the submittal. We're waiting for that submittal because we have enough to submit, but to make it conclusive and comprehensive for category As and Bs, that would be good.

**Roman:** I know those answers. I just wanted to make sure that they were on the record. They were answered in case residents are watching.

**Werner:** Madam Mayor?

**Mayor Cubillos:** Yes.

**Werner:** I just want to say Councilperson Roman has very good questions they need to put on the record. I also want to say that. I just want to thank you, and I appreciate you, guys, from the very beginning. Your efficiency and everything you guys have done for us. I want to say thank you also to the manager, the mayor, to the chief back there. Sometimes, I think that as time goes on, and after we have a disaster or after we have a travesty or something like that, I think that right, then and there, we remember how everything was. I think as time goes on, and when things get better, I think that it's easy to have that leave your mind.

I remember, recently, I was having a discussion with somebody. They live in a different part of Miami. They were just talking about how long it took, and how long that garbage was on the side of their swell because they were in the corner house. If you guys remember, you can go back to that time. Just remember how quickly we got everything cleaned up, and how many larger areas of Miami.

They have much bigger budget, and their garbage was sitting out there for a long time. You don't want to know how it would have been here and how residents would have been if the garbage was just sitting there, and sitting there, and sitting there, and what the response from the residence would have been. I want to thank all of you for that. I appreciate it. Thank you very much.

**Mayor Cubillos:** Thank you. We appreciate it. Thank you. Anything else?

**Harold:** Those are really good points you brought up, Werner. I agree as well on the recovery process. This is very important what we have been put out. I just want to make sure we address

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all the questions as well. Just getting the totals here on the 1.52,000 plus the 400 aid monies. You said, out of that, we are expected to get reimbursed 90% of that.

**Gabrielle:** Yes. I have the values here for the 90% and the 80%, and the 100%. I'm trying to line it up here. For example, on the emergency, we are clearing for the 100%, the project was \$111,108.21. That included forced labor, the police, and some emergency contractors, initially. El Portal received 100% of that. Then, for the 90% category at period September 18th through October 17th, we're submitting your total project cost 1,770,151.

Out of that, the 90% would give you 1.5, a little over 1.5 million. The state share will have 50% of the balance, which is 88 grand. El Portal's share is 88 grand. Then on the 80%, El Portal project cost was \$247,239. 80% of that is \$197,000. Just a little bit over that. The state share will be \$24,700 and some odd dollars. El Portal's share would be 24,000, the same amounts, 50-50. We keep up with this and track us.

**Harold:** Is that something you can share as well?

**Gabrielle:** Sure.

**Harold:** Then, this reimbursement to be paid, I know you mention ASAP. Right, to get reimbursed by the state on this invoice, what ASAP mean? What was the due date or is there a specific-?

**Gabrielle:** As soon as we get the payment and copy of the check, we'll submit it into the new FEMA PA portal. We'll hit the submit button. The CRC, what they called as, Central Resource Center, or Consolidated Research Center. This is a new program of FEMA. I'll just tell you, FEMA, the old program worked a lot better because they were on top of things. This new program, it goes to a whole complete different center somewhere in Tennessee or Virginia. They take their information and they review each project. They'll apply a one-person review.

Then after the review process, they have 40 days to come back with any requests for information, if they need any. We submitted volumes of documents for the FEMA requirements. I doubt they have any questions other than maybe some mutual aid questions. Then it goes to FEMA, what they call the ME. The ME program, where they have a three-review. Environmental considerations, your typical considerations, and then the money is obligated. It could take anywhere from 45 to 60 days, for that FEMA process to be reviewed.

**Harold:** After submission.

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**Gabrielle:** It's already been reviewed on this.

**Harold:** From the date of submission.

**Gabrielle:** It's being reviewed right now with the local, what they call, a PDMG, a Project Delivery Manager. We've been working closely with him, every day, trying to make sure he is okay with the records. If there's [sic] any questions, we clarify them. He was asking about this final submittal.

**Werner:** It takes from the submittal day to the date of obligation, 35 days.

**Gabrielle:** I was saying at least 40. A minimum of 40.

**Werner:** 40 days.

**Gabrielle:** They are saying it's 40. They are given the CRC 40 days. I have a handout with that on there that day state what the CRC can do, and what they try to do. I'm hoping they'll do that in 40 days or less.

**Werner:** What's the worst-case scenario like?

**Gabrielle:** I would say 60 because that's what we've heard. It's 60 days.

**Werner:** Out of this invoice that I have here, will get reimbursed within 60 days. Worst case scenario, the--

**Gabrielle:** The funds will be obligated.

**Werner:** Obligated?

**Gabrielle:** Then, the project signed off. Then, especially, with all the payouts, if everything's been paid, we can schedule close out. FEMA will draw down the money that the state or the state will release the money to the applicant.

**Werner:** To that release date, how many months are we talking about?

**Gabrielle:** I am hoping 90 days, max.

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**Werner:** In addition to the 60 days, you are saying or you're including the 90 days or 60 days or you are saying additional?

**Gabrielle:** It's going to take 45 days for the CRC at least. I'm saying 45 because they say 40. I already know FEMA. I deal with them on both sides. I have people working in FEMA. I am hearing that they are a little bit behind on the reviews. It could take 45 days. Then it goes to ME. That's 60 days. You have 60 days. Then once it's obligated, you should have your money within 30 days. That's why we want to push the project closeout.

**Werner:** You are saying 45 plus 30 days.

**Gabrielle:** I would say 90 days, all around.

**Werner:** All around, until you get the release date?

**Gabrielle:** All around 90 days. Yes.

**Werner:** It's not the actual obligation date.

**Gabrielle:** No. Yes. I would think 60 days for obligation, at the most.

**Werner:** Then?

**[00:40:00] Gabrielle:** Then it's up to the state, for us to be on top of the state, to make sure that they wanted that the project closeout. El Portal's participating in a new pilot program, also new, that just came out where FEMA allows for 4% for direct administrative costs, for all administrative costs to handle all these dollars plus a 1% for early project closeout and send out. That's what we're trying to push for, the early closeout incentive.

**Werner:** Thank you. Appreciate it.

**Gabrielle:** Anything else?

**Werner:** No for the questions, just it will be great to see that-

**Gabrielle:** The spreadsheet?

**Werner:** Yes. If you'll just so I got it.

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**Gabrielle:** Okay. That'd be it. Thank you.

**Werner:** Thank you.

**Gabrielle:** Thank you very much.

**Mayor Cubillos:** Okay. Thank you.

**[00:40:38] Roman:** Gabriela, what's the deadline for the early closeout incentive?

**Gabrielle:** It's based on the submittals when you submit. What they want is payments. If you already have the payments, and we've already have everything approved, we're ready for closeout. We're ready as soon as they want to closeout [chuckles] because all the records are audit-proofed. We've made sure that they're audit-proofed. There is not going to be any un-auditable items that FEMA is going to find when they go to review the records, which happens to a lot of cities, when they submit things.

**[00:41:10] Mayor Cubillos:** Okay. Thank you, Gabriella. Do we have any question as it relates to the ordinance that is before us today that is the first reading? Do we have a couple of residents? I'm going to open up the public hearing, for the bond attorney for anybody here, as it relates to the term, the banking, anything. Have you all had the opportunity?

**Roman:** I'm interested in banking.

**Mayor Cubillos:** Okay. Go ahead.

**[00:41:35] Roman:** My question is for the bank. I understand-- What I like to hear may be put on the record is the reason that we are not able to get a loan, and it's a line of credit instead of a loan.

**[00:41:53] Rafael:** Good evening, mayor, council members, attorney, manager. The reason why you-- When we were initially approached by the village as to the most expedited way to get some funding, the line of credit is the easiest to get basically because the underwriting standards are lowered, dependent upon the ability. Everything's dependent, obviously, on the ability to repay. When you're paying interest-only, then that means the underwriting standards just couldn't be relaxed. No point was terminal. It was actually an idea that either side had come up with. It was always a line of credit.

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It was also the anticipation of the reimbursement from FEMA being within less than a year. A term loan of even a year, when a line of credit can be equally as a year, just didn't make any sense, which is why we never brought it up there. Again, if we had more to do with the ease of access, the underwriting, relaxing the underwriting procedures and just the initial idea that reimbursement would be prompt.

**Roman:** Thank you.

**Mayor Cubillos:** Any other questions for Rafael from FCB?

**[00:43:10] Werner:** It's a line of credit, right? I did have some back and forth feedback. I know Christy helped answer a couple of questions. I understand the collateral we're pledging is the mileage, right?

**Rafael:** Correct. Ad valorem.

**Werner:** Ad valorem?

**Rafael:** Yes.

**[00:43:29] Werner:** Just in typical practices, is this common? Why choose this as a source of collateral? The village has a building. It has different properties. Just try to understand, why are we choosing that source of collateral? [crosstalk]

**[00:43:47] Rafael:** Typically, for the most part, governments don't use buildings as collateral. From the banking point of view, we could not possibly, in good conscience, seize the building. It doesn't make sense. We couldn't use police cars or anything like that. It's always going to be based on revenue. When we looked at the cities, finances, and their revenue stream, it was much easier to get the loan, based on the ad valorem revenue, plus the non-ad valorem, plus using the FEMA as well, as part of the collateral.

**Werner:** Can you elaborate when you say it's much easier to get the source of revenue from the ad valorem?

**Rafael:** Just the numbers weren't there.

**Werner:** The numbers are not there. When you look at a line of credit, what were the revenue numbers that you saw?

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**Rafael:** Well, I didn't do the underwriting, to be honest, and I couldn't possibly what the numbers were, off the top of my head. The village does run a lien-ship, which is good because you want to be able to capitalize on every dollar that you have, without unnecessarily raising the rates on the village wealth into this. The drawback is when you get into an emergency situation, where you need to, in this case, I believe, it was \$2.2 million in emergency funding for the cleanup or-- When you run a lien-ship, it doesn't leave much room to wriggle room, which is why we are here with their line of credit. In a sense, it's a good problem to have. A lot of other cities, fortunately, or unfortunately, have had more money than they need to spend on a clean-up but they also have more resources and more revenues to pull from.

**Werner:** In other words, the village revenues are not in a position to be a source of collateral this time. That's why you went ahead and--

**Rafael:** Based on the historical.

**Werner:** The historical.

**Rafael:** The historical, they weren't comfortable. They weren't in a comfort range for us to be able to give more, at that point. Keep in mind that when we issue credit, it's like issuing credit also on a personal. It's hard to issue credit on a municipality that hasn't had any debt. We don't know have you respond to that debt. There is no litmus test. Whereas, for all of us, we have credit scores. It's based on your credit history. Again, it's a good and bad problem to have that you haven't had that need any debt, or for us to rely on that historical information. What you do is we look at your capers. The capers, in themselves, it wasn't that the revenues were bad.

It's just there were a lot of one-off expenses that the village head itself took on, which were explainable, and would be normal for any municipality of that size. Again, when you run a lien-ship, and you have these one-off expenses, it could have a negative value. Now, we were able to provide an approval nonetheless because we understood exactly how the village manages and finances. We were comfortable with that. If we weren't, we wouldn't have extended any dollar amount. In this case, it was 1.25 million.

[pause 00:46:58]

**Werner:** This is a question maybe then for urban. Based on these two invoices that we have, we have one invoice of \$1.0-something million plus the \$400,000.

**Rafael:** Those are outstanding.

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**Werner:** That's what I was saying.

**Bryant:** The total is 2.2 million.

**Werner:** Correct. I understand that this line of equity, this line of credit, I'm sorry, is going to be mostly to pay these two invoices. Is that correct?

**Bryant:** That and a few other outstanding. Yes. Not just for those. Isn't?

**Werner:** No.

**Roman:** We have no other outstanding invoices.

**[00:48:04] Bryant:** No. The only outstanding, right. The only outstanding invoice we have is for the 1.5 million. What we're going to have to do is take the line of the 1.2 million, and take 200,000 out of our general funds to pay that 1.5 million. Then, when FEMA obligates to reimburse us, then we will replenish the general fund for what would then repay the line.

**Werner:** We expect that in two months, based on--

**Bryant:** No. It's really going to happen. Realistically, we probably won't get obligated before the end of September, which means we will have the loss show in this year. Then, we will have the bank controlling next year, when we get your obligation from FEMA because under the guise where you cannot recognize the receivable revenue if FEMA is not obligated for funds. When you look at the budget you are going to see. You are going to see a huge expenditure for this fiscal year, and the next year, under miscellaneous income. You'll see there's a huge revenue item for the FEMA reimbursement. I used 85% average for the anticipatory reimbursement.

**Werner:** Thank you.

**Mayor Cubillos:** I just want to say we have a long agenda this evening. We have three more meetings. A lot, of which we're covering, we've covered extensively in a lot of meetings. If you can just really fine tune your questions right now because we have residents here who are very insistent. We still have public affairs. We've got planning and zoning. These are still questions that can be the answer. You just need to call the manager, make an appointment with Gabriella, make an appointment with the manager, and the intern.

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I say that to all of you. My biggest- not concern, is I want to be sure that we have an understanding of the ordinance of the terms because that's what must be passed tonight or must not be passed, whichever. It's the will of the council.

Absolutely, everything that you are asking, please call the manager, call an attorney or set an appointment with Gabriela. It think they've done that for residents already so I really, really encourage each of you to do that if you weren't able to attend the town hall because it's good for all of you to know.

You are asking great questions because you want to know, of course. Then it makes a lot of sense, but I really want to be sure that each of you, and given opportunity some residents to ask questions on the terms and the ordinance that is before us on this agenda. Are you all comfortable with the ordinance and the terms? I want to open up for public comments. At this time, do we have any residents that have any questions on the ordinance?

This is an ordinance that the council is asking to apply for line of credit to assistance in paying a portion of the last bill, most of the portion of the last bill that we have left from Hurricane Irma. Iris, Johnny, Ken. Here, I'm going to close public comments, I want it opened up to the council. Before I ask for a motion, any questions for JoLinda? Hearing none, is there a motion to approve ordinance 201805?

**Roman:** Motion.

**Mayor Cubillos:** A motion has been made by Councilperson Roman. Is there a second?

**Nickerson:** Second.

**Mayor Cubillos:** A second by Vice Mayor Nickerson. There's a motion on the table. Any discussion? Hearing none, Ms. Manager, can I have roll call, please?

**Yenise:** Yes, Vice Mayor Nickerson.

**Nickerson:** Yes.

**Yenise:** Councilmember Werner Dreher.

**Werner:** No.

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**Yenise:** Councilmember Harold Mathis.

**Harold:** Yes.

**Yenise:** Councilmember Vimari Roman.

**Roman:** Yes.

**Yenise:** Mayor Claudia Cubillos.

**Mayor Cubillos:** Yes.

**Yenise:** The ordinance passes four to one.

**Mayor Cubillos:** Keep in mind, this is a first reading. I asked the manager to please email our village clerk to advise her that this ordinance has passed because she has to get an email today so that she can properly notice, again, so that we can have a special council meeting for the second reading, which I think she put in the email based on the timeframe and public notice, will be July 31st.

