

**City of Coral Gables
Trial Board Meeting
January 29, 2020
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

Trial Board Members

Jorge Arrizurieta

Joseph DeMaria

Roberto Martinez

Maria Menendez

Andy Murai

City Staff

City Clerk, Billy Urquia

Alexander Palenzuela, Board Attorney

Start [6:07 p.m.]

City Clerk Urquia: Let's call the meeting to order. The time is 6:07 p.m. and I'll go ahead and call the roll; Board Member Arrizurieta.

Board Member Arrizurieta: Yes.

City Clerk Urquia: Board Member DeMaria.

Board Member DeMaria: Yes.

City Clerk Urquia: Board Member Martinez.

Board Member Martinez: Yes.

City Clerk Urquia: Board Member Menendez.

Board Member Menendez: Here.

City Clerk Urquia: And Board Member Murai.

Board Member Murai: Here.

City Clerk Urquia: So, the last time we came together was December 4th and at that time it was a very short meeting with a sole purpose being to appoint the fifth member of the Board. Mr. Arrizurieta was appointed at the time and he is here with us today. Today's meeting is more to go over the purpose of the Board, the procedures. Mr. Alex Palenzuela, the Board Attorney will go ahead and make a presentation and go over the duties of the Board. First thing I wanted to do today is to go ahead and have a chairperson to chair the meeting, so if there are any nominations for the chairperson.

Board Member Murai: I'll nominate Mr. Martinez.

Board Member DeMaria: Second.

Board Member ____: Third.

City Clerk Urquia: All those in favor say aye.

All: Aye.

City Clerk Urquia: Any opposed?

Board Member DeMaria: He's going to give us the General Sherman.

[Laughter]

Chairman Martinez: Thank you guys. I'm honored, thank you. So, Mr. Palenzuela, why don't you walk us through the agenda. Why don't you get us organized?

Board Attorney Palenzuela: [Inaudible – mic off]*

Chairman Martinez: Colleagues any comments.

Board Member Menendez: I have a comment or a question. As far as our notetaking, is that public record or is that for us?

Board Attorney Palenzuela: [Inaudible – mic off]*

Board Member Menendez: I would like to know before. I'd like to know before.

*[NOTE: The off mic comments were in relation to a discussion on whether personal notes would be considered a public record.]

Board Attorney Palenzuela: [Inaudible – mic off]*

Chairman Martinez: Mr. Arrizurieta.

Board Member Arrizurieta: Thank you Mr. Chair. Maria is an old pro, Maria is a young pro. It intrigues me that you would ask that question, because you've been around this place long enough in all different capacities. Is your question related to the specific work of this Board?

Board Member Menendez: Yes.

Board Member Arrizurieta: Or in general because it would be a general rule that applies to all boards, right.

Board Member Menendez: I would think so, but I just wanted to put on record whether it was or was not, because obviously we don't want to write something and then...

Board Member Arrizurieta: I get it. I get it.

Board Member Menendez: That was the only area that I didn't find in the rules and regulations that was clear.

Board Member DeMaria: I would think you'd want to default until we hear otherwise that it could be, because my concern would be that it could be. Until we hear otherwise.

Chairman Martinez: I think Mr. Palenzuela said it correctly. I don't think it is, it's just for our stuff.

Board Attorney Palenzuela: If there is any communication and the attempt to convey information, if it's memorializing business of some kind, and there are different levels, obviously like...and appointment to be a public record regardless of its content.

Chairman Martinez: Why don't we do this? I think Maria, Ms. Menendez, all prudently request your guidance and I think it would be easier to research it.

Board Attorney Palenzuela: Right – I've already made a note.

Board Member Menendez: Thank you.

*[NOTE: The

Chairman Martinez: And I think that Maria's wise and let's assume that it is.

Board Attorney Palenzuela: And that's what I'm here for is to advise the Board in the event that you have any legal questions regarding public records, the rules of ethics, procedural issues, you make the decisions as it says in the rules, admissibility of evidence and procedure based on advice.

Board Member DeMaria: When I listen to you list the type areas, the one that concern me would be, you said memorialize. So, if I'm taking notes and I write down a note that memorializes a decision of the Board, then it seems like you are saying that could be a public record.

