

**City of Coral Gables City Commission Meeting  
Agenda Item K-1  
February 27, 2018  
City Commission Chambers  
405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Raul Valdes-Fauli  
Vice Mayor Pat Keon  
Commissioner Vince Lago  
Commissioner Frank Quesada  
Commissioner Michael Mena**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark  
Assistant City Manager, Peter Iglesias  
City Attorney, Miriam Ramos  
City Clerk, Walter J. Foeman  
Deputy City Clerk, Billy Urquia  
Public Services Division Director, Brook Dannemiller  
Public Works Director, Ed Santamaria**

**Public Speaker(s)**

**Israel Reyes  
Daniel Milian  
Laura Russo  
Vicky Busot  
Bart Upthegrove**

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**Agenda Item K-1 [9:41:46 a.m.]**

A Resolution of the City Commission of Coral Gables, Florida ratifying a settlement agreement to resolve the pending nuisance abatement action relating to 747 and 760 Ponce de Leon Boulevard and neighboring residents, including required conditions; providing for a repealer provision, providing for a

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Agenda Item K-1 - A Resolution of the City Commission of Coral Gables, Florida ratifying a settlement agreement to resolve the pending nuisance abatement action relating to 747 and 760 Ponce de Leon Boulevard and neighboring residents, including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.

severability clause, and providing for an effective date.

Mayor Valdes-Fauli: The next item is Item K-1. Item K-1 is a resolution of the City Commission of Coral Gables ratify -- ratifying a settlement agreement to resolve pending nuisance abatement action relating to 747 and 760 Ponce de Leon Boulevard and neighborhood residents. Madam City Manager...

City Attorney Ramos: Could...

Mayor Valdes-Fauli: Or...

City Manager Swanson-Rivenbark: Actually, the City Attorney's item.

Mayor Valdes-Fauli: The City Attorney, I'm sorry.

City Manager Swanson-Rivenbark: But if someone can get Ms. Busot because I know she was here...

City Attorney Ramos: As are...

City Manager Swanson-Rivenbark: And she may be...

City Attorney Ramos: All the parties. I believe they're all outside. We just need to...

City Manager Swanson-Rivenbark: So, it's important for them to...

City Attorney Ramos: Absolutely.

City Manager Swanson-Rivenbark: Participate in this.

City Attorney Ramos: Mayor, while they come in, I'll read the...

Mayor Valdes-Fauli: Yes.

City Attorney Ramos: Entire title into the record. A resolution of the City Commission of Coral Gables, Florida ratifying a settlement agreement to resolve the pending nuisance abatement action relating to 747 and 760 Ponce de Leon Boulevard and neighboring residents, including required conditions; providing for repealer provision, providing for a severability clause, and providing for an effective date.

Mayor Valdes-Fauli: Okay. If people are not in to speak on this, I will go to something else and then come back.

City Attorney Ramos: They're all walking in. So, I'll go ahead and get started on process.

Mayor Valdes-Fauli: Yeah, please do.

City Attorney Ramos: As all of you know, at the beginning of 2017, the City Attorney's Office drafted a resolution which ultimately -- an ordinance, which ultimately, the Commission approved to establish a nuisance abatement ordinance and a Nuisance Abatement Board. Under the ordinance, either the City Commission or the Code Enforcement Board can serve as a Nuisance Abatement Board. On June 14, 2017, the City Attorney at that time referred a public nuisance to the City Commission, sitting as the Nuisance Abatement Board, regarding the surrounding neighborhood of 760 Ponce and 747 Ponce. Both properties are commercial, have been commercial for a number of years. However, complaints have been coming in from the surrounding residents about issues with parking, issues with vans that were idling in the community, trash being deposited by individuals that were attending, presumably, one of those two commercial properties throughout the neighborhood, et cetera. In order to address the

nuisance, the matter was referred to the City Commission, as the Nuisance Abatement Board. And subsequently, a number of settlement conferences were held with some members of that community to discuss how best to address the issue. I will put on the record at this time that this is a quasi-judicial process public hearing that we will be entering into. I would like to note, because it is quasi-judicial, that throughout this process -- and especially at the beginning -- residents throughout the neighborhood emailed all of the City Commissioners over the course of the last year regarding this nuisance, as did the property owners at times and counsel. Counsel for both parties are aware of those communications and complaints. We are here for the ratification of the settlement agreement. I have invited Mr. Izzy Reyes, who served as the mediator in this matter, to walk us through the settlement agreement. I have asked the City Clerk's Office to swear in the people who will be speaking today, as I intend for this to be a public hearing, as I mentioned, in order to establish competent, substantial evidence for the adoption of this settlement agreement. After Mr. Reyes presents, I will ask Assistant City Manager Peter Iglesias to speak as to their recommendation, his and the recommendation of staff. I will tell the Commission that at those settlement conferences, we had the heads of all the departments that would be involved present, and they gave their opinion, and they are present today also to answer any questions you might have. I will then give an opportunity to the two attorneys for the property, 747 and 760 Ponce to address it, if they wish. And then we can have a public hearing, where members of the community, residents that may want to speak can speak in favor or against the settlement agreement. Mr. Mayor, if you would like to set time limits on those particular comments, you may absolutely do so.

Mayor Valdes-Fauli: Yes, I will.

City Attorney Ramos: So, without further ado, I will ask Mr. Reyes to please come up and walk us through the settlement agreement.

Israel Reyes: Mr. Mayor, Madam Vice Mayor, Commissioners.

Mayor Valdes-Fauli: Good morning.

Mr. Reyes: Good morning.

Commissioner Lago: Good morning.