**Yenise:** Yes.

**Mayor Cubillos:** I wanted that to go in the record for the residents. Thank you so much for all of you for coming in and for the questions. At this time, do I have anybody in good and welfare? Herein none may I have a motion to adjourn our special council meeting today is July 28th.

**Roman:** Motion.

**Mayor Cubillos:** Motion has been made by Councilperson Roman. Is there a second?

**Werner:** Second.

**Mayor Cubillos:** Second by Councilperson Dreher. All in favor?

**Council members:** Aye.

**Mayor Cubillos:** Any nays? Hearing none, our special council meeting adjourns at 7:28 PM.

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[background noise]

**Roman:** I just wanted to make sure that--

**Harold:** Public affairs committee meeting to order at 7:29. We've already had a moment of silent meditation. Can we have the roll call, please?

**Yenise:** Yes, Vice Mayor Omarr Nickerson?

**Nickerson:** Here.

**Yenise:** Councilmember Werner Dreher.

**Roman:** I'm sorry, this is--

**Werner:** I'm not part of the committee.

**Yenise:** Yes, you are not in the committee. I apologize.

**Werner:** Thank you.

**Yenise:** [crosstalk] Mayor Claudia Cubillos.

**Mayor Cubillos:** Here.

**Yenise:** Councilperson Harold Mathias.

**Harold:** Present.

**Yenise:** We have a quorum.

**Harold:** There's no minutes to approve. I'm just going to good and welfare. I have a comment, at the July 10th meeting there was a comment made with regards to a private party that was held. There was no private party that was held. It was basically a sign of appreciation to the officers and the employees within the village that died. They did get ribs, and I'm surprised you didn't get any because your husband partook in it and from what I saw he took some home.

**Roman:** For me?.

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**Harold:** Your husband took some home too with Jessie McPherson too with Councilperson Roman. If you were looking for me, I didn't know you were, but I was standing right between the Vice Mayor and Commissioner Edmonson. I was serving food, so you said you were looking for me and I don't know how you missed me and you wanted an itemized bill. There it is, and that's my comment on. I don't want to go into the tracking report because the next meeting is P&Z and it's going to be long.

**Roman:** Was there appreciation for the police?

**Harold:** It's appreciation for our employees.

**Roman:** Employees, okay. Was the council aware of that or?

**Harold:** I told everybody.

**Roman:** I was the only one who didn't know.

**Harold:** No, you were told.

**Roman:** I was not told about this.

**Harold:** You were told.

**Roman:** Okay, we'll leave it at that.

**Harold:** With that being said, I would like to cancel the public affairs and call the P&Z because it's going to be long meeting. Is there anything anybody wants to discuss in public affairs?

**Mayor Cubillos:** Just a reminder, what month are we in? We're in July. We have a National Night coming up. It's August 7th. I'll be working with the police officers in which is combined with the Backpack Giveaway, which is August 7th at 6:45. I've reached out in an effort to not spend the money that was not really allocated for this event. I've reached out to every single vendor in our town. I've received a pretty nice response, as far as and not necessarily asking for money, but asking for supplies and so on and so forth. One has donated pizza, the other one is going to pay for the DJ so those community departments that are really important.

It allows us to have a great event for the kids and for our community at little to no cost to the village. I think that's it. Then we have the State of the Village coming up, which is August

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21st. Generally, it is the fourth Tuesday in the month, but this is an election and we had a primary. I had to move it to the 21st, which is the third Tuesday. Something a little different I am going to do is I'm going to have an early-bird session for our seniors. I attended Commissioner Edmonson's barbeque at [unintelligible 00:56:39] was a pretty senior event and reminded me of a lot that I used to do for the seniors back in the day when I first started in the council in 2008.

With that said, I'm going to do an early bird's special on August 21st and then that evening I'll do one for the residents and anybody can come to either one. Our seniors like to go to bed or stay home relatively early so they don't want to be up there it will be seven o'clock so Tuesday, August 21st at 11:30 AM and 7:00 PM here at the Village Hall. It's going to be pretty great. Definitely, a lot of information you don't want to miss that save the date.

[00:57:24] **Nickerson:** I just want to say really quickly, I just want to just point out and thank everybody for coming out to the 4th of July event. I want to thank the chairperson, Councilperson Mathias for putting it on, the mayor, Mayor Cubillos for being there and always supporting it, I want to also thank Councilperson Roman for being there and supporting it, Councilperson Dreher was also there. I had many residents tell me that not only did they look forward to 4th of July because of what it means historically, but more importantly to them, it's the one day that they can eat all the hamburgers and the hot dogs that they want and not feel guilty. [chuckles] That was good day, it was a good event. I just want to thank everybody for coming out. I appreciate. Thank you, Chairperson.

**Harold:** Can I get a motion for an adjournment?

**Mayor Cubillos:** I'll make a motion to adjourn.

**Nickerson:** I'll second.

**Harold:** All in favor?

**Council members:** Aye.

**Harold:** All opposed? We adjourned at 7:35.

**Mayor Cubillos:** Anybody needs a break before we go into P&Z? Hearing none, everybody ready? I'd like to go ahead and call our planning and zoning committee meeting. Thank you

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for your patience. Today is Tuesday, July 17th, and it is 7:35 PM. We have had a moment of silent meditation if I can please get a roll call.

**Yenise:** Councilperson Vimari Roman?

**Roman:** Here.

**Yenise:** Councilperson Werner Dreher?

**Werner:** Present.

**Yenise:** Councilperson Harold Mathias?

**Harold:** Here.

**Yenise:** Vice Mayor Omarr Nickerson.

**Nickerson:** Here.

**Yenise:** Mayor Claudia Cubillos.

**Mayor Cubillos:** Here. I'm going to ask that the minutes for May 15th be pushed to our next planning and zoning meeting because I did not review them, and I didn't see them attached. Did anybody review them?

**Roman:** I have them.

**Mayor Cubillos:** Hearing none, can I get a motion to approve the agenda with moving the minutes to our next P&Z committee meeting?

**Harold:** I move to approve.

**Mayor Cubillos:** Motion was made by Councilperson Mathias, is there a second?

**Werner:** Second.

**Mayor Cubillos:** Second by Councilperson Dreher. All in favor?

**Nickerson:** Aye.

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**Mayor Cubillos:** Any nays? Hearing none, the minutes for May 15th have been moved to the next P&Z meeting. All right. We have a nice- I have the agenda. We have first agenda item where we have a proposed site approval for new construction on 8671 North East Miami Court. That's the site right next to-- if I can get Juan-- Oh, there you are Juan. If I can get Juan or Camilla. Juan, come up and go through your staff report. Juan from [unintelligible 01:00:10] for those who don't know is our contracted planner. He provides the staff reports to all of us with any request for site plan, variance anything of that nature, and he gives us an opportunity to the perspective of a planner and how it affects the overall village following the code and what have you. With that said, he will be giving a staff report on just about every agenda item this evening.

[01:00:36] **Juan:** Good morning council. Juan, I am happy to show you our design. The first item that you have in front of you is an application for a site plan approval for new construction on 8671 Northeast Miami Court which is zone 3. The staff recommends approval for this new construction since it conforms to all the requirements in our code. If you want I can answer any questions instead of reading the whole thing out loud. Any questions that you may have.

**Mayor Cubillos:** I'd like you to go over it. I see that you approve it but with conditions. Why don't you go over the conditions with us.

**Juan:** The conditions are, I'll read them out loud just so for the record. The application supporting documentation, construction of the proposed project shall be in conformance with the applicants submittal package basically saying that they should build it as they have submitted on 11/1./2017. All representations preferred by the applicant as part of the review of the application at public hearings, and all comments made by staff, reviewers and submitted to the applicants to be addressed prior to building permit.

**Mayor Cubillos:** Did we get the plans for that? Are there any type of renderings? Did we get that?

**Juan:** Yes.

**Mayor Cubillos:** Did we get it in our package? Did you all get that? I didn't get any.

**Juan:** In fact the boards are in the back.

[01:02:15] **?Roman:** May I have them please?

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**Mayor Cubillos:** Yes please.

**?Roman:** Can you bring the boards too.

**Juan:** Aren't those boards the ones?

**?Roman:** Yes, it's on the boards.

**Mayor Cubillos:** Is there one for everybody?

[01:02:27] **?Roman:** There's five, I think you are seven, and then--

**Mayor Cubillos:** This is, okay. Here. Here is the-- I gave you guys this, here.

**Juan:** The house, do you want me to describe, do you want me to go through in detail?

**Mayor Cubillos:** This is the one right off 87th Street, correct?

**Juan:** Yes.

**Mayor Cubillos:** 87th on the south side, right?

**Juan:** On the south side of 87th, yes.

**Mayor Cubillos:** 87th and Northeast.

[01:03:40] **Speaker 2:** That's the empty lot.

**Mayor Cubillos:** I'm sorry.

**Speaker 2:** Is that the empty lot?

**Mayor Cubillos:** Yes, that's the empty lot. You're the property owners?

**Speaker 2:** Yes.

**Mayor Cubillos:** I'm interested in this white building Juan, help me please.

**Juan:** Sorry, say it again?

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**Mayor Cubillos:** Walk me through this.

**Juan:** Do you have the plans in front of you are well or just the renderings?

**[01:04:08] Nickerson:** We just have the renderings.

**Juan:** You just have the renderings.

**Mayor Cubillos:** We got an incomplete packet which is surprising because for a new construction I'd like to receive it all. I'm not really sure.

**Juan:** The first rendering with the pool, the ones that you see at the pool, I'm going to describe it to you. The building is basically two structures that create a courtyard between them and a breezeway to the north which provides the privacy for that center space. I'd share with you the site plan that I have with me, if you want me I can walk around and share it with you. It should have been in your packet because we sent it together with our recommendations.

**Mayor Cubillos:** No, we didn't get it. How many rooms, and what's the--

**Juan:** There's four bedrooms, the applicant will correct me if I'm wrong, but from what I'm looking at the plan and my notes it has four bedrooms, it has four bathrooms, two bedrooms in the front structure, and two bedrooms in the back structure. The west wing as it would be, which would be closer to the front of the property is where the kitchen and it's an open plan. The most distinguishable aspect of the building is that it's two separate structures, but the wall that you see that creates that--

**Mayor Cubillos:** Why is it two separate structures?

**Juan:** Because the applicant applied that way, I can't tell you why the architect designed it. I assumed that the applicant is behind the decisions of the design. It does conform with our code because even though it looks from the public realm that it's one single building, it's actually two buildings which does confirm with our primary and secondary structure. The difference here is that you don't see it with the rendering that you see because there's one wall that basically ties the whole thing together.

**Mayor Cubillos:** The entrance to the property is going to be off North East--

**Juan:** North East Miami Court.

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**Mayor Cubillos:** Is there two entrances?

**Juan:** There's a second entrance through the very back but it very much looks like a service entrance. That is an entrance to the breezeway way, the wooden part that you have between.

**Mayor Cubillos:** Are you all selling the apartment or are you all going to live there?

[01:06:38] **?Roman:** No, we are going to live there.

**Mayor Cubillos:** You have a big family?

**?Roman:** It's actually three bedroom, and also it's [unintelligible 01:06:48].

**Juan:** From the plans and I don't want to tell you how to live in your future house, but from the plans if a bedroom has--

[01:06:58] **Harold:** Excuse me.

**Juan:** If a bedroom has--

[01:07:01] **Harold:** Juan, excuse me, if you are going to solicit information from the audience whether it's from the dias or the consultant please ask the applicant to come up, state their name, address for the record.

**Mayor Cubillos:** Yes, you are right I apologize. I have a question, you said there's two separate buildings?

**Juan:** There's two separate buildings.

**Mayor Cubillos:** What's in each building?

**Juan:** The front one has, and what I'm calling a bedroom is any room that has a closet, that's what a bedroom is defined as. In the front you've got two bedrooms with two bathrooms, and you have a main living area, and then in the back you have two bedrooms with two bathrooms. Again the aesthetics is nothing that zoning has to do with so I can't tell you anything about the aesthetics, I can only tell you about the structures and how they sit on the property.

[silence]

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**Mayor Cubillos:** Do we know if the clerk sent out notices to the residents down the street that live in that block? Do you have any questions for Juan? Any questions? Why not, you are supposed to.

[crosstalk]

[foreign language]

**Mayor Cubillos:** Councilperson Roman go ahead?

**Roman:** I don't have any questions, I do have a concern and it's on the look of the house. I just don't feel that it's a good fit off the top but that's just personal opinion.

**Juan:** If you want me to answer, I cannot tell you about the aesthetics because it's not part of the zoning code. Discussed in the past the possibility of creating a guideline, an architectural guideline that would tell you how many openings to the street and again these are things that provide security because they put eyes on the street from the residents, blank walls in other municipalities are not allowed. There's a minimum of transparency through walls and openings. We don't have that In El Portal, something that if you want us to consider as part of the code we can make that modification.

**Mayor Cubillos:** I have a question, is this going to face 87th Street?

**Juan:** Yes.

**Mayor Cubillos:** It has no windows.

**Juan:** That was one of my concerns too, but it's not something that's part of the plan.

**Mayor Cubillos:** I think it's important to know if-- We are discussing so many things and in the next couple of months and one of the things that we have to be mindful of is our neighbors and they are our residents, and they live there. I wanted to know maybe if the people on that block received a notice that there was a variance. I'm under the assumption they did, but I don't want to make that assumption. That's where I'm coming from. This is a committee, it still has to go before the council and I welcomed it to El Portal, but while we are not a cookie cutter village every home looks different. I see a wall on this picture, that's the wall that's going to go to the next home, is that the wall I see here?

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**[01:11:46]?Werner:** The back.

**Mayor Cubillos:** It's at the back?

**?Werner:** The back, by the pool.

**Juan:** These renderings it looks like Montana to me. The landscape is not realistic and what we are not looking is that the landscape that wall--

[crosstalk]

**Mayor Cubillos:** I'm not looking at the landscape and there's a wall there. There's an actual white wall there.

**Juan:** To me I cannot make a recommendation based on renderings because they are deceiving, the angles are never--

**Mayor Cubillos:** Yes, but you are asking us to make a decision based on renderings so I mean, help me here.

**[01:12:15]?Werner:** Is there a wall?

**Juan:** I'm not. We put together the plan and the whole application so I was hoping that that would have made it to the package. I don't know if the rendering is actually accurate. I'll tell you because I do these renderings and sometimes they are inaccurate. I don't know where this wall actually is or what the height is because the perspective is also deceiving. As the site plan stands, again, I can't tell you where the angle is because the site plan doesn't even say where those renderings are taken from.

**Mayor Cubillos:** Yes, go ahead.

**[01:12:51] Harold:** This is being brought up to the committee for us to approve. This is to be the site plan approval right? It's unfortunate we don't have that plan I'm front of us and we are hypothetically asking questions oh, is this the wall, if it has windows or not. That's something we could have that available for us to review because that's the main request is requesting the site plan approval and we don't have the site plan approval in front of us all.

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**Juan:** If you'd like to postpone this item to the end of this meeting and we can send this to the printer then you can have the plan in front of you for the decision tonight.