Board Attorney Palenzuela: I'll be back with an opinion, but as I said, if they are for your personal use, it's my understanding that...

Board Member DeMaria: I had a question.

Board Attorney Palenzuela: Yes sir.

Board Member DeMaria: So, as I understand it from the first meeting there is a case that's going to come before us, because why convene. So, in looking at these rules which has a whole bunch of detailed stuff and how the hearing would be conducted, such as calling witnesses, hearing evidence, notices, is that all going to be teed up when we get that matter presented. So, is it going to be matter specific so when we get it, it would be a specific matter with the package that start the process...?

Board Attorney Palenzuela: The way that the rules are drafted they'll be a procedural order, right, they'll be a notice of hearing. The rules explain that the parties have to provide a statement of the evidence they intend to present. If that's assuming the Board gets to the step where you require a hearing, because initially the case would be presented to you at the next hearing. You have the discretion of whether to have a hearing or not and if you request a hearing then a notice of hearing goes out. It will probably be set at least two months in advance, because there is a 30-day deadline for the parties, both the City and former employee, to provide their list of witnesses and evidence and what the case is about basically, and what they intend to present.

Board Member DeMaria: Is the hearing itself conducted like a shade session, executive session?

Board Attorney Palenzuela: No sir. It's a public hearing, you're a quasi-judicial board, anyone can attend, but not anyone can speak, because it's not open for public comment normally, unless they request it and you allow it. It's really the parties to the case who are the ones that have the right to speak at the hearing. And usually in zoning hearings you do open those up for public comment, but you don't necessarily do that here. And the procedural order that we will present to you for approval will address all of that.

Chairman Martinez: Mr. Palenzuela when will the matter come before, because I understand as Maria said, that...a specific reason of hearing one matter. When does that matter come?

Board Attorney Palenzuela: At the next meeting the matter will be introduced to you with the procedures. This meeting is for setting the rules and addressing the board package and any legal issues you may have as far as board members.

Chairman Martinez: For purposes of scheduling at the next meeting, if we haven't determined when that date should be yet.

Board Attorney Palenzuela: I would like to say it's on your agenda as one of the items is to choose the date of the next meeting.

Chairman Martinez: At that next meeting when that matter is presented to us when will the next meeting after that take place? Is that also for us to schedule?

Board Attorney Palenzuela: That would be the presentation of the case would be at the next meeting – the next meeting you'll set the date tonight and then they'll be meeting date probably I would guess at least 60 days out.

Chairman Martinez: From the next hearing.

Board Attorney Palenzuela: If you decide to have a hearing.

Board Member DeMaria: One other question on the hearing. So, are you going to give us a packet at that next meeting or do we...?

Board Attorney Palenzuela: That is to be determined.

Board Member DeMaria: Pardon me?

Board Attorney Palenzuela: That it will be determined before the next meeting, if it is, you will get it in your agenda packet. I would have to discuss that with the City to decide – It depends on how the board handles it and how the City chooses to handle it. Remember you have to decide the case based on what's presented with the evidence, I'm sorry, at the hearing, but it's also it depends on how much information. Usually at a quasi-judicial hearing the City will have an agenda that board members will review during the hearing and things that are presented at the hearing, but this case will be more complicated when you get that information in advance.

Board Member DeMaria: My only concern is the reading, if there is a volume, we are going to come to a meeting, get a package, and all take a break and read for half-an-hour?

Board Attorney Palenzuela: We'll consider that. But remember you are also going to hear testimony.

Chairman Martinez: But not at the next hearing. The next hearing, we are just getting a presentation.

Board Attorney Palenzuela: At the next meeting of the board there will be no hearing. The hearing will be set if you decide on a future date.

Chairman Martinez: But the next meeting of the board, let's not call that a hearing, the next meeting of the board is the presentation from the City?

Board Attorney Palenzuela: The parties will both be notified that the matter is going to be introduced to the board.

Chairman Martinez: Introduced to the board.

Board Attorney Palenzuela: Right.

Chairman Martinez: And who introduces it to the board?

Board Attorney Palenzuela: Well it will be in your agenda and you'll have the documents and then you'll get to discuss that.

Chairman Martinez: There are going to be some...coming before to introduce it.

Board Member DeMaria: City Attorney, right?