**Mayor Cubillos:** Is the council okay with that?

**Roman:** With what, I'm sorry.

**Mayor Cubillos:** He has said that I can move this item to the end of the agenda and he can send that to our email and then the site plan will be printed out for us.

**Roman:** Sure.

**Mayor Cubillos:** We can try that. I appreciate that Juan, but don't go too far because you are up for the next item which I also didn't get a site plan and that's also an empty lot. I guess those both are going to be moved to the end. That's the empty lot at North Miami Avenue. I apologize, not your fault, I apologize we didn't get the site plan.

[background noise]

**Juan:** Do you not have the site plan of the second one?

**Mayor Cubillos:** No.

**Juan:** You don't have 8990 either?

**Mayor Cubillos:** If the council is okay. Juan, who are you emailing it to?

**Juan:** [unintelligible 01:14:49]

**Mayor Cubillos:** Perfect, okay. There was 8990 North Miami Avenue. You have five plans for all of us?

[01:15:02] **?Werner:** Two sets.

**Mayor Cubillos:** Two sets, okay Juan, let's go through your staff report, before. You can get that to us, but I want to hear him first.

**?Werner:** Can we have also the renderings printed.

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**Mayor Cubillos:** Do you guys have the staff report in front of you from North Miami Avenue? All right, Juan, go ahead.

**Juan:** The application that you have in front of you, 2018PZ 009 is for site plan review for new construction. Staff recommends approval with conditions that the application, support documentation, construction of the proposed project shall be in accordance to the applicants submittal package dated 4.16.2018. All representations drafted by the applicant as part of the review of the application at public hearings and all comments made by staff reviewers and submitted to the applicant to be addressed prior to the building permit. In other words, they need to abide by whatever we are recommending to them, so these conditions are not anything outside of the ordinary, it's basic conditions.

**Mayor Cubillos:** I'm just going to say this. This took a lot of work both properties, we are looking at two brand new designs, two brand new homes better said that I'm sure took weeks days and months to work on. I don't like the fact that I'm expected to make a decision in five minutes looking at something when I'm not an architect. I have a bit problem with that. I've discussed this at another meeting before where something is thrown at me at a meeting and I'm expected to be okay or not okay and it's not fair to the applicant, but if I make a decision I need to make an educated one.

Receiving plans on the night that I'm expected to make a decision, I don't know how the council feels but I've discussed this before, I'm not comfortable with because I don't make a decision for myself, I make it for the entire village. I have a lot of questions that are not answered but I'm just saying that as of now, I know you guys are going to be pushed back to the end of the meeting but I'm inclined to say that I have unless you guys are okay with me being here for the next two or three hours reviewing and asking questions, but I don't think that's fair to anybody. Did you all have any questions on the staff recommendations that Juan just went through?

**[01:17:39] Nickerson:** Now that we have the plan here do you mind just showing us the special conditions that you point out in the document referencing here to the site plan?

**Juan:** The conditions that I mentioned are basically that they will abide by everything that they have presented to us, and that they will abide by all the recommendations that we make at this committee, and at the council. There are not specific recommendations to make any changes or conditions to make any. The conditions that I read are basic conditions that we always put on new construction so that they abide by the plans that they have submitted.

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**Nickerson:** All right.

**Juan:** Both applications this one and the one before have the same exact conditions.

**Roman:** The same [unintelligible 01:18:21].

**Juan:** Yes, exactly which is that they basically will abide by whatever they have submitted, and any recommendations or changes or comments that you have for them. Madam Mayor, my apologies for that, we sent everything together. I'll take that on myself I should have reviewed what Janice sent unfortunately I don't get the full--

**Mayor Cubillos:** More importantly, if we receive a staff report this is planning and zoning and we all sit in it, we all should get the report. We should all get the report, and we should all get all of this. I know I didn't. Anyway, any questions for Juan with regards to this particular one?

**Speaker 1:** No, Madam Mayor.

**Mayor Cubillos:** Fernando, is that the applicant, or are you the--

**Fernando:** Applicant.

**Mayor Cubillos:** Are you the architect, are you the applicant, is that your property? Cujo Investments owns that property?

**Fernando:** Yes.

**Claudio:** You own Cujo Investments?

**Fernando:** No.

**Mayor Cubillos:** [Put that on the podium please.

**Fernando:** I'm sorry. I've been coming for Cujo Investments in order to build this property on that land.

**Mayor Cubillos:** Just state your name again?

**Fernando:** Fernando Ajiuro.

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**Mayor Cubillos:** You work for Cujo?

**Fernando:** No, no, no. I have my company which is--

**Mayor Cubillos:** You are representing Cujo? Anybody from Cujo here?

**Fernando:** No.

**Yenise** If you can please state your address for the record.

**Fernando:** My name is Fernando Ajuiro, my company is Ecotainer. We have rest of the property.

**?Yenise:** Your address?

**Fernando:** My address? Is 20855 Northeast 16th Avenue, Miami Florida, unit number 30. We've been hired from Cujo Investment in order to build that property in both plans they have been purchasing. Basically, our intention is to present Cujo the plans and the renders. We have been trying to get the street numbers of the property for a long time since it doesn't have any, so Camila and Juan help us a lot in order to get that with property appraisal [unintelligible 01:20:58] department.

**Speaker 3:** You're building on both lots? One house on both lots?

**Fernando:** Yes, it's two houses. It's two different lots.

**Speaker 3:** It's two houses?

**Fernando:** Yes, two different lots. 8990, 8998.

**Speaker 3:** They're next to each other?

**Fernando:** Yes, correct.

**Speaker 3:** The same house on both lots?

**Fernando:** Correct. Is two lot. Yes, it's two lots. Two houses, two lots.

**Mayor Cubillos:** Please state your name and address for the record, on the microphone.

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**Helios:** My name is Helios [unintelligible 01:21:37] I work in [unintelligible 01:21:39] technically, what you see there on the rendering is going to be-- My address? 182 Northeast 19th Avenue office 105 North Miami Beach. Technically, what you see on the rendering is going to be a copy of each house. It's going to be the same house in two different lots. It's not like a duplex or something like that. It's just a single family home.

**Speaker 3:** I might be looking at this wrong or kind of confused. These are two-storey houses, correct?

**Helios:** Yes, they are.

**Speaker 3:** When I look at the report, page 505, where it has the staff recommendation approval with conditions, it says, "Therefore approval is recommended for this new construction of a one-storey residence."

**Helios:** I'm sorry, I don't have the same page as you mention as you.

**Speaker 3:** No? Where it says, "This is for 8990 and 8998." For page 505. It says, "Therefore approval is recommended for this new construction of a one-storey residence."

**Speaker 4:** Section number four, paragraph two.

**Speaker 3:** Maybe it's just a typo error.

**Helios:** It's a typo. We can amend that for council.

**Mayor Cubillos:** Does the council have any questions for the applicant or for Juan?

**Roman:** I don't see it in here, it could be in what we were sent, but what type of construction is this?

**Mayor Cubillos:** You mean, what material?

**Roman:** What material, or-- I'm trying to phrase my question. It almost looks like containers that were put on top of each other.

**Juan:** I can shed some light on that. Zoning does not look at the materiality of the construction system. We look at the finished material. The finished material is [unintelligible 01:24:16] The construction material, which is something that we're not considering as part of our

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recommendation for approval is that the actual construction system is containers. That's as far as zoning is able to regulate.

**Roman:** I read about these container homes, and that's what it looked like, that's why I was asking.

**Mayor Cubillos:** Yes, go ahead, please.

**Speaker 3:** There's two houses or one house?

**Juan:** Two homes, two lots.

**Speaker 3:** Two homes? Because it says here, "A construction of the two-storey, steel container, single-family house in two lots," so it sounds like it's one house.

**Mayor Cubillos:** So it's two homes. I'm assuming each place is going to have a kitchen?

**Juan:** Yes.

**Mayor Cubillos:** So it's two separate dwellings?

**Juan:** It's two separate dwellings, going as one application for a site plan.

**Mayor Cubillos:** So each one is going to have their own folio number?

**Juan:** Each one has already it's folio number.

**Mayor Cubillos:** They already have their own folio number.

**Juan:** We worked for months to get that sorted.

**Speaker 3:** But the way it reads, it reads like, it says, "The construction of one two-storey residence on two separate lots." I'm not sure [crosstalk] two-storey residence-

**Juan:** Two-storey residence in each lot. We can change the language if you'd like, for council.

**Speaker 3:** Yes, because I think there were some conversations where there was one house, two houses-

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**Mayor Cubillos:** They are doing two homes. Yes, please. Go ahead.

**Roman:** I'm guessing you guys are investors, and you're building this to sell the homes?

**Juan:** Yes. we're building them for sale.

**Roman:** Okay, so you're investors.

**Juan:** No, we work for them.

**Speaker 3:** No, they represent. They're the builders.

**Roman:** You're the builders. But the owners, whoever's doing it, is--

**Mayor Cubillos:** Please speak in the microphone, please. Because they need to hear you. I need it on my minutes on the record, please.

[silence]

Does the council have any questions for the applicant or the representative of the applicant, or Juan, from [unintelligible 01:26:41] As I said earlier, I'm not ready to make a decision. I am one person. It's a council. If there is a motion to move this to the full council, won't happen until September, because we do not meet in August. That's the will of the council. As I said, and I'll say it again, I'm not going to make a decision that's going to affect an entire block without me knowing if they were properly noticed, if they had actual time to review. Immediately, when I look at the homes, there's nothing that looks like that in this town, so I don't make a decision for myself, I represent the town, the village, therefore, I would not be prepared to make a decision. That's where I stand this evening.

**Roman:** I would like to know if the homes around the area were informed and what their feedback was. I feel that I will be better able to make a decision once I have all that .

**Speaker 1:** Actually, the home just beside the city council is exactly the same design as the residential.

**Roman:** Which home?

**Speaker 1:** The one that is on sale on [inaudible 01:27:51] It's two stories and there is the same [unintelligible 01:28:00]

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**Mayor Cubillos:** I completely respect that, however, I don't know that in the sense of materials and just everything. I don't know that. Please understand that I am not an architect, I am not a construction manager and I'm not going to make the-- That's me, though. It's up to the council. I need a sufficient time to be able to review it and have a better understanding of what I have in front of me.

**Speaker 1:** Anywhere you want, we can show you two samples that we use [unintelligible 01:28:29] materials.

**Mayor Cubillos:** Yes, we have right here.

**Speaker 1:** We have most of the materials in our truck, if you want to see them.

**Mayor Cubillos:** Is there a motion to move this forward? We have a long agenda. Is there a motion for this to move to full council or-- I need a motion, if we're going to continue discussing or it's going to move to council. Or any more questions.

**Speaker 3:** I would just feel comfortable on just treating-- I'm sorry, I'm renaming the application just to clearly state that it's actually two homes on two lots, to make sure what we're approving. That would be my recommendation as far as the application itself. It would be great, back to Madam Mayor's point, we need some more time to just digest the plans and try to see if there's any other questions.

**Madam:** That's where I'm coming from this evening, so I don't know if there is a-

**Speaker 3:** Should we motion it to the next committee meeting?

**Mayor Cubillos:** I would have to motion that we just go to the next committee.

**Speaker 2:** What is your requirement for surrounding areas with new construction? It goes through the same process, or is it just because of we're applying for [unintelligible 01:29:50]

**Speaker 3:** What is the question? I'm sorry.

**Speaker 2:** The process for the neighboring homes, for a new construction. This is also with the variance.

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**Speaker 4:** If it's a site plan approval the affected neighbors should have gotten notice from the clerk. It sounds to me like your motion Mayor would be to table it yet more information there's a couple of things in the air but first is whether or not there was actual notice. It may make better sense for the applicant to actually have two applications, one for each folio number so that there is no confusion and then third you have the ability to take a look at input from Juan and the applicant, information concerning what the actual materials are being used and whatever questions may come up in your review of the application.

**Mayor Cubillos:** I appreciate that and I think that two separate applications for each folio might make even more sense so yes. If the committee is okay to go ahead and table it. I also want to note that when we met at a council meeting and the clerk had printed out I don't think it's noticed unless it's a first hearing at a committee meeting, so with that said I think it's important to have all that information especially for your neighboring residents that are going to live next to these new homes or this particular home. With that said, we are going to go ahead and Councilperson Mathias, are you okay we table it or is it okay with you?

**Mathias:** Madam Mayor, that's why I was asking tabling it to revisit this what I was asking in the next committee meeting or?

**Mayor Cubillos:** We meet again in September so we all have it, I will ask Juan or the clerk to email us everything just like we did it for the church. We have the time to review it, we have the time to talk to the clerk, we have time to talk to the neighboring residents that live around there they get to see what's going on. Then I'm sure it will be two months time to come before the September planning and zoning meeting.

**Speaker 2:** How does that impact with your project timeline if we move this to September? That because I see your face is

**Speaker 3:** We have a which is obtained the specific address number for each plot and it takes five months in order to get done. We submitted to Dan and Dan already approved the on those two apps. Basically we are waiting to get approval in order to move forward because another floor project in different area and Miami Beach that's already been approved.

**Speaker 4:** The other option that we have is to move it to and

**Mayor Cubillos:** No, I'm not doing that. I'm not comfortable doing that. Either way, this will make the July council meeting. She's going to have to notice this if I'm going to make the July council meeting we meet next Tuesday. Either way yes.

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**Speaker 2:** Madam, I think that's the question because I'm not quite sure whether or not for the committee it's necessary to send the notice.

**Mayor Cubillos:** Yes, that's what I said, I don't believe it is but it's a courtesy. We are a small town. Anyway, I am at the will of the council, I'm letting you all know where I'm coming from but again I'm only one person. There's been a discussion to table it, I'm comfortable with that, and if we can't we'll move on to the next agenda item because we've got three more to go and still another meeting.

**Speaker 1:** Do we have the motion?

**Mayor Cubillos:** No. We are just going to table it. We are going to table it we need--

**Speaker 2:** It is a motion technically following laws once you made the motion discussions should have that.

**Mayor Cubillos:** There was no motion.

**Speaker 2:** The motion is to table it.

**Mayor Cubillos:** Who made the motion? There was no motion made, you made a recommendation to a motion.

**Speaker 2:** Right, that's what I'm saying.

**Mayor Cubillos:** To table it, excuse me?

**Speaker 2:** That will be the motion to table, somebody has to make the motion.

**Mayor Cubillos:** Is there a motion to table this time for the next committee meeting?

**Nickerson:** Madam Mayor I'd like to make a motion to table this item into the next planning and zoning committee meeting.

**Mayor Cubillos:** There's a motion made to table it by vice mayor Nickerson is there a second?

**Roman:** I'll second.

**Mayor Cubillos:** Second by councilperson Roman. May I hear roll call Ms, manager.

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**Yenise** Yes. Chairperson, sorry, councilperson Vimari Roman?

**Roman:** Yes.

**Yenise** councilperson werner Dreher?

**Dreher:** Yes.

**Yenise** councilperson Harold Mathias?

**Mathias:** Yes.

**Yenise** Vice mayor Omarr Nickerson?

**Nickerson:** Yes.

**Yenise** Mayor Claudia cubillos?

**Mayor Cubillos:** Yes.

**Yenise** The motion passes.

**Mayor Cubillos:** Madam manager what I'd ask is the committee needs to receive everything and then we will touch base with the clerk we asked the clerk or Juan to touch base with me tomorrow and just be sure that we'll get the staff report that the entire committee receives, not only the report but we'll receive all the supporting documents so that we can make an educated decision. The folio, I like the idea of separating the applications I think that would've make sense. Will the attorney recommend it?

**Attorney:** [unintelligible 01:35:41]

**Mayor Cubillos:** Thank you. At this time we have at three, the variance for garage conversion. May I ask the council something, the applicant for F1 has a baby here, they are in the same predicament. I don't want to make them wait till the end it's not fair. We don't have the plans my question is, are we going to entertain this or are we going to table this?

**Dreher:** We can't because we don't know if the neighbors have been--

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**Mayor Cubillos:** I apologize, but I don't want to make you wait. You have a baby here I don't want to make you wait till the end, we do apologize. We welcome you to El Portal, I know you own the property but please give us sufficient time. If you lived right next door to the property and you've lived here for 20,30,40 years you'd want the courtesy of knowing what's happening around and the town. We are just extending you the same courtesy as you're moving in here. We want to be able to make an educated decision. If you need to say anything come to the podium. State your name and address for the record.

**Speaker 5: [unintelligible 01:37:05]** 18811719 North West village. Excuse my ignorance because I don't know exactly how the process works. First of all I also have a couple of things about the design of the house. I'm an architect myself with two international awards. I have the opportunity to design our home and I came up with this concept, I know it looks very modern from the outside and at first time you might think is this really El Portal? When we first came here you fell in love with this blue village and we were blessed that there would be this opportunity to find this **[unintelligible 01:37:54]** to build a house for us.

From my perspective I love the architecture of the house but the houses that they were built in the 1940s, 50s they represent a certain style, and I think we in the 2000s now, so I think we should be able to embrace also the contemporary and new style. With the designs my intention was in having two separate buildings was to embrace the landscaping, and the courtyard and make that into an integral part of this house so that everytime we pass from the sleeping zone and to the day zone and the night zone that we are passing through the squeezed way and we are embracing the tropical atmosphere.

That's really basically the concept of having these two separate homes. In terms of having openings to the 87th Street, the main prompt is actually the Northeast Miami Court and we do have openings on that side. The idea was really to make 87th Street into a green facade because we are going to plant some Ivy's there and they are going to grow and continue the landscape because El Portal has this amazing canopy that's definitely part of the inspiration for the building.

I know it doesn't look like anything seen before but that's the whole point. That's everything I wanted to say and this time the project has actually been nominated for another award I don't know it will win or not, but it will be great to bring something like that to El Portal and we're excited, we can't wait to start building on the slots. As you know we have **[unintelligible 01:40:14]** we're looking to move as soon as possible and really the situation as it is now, so we need to wait till September for the council meeting or--

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**Mayor Cubillos:** This has to go again to the committee meeting. Please understand that just as you're excited and you're an architect and you really believe in all of this, we're also do really believe in our town in our residents and what they like, and that they are used to and change is always not-- There's got to be a process to it. Also with that said, please understand that we're our own architect so I would like the opportunity to review plans on what the opportunity to be able to have conversations and ask questions. I don't have the plans and getting them tonight and asking you to make a decision on behalf of over 2000 residents and plan--This is not the first time, this is about the second or third time that I said it, if I don't have supporting documents in front of me, I don't think [unintelligible 01:41:17] absolute respect that you made that decision. That's where I'm coming from. All I have is this and I'm not an architect so I'm not going to make a decision to move this to full council when all I have is this, as beautiful as it may be and as wonderful and all the time they put in it and should be respected, but we have to take a look at just not the visual aspect of it, we've got to take a look at all the dynamics. Again not your fault that I don't have [unintelligible 01:41:44] just got them this evening but it's not very reliable, we need to review plans that we don't duly see gradually and [unintelligible 01:41:54] make a decision on behalf of all our people.

**Speaker 5:** But you mean we were to come with a set of plans?

**Mayor Cubillos:** What you need to do is you need to come to our clerk, and she will guide you through the process of what needs to happen again.

**Speaker 5:** Because you know our plans are in the city since about seven months so all the documents are under your possession so I don't understand why.

**Mayor Cubillos:** You're telling me that this project has been in whose hands for seven months because I don't believe its been on councils hands, so whose hands were this settlement?

**Speaker 5:** Okay if I remember correctly, we first submitted 20th of January, I remember because it was my husbands birthday [chuckles] so if there was a fine and building has been approved straight away, so we're just going through the zoning and zoning have given us a green light almost a good four and half months before but then we have to wait for this meeting fine so the plans are going there--

**Mayor Cubillos:** I have a question. I'm sorry. Excuse me. When did you receive?

**Speaker 3:** [unintelligible 01:43:10]

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**Mayor Cubillos:** I'm aware I respect that but although it's been here for seven months, I've had [noise] **[unintelligible 01:43:25]** that because it's not there already.

[silence]

**Juan:** We received seven months ago, I'm glad this has to go through a certain process, and zoning doesn't review it **[unintelligible 01:43:47]** so we will actually get a green light to look at the plans until months after they've been submitted.

**Mayor Cubillos:** When did you get the green light for building?

**Juan:** I don't have that information with me.

**Mayor Cubillos:** When did you look at the staff report?

**Juan:** Staff report was submitted?

[silence]

The staff report as I am hearing, about a month ago.

**Mayor Cubillos:** The staff report **[unintelligible 01:44:17]**

**Juan:** Unless it's a very complicated project, it takes us about a week and a half to actually review plans, so the moment I can get those in our office, and they don't stay that very long. It takes time to get it on the agenda.

**Mayor Cubillos:** Yes it has be in the committee that's understandable but I just have two questions. The first question I have is for the manager to find out if the report we're having tonight is how long does this thing go and why, certainly he must have been there on January the 20th, you received it. When did you receive a green light for building?

**Juan:** I'll have to look.

**Mayor Cubillos:** Okay. If you can get that information, because I personally would like to know why it came in January and why you the standard is a month ago and we're-- I don't even have it in my hands.

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**Juan:** I agree. Trust me, I'd like to know too. So I am going to look at the timeline. I'm not prepared to answer those questions until I look internally at the timing of receipt and the time of submission.

**Speaker 5:** But I can tell you it was like [unintelligible 01:45:25]

**Mayor Cubillos:** I understand but we're going to get out all processes, but either way the next time we meet is September and its a committee meeting, and then the best choice for now is to-- we will find out what happened, but our she needs to copy, if she hasn't will probably email. She will guide us to the process on how to get to the next and what we're related to is a cause I don't know. She will be the one to be able to help you with that okay? Again I apologize, I really do. I didn't know that building takes a process, I didn't know that a planner our takes a process, please understand and I think that as an architect and as new home owners here, you would hopefully respect our process, the procedures are there to protect the rights of the residents and the citizens and stuff. However, with that said, I might have said the seven months are probably long but it's just a new construction but again we will find out all of that and we will see you again.

**Speaker 5:** Is there something we can do towards September to get approval?

**Mayor Cubillos:** I really can't answer that right now, probably not. Unfortunately we do not meet in August as a group, August is the one month that we do not meet unless there is something. It's the one month that we don't meet. The next time we meet as a committee is September.

**Speaker 6:** [unintelligible 01:47:08] 18817964 [unintelligible 01:47:14]

**Mayor Cubillos:** You are?

**Speaker 6:** The one who pitched to the media.

**Mayor Cubillos:** You're the owners of the property?

**Speaker 6:** Yes.

**Mayor Cubillos:** The company owns the property?

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**Speaker 6:** Yes. Its to submit the documents that they are missing tonight, I will go to the office, I will pull the documents that we need, we can stay here tonight because we're really involved in it.

**Mayor Cubillos:** I understand.

**Speaker 6:** This September we'll take really a long time, we have, sorry if I may say, we had arranged to pay and we want to begin to build as soon as possible, and really let me bring all the documents that you need, we can discuss here and she's an architect and she designed everything and really she can answer to any question that you and your staff can ask. You know what I mean. Also the project was approved by everyone. Everyone was making a lot of congratulations for the project, it a people project we love it, so really if we can make it happen tonight, I will appreciate a lot.

**Juan:** It's not just a review of plans, it's just the process that is in place and we're not sure if that process [unintelligible 01:48:42] people being notified that live in the area that are going to be affected by what's going on. We have to make sure that all our [unintelligible 01:48:52]

**Speaker 6:** This one is true, but no one was telling you that we submit the project. The project was an agenda, really I can here a lot of times you know [unintelligible 01:49:08] 79 and Ms. Kane. So every time that they're calling me, calling Pierra, I'm very present person with any documents and always trying to be updated on this. Just that.

**Mayor Cubillos:** You have a--

**Speaker 4:** [unintelligible 01:49:26] with that in addition that we can verify whether the residents have been notified.

**Speaker 6:** We notified residents and we--

**Mayor Cubillos:** As I said I'm not prepared to make a decision this evening. It would be unfair, just the person before you we said no, in the same situation. I don't know the length of time, seven months, eight months, I'm not going to say yes to one when I just said no to the other one. It would be really unfair.

**Speaker 3:** Sorry, it was not here, it was in the [unintelligible 01:49:55]

**Mayor Cubillos:** We have F3 variance for a garage conversion. Juan?

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[background noise]

**Juan:** Yes.

**Mayor Cubillos:** You are going to walk us through your-- I know you are denying the application. However, if you can just--

[background noise]

**Juan:** Sorry. This is the garage [unintelligible 01:50:48]?

**Mayor Cubillos:** Yes, we are in F3 variance for a garage conversion. Jose Amador. 241 North East 89 Street.

**Juan:** Our recommendations were approved on that day.

**Mayor Cubillos:** Sorry, we got a head up. I apologized.

[background conversation]

**Juan:** The reading is for 241 North East 89 Street.

**Mayor Cubillos:** That's for garage conversion.

**Juan:** [unintelligible 01:51:21] Zoning 2018 EZ 008. For a zoning variance or a garage conversion. The applicant is requesting to enclose a garage and turn it into a living space. Staff recommends approval as soon as Section 1758 requirements and procedures for variances, planning, and zoning [unintelligible 01:51:48] in regards to the applicant's proposal. Special conditions, circumstances exist which are peculiar to the land structure and building involved in which are not generally applicable to other lands.

The special condition and circumstances do not result from the actions of the applicant or the property owner, and the literal interpretations of provisions of the zoning code would deprive the applicant of rights commonly enjoyed by the other properties in the same district.

In addition, the variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building, and that the grant of the variance will be in harmony with the general intent and purpose of zoning code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. Number six, the

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granting of the variance requested will not be detrimental to the adjacent property or adversely affect the public welfare, no conforming use of any other lands, structures, or buildings and district are considered grounds for [unintelligible 01:52:52].

For all those reasons, land mayor and council and committee, we recommend the approval of this garage conversion.

**Mayor Cubillos:** How many questions for -- The applicant is here. Any questions for Juan?

**Juan:** In summary, land mayor, if I may interrupt, this hold on the same category as previous [unintelligible 01:53:24] conversions where zoning fields that it's appropriate to enclose this garages as long as there is by code and not parking area within property that does not affect the public ground. There is nothing outcode that [unintelligible 01:53:39] an enclosed garage. There is, however, a requirement to park 1 to 5 cars per [unintelligible 01:53:47] unit in the property. That is our recommendation.

[silence]

**Mayor Cubillos:** You're not addressing the--

[silence]

Anyway, the pictures are unclear with the changing of the facade of in front. Do you have better pictures?

**Male participant:** The facade is enclosing the actual roll-up window for two windows that are, as the application shows, in harmony with the other side of the facade creating a harmonious facade it looks the same on either side.

**Mayor Cubillos:** I see because there's no actual -- There's no--? Okay, okay then.

**Male participant:** You do have this, right?

**Mayor Cubillos:** Yes, I have. We have that. Councilperson Mathias, I know garage conversion is your favorite. Any more questions?

**Male Council:** No.

**Female Council:** No questions.

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**Mayor Cubillos:** [unintelligible 01:55:01] bring up the applicant. Come in, please. State your name and address for the record. Can you come up here. [unintelligible 01:55:09] Why does he keep doing this to us?

**Jose Armador:** Hi. My name is Jose Armador, I am the owner of property 241 North East, 89 street. My concern is, the property-- I want to repeat the same standard for the right place, it's right side would be then in left side, and repeat the same in the garden. Everything would be okay and we have a space for two cars in the front of the property.

**Mayor Cubillos:** How long you lived here?

**Jose:** Three years.

**Mayor Cubillos:** Three years. You like it?

**Jose:** Perfect. Very much.

**Mayor Cubillos:** Any questions for the applicant?

**Council:** No, manager.

**Mayor Cubillos:** You know we don't like garage conversions, right?

**Jose:** I know. I do not use a garage, that's a problem.

**Councilperson:** Are you keeping the exterior doors?

[laughter]

**Mayor Cubillos:** [unintelligible 01:56:10] eye?

**Jose:** Exterior doors is in the front.

**Councilperson:** There's no door leaning from the garage?

**Jose:** Yes, the entrance door is in the front, it's the middle, and you got a-- On right side, you have a room, and the left side you got a garage.

**Mayor Cubillos:** So you are making it a family room?

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**Jose:** I want to make it a family room because the living room is so tiny, that's the problem.

**Mayor Cubillos:** You have dogs?

**Jose:** I have a dog.

**Mayor Cubillos:** Are they great?

**Jose:** [laugh]

**Mayor Cubillos:** They make everything better when you go home. Okay, anyway, any questions for the applicant?

**Councilperson:** No, [unintelligible 01:56:48].

**Mayor Cubillos:** Okay. Thank you, Jose. Thank you.

**Jose:** Thank you, [unintelligible 01:56:53].

**Mayor Cubillos:** Any questions for Juan?

**Councilperson:** No, [unintelligible 01:56:57].

**Mayor Cubillos:** Okay. Hearing none. Do we have a motion for our F3 for the garage conversion on 241 North East, 89 Street moved to full council?

**Female Participant:** No motion. To move it to full council.

**Mayor Cubillos:** There's a motion made by a council person. Roman, is there a second?

**Juan:** Second.

**Mayor Cubillos:** Seconds were made by Vice Mayor Nickerson. There's a motion on the table, any discussion?

**Councilperson:** No, [unintelligible 01:57:28].

**Mayor Cubillos:** Okay. hearing none. May I have roll call please Miss Manager for council.

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**Yenise:** Council Person, Vimari Roman?