Board Attorney Palenzuela: Likely, I will be the one to answer any questions you have on the packet itself. I don't think they'll be an actual hearing.

Chairman Martinez: I understand it. Just that Mr. DeMaria and I are used to certain procedures as litigators. So, what we are usually accustomed to is that at the next hearing you are going to tell us, at the next meeting you are going to tell us what the hearing will be about in the future. We are normally used to getting before the next meeting the packet, so when we come to the meeting, we will have read the information and everybody will have...We can't talk to each other, we understand that.

Board Attorney Palenzuela: I believe at that meeting that the next meeting you will have the statement that the Charter provision talks about where the employee requests the reasons for the action, and the City responds and then they get to reply. You'll have those back and it's what you can review.

Chairman Martinez: In writing.

Board Attorney Palenzuela: Those are all written.

Chairman Martinez: Before the meeting.

Board Attorney Palenzuela: Probably before the meeting. And then as to the hearing itself, I'll have to get back to you on that.

Board Member Murai: Following up on your statements, you know, usually in a quasi-judicial board where I am a member for many, many years, we do get the essence of what is coming up, so we can discuss it. For example, in Code Enforcement, we have an agenda, they have the issues at hand, and you can read through them before we get here, then in that particular meeting we'll get the cases from the City and from the resident and then the facts presented. So, listening to your conversation, I'm still not clear what we are going to have at the next meeting. Are you going to give us the case in the next meeting then the hearing later on?

Board Attorney Palenzuela: As I envision it, at the next meeting you'll have those three statements that are provided for in the Charter provision, Section 13 that I reviewed last time, but it basically allows the employee to request a statement of the reasons for the actions and then it provides that the City shall respond, and then there is a reply.

Board Member Murai: At that meeting we are going to have the request from the employee, at that meeting are we going to have the position of the City for us to read through it?

Board Attorney Palenzuela: There will be, right, three statements.

Board Member DeMaria: Would it be appropriate if I made a motion to request what agreed that we get that in advance?

Board Attorney Palenzuela: I believe it would be in the agenda packet.

Board Member DeMaria: At ahead of time. I just want to make sure it is, because I can see a situation where we are all going to take a break and have to sit here and read this, do this properly and that makes it very inefficient.

Chairman Martinez: Is there a second?

Board Member DeMaria: I move.

Board Member Menendez: Second.

Chairman Martinez: OK. Got a motion and a second. Any discussion?

Board Member Murai: Further comment on the motion. I am in agreement with the motion, because of the fact that sometimes we have a case, especially if it's complex, we want to think about it. There are very different issues to the City, the employee, that.... the decision. So, I'm totally in favor of getting the information ahead of time...

Chairman Martinez: Mr. Arrizurieta.

Board Member Arrizurieta: Yes, just to echo, I think everybody's concern here it's a matter of standard course. I appreciate the reason why you included yourself and Mr. DeMaria, because you guys are the only lawyers in the group of five, but even those of us who are not lawyers, the longer we have to read the materials ahead of time, I think we'll all appreciate that, and I totally also understand if for some reason, some specific case it can't be disclosed for whatever reason, a matter of, I don't know, confidentiality or whatever, that would be the exception not the rule, but as a matter of rule, no one should be surprised that this board would want this ahead of time, because we are not going to be able to do our good work as effectively if we haven't had a chance to read the materials.

Chairman Martinez: OK. Any further questions or comments. So, let me just articulate it and make sure that it's clear. Basically, the motion that has been seconded is that what this board would like before the next meeting, whenever that is, is to be provided with the materials as to the subject matter of the potential hearing down the road. And I'll add this to the motion, could we please get that packet, say a week ahead of time. Call the question, anybody in favor, please indicate by saying aye.

All: Aye.

Chairman Martinez: Anybody opposed? Passes unanimously. Mr. Palenzuela back to you. Thank you, members, for making that motion.

Board Attorney Palenzuela: Now is there any issue regarding the rules themselves. You'll have to decide after reviewing them if you have any changes you'd like to make and the documents, because remember there had been some changes made to the 2008.

Chairman Martinez: Let me ask my colleagues the following. The rules of procedure that we are approving today, is the rules of procedure that would govern us in regard to the hearing process, is that correct?