**Roman:** Yes.

**Yenise:** Councilperson, Werner Dreher?

**Werner Dreher:** No.

**Yenise:** Councilperson, Harold Mathis?

**Harold Mathis:** No.

**Yenise:** Vice Mayor, Omarr Nickerson?

**Vice Mayor Nickerson:** Yes.

**Yenise:** Mayor Claudia Cubillos?

**Mayor Cubillos:** And why are you smiling, Juan?

**Juan:** No, [unintelligible 01:57:54] because it's tie.

[laughter]

**Juan:** It's a tiebreaker.

**Mayor Cubillos:** Yes. [unintelligible 01:58:02] Jose Armador. I've been nine years on the council. Councilperson Mathis looks at me with that face because generally, we say no. This is my second yes to garage conversion. Do not let me down. He lives a block away from you. He is going to be watching you. All right. F4 variance for fence extension, this is going to be a lot of fun. Heraldo Gonzalez, how are you? Oh, Mr. Charles, nice to see you. Thank you for joining us. Very nice to see you. He represents congresswoman Frederica Wilson's office. Am I right? Yes, that's [unintelligible 01:58:43]. Okay. Thank you for being here. Juan?

**Juan:** May I request that we turn it around because it is much easier. And then if you don't want me to, it's all right, we can go the same way but typically the applicant presents their case, we read our recommendations and you make the decisions. This way you have opportunity--  
[cross talk]

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**Mayor Cubillos:** Sure. Is the council okay with that?

**Roman:** Yes.

**Mayor Cubillos:** I'm Okay. Sure. Come on up, state your name and address for the record.

**Juan:** It'll make it much easier.

**Mayor Cubillos:** Okay no problem. Whatever makes it easier to understand. Thank you for being here. State your name and address for the record.

**Herardo:** Herardo Gonzalez, 2 North East, 98 Street, El Portal.

**Mayor Cubillos:** Go ahead as you walk us through with what you like to do, and why we are doing this.

**Herardo:** I've been living in El Portal for 14 years now. 13 years ago, I build a fence that's existing there, and it's still in amazing shape, surprisingly. I bought the lot next to it which is a surplus land, that's what they call, extra super small for building a house or something and I'm the only neighbor that actually had the power to buy, so that's already combining our folio, it's just one property. What I'm requesting is to be able to build a fence the same way I have it on North Miami Avenue which is not my front. My front is on 9 East Street-- that will continue the actual design of the original fence. That's it.

**?Vice Mayor Nickerson:** [unintelligible 02:00:32] backyard. That's an extension of your backyard?

**Herardo:** Correct. It's pretty much all trees. Huge.

**Juan:** As for PC 2018 PC006, zoning variance for fence extension staff recommends denial. I could read you the whole recommendation, but I think it's better if I explain because I'll be able to summarize and give you the background of the reason why we are recommending denial. The quote presents certain conditions for fences. Not allowing them to be in front of the setback, so in the front of Z3 of single-family properties, your fence needs to be 25 feet back. On the side, it's supposed to be 15 feet back. This is something that we inherited, the side being the corner loft. This is something that we inherited from the previous code which we grandfathered as part of the new code.

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It presents some difficulties for corner lot because they provide less private property, less backyard because essentially, you are on the side so you don't have that much backyard. Staff recommends denial because staff needs to abide by the code. Now, as I mentioned to you in the past, the codes are meant to evolve and we need to seek conditions which require for us to consider whether or not that code needs to change. My recommendation is for denial as the code stands. At the same time, I'd like to add or I'd like to request that the committee considers that these corner lots are complicated and that some avenues are different than others, especially North Miami and also Second Avenue.

In some jurisdictions of your neighboring towns, they have different setbacks depending on the street you're on. I'm not saying that we change every setback of every street in El Portal, but we take a look at for instance and especially Second Avenue and North Miami Avenue and create a different condition. I do not think this is the planning's opinion, it's not code. I do not think that zero setback is the answer on North Miami, because it creates a dangerous feeling walking down a 5-foot sidewalk with cars speeding at 45 miles an hour or 35 if you abide by the speeding limit. I also think that 15 feet is creating a very difficult condition to provide enough backyard, private area behind your home.

I'm sure that we can find-- and in between, I'm sure we can find a way to provide privacy and also a feeling of the ability to walk up and down North Miami Avenue without being a foot away from cars. Again, our recommendation stands as the code stands, but I'd like to add that for your consideration. I'll answer any questions you have.

**Mayor Cubillos:** Any questions for Juan?

**?Dreher:** No, [inaudible 02:04:52].

**Roman:** This is basically extending the current fence to that area that was purchased.

**Herardo:** Correct.

**Juan:** Yes, so this would be an extension of a fence that currently is not going by code.

**?Vice Mayor Nickerson:** It's grandfathered.

**Juan:** It's grandfathered.

**Roman:** It's grandfathered.

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**Juan:** That fence you can't build again today.

**Roman:** Right, but because it's already there, it's grandfathered into [unintelligible 02:05:28]?

**Juan:** Yes, so any repairs, would have to get closer to the conditions of the code has. We did not consider the extension a repair, to the extension a new part of the fence. Therefore, our recommendation for denial.

**Mayor Cubillos:** So you're-- go ahead.

**Herardo:** Okay, I would like to add that 14 years ago when we came to El Portal, we got granted to do this fence and it was done by code. Right now, we had 110 feet of fence on North Miami Avenue which is not our front. Our house front is on 9 East Street and that already has a setback of 25 feet. I'm only extending 25 more feet that fence and besides that, aesthetically, it would look extremely awful to have that disconnection of 15, 20 feet just for 25 feet of an already extended 110 feet fence.

I'm asking the council to actually consider this because aesthetically, it would look terrible and it will affect the actual design of my land which has been like that for 14 years already. The way I had it set up, I'm just actually adding a property that was pretty much abandoned in bad shape and I'm adding to the beauty of the neighborhood. Actually taking care of that land which was [unintelligible 02:07:12] and full of charge, actually. Thank you.

**Mayor Cubillos:** Any questions for Heraldo or Juan. Juan, I know we have a detailed report here and it's for denial based on our code. Please understand that it's hard to approve something that against-- The code is our law, right? My question to Juan would be, has there been a conversation with the both of you with regards to is there happy medium, is there something that can be done that is-- I know that councilperson Mathis hates when I ask that question. [chuckles] Is there a happy medium there or has a discussion been had with the both of you or--?

**Juan:** Other options have been presented to the applicant, there's the possibility of doing a four-foot masonry or coral wall, four foot high and then put the fence on the back. It does not really provide privacy. The other option is landscaping. We've provided options that are within the code.

**Herardo:** To be quite honest, this is the first time I-- [crosstalk]

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**Mayor Cubillos:** Hold on, you have to go to the podium though. Go to the podium, please. So it could come out on the record.

**Herardo:** I'm sorry to-

**Mayor Cubillos:** It's okay.

**Herardo:** - But it's the first time I've been presented that idea. The actual idea I talked with Megan, she told me to move everything 15 to 20 feet to what already exist which I consider crazy because I have a huge tree that's right there that it will be right in the middle. Besides that, 40 years ago it was already approved to do it this way, I'm only extending it 25 more feet, that's nothing. It really is nothing.

I understand the law and it's obviously to be respected, but it's not even a quarter of the side of my lot that I'm adding something that was already there abandoned pretty much because it was not able to be sold. I'm taking care of it. It's a huge amount of trees there that I'm adding to my property and the only thing I'm asking is just to actually make it look better for the community.

**Mayor Cubillos:** Is there any other questions for the applicant or for Juan?

**Vice Mayor Nickerson:** No Mayor, but I have a comment real quick [unintelligible 02:09:53]. I just think that this is just one of those things to worry and it comes up a lot that we talk about with our codes and with things in the past and look at them. I don't think that we need to change this particular code. I think we do need to look at it in regards to corner lots and things like that. Whenever I'm up here all I try to do is to put myself in the person's shoes. Then I come up with what is this logical or would this be doable if I was put in that position if this is my property.

I just don't see how I would be able to have a property to were part of my property just hanging out there for the rest of my life like it's just hanging out there, what would I do with that? I don't even make use of my property. I just think if it was me I would want to extend my fence at that property, make it part of my backyard and if this being taken care of. I remember passing by there many times in the past and it was messed up and dirty. It's not like it looked good before. This will actually add to our village and make that part of the property look better. That's my view. Thank you, [unintelligible 02:11:13].

**Roman:** I'm very familiar because I always walk right there. It is the alley that my dog and I go by. Currently, it is not taken care of by the adjacent neighbor. Now, the fact that they

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purchased it, they make sure there is no trash or anything around it. I agree with everything that Vice Mayor has said.

**Mayor Cubillos:** Any other questions from any other members of the council?

[silence]

**Mayor Cubillos:** Is there a motion for item F4 which is 2 North-East 19th Street a residence for fence extension.

**Roman:** All motion to move it to the council.

**Juan:** [unintelligible 02:12:29] How would you--?

**Roman:** As for approval as the resident's wishes to extend to the 25 ft.

**Mayor Cubillos:** Wait. What was your question? Juan, I apologize.

**Heraldo:** No, I just asked councilperson Roman to clarify what was she moving.

**Roman:** He's clarifying what I was moving.

**Mayor Cubillos:** There is a motion to accept the application as is even with [unintelligible 02:13:01].

**Roman:** Correct.

**Mayor Cubillos:** That's the [unintelligible 02:13:02] Okay.

**Vice Mayor Nickerson:** I second.

**Mayor Cubillos:** There is a motion to accept the application as is to move to the full council. You have to go to the council. He still has to go to the council if it passes it still to go to council. Well, give me a second. There is there is a motion to move the application as is and that's dismissed by councilperson Roman and second by Vice Mayor Nickerson. Just give me a second, okay. Any discussion, any other questions?

**Speaker 1:** No, [unintelligible 02:13:30].

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**Juan:** Is there a discussion. May I ask--?

**Mayor Cubillos:** Yes of course. Do you want to say something?

**Juan:** Yes, I am trying to phrase it properly. I would recommend that if you passed the application as is that you also give us a chance to take a look at the code so we can make modifications to for future applications of this of this type.

**Roman:** For sure, if I need to add that to the motion.

**Mayor Cubillos:** I have to think about that for a second. However, I would want to see your redline draft before this even goes to council. I don't know the speedy that you need this but can we get it-- How soon before we get the redline draft that what you're saying so that if and when this were to pass or passing within the code being changed because the code is an ordinance that's too lenient. Am I correct? So, I'm okay with that. I know there's a motion on but I'm just saying if that recommendation is one that I get and I would feel most comfortable with. Does it make sense?

**?Councilperson Dreher:** Yes. I think it's more complicated. Right now, for you [unintelligible 02:14:45] if you will get to the full council and you could just go on that and in the meantime, we propose whatever changes to the fence and setbacks requirements-- [crosstalk]

**Juan:** I'm not asking you to approve changes to the code I'm asking you that you give us permission to look and present to you and the next committee, options that the case that another applicant like this gentleman has. We don't have to go through this.

**Mayor Cubillos:** I have a question. Clearly, the recommendations that you're going to make is so that something like this would pass among--?

**Juan:** I'll provide several options. If I was to recommend something today and write a quote today. I wouldn't allow for a fence of that type to be right up on the sidewalk because it provides very little feeling of safety on North Miami. I feel that the code goes a little too far in asking the residents to push their fences back 15 feet in North Miami for corner lots. These conditions-- I wouldn't go for something like what the applicant is applying for but I wouldn't go with what we've got in the code.

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I'd like to see-- I'd like to propose to you several other options. I don't want to overextend myself either but I'd like to look at the fence ordinance in general because that's something that is always contentious. It needs to be clarified. It'll make our lives much easier.

**Mayor Cubillos:** No, no, no. Yes, we talked about it. Yes.

**Juan:** Sorry to interrupt. They can go in parallel. This gentleman doesn't have to wait for a variance to be approved. We can look at the ordinance.

**Mayor Cubillos:** My only thing is that if this were to go to council and if it were to pass and their proposal that you're going to eventually bring forward to the committee is not something that this would even be approved then that would concern me a little bit as it relates to somebody coming up again and then we said yes to Herardo because we understand the situation. But I walk-- We run on North Miami Avenue so I get the whole safety part of it as well. So, I have to think for a second

**Juan:** The two exceptions is that I [unintelligible 02:17:15] to you are that it's only adding 25 feet. It's not that he's building a massive fence from scratch. I think this variance by the time that you have a new ordinance for fences this one will be grandfathered in. He probably knows this. Whenever he needs to repair it or build a new one, he'll have to go the new code. He's fortunate that his fence has lasted 14 years. I don't know if the new fence will last 14 years but moment that he needs to apply for a new fence permit. He'll have to abide by the new code.

**Mayor Cubillos:** I understand.

**Herardo:** [inaudible 02:17:57]

**Mayor Cubillos:** To the microphone.

**Herardo:** I also want to add I have been away six months going back and forth with them regarding this. My project has been extremely delayed because of this. I'm trying to go by the logic and I am here because I understood the process to present to the council. But every time I go to the office or talk to anybody, any neighbors like, "Come on, that's logical." It will look extremely awful the way it's proposed.

**Mayor Cubillos:** Okay. There's a motion right now to accept the application as is to move to a full council. Any discussion? Okay, hearing none. [unintelligible 02:18:46] can I get a roll call, please.

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**Yenise:** Yes. Councilperson, Roman.

**Roman:** Yes.

**Yenise:** Councilperson, Dreher?

**Dreher:** Yes.

**Yenise:** Councilperson, Mathis?

**Mathis:** No.

**Yenise:** Vice Mayor Nickerson?

**Nickerson:** Yes.

**Yenise:** Mayor Claudia Cubillos?

**Mayor Cubillos:** [laughs] Councilperson, Dre you said yes. Okay. I'm going to say yes.

**Yenise:** [unintelligible 02:19:08].

**Dreher:** You dead.

**Mayor Cubillos:** I know.

[laughter]

**Mayor Cubillos:** [unintelligible 02:19:10] Okay, all right.

[clapping]

**Mayor Cubillos:** I could have said no, [unintelligible 02:19:20] you say no.

**Councilperson Dreher:** Yes, it's not done yet.

[laughter]

**Mayor Cubillos:** I know. I shouldn't. [laughs]

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**Juan:** Do I also have the committees--

**Mayor Cubillos:** No, I was at shocked. I couldn't get over and you said yes.

**Juan:** Do I have to [unintelligible 02:19:32] that council's direction to take a look at the whole fence ordinance, please.

**Mayor Cubillos:** We'll have a conversation about that. Give me a second. Okay.

[background conversation]

**Mayor Cubillos:** Next up, we have the-- Here it is, alcohol ordinance. Correct? Yes. Okay. Alcohol ordinance discussion. As you all remember, we discussed this at the council meeting and there was lots of questions with regards to hours and Big Daddy's [unintelligible 02:20:14]. When we left that meeting we asked the Attorney and the planner to come up with some options for us and to change I believe unlawful to lawful.

We're here to just take a look at it and give some feedback on-- I have it done, thanks. It is at the back of the packet. Go ahead, if the Attorney or the one who would like to work us through it.

**Juan:** Please, I have too much attention for one night.

**?Werner:** It's pretty much consistent with what is requested at the last meeting on this. I believe the consultant provided three different alternatives in terms of hours of operation. There was a requested-- I'm going to say, change or tweet to the language that was written in the proposal so that will read in the affirmative. I believe, council [unintelligible 02:21:09] that say lawful instead of unlawful which was changed.

Can I also talk about how he came up with the three different alternatives? What we really looked at was to try and be consistent with, again, enabling village which was my resource in just trying to stay within the same timeframes.

**Mayor Cubillos:** That was three. Okay, there's only two. Okay, Juan?

**Juan:** As you know these hours are not necessarily a 100% consistent but they're in the ballpark of your neighbors to the north and to the south. We're looking at three options, of

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lawful operation for two different types. One is for zone four and another one is for zone five. Zone Five obviously considering the existing uses that will be Big Daddy's.

You would have, the first option is from 10:00 AM, sorry from 9:00 AM to 12:00 AM on Mondays through Saturday. Sundays from 10:00 AM to 12:00 AM. 10:00 AM to midnight.

**?Harold:** That's for Zone Five?

**Juan:** That's for Zone Four. For Zone Five, it would be from Mondays through Saturdays between 7:00 AM to 2:00 AM and Sundays from 9:00 AM to 2:00 AM in Zone Five. Zone Five would be the other side of the railway tracks for the mixed-use development. The second option would be on Z four that would be on this side of the village. Mondays, it would be consumption of the premises, so this would be on Z Four. Mondays through Sundays between the hours of 10:00 AM to 1:00 AM in Zone Four.

Sundays through Thursdays between the hours of 9:00 AM to 1:00 AM on Fridays and Saturdays, 9:00 AM to 2:00 AM in Zone Five. Obviously, there is a bit of a difference between what happens in Z Five and what happens on Z Four. Final option and you can see the strikethrough. The strikethrough is what the code that is existing that is being strike through and replaced by the language that's being underlined.

The last one would be Mondays to Saturdays between the hours of 7:00 AM to 2:00 AM and on Sunday's from 10:00 AM to 2:00 AM.

[silence]

**Juan:** Can I answer any questions honestly? We can mix and match the hours. We also read in the last committee meeting the noise ordinance that would also have an effect and control some of these events happening in the sanctuary which is one of the reasons why this is coming up.

[silence]

**Juan:** Questions?

**?Harold:** You wrote those hours in a tabular or in a group?

**Juan:** I'm sorry.

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**?Harold:** Do you have those options in some tabular the way your reading from?

**Juan:** No. It's the same thing, yes. [inaudible 02:26:11].

**Mayor Cubillos:** It's the same clause. Three times. [unintelligible 02:26:07] hours, right? I'm sorry. Has anybody in the audience would like to see the copy of the ordinance with all the options?

**Juan:** I think its available in the back.

**Mayor Cubillos:** Okay. Where did everybody go?

[laughter]

**Juan:** It's the hour of operation is closer.

**Mayor Cubillos:** Where is councilperson Mathis, councilperson, Dre?

**?Werner:** We're here.

**Mayor Cubillos:** You all ready to make a decision? Okay. For clarity, we all know Zone Five is-- Doesn't Big Daddy sell 24 hours a day, aren't they open for 24 hours, aren't they?

**Juan:** I don't shop at Big Daddy.

**Mayor Cubillos:** Z Four is Northeast 2nd, correct?

**Juan:** Yes.

**Mayor Cubillos:** I'm just [unintelligible 02:27:07] and Z3 is predominant the whole town, Z Three is?

**Juan:** But there is no use allowed--

**Mayor Cubillos:** Yes, I'm [unintelligible 02:27:14].

**Juan:** Sorry.

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**Mayor Cubillos:** We're just going over four and five. Let's see. Noise ordinance is ten eleven, twelve o'clock or one o'clock.

**Juan:** The noise ordinance is 10:00 PM to 8:00 AM and Sunday to Thursday between 12:00 AM and 8:00 AM.

**Mayor Cubillos:** Also as a reminder to the committee, when we were at the last council meeting [unintelligible 02:27:54] pointed out something important and that is, while we pass this, there is still the opportunity if we need to do anything different per project or per restaurant or per applicant. Excuse me, [inaudible 02:28:07]. All right, any questions, recommendations for the committee from the council?

**Roman:** What we would prefer?

**Mayor Cubillos:** Yes, this would have gone to full council as but I recommended it come here as a committee so that we can discuss it a little bit. So that we can all chime in as far as, maybe we've all heard different comments on residents, what have you and were somehow prepared to move something towards the council so our dialogue and the council is a little more focused as opposed to having three options. I'll ask the council if there is a preference right now with what we do with regards to Monday through Sunday, Monday through Saturday in Z Four and Z Five.

**Roman:** I think when looking at this, my preference would be the first option.

**Mayor Cubillos:** The first option we are looking at would be, it is lawful from 9:00 AM to 12:00 AM on Monday through Saturday 9 to 12 and on Sunday 10 to 12.

**Roman:** Correct.

**Mayor Cubillos:** In Z Four. And on Monday through Saturdays between the hours of 7 and 2 and on Sundays from 9 to 2 in Zone Five. Then the second one is Monday through Sunday between the hours of 10 to 1 in Zone Four and on Saturdays to Sundays. Wait, Sundays-- On Sunday to Thursday between the hours of 9 and 1. What?

**Roman:** The second option is just Monday through Sunday. It's the whole week.

**Juan:** Z Four it would be the whole week.

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**Mayor Cubillos:** Got it. 10 to 1. Then on Z Four-- Okay, got. Then, the last one is everything, all the same, is that what you are saying?

**Juan:** Yes.

**Mayor Cubillos:** Z Four, Z Five completely the same thing? Okay. All right. I would like to definitely agree on one so we could bring to the full council. Is there a motion to accept either one or a combination of the above?

**?Harold:** I had a quick question here, it says in the area consumption will include a cocktail lounge, nightclub, or a bar. The specifics to Big Daddy's, how does that fit into this category, do we need to--

**Roman:** It's a different zone.

**Mayor Cubillos:** We talked about that, as far as what his grandfather did from years ago because they are-- When they also probably got the alcohol license, they had a cocktail lounge.

**?Werner:** They no longer have that though. They are just considered strictly a bar. [unintelligible 02:31:14] I'm sorry.

**Mayor Cubillos:** Yes, the retail but they still have the space.

**?Werner:** There's a retail?

**Mayor Cubillos:** But they still have their space available to open up a restaurant.

**?Werner:** So then we don't need to add that retail wording into this?

**?Harold:** Not with this particular zone.

**?Werner:** No? Okay.

**?Nickerson:** It used to be a lounge.

**Mayor Cubillos:** They've actually said that they are not going to do a lounge but they want to open up a Big Daddy's there as the development happens. I don't know about you all, but I think that would be nice. With that said, there are three options here, does the council have a recommendation, do we want to make a motion to accept one of these. I think councilperson

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Roman, I'm sorry, recommended one, she didn't make a motion she just had a preference of the first paragraph.

**Roman:** It's all motion. [unintelligible 02:32:11] one.

**Mayor Cubillos:** There's a motion now on the table. There's a motion for it. First, which would read the first paragraph.

**Roman:** Correct.

**Mayor Cubillos:** There's a motion made by councilperson, Roman.

**Werner:** Second.

**Mayor Cubillos:** Hold on. Stand by.

**?Harold:** Madam Chair, if you don't mind, just so that we are clear what the motion is, the motion would be to amend Section 3-1: Hours of sale to permit alcohol sales Mondays through Saturdays between the hours of 9:00 am to 12:00 am and on Sundays from 10:00 am to 2:00 am in Zone Four and--

**Mayor Cubillos:** No, 12.

**?Harold:** 12:00 AM, sorry, in zone four. And on Mondays through Saturdays between the hours of 7:00 AM and 2:00 AM and on Sundays from 9:00 AM to 2:00 AM in Zone Five.

**Werner:** I second the motion.

**Mayor Cubillos:** There is a motion made by councilperson Roman and there's a second by councilperson Dreher to amend 3.5 of Chapter 3: Alcohol, beverages exemption. No, excuse me, 3.1.

**Roman:** Hours of sale.

**Mayor Cubillos:** Hours of sale, yes. There is a motion-- Any public comments? Hearing none. Any discussion before I request a roll call? This will go to full council.

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**Nickerson:** I don't have any really big preferences, I just don't know how alcohol goes as far as in the morning. I remember the last time we were here-- I don't know. I remember last time we were here we were talking about people going to breakfast, and what was that Mimosa.

**Roman:** Mimosas.

**Nickerson:** - I don't know how early that usually takes place. That's the only thing I don't know.

**Mayor Cubillos:** TBut ten o'clock is reasonable.

**Nickerson:** Is it?

**Mayor Cubillos:** Yes.

**Nickerson:** Okay. See, I don't know because [unintelligible 02:34:17] sometimes at breakfast people are up at 7:00 AM-- [crosstalk]

**Mayor Cubillos:** Brunch is like 10:30.

**Roman:** Brunch is usually from 11:00.

[laughter]

**Mayor Cubillos:** You don't understand. I have a question-- Well, no, I don't have a question. I do believe number one is probably the most reasonable given our town. I think if we did anything at one or two o'clock in the morning. I do believe number one is probably the most reasonable. I think that this is a good way to start-- Things can change down the road, but I think that we are being flexible. I think, initially, is it 12 or something and then we moved it to 10. I think the first option is incredibly fair, in respect to the residents around them as well.

**Juan:** Not every application is with variance so you could make modifications.

**Mayor Cubillos:** You can make modifications but it can't pass twelve o'clock at night. It can make packet modifications within, correct? There's a motion, any questions?

**Roman:** No.

**Mayor Cubillos:** No questions. All right, [unintelligible 02:35:26] a roll call, please say yes.

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**Yenise:** Councilperson, Roman.

**Roman:** Yes.

**Yenise:** Councilperson, Dreher?

**Werner:** Yes.

**Yenise:** Councilperson, Mathias?

**Harold:** Yes.

**Yenise:** Vice Mayor, Nickerson?

**Nickerson:** Yes.

**Yenise:** Mayor Claudia Cubillos.

**Mayor Cubillos:** Wow, we all said yes. Yes. Five-one.

**Yenise:** Motion passes then.

[crosstalk]

**Mayor Cubillos:** Five to zero, what's next on the agenda? This time anybody in good and welfare would like to come up and say anything? Iris come on down and [unintelligible 02:36:07].

**Iris:** [unintelligible 00:02:36:11] at 87th Street. General question, [inaudible 02:36:18] about bringing to look at code on fences, how does that work? Because there is a fence questions that we are having in me and my new neighbor that would be coming up because we do live adjacent to county property 969 and city property. We have a constant input and output of complete total strangers that come in to look at the river. Most of the time they are harmless most of the time, but I do know that they come peering through our yards.

Today there was an incident with a young boy but not a big deal. He usually is looking for iguana, I've seen it before, it's not a big issue at all. Young boy, but our new neighbors probably were a little freaked out today because they weren't sure of that. It's a quiet neighborhood overall but we do get strangers that constantly come in and stay there. Fence issues looking at

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the old code maybe seeing new options, new materials more green materials things like that, which I know aren't part of the permanent city code.

As we become a tree city and we become a water city and all the wonderful things that we want to do to the environment we hope that we would be able to add into our city code or fencing new options, better options, greener options.

Some might be more expensive, some might be not but not to eliminate. Right now, I have a lot of grandfathered in whatever they had there, it's been there 25 years I believe when I spoke to the original owner. That they're 25 years [unintelligible 02:38:10] which is, unfortunately, falling into the river on one end and certain little issues. How do we then go back maybe bring in some of these fresh options that implore residents to have fencing options and [unintelligible 02:38:26]?

**Mayor Cubillos:** Briefly, I know councilperson Roman had a conversation because it came up a couple months ago at a meeting. Juan and I had a conversation at great length last Thursday with regards to this. We, as a committee, we are getting through as we are breaking up for summer and we are going into budget, the council, as we move into new leaders in December probably hopefully you'll remind me with Juan and maybe even inhabited [unintelligible 02:38:55] incorporate certain things soil and bands. Things that come up often that we try to be as fair and responsible and stay within the [unintelligible 02:39:04]

I think [unintelligible 02:39:10] we are at the same time maybe have more permeable options and things like that. I know I had an extensive conversation and I'm sure other members on the council have had it as well so I believe it's something that we definitely will work forward as we move forward new goals for next year.

**Iris:** There are so many new greener options that we could be [unintelligible 02:39:29] as well. Just like we had the architecture things like that giving us a platform where we are not only responsible but we are a green city we are a productive city in that end I think would be ideal for us. There are so many new options in all the fencing and materials that might be picked and what we need to move forward to 2020, I guess which is around the corner. I was going to say thank you. Anybody else in good and welfare? Okay, here on out-- have a motion to adjourn the planning and zoning on July 17th?

**Harold:** A motion.

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**Mayor Cubillos:** It's been moved by Councilperson Mathias second by Councilperson Dreher. All in favor signal by saying aye.

**Council members:** Aye.

**Mayor Cubillos:** Any nays? Hearing none, our P and Z meeting ends at 9:16 PM. Was there notice? Sorry, July 16th. I'll try to make notes for--

**Roman:** I need [unintelligible 02:40:22].

[background chatter]

**Speaker 1:** Claudia? [unintelligible 02:40:31] three hot dogs.

**Mayor Cubillos:** I did. I had two, I'm going to confess. I had two hot dogs. I didn't have ribs.

**Speaker 2:** Oh my gosh. Don't ask that to Vimari. [unintelligible 02:40:43]

**Speaker 1:** No we didn't.

**Speaker 2:** Yes you did.

**Speaker 1:** [unintelligible 02:40:45]. I don't know where they're at.

**Speaker 2:** Don't mention it to Vimari.

[background chatter]

**Yenise** Nickerson?

**Nickerson:** Here.

**Yenise** Mayor Claudia Cubillos?

**Mayor Cubillos:** Here.

**Yenise** Chairperson Vimari Roman?

**Roman:** Here.

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**Yenise** You have a quorum.

**Roman:** We have a quorum, we'll move forward. Next item is approval of the agenda. I'd like to, if I may if the committee is okay with it, add a G4 which is the village clerk position for budget discussion. May I have the approval of the agenda with the addition of G4?

**Nickerson:** Motion to approve the agenda with the addition of G4.

**Roman:** Do we have a second?

**Mayor Cubillos:** Second.

**Roman:** All in favor?

**Committee:** Aye.

**Roman:** Motion moving forward. Did everybody get a chance to review the minutes? I did. Do I have an approval to review the minutes?

**Nickerson:** Motion to approve the minutes.

**Roman:** Do I have a second?

**Mayor Cubillos:** Second.

**Roman:** We have a second. All in favor?

**Committee:** Aye.

**Roman:** Motion has been approved to approve the minutes. Anyone in good and welfare would like to come up for anything admin and finance, no? Okay. Thank you. We'll move forward. We'll start with the first agenda item which is the tracking report. You will notice that it's a little longer. What I've gone ahead and done is added some of the items that are pending, that I felt were important and to me if it's not on the tracking report it can be forgotten so that we are not forgetting them, they were added.

It looks a little longer, but we'll go through it as quickly as possible. Item one, there's nothing that really needs to be said on there so we can move forward. Budget workshop. Did you have something?