Board Attorney Palenzuela: Right.

Chairman Martinez: OK. Since we are not scheduling the hearing yet, and since the parties to the hearing down the road have not been yet told when the hearing is. Is it possible to have people approved at our next meeting and then that way we would have the benefit of the subject matter of what the hearing could be, and also have more opportunity to look at this? I have not really looked at this in detail in context to what it is...

Board Member DeMaria: This next meeting really is part of the hearing, because the next meeting is going to be under subsection 2. We are going to be given notice for them to come in give their written presentation and start the process. My concern is starting the process without any...to the rules.

Chairman Martinez: When we have the next meeting, which is not the hearing, you have the next meeting we are going to be informed, people are going to appear, you will have the information. Can we have that meeting...

Board Attorney Palenzuela: I would say it's better if you have the rules in place, because as the member pointed out, it already contemplates what will happen at that next hearing, because when you have the documents to review to decide what the matter is about, you'll be called upon to make a determination as to whether you want to have at that hearing. So already the procedural rules will be in play at that next meeting, mind you, this one was not revised when that was in place in 2008.

Board Member DeMaria: Can I ask a different question procedurally.

Board Attorney Palenzuela: Yes.

Board Member DeMaria: I read these and I think they are fine, but I think another lawyer...Could we conditionally, if I made a motion and it was agreed to...[inaudible]...let's say they wanted

another week, if there was a concern, if not they are approved...to move it along. There may be no...we may read it next week and say I'm OK with it.

Board Attorney Palenzuela: I think you could adopt them with the understanding that if there was a desire to amend them, you could have another vote on amending.

Chairman Martinez: So, in other words, and I appreciate...

Board Attorney Palenzuela: For further consideration at the next meeting.

Chairman Martinez: I appreciate Mr. DeMaria's comments. I do trust him, he's an excellent lawyer and a fine person and ethical. So, if he says they are fine. I just haven't had the opportunity to read them, but I know that Mr. DeMaria is sensitive to everybody's due process rights. He's a litigator and experienced. So, if he says they are ethical accomplish all of that.

Board Member DeMaria: But I like his idea. I would move that we adopt these with a proviso if a any member wants to seek a further amendment, they will give notice to you within two weeks...[inaudible]...

Board Member Murai: I'll second the motion.

Chairman Martinez: Alright. Any discussion of that? Call the question. All those in favor please indicate by saying aye.

All: Aye.

Chairman Martinez: Anybody opposed? It passes unanimously. Mr. Palenzuela back to you. Next order of business. Mr. Arrizurieta.

Board Member Arrizurieta: I just realized, and I reread this more thoroughly than the first time. There are a couple of minor, I don't know, I'll call then housekeeping.

Chairman Martinez: Where are you? What are you referring to?

Board Member Arrizurieta: I'm sorry, I'm on the minutes of the meeting that you had.

Board Attorney Palenzuela: It's actually the transcription of the meeting.

Board Member Arrizurieta: Are you there yet?

Chairman Martinez: We skipped it. We skipped it. So, let's go onto agenda item, approval of the minutes. Let's move them in for purposes of discussion. Is there a motion?

Board Member Arrizurieta: I move them in.

Chairman Martinez: Thank you – second?

Board Member Murai: Second.

Chairman Martinez: Alright, let's discuss.

Board Member Arrizurieta: I've got a couple of corrections here. My good friend Mr. Murai gave me all sorts of promotions in his introduction of me. No seriously...

Board Member Murai: Which page?

Board Member Arrizurieta: This is page number 3. For example, I was thinking about the promotions, I was attempting to be funny, but in citing some of the things we've done, the way it's written, Florida Pre Paid for the Americas. It's actually called Florida Free Trade Area of the Americas, there are just errors in the transcription; and it says he was involved with Wayne. Well, I am sure, may he rest in peace, Wayne is happy to know that he's a household word.

Board Member DeMaria: I forgot his last name.

Board Member Arrizurieta: Huizenga. Do you want me to submit these to you and we don't have to bore everybody with it, or do we have to go through that now?

Board Attorney Palenzuela: This is not the minutes, this is the transcription, but the Clerk can speak to that any corrections, obviously.

City Clerk Urquia: So, if you can send me the corrections.

Board Member Arrizurieta: I'll do that.

Chairman Martinez: So, we could approve it subject to those corrections.

Board Attorney Palenzuela: Well the minutes is just the point.

Chairman Martinez: I understand.

Board Attorney Palenzuela: And I caught some, obviously I'm the attorney for the Trial Board, not the Attorney for the City. The City will have a separate attorney. So, there are a couple of things like that.

Board Member Arrizurieta: I want to use this opportunity, Mr. Chair, to thank Mr. Murai publicly for his trust in me and nominating me and recommending me. I won't let you down sir.

Chairman Martinez: With regards to the minutes themselves; the minutes is a two-page document, it's actually one page attached to a coversheet.

Board Member Arrizurieta: You said this is a transcript.

Board Attorney Palenzuela: Right. It has a cover page and second agenda.

Chairman Martinez: I'd like to point out before I ask for a motion that the minutes do not refer to you as a good man or a solid man (laughter).

[Laughter]

Board Member DeMaria: It's already been corrected.

Board Member Murai: Chairman this is a technical question for Mr. Palenzuela. Are we allowed to go off the record during the meeting or not?

Board Attorney Palenzuela: I'm sorry?

Board Member Murai: Are we allowed to go off the record during the meeting or not?

Board Attorney Palenzuela: No.

Board Member Murai: I was going to say that we stick to Mr. Arrizurieta's accomplishments and... (laughter).

Board Member DeMaria: So, we are moving to approve the one page.

Chairman Martinez: Yes sir. Is that a motion?

Board Member DeMaria: Yes.

Chairman Martinez: Second?

Board Member Menendez: Second.

Chairman Martinez: Alright. What we are going right now is having a discussion on the approval of the minutes, which is a one-page document and it's dated December 4, 2019. Any discussion? I'm going to call the question, all those in favor please indicate by saying aye.

All: Aye.

Chairman Martinez: Anybody opposed? I'm going to just abstain because I wasn't here for that meeting, so I don't know what occurred at that meeting, so I'm going to be abstained, but it passes unanimously, but I'm not voting. So then, we've done the Call to Order; we've done the Roll Call; the Approval of the Minutes; you guys have shown bad judgement selecting me as the Chair (laughter); Presentation of the Board Rules by the City Attorney, we've done that. I guess the next item is the selection of future dates of meetings and then adjourn. So, the future date.

Board Attorney Palenzuela: I haven't actually – I was asked to be specific on a couple of issues, because we did discuss the rules, but bundled in with that is the welcome package that the board members received and I know some of you have been serving on municipal boards for a long time and don't need a refresher. There is a training that's given on ethic issues, Sunshine Law, etc. for new board members, it's given regularly. I know the City recently gave one and if you'd like to watch that there is a link that the City can provide. If anyone's interested please let us know, and we'll send that to you. Otherwise, there is a packet which you all received, you received it in advance of your appointment and if you have any questions on any of it, please ask me, but specifically I wanted to direct your attention to, obviously this is a Sunshine board meeting, open to the public, they are advertised. Be very careful, I think for those of you who are not used to serving on municipal boards, you cannot get together and/or talk about the case on any matter that's going to be brought before you here. If two of you get together publicly do not discuss city business, I mean the business that's coming before the board, I should say; and it's better that you not socialize or anything while these things are pending, because people could say that there's a meeting that's a violation of the Sunshine Law. Specifically, no lunch meetings to discuss what's going on or anything like that. There are also public records we touched on briefly and communications, text messages, e-mails that you get, preserve them, the notes, I'll get back to you, but if it's for private use it's probably not public record. As far as quasi-judicial standards, I was asked to specifically address exparte communications. That's not conversations between yourselves, which would also qualify, but specifically site visits. If you want to go visit a property that you find out this case is about, if any. Things like that you should avoid them. If anyone comes to talk to you about a matter that you know is coming before the board, you stop them right then and there and say, I can't discuss that, it's coming before the board. If that happens, then you announce at the meeting, I had an exparte communication, so and so either wrote me a letter, here

it is, I'm putting it on the record, or it was oral, this is what they told me, I'm putting it on the record. The idea being that when you have that communication outside the hearing, and this is something to keep in mind if and when you get your packets in advance and there are documents that relate to the matter, you shouldn't discuss it amongst yourselves. Any questions you have, you bring to the hearing. But you put your communication on the record and that allows the other side to address any impropriety that may taint the process and they get to cross-examine the person who was involved in the communications to what transpired, so that they can attempt to address whatever prejudice may have been created to their case. So that's very important as board members that you do not have those types of communications.