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**Yenise** Just that we have a draft agenda item for our council meeting that says the [unintelligible 02:43:06]. Those places are coming in to the council agenda. We are moving forward, we are on schedule and August 3rd is the deadline including any trimmed [unintelligible 02:43:20].

**Roman:** Excellent. Thank you. Thanks for that update. For the budget workshop, we already had that. That was scheduled for July 10th. I put that as completed and then moving forward, the first budget hearing. I don't believe that I've seen dates yet for budget hearing. Do we have dates yet?

**Yenise** We don't have actual-- I have been looking at the calendar and I also reviewed that with the county's calendar. In September 11th I'm proposing as our first budget hearing. I September 25th, those are both Tuesdays, but the 25th I guess would be on a front end of the council meeting because that's the day of a council meeting.

**Mayor Cubillos:** I'm sure you've covered this Denise, these cannot happen or it's going to coincide with the county. They have to wait till the county dates come out I wish we could do it before or after, but it's going to all coincide. We just can't come up with dates so make sure you go through that Denise.

**Yenise** We did so that those dates were selected those county dates were given to us.

**Roman:** Then when will the notices go out, so that everybody puts it on their calendars?

**Yenise** As soon as I get the report we need, I'll get it on the schedule.

**Roman:** Perfect, thank you. Did everybody do their ethics training in the committee? I'm doing mine online.

**Mayor Cubillos:** I'm doing mine in August.

**Roman:** You are doing yours in August? Okay. It's just a reminder. I put the lobbying update is completed for this fiscal year and then [unintelligible 02:45:04] following. Irwin left, he was here, he did give us some reports. I don't know if the manager wants to go over anything specific?

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**Yenise** I don't have anything specific. I know who did provide some numbers. I don't know if you [unintelligible 02:45:21] individually or if you have something you'd like to address. If I can answer that we'll give an answer to you.

**Mayor Cubillos:** Chair, I do have a question that actually goes back to number two. When we had the budget workshop, I had asked if once he made all the changes if we can meet again so we can have the discussion, because we were unaware of once he put all the changes where we were going to be at. In an effort to not do that at a budget hearing, when you go to the budget hearing you don't want to have to go through a line after line at them so I will strongly recommend-- I got a preliminary one. I don't know if this is the same one because one of the things that I really, really ask is that, I don't want any money taken out of the reserves.

We got to balance the budget and if it means that we are going to cut back more, that means that we are going to do that. I recommend us to do that. Each year, we've either had to take money out of the reserves or take them out of [unintelligible 02:46:12]. It's been a very long time that we put any money in the reserves. I kindly ask the council, as I mentioned at the budget workshop, if we could just be a little mindful let's operate a little leaner than normal until we get all of our FEMA reimbursements done, turned in, submitted and all that good stuff. I would encourage us to meet again, take a look at what Irwin had presented us, have a meeting with Irwin again publicly, and then go through with a fine tooth comb.

I sent several emails both to the manager and to the CFO today on the questions I had on the budget after all the changes we put in because I really, really, really do not want to take \$1 out of the reserves. Whatever money we are getting from our ad valorem, that's exactly what we need. I will recommend us to please operate within. I didn't get back the questions, I sent them pretty late and also we had a meeting tonight. I don't know if you want to get with the manager and really recommend us to have that meeting so that we can go into the budget hearing prepared.

**Roman:** I'll do that. I did receive an update. I had some questions immediately after our budget workshop and just following up on everything that was discussed. I did get an email back from Irwin, last night, that I did not get a chance to review yet, but I will. That was my intention, to just go over it with him again and then make sure that we all come together again as a council, so we'll schedule that. Anything to advise mayor?

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**Mayor Cubillos:** I have a really tight August, so if there's something that we can work on dates sooner than later. My August is pretty full, so it would be really helpful if we can please solidify that date so we're all available.

**Roman:** Sure. Moving on to item eight on here. I did receive a notice from the manager that she cannot get a chance to have the resolution drafted. We don't have it for here. I did tell her that it was okay to move that item over to September. This was the resolution of the [unintelligible 02:48:40]. We'll go ahead and move that to September if everybody is okay with that.

**Nickerson:** Yes, Madam Chair.

**Mayor Cubillos:** That's how we operate as a--

**Roman:** With the lean [crosstalk]

**Mayor Cubillos:** Lean search, okay.

**Roman:** The employee manual, that basically-- the manager, I don't think I got an update on this. Where are we with that?

**Yenise** I'm trying to work with our HR coordinator on that. We've scheduled some dates where she and I will sit on every Friday to hammer it out. It's pretty intensive and that we've gotten some samples from other municipalities. We're going to try to blend them into what we already have existing. We will be meeting on Fridays until August 3rd, I think, is our last one to work on the manual. We are also incorporating the interim chief so that we can have a special section for police.

**Roman:** Excellent. I did email Marjorie with a copy to the manager to please include the employee evaluations for the manager and the clerk into that employee manual. I gave some recommendations

for that, just so that the manager notes in the committee that there should be replication that needs to be approved by the council to adopt this manual after it's completed. Once it's completed it needs to-- that's the process. Any questions on that? I have in 10, the time clock for hourly staff. As of March, we received some quotes and we were going to be implementing for the May committee meeting. I think I received an email saying that it hasn't been implemented yet.

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**Yenise** No, it hasn't been implemented yet. We were waiting to see if-- I was a little weary about the finances so I was just trying to hold up until the new fiscal year. I just budget the prices of it and it was about \$88 to \$120 a month worth service and then it's a \$750 equipment fees. I wanted to wait until the meeting is clear.

**Speaker 3:** [unintelligible 02:51:05] Madam Chair?

**Roman:** Yes?

**Speaker 3:** I suppose you do.

**Speaker 4:** How many employees do we have in our hour?

**Roman:** At current, the email that I received today, we have 11 paid hourly employees, we have nine in the police department, we have the clerk and then public works. This is current. Not to say that next year we'll be adding anymore employees, but as the village continues to grow, this is really important to ensure that people are clocking in. Today's date, almost 2019, we're writing things down on paper. I think I'm fine. Is the committee fine with moving that to the next fiscal [unintelligible 02:51:56]?

**Mayor Cubillos:** We have to keep in mind that we were completing a budget, so If we're not putting it in this budget, then we might not be able to do it.

**Speaker 1:** All needs to be included.

[background conversation]

**Mayor Cubillos:** I like to know the cost because, again, I sent an email to Irwin after reviewing the budget and it looked like we were taking \$8,000 from the reserves and that was my question. I still cut back from what I got because I didn't get a clear answer from-- why I didn't get an answer because it was late. If we are going to receive 2.1 million or 1.7 million, that is all we should spend. That's it.

We shouldn't take anything out of the reserves, not when we're asking for a 1.25 million alone. We need to really wait for the reimbursement to happen and then, once that happened, which I believe it will as long as we stay on top of everything we have to do, due our due diligence, we don't know how long this is going to take. I would really be mindful that we should take nothing out of the reserves at all.

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We've done it for two years in a row, nothing out of the reserves. If that means time clocks are going to have to wait or this is going to have to wait, again, I'm only one person, but it would be my, and it's what I would say at the council meeting, I want to balance a budget.

**Roman:** My question is, do we have it? It's only the investment that we're making and something that should already been in place is \$1,278. It's a one-time payment of \$750 and then \$44 monthly, which is \$528 for the year.

**Speaker 1:** \$44 every two weeks.

**Speaker 6:** Every two weeks?

**Speaker 1:** \$88 to \$140-

**Mayor Cubillos:** Through the chair, if that's something that wants to be added, then something's got to go out because, again, I kindly asked you that I want to balance a budget and ask the whole council that I'm going to-- I said at the budget workshop and I'll say it again. Whatever money is estimated to be received through our ad valorem and non-ad valorem, that is all we should be spending.

No money should come out of the reserves this year. In fact, if we can put a \$20,000 in, that would even be great. We should balance a budget and take nothing out of the reserves and wait until we get through this whole process.

**Speaker 2:** Are the committee members [unintelligible 02:54:22]?

**Nickerson:** Madam Chair, for the time clock, I really should get the budget, also. I don't have a concern about the time clock, I think it's a good idea. The only thing that I would say is that I just don't want anything to come back because this is the thing. I don't know because the time clock, we passed it through committee, but we never took it. I don't think we have to-- we need to it to get it to council.

I just want to point out because there's some things that I just don't want anybody to be confused as they might be watching this. There's some things that come through committee that we do take the council and there's some that we don't. The reason why I'm thinking about this now is because Councilperson Mathis had a question about the time clock because he's not on the committee.

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I don't know if Councilperson Dreher would have a question about the time clock. I don't know what the parameters would be. Madam Mayor, you might be able to help me and Madam Chair going forward like what things should we take to full council, to hear our people's opinions and what things should we not?

**Mayor Cubillos:** This is a recommendation that I believe the Chair has made to the administration, but it's administrative. It doesn't have to go to the [unintelligible 02:55:43]. We chair different committees and we all may have a prerogative. We may say, "Hey, we think this may be a better avenue to do this", but that's an administrative role. She will do it and they'll let us know when it got done.

It's not really one that has to go before the council. You can correct me if I'm wrong, the attorney, but it's a recommendation that has been made based on best practices or efficiency, streamlining, what spans. I own a business, time clocks is really important, but that's not something that the council would say, "No, you can't have one. Yes, you have one." That's an administrative role.

**Nickerson:** Like I said, I'm for the time clock, but hearing Councilperson Mathis have questions about it and knowing that he's not on the committee. That's why I brought up that question because Councilperson Dreher-- I don't know if you have questions also. That's the only reason why I brought it up, but thank you.

**Mayor Cubillos:** No, I think it's a great idea, but again, it's an administrative role.

**Speaker 1:** [crosstalk] to the typical council. Mathis.

**Yenise:** We have time clocks before.

**Mathis:** I'm just trying to understand how we got [unintelligible 02:56:57]. Is there a case where people are using-- not coming in on time? My understanding is that, for the police department, the sergeant and the chief make the schedule and they monitor them regularly.

**Roman:** I don't quite remember how this all came about because this is months in the making, but it's a practice that-- and the manager agrees that we should have something--

**Mayor Cubillos:** We used to have one. We used to have a time clock here, right? We didn't? Through the computer?

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**Mathis:** We never have one. [crosstalk]

**Speaker 1:** [unintelligible 02:57:38]

**Speaker 9:** [unintelligible 02:57:46] schedule and an officer [unintelligible 02:57:51] That's the best way to monitor a police officer. We cannot be receiving a mandate and [unintelligible 02:58:01].

**Speaker 1:** I think we can move on to the next segment.

**Roman:** Next item is the EOC mandatory training. Everyone was here. I attended the training. It was a great training and it was discussed that, from my understanding, it was a day that was not convenient for the part-timers to come in. [inaudible 02:58:44] should be invited to this. It's also a recommendation that this is done annually. The manager was going to look into placing that in to the budget. Do you want to add anything?

**Speaker 1:** It's just that I am trying to get it into this up coming budget and we're going to have to coordinate. It's almost \$1,500. We don't have to luxury of having multiple. We'll try to coordinate [unintelligible 02:59:18] we get more, capture more of our officers, as well as our staff recommends fiscal year.

**Roman:** Does everybody in the committee understand what this is, this training?

**Speaker 4:** Yes.

**Roman:** Our next item is the manager 90-day evaluation. For the manager's contract, her 90-day review was due on June 27th. With everything that's been going on, we're a little bit-- few weeks behind. What I've asked is-- I've sent over the forms that we used in the past to our HR person so that maybe she can request some additional forms and we could just streamline what we use, as we move forward, for both the manager and the village clerk. Those are the only two positions that currently report to the full council. My intention is because we're already a little bit behind to go ahead and get that form finalized some time this week hopefully, so we can go ahead and honor our commitment to the manager with her 90-day review which should be pretty simple. I think that she's done a great job at communicating with most of us, but it's good practice to honor our commitment and to have that in writing.

The format that I proposed for HR to place into the employee manual was for all council to go ahead and complete the review and then send it to whomever is the chair of the admin and

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finance. This is what would go into the employee manual is that all the reviews would go to the admin and finance chair and then from there, the admin and chair would go over all of the reviews that were completed along with HR as well as the attorney or a third person that would be there so that there's checks and balances and there's plenty of people present so it's not he said she said.

Basically, that's the process that I'm proposing, that we move forward with. That's the process we will take with the 90-day, as well as the annual evaluation. Does anybody have any questions or comments?

**Mayor Cubillos:** I have a comment. The two employees, the clerk and the manager and the attorney, but he's sub contractor, they report to us. What about public works, HR, front desk that report to the manager, where are we at with regards to those evaluations?

**Yenise** I have completed our code enforcement evaluation. I do the evaluation once a year, so on the one year anniversary we'll be doing the-- Carlos Garcia was the only one who [inaudible 03:02:38] for year at that point. I will do all the employee evaluations.

**Mayor Cubillos:** Okay, After one year?

**Roman:** We don't have a practice, currently, that we're-- after the first 60,90 days you evaluate the performance of the employee?

**Yenise** No, I don't have a probationary. Is that something I can review and look into because I think giving structure and deliverables and measures to assess important [unintelligible 03:03:11] perhaps we can do that on the month.

**Roman:** Perhaps you can include it into an amendment. Absolutely, agreed. Does that answer your question mayor? Councilperson Dreher anything?

**Dreher:** No, I'm good.

**Roman:** The next item is 13 manager PTO leave review. This is on here because it's part of the contract and this was part of previous managers contracts. This is not anything that's new to the contract, but I feel like when I read this I'm like, "How would we know?" It needs to be on the tracking report so that we the committee can keep track of it for the council. Basically, what the contract says is that on September 30th of each year, the council should review, on or before each year, the PTO that has been approved and at that time the council needs to come

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together and decide whether or not they will elect to carry over any unused accrued PTO to the following year or if they're going to be making a payment to the manager in cash value.

That's just basically what was stated on the contract. Any questions? Mayor you got something?

**Mayor Cubillos:** No, not yet.

**Roman:** That's just there for tracking purposes so that we don't forget when September comes around. Item 14 is the clerks annual evaluation. That's the next evaluation that will be coming up which is, if I'm not mistaking, she was hired in November 2015, so November of this year will be her anniversary and she should go through the same process. That's basically there so that, again, we don't forget. It's reminded. Anything on there?

**Mayor Cubillos:** November 17th.

**Roman:** 17th. I'll go ahead and write that. Once again, the 15th is managers annual evaluation so that we don't forget. The contract was signed on March 27th. It will be the March 27th of each year. Item 16, village council meetings resolution. This is something we've discussed at the last committee meeting and I believe that the attorney has had several conversations, we've had several conversations and I think he's had several conversations with the mayor he's also taken into account some of the residents recommendations in regards to this. This is basically stating how we run our meetings.

At this time he's going back to make some additional changes and we'll bring it back to the committee for review in September. Any questions on that?

**Dreher:** I just want to comment. It's more expensive than just the medias. It includes delivering resolutions and we met with the man and gave some suggestions of how you get the work to the staff so that it makes its way to the committee and to the council in time. We'll never be able to.