Chairman Martinez: I appreciate that. It's always good to get a refresher. Since this is a public meeting and we are serving here for the benefit of the public. Let me just put on the record, I've had the privilege to serve on Sunshine boards going back to the 1980's on numerous boards. Some of them as chair, some of them as members. So, I want the public to be reassured that I'm very familiar with the Sunshine Law, public records law, and I feel very strongly that we should abide by them strictly. And I have a feeling that some of my colleagues here have also served on boards that are governed by the Sunshine Law. I think we are all experienced in that regard and I want the public to have that feeling.

Board Attorney Palenzuela: Right. But if at any time when reviewing the packet or let's say you find out who the parties are in the case, you decide you may have a conflict or anything like that, you are not sure, it's not altogether clear from the materials, please feel free to reach out to me and I'll find out the answer and get back to you in advance. Voting conflicts...surprise people, so if you think there might be an issue.

Chairman Martinez: Having that resource is very helpful and we thank you. Does anybody have any questions?

Board Member DeMaria: Yes, I have two questions. One is on the package you gave us, is there a pre-date we are supposed to sign. I know the thing said on the envelope, please sign and return it in three days.

Board Attorney Palenzuela: That's a good question for the City Clerk. I can answer the one regarding like the financial disclosures that we talked about at the last meeting, like July 1st every year you have to file that. Which document are you referring to?

Board Member DeMaria: There is a whole set of them. So, if you just tell me.

Board Attorney Palenzuela: OK. Mr. Urquia.

City Clerk Urquia: So, the majority of the documents are informational.

Board Member DeMaria: If you tell me the earliest date you want the first one, I'll give them all to you at the same time, just tell me when you want them.

City Clerk Urquia: No, they are not all at the same time. Financial Disclosure is July 1st of each year, they are just there so you have the form. The only documents I need as soon as possible would be the questionnaire with your information and the Oath of Office. Everything else is just informational.

Board Member DeMaria: And then put it in this envelope and mail it back.

City Clerk Urquia: Correct. Or you can stop by our office, we have notaries on staff.

Board Attorney Palenzuela: Yes. The financial statement one is required by state law, the county code, so there is a penalty if you don't file it on time, so it's better if you just get it out of the way.

Board Member DeMaria: The second question is on the ethics, because the way you phrased it and I had that e-mail with the link that said you are invited to watch it, but I didn't see anything in here that we have to sign that we watched that video.

Board Attorney Palenzuela: No, I don't think. I mean it is required under the ordinance.

City Clerk Urquia: One of the documents that you fill out it says, have you participated in the ethics training? – yes or no. If you answer no, it's fine, however if you are still a board member perhaps you would like to.

Board Member DeMaria: No, I'm not going to do a no. So, my question is, is the training mean you have to watch the video?

City Clerk Urquia: Correct.

Board Member DeMaria: OK. I'll watch it. I just want to know.

Chairman Martinez: Any other questions?

Board Attorney Palenzuela: Mr. Urquia would you mind sending a copy of the package to me.

City Clerk Urquia: We e-mailed it to you sir.

Board Member DeMaria: It's the same packet we are talking about?

City Clerk Urquia: Yes.

Board Member DeMaria: OK.

City Clerk Urquia: But Mr. DeMaria just to be clear. So normally we get appointed June 1st, the ethics training is in October.

Board Member DeMaria: Right.

City Clerk Urquia: So, a lot of board members do submit that information without having received the ethics training.

Board Member DeMaria: No, no, what I'm saying is since we are here now in January and you gave me the video, I'll watch it before I sign that document. I just want to know the rules.

Chairman Martinez: Any other questions, comments? I do have a question on the rules actually.

Board Attorney Palenzuela: Yes sir.

Chairman Martinez: The appellate process – our decision ultimately whatever it is, that's appealed to which body, City Commission?