**Speaker 4:** I'm sorry let's write it this way. What I said, councilman Dreher, is that the proposed resolution is going to be a little bit more expansive than just how the meetings run. It's also going to include how we actually get the work product, just staff and the clerk, so that it makes its way to the agenda without having any hiccups.

**Dreher:** That's the idea.

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**Roman:** Any comments questions?

**Nickerson:** No, thank you Madam Chair.

**Roman:** We're done with the tracking report. We can move on to-- actually the CPA left so we're scratching out G2 and then G3, I basically got an update, but I wanted to make sure that the entire committee knows what's going on with that. Currently, I understand that we're on a month to month for base management until we're done with budget season. Then with cap you are going to be reviewing this.

**Speaker 4:** Yes, I will be reviewing the cap contract and revising it and working with our building officials. [unintelligible 03:07:42] to consolidate it to make a little more modern and up to date where it needs.

**Roman:** Questions, comments on that?

**Speaker 3:** No comment.

**Roman:** No, okay, we can move on to G4. G4, I added because the clerk did email us, and I don't know if the committee had a chance to review what sent and it was basically from the association-- a list of all of the salaries for all the different municipalities. Did you guys get a chance to review that?

**Nickerson:** I looked over yesterday, Madam Chair.

**Roman:** Just a couple of things that stood out to me. It looks like based on this information we are the only municipality that currently has a part time village clerk, that does not have a full time village clerk. The other item that stood out to me were obviously-- I looked at the salaries for the municipalities that are comparable in terms of the population and also I guess the revenue that comes in. [laughs] In looking at that I do see that this came part at this time. I don't know when this was printed, but the person was here for two months when this was done and their annual salary was \$50,000 which is what we currently have budgeted for this position.

Then I just went down and I think the other one that I looked at was Virginia Gardens which is a little bit smaller at \$64,530. The larger municipalities obviously, they're much higher in the '90s, '70s, '80s all over the place, but the question that we had at the budget was, do we want to make this a full time position? I personally think that it is required, especially as we move forward with everything that's happening. Perhaps, if we had a full time, maybe we

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would have received all the documents today as an example. Those are my thoughts. I'd like to hear the thoughts of the rest of the committee.

**Nickerson:** I have no problem with making that position a full time position. When you work at a [unintelligible 03:10:27] position at a company, when they want to make a position, a full time position they just make it a full time position. It doesn't matter what the individual necessarily, who's working the position, thinks. If they have time to work full time, they work full time. If they don't have that time, then things have to change, maybe the person has to change or something like that. I would be curious. Unfortunately, she was ill, she couldn't be here tonight. I would be curious to know, if she thinks she has the time, at her personal time, to work full time because she has been part time for so long.

I would like to know that. I'll also like to just know because when I was looking at that she sent, the email is showed that Biscayne Park is at like \$50,000 and that the person had recently got there, from the formation that we saw. Clerk Jacobi, has been here for a few years now. I don't think she's ever gotten a raise or anything like that, so being that she's never gotten a raise in like 3 years I think or something like that or whatever would be. I would like to know, is it fair that if we wouldn't make it a full time, should we keep it at \$50,000 because she never got a raise, so maybe her full time should be above \$50,000, but then it goes back to what we were talking about with the budget.

We have everything budgeted at a certain amount, so maybe this might not be the perfect time to make her full time, also, that might be another consideration. Maybe she can stay part time for a little while longer and then once we work everything out more financially then we come back we visit this to make her full time at a rate that is a little bit higher. That might be more fair because of the years she's already been with us. That might be something else we might want to consider. That's all. Thank you Madam Chair.

**Roman:** Thanks for sharing that. I didn't know she's never received a raise, but thank you. Anything you want to ask Mayor?

**Mayor Cubillos:** Yes. When you look at the excel spreadsheet, it has her part time at \$38,000, but for the three years that she's been here, she's made much more than that because she's working a lot of hours so the question I have is, if she's working to the appoint of \$50,000 because she's putting the hours in, which I think she's projected to end the year at--

**Roman:** Over \$50,000.

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**Mayor Cubillos:** We sort of have got a disservice to ourselves because while she's only \$38,000 she's really been making much more than that because she technically is working full time, that's number one. Number two is, I've been here long enough to say that that's a position that's really not going to pay much more than that on a full time basis and that's a reality that we have to also accept. Yes, she may not have been given a raise, but she's hourly because she's part time so having just put \$50,000 there is, again, we probably did a disservice to ourselves because that's really \$50,000-\$55,000 is probably the salary that we would pay to our Village grows a little bit.

When **[unintelligible 03:13:59]** Patterson was here and she had a masters, she had her certification she made \$62,000. Marlene Martel who was the clerk at the Biscayne Park. Yes, she was only there for two months, but she also has her masters in public administration. We got to factor all those in as well. That's a tough call because I agree. I want to be mindful of the needs of our employees and I want to be mindful that part time is really worked out for our current clerk.

I'm going to be a little bit selfish and I'm going to want a full time clerk because I think we need it, I think it calls for, I think we have different requirements and Councilperson Dreher brought up a good point at the last meeting saying, "If that happens, we need a job description", completely agree with that because that's only fair, because we are doing that with everybody else. Again, I just think that it's really a conversation we need to have with her whether we have it with HR, whether we have it with the Attorney.

We have to set realistic parameters as well because I don't want anyone to be misinformed by believing that because they've worked part time and have earned \$50,000-\$51,000 that we are going to be able to pay \$55,000-\$60,000. That might not happen and that's a conversation that really needs to happen because yes, Virginia Gardens pays that, but they have a much bigger budget. They have a business. In all the municipalities, somebody correct me if I'm wrong, the three highest paid positions are your manager, your clerk and your chief. Actually, manager and chief are pretty much neck and neck with **[unintelligible 03:15:36]** in most cities and then it's your clerks.

You have to take a look at where we're at with our manager, you got to take a look at where we're at with our chief and then there's the clerk. Again, that's a greater conversation and it's a delicate one. At the same time we got to be fair, but we have to be honest. Again, it's tough one because it is a part time position, but it really hasn't been. I think that, like Vice Mayor Nickerson said, "We need to find out if a full time is what she wants", and if it doesn't then

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that's a greater conversation that we have to have. I agree, all of this is to be solidified and we need to dot our i's and cross our t's and again as the mayor I would love a full time clerk, but it has to be a win-win for it to work for all of us.

We can just figure that all out as chair, that's why you are the chair and I'm not so figure that out and let us know how it goes and bring it to us and we will discuss it. When you take a look at that spreadsheet we have to look at all the variables. It's really hard to compare all these towns because one of the questions I had at the top of my head was, what's the difference between the governing body and the mayor in the council? It's the same thing. Yes, technically the clerk makes more of the reporting to the mayor and council as opposed to just the village manager, the Biscayne Park person and then got to look at education and experience and certifications.

There's so much to factor in, but again-- Who said it the other day? I don't remember. I'm sure the chief, I'm sure the manager, I'm sure the attorney and I'm sure the clerk all go to their associations and I'm sure all their colleagues and counterparts says, "You made what?" I'm sure they all get that and that's what I covered the other day. We just have to be mindful who we were, what we are and where we're from because we are not any other town. We don't have business, our military is 8.3 as it is. We have only a 2 million dollar budget. We only expect to do so much that's realistic.

**Roman:** We will go ahead and do that. We will take your recommendation-- [crosstalk]

**Mayor Cubillos:** I do thank her for getting that to us because that was a great time. If we can get one for the managers and chiefs that would be great too.

**Yenise** Anything else, Vice Mayor?

**Nickerson:** No Manager. Thank you.

**Roman:** Yes, it was a great list [inaudible 03:18:11] very helpful.

**Speaker 2:** Yes.

**Roman:** Okay with that, that concludes the agenda items. We'll open it up now to good and welfare. Anybody from good and welfare want to come up? Please state your name and address, for the record.

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**Werner:** My name is Werner Dreher. [unintelligible 03:18:28] Northeast 87th Street. On that last note, the mayor, she said about we're a small town, we cannot afford salary increases, [inaudible 03:18:38] I requested based on the topic is about the salary increase we've given to the attorney position here. Based on that information we just received, the manager, the clerk and the chief are the top three positions that are being paid the highest in the village. We are in a state that we cannot afford to have raises, but based on the data that was provided by the CFO [inaudible 03:19:14] has this data and it can be shared to the rest of the team here, I've requested it.

In the last five years, the first three years we only paid \$20,000 to the attorney, the second two years it increased to a higher \$70,000 and the last years we project something to be less than \$70,000, correct me if I'm wrong, according to the CFO figures. Coming up to this new budget process, we're incrementing the salary increase for this position to \$96,000. That represents a \$30,000 increase to our budget. Based on the assumption that we have, we've compared, we are small village, we cannot assume based on the fact that the top three positions are the key positions that, the village manager, the clerk and the chief, are paid. I want to bring it up to the committee, why are we considering the highest position right now, the attorney as the highest salaried position? [crosstalk]

**Mayor Cubillos:** I am going to answer your question. The manager, the clerk and the chief are employees, but the attorney is a contractor. If you take a look at the attorneys in the many municipalities, I guarantee you, ours is paid the lowest. The attorneys are paid the highest. I didn't put it [unintelligible 03:20:35] because that employee is a contractor, but if you want to put it, it's supposed to be the attorney, the manager, the chief and the clerk that's how it is. Why was I comfortable with it? Because I did my homework and Biscayne Park, which is the most equivalent town to us, they're paying their attorney the same thing we are, it's \$8,000 a month.

I think a really important factor and it was great for the five year plan for the attorney, but really important to note that the corporate firm left March 3rd, and when that firm left we were at \$60,000 year today. As Irwin pointed out, if that firm would have stayed on and you all had a meeting on Monday that lasted about a good hour and we have a lot of meetings going on, the septic, the sewer. I'm almost positive the number one problem the firm would have to send someone other than the attorney that would come to our meetings and we would be billed for that.

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I'm pretty sure that if we didn't have that firm, we would have probably ended up at the same way we're right now. We have March, April, May, June, July August, September with seven months in the fiscal year last year we were at \$60,000 already, with the old firm. You have to factor that in, seven months you could probably-- with all that we have, and not only with the septic, the sewer, but all the meetings that the attorney and our firm's too and with all the meetings that he attends that are not like meetings with developers, dry cleaners, with the bond council and all that, we'd be way over that.

Be mindful and I'll correct myself on the record you, will research all 34 municipalities it should be the highest paid attorney, but there are some municipalities, they have the employees, but most it's going to be the contractor then the employees will be the manager or the chief.

[crosstalk]

**Roman:** I'd like to add that in addition to that our current attorney is attending all of the committee meetings which our previous attorney did not attend.

**Werner:** Again, I'm not comparing the previous attorney to the current attorney. I'm just stating the fact on the position that we're paying as well. I did my research as well. One of the examples that were brought up last time that I was here during the council meeting was Miami shores. Miami shores spends \$160,000 according to their budget on the attorney per the last statement you said you had checked with other municipalities around the area.

Again, their [unintelligible 03:23:19] are higher, and I also checked with the other municipalities, where they have attorneys for many years and the salary, they are making probably the same amount close to what we're doing. I would like to request the finance and admin committee to revisit the salary that's being looked at the position for the attorney.

**Mayor Cubillos:** It's not a salary, he's a contractor.

**Werner:** He's a contractor, it's a salary to be paid up to the contractor. That's is my request as a resident to the village, especially now that we're going through this big loan of \$1.2 million perhaps that's my humble recommendation now to the committee. I'll keep bringing it up, upcoming meetings. The question is addressed to the committee.

**Attorney:** Speaking in the third person, it's offensive, so let me speak in the first person. You just need to understand what you are contracting for is you have two ways you can go and hire

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an attorney. You can hire an attorney on retainer or you can hire an attorney hourly or you can hire an attorney retainer plus hourly. What you had before was-- they hired them, so to the extent that you are looking at the privileges of the municipalities, you have to compare apples and apples and oranges and oranges. Larger municipalities have in house, smaller law firms and their employed attorneys are compensated based on the salary.

They are also provided with a benefits package which includes severance, vacation, car allowances which provide coverage of family. Each second you want to read the parameters on what happens, I will provide you with a day to day hour by hour on how much time I spend in this firm. That way we have a clear understanding of what the cost savings is. The big step that you want to go to hire another law firm, sometimes I say, be careful what you ask for because the village [unintelligible 03:25:45] I think is the most complicated period of time in its history.

We've never had a commercial project, we've never done a septic or sewer transaction, we've never done half of those things that are required by the board. I will be very happy to assist to provide the relevant information because it's important that when you speak at a meeting you are giving the residents a clear, concise information they compare with what you are getting with what you potentially [unintelligible 03:26:19] with that information.

That's not an issue with me either, but I would appreciate it that if you are addressing me, I will give you the same respect that I will expect from you.

**Werner:** Again, like I've said it since the beginning, this is not towards you, this is mostly this is on the contractor position salary. That is--

**Attorney:** With all due respect [crosstalk]

**Werner:** That is precisely my point. I'm not going to-- [crosstalk]

**Attorney:** With all due respect you are no longer in the dias.

**Werner:** I just want to be clear with that.

**Attorney:** You were before and now you are represented it as a resident, so now I have the obligation to respond. You cannot stand there and say it's not about someone when you are talking about that person. To the extent that I've been accessible to you I've given you all my time and I've made sure that you got every answer to your question. You can't speak to someone

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in the third person, and I'm here as a resource to help everyone understands help you through that. I think as my dad would say, "A man needs to do good to a dog."

**Speaker 5:** Questions to understanding the numbers that you were discussing. The previous one you said was at \$60,000 after five months of work, but there are seven months left before the-- ?

**Roman:** September, November, December, January, February, March. I signed the last check, it was for three days in March, I believe, five days in March, correct. Yes, \$60,000.

**Speaker 5:** Five months \$60,000 that's about \$12,000 a month. What we are discussing now is \$96,000 a year and that's about \$8,000 a month. That seems like a savings to me, considering the amount of work that we have coming to the village between all of the things that I'm aware of. The waste management contract, the septic, the sewer issues, the amount of meetings and appointments that we have coming for all of these things. That sound to me, at this point, that's a \$4,000 a months savings as opposed to an expenditure because as a independent contractor I do understand that I get hired by the day.

My fee for that day stops at 10 hours, after those 10 hours anything that I do is time and a half or overtime according to my contract as a contract employee and those terms are set up ahead of time. I'm assuming that the hours that the attorney works and all that are based on the contract that was agreed to and so still I'm just trying to clarify the numbers. It seems to me you are actually saving at this point \$4,000 a month compared to the previous firm that we had that was on a-- I guess a high rate type of scenario?

**Roman:** Yes. Thank you Iris. Anyone else from good and welfare? Here in none, we are going to end the admin item-- motion to adjourn please.

**Mayor Cubillos:** I'll lead a motion to adjourn.

**Roman:** Motion has been second, all in favor?

**Mayor Cubillos:** Aye.

**Roman:** We are ending at [unintelligible 03:29:42]. It's 10:10, the admin in finance meeting [unintelligible 03:29:47]

[03:29:37] [END OF AUDIO]

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