Board Attorney Palenzuela: No sir. Your decision is final under the Charter. Now if people want to seek judicial review that's another matter.

Chairman Martinez: It goes to County, Circuit or Court of Appeal?

Board Attorney Palenzuela: Generally, the decisions of boards they go to the Circuit by writ, such as a zoning decision, but there are exceptions, but for this board it would be...[inaudible].

Unknow Speaker: [Inaudible]

Board Attorney Palenzuela: Right.

Chairman Martinez: Then Mr. Palenzuela what else is on the agenda besides the selection of a future meeting?

Board Attorney Palenzuela: Nothing else that I'm aware of, unless anyone has any more questions on the packet or the rules.

Chairman Martinez: Let me open it up. My colleagues want to bring up anything else before we start to pick the meeting. So, let's go do that. Should we do something in approximately four weeks, you guys want some more? What's the sense of the board? – And also formatted...

Board Member Arrizurieta: As far as that, that's fine.

Board Member DeMaria: The issue for me is going to be what the City needs to prepare that packet.

Board Attorney Palenzuela: Well are you talking about the next meeting?

Chairman Martinez: Yes. The packet...

Board Attorney Palenzuela: That should not be – I mean those documents already exist, it's just a matter of getting them on the agenda. And as I said, the initial statement, the response and the reply that are provided for in the Charter, those are not lengthy copious documents. Now that you made a motion, you'll get them in your next agenda, right. It's the hearing packet is actually put together by both the City and the opposing party and they get 30 days in which to do that. So, at that next meeting select a date, at least I would suggest 60 days out to give people a chance to do that and then we can get it on the agenda.

Chairman Martinez: Why don't we...

Board Member Menendez: So, I was going to ask isn't it possible just to select both dates now?

Board Attorney Palenzuela: You could.

Board Member Menendez: And that way we don't have to wait.

Board Attorney Palenzuela: You could.

City Clerk Urquia: Maria the only issue with that is that there are two attorneys that are not here that you should take their schedule into consideration when setting a hearing date.

Board Member Menendez: OK. Fair enough.

Board Member DeMaria: Not to be too technical. We definitely make a decision first meeting, whether we...

Board Attorney Palenzuela: Whether we are going to have it here.

Board Member DeMaria: I can see somebody saying that we already took the second hearing and prejudged.

Chairman Martinez: Mr. Murai.

Board Member Murai: What about February 19th?

Chairman Martinez: Let's take a look. Everybody has their calendar.

Board Attorney Palenzuela: What was the date, I'm sorry.

Board Member Murai: The 19th.

Board Member Arrizurieta: Mr. Chair, is the time of day, a reason to put it in the evening? If that's the wish of the rest of you, I'm fine with that. I was just wondering.

Chairman Martinez: Well, I guess it would have to be either...

Board Member Arrizurieta: I live in the Gables.

Chairman Martinez: This is great for me. It would have to be either very early or very...

Board Member Arrizurieta: If this is convenient for everybody that's fine.

Board Attorney Palenzuela: That day in the morning is a Code Enforcement meeting and I have a conflict.

Board Member DeMaria: Are you OK at 6 o'clock though?

Board Attorney Palenzuela: I'm fine with 6 o'clock.

Chairman Martinez: So, February 19th – I think I'm OK. I just have on my calendar a sentencing in Texas, but I think it might be the next day. It's not my sentencing. So, we are under consideration February 19th, at 6 p.m. Is there a motion?

Board Member Murai: Motion.

Board Member Arrizurieta: Second.

Chairman Martinez: Any discussion? Call the question. All those in favor indicate by saying aye to having the next meeting on February 19th at 6 p.m.

All: Aye.

Chairman Martinez: Anybody opposed? Would you let the record reflect that it passes unanimously?

Board Member DeMaria: Let the record reflect that under our Chairman's leadership everything passes, so far.

[Laughter]

Chairman Martinez: We completed our agenda. The next item is the adjournment. Before we do that any new business, any old business, anything else anybody want to bring up? Then let's adjourn the meeting unless there is any objection. Meeting adjourned. Thank you everybody, City Clerk and Mr. Palenzuela, thank you very much.

Board Attorney Palenzuela: Thank you.

[End: 6:41:30 p.m.]