Mr. Reyes: Madam City Manager, Mr. Clerk, and of course, the City Attorney, good morning. It's nice to see all of you again. I'm a little under the weather, so forgive me if I sound a little hoarse. As the City Attorney -- Madam City Attorney stated, I was asked to mediate the situation that was facing the residents and the owners of 767 (sic) and 760 back on January 26, 2018. Unlike other mediations -- unlike other -- the other 500 mediations I've done since I left the bench, this one was a little bit different because normally, as the attorneys in the room know, everything that's stated during a mediation is privileged and confidential. We didn't have that here and everyone understood that. So, we began by talking about the rules that applied and the rules that didn't apply. And by introducing all of the participants -- I can go through that list, but I don't want to take up too much time with that. But members of the City were present.

City Attorney Ramos: Actually, I would like to put on the record we provided courtesy notice within 1,500 feet of the 760 property, as well as posted the property. So, anyone that is interested now has notice and can speak today.

Mr. Reyes: Perfect. So, several of the residents were there; representatives of 767 and 760 were there, as well as their attorneys, and of course, Madam City Manager and the City Attorney and Mr. Iglesias, the Assistant City Manager, was there. And the City Manager was very smart in doing this. She had representatives from all the departments that might have some kind of effect or say-so in the process, and they were all there to answer questions. And to that is how we began. We began with all of the participants stating their positions, including the residents. There were then questions that were asked of each other. We asked questions of each other. I asked several questions because it was a big learning curve for me. Everyone had an opportunity

to comment and voice whatever opinions they had about anything concerning this matter, and that was in a big room with everyone present, the plenary session. And then, there were two proposals put forward by 760. One involved the demolition of two residential properties or homes that were there, and one did not. After everyone had a chance to state their positions and talk about whatever they wanted to talk about, I then broke up the groups and I adjourned with the residents into another conference room and gave them an opportunity to handwrite all of the proposals that they had. Whatever they wanted, a wish list, I asked them to just list it and put it on a sheet of paper so I could present it. The goals -- my goals there was trying to find something that would balance everyone's rights, the residents, and of course, the property owners, within the parameters that we had to work with. You know, there are certain ordinances and situations that have been existing for years that that was not going to change, with an eye towards minimize and eliminating traffic around the residential streets and trying to push the traffic as much as we could to Ponce, and at the same time, obstructing the view that the residents would have of any cars that would eventually be parked in those parking lots. So, to that end, we came up with a list of proposals. I then went back and presented it to the representatives of 747 and 760, and of course, the City. We met this way two or three times, taking proposals back and forth, modifying them, discussing them. I met with the City representatives alone for a bit. I met with the representatives of 747 and 760 also alone, and then we all met together and we hammered out an agreement. And we handwrote -- actually, Ms. Ramos, who had the best handwriting, we had her -- we asked her to write the agreement. She wrote the first draft of the agreement that was signed by everyone who was still present during this process. That was...

Mayor Valdes-Fauli: Does that include residents?

Mr. Reyes: Yes. There were several residents that were there...

Mayor Valdes-Fauli: Okay.

Mr. Reyes: And that signed this agreement. Some had left already, Mr. Mayor, but the ones that were there...

Mayor Valdes-Fauli: Good.

Mr. Reyes: Signed them, and one or two of the residents tried to reach out to several of the other residents that had gone to brief them, explain to them what went on. They hammered out a term sheet. It was signed, as I said, by everyone present. And then my office, together with Ms. Ramos, put together the formal settlement agreement. Again, that went through several drafts, and that's what's being presented today.

City Attorney Ramos: And the settlement agreement before you, I have a couple of corrections I'd like to make on the floor. Page 2, paragraph 6 talks about the fact that the lot shall not be rented, loaned or leased to any third party. We need to include there except 747. This plan works if 760 and 747 work together, and so, it should have exempted 747 as an allowable use for that lot. And secondly, on page 3, paragraph 14, I had asked Code Enforcement and was informed this morning on the parties confirmed that the tree that was cut down on the property without a permit, actually, the parties did pay a \$3,000 fine for doing so, so what remains is the mitigation that is required for the removal of that tree.

Mr. Reyes: Would you like me to go through the terms of the settlement agreement?

City Attorney Ramos: Yes.

Mayor Valdes-Fauli: Yes, please.

Mr. Reyes: Okay.

Commissioner Lago: But before you do that...

Mr. Reyes: Yes, sir.

Commissioner Lago: I just want to make sure that we mention -- I want to have a full discussion in regards to that tree later, so if we could have Brook -- and he's right there, okay. Excuse me. I want to kind of bring you up to date in regards to what exactly happened there, and I have some reservations in regards to the way it's being resolved today. I think three thousand...

Mayor Valdes-Fauli: Let's concentrate on the settlement first, and then we...

Commissioner Lago: Okay, no problem.

Mayor Valdes-Fauli: Of course, we'll discuss that, but let's go through the settlement first.

Mr. Reyes: Okay, so the first part of the settlement agreement, paragraph 1, talks about the design option that was agreed upon by everyone, which includes the demolition of those two residential structures that are there in order to create more parking spaces, and that's the one that was adopted. They're located at 120 and 112 Avila. And the details of how that will transpire, of course, is in the settlement agreement. We then agreed to build them a subject wall, a four-foot high masonry wall on Boabadilla Street and Avila Court borders of the 760 property, except for the part of the property that borders Ponce. But the rest of the property will have this wall, along with landscaping. And the landscaping is -- the intent of the landscaping is to be higher than the wall so no one from the residents -- or no one walking by or anything like that can see all of the cars in the parking lot. The other agreement -- the other term of the agreement was that B&B Investments Management shall not rent, loan or lease to any third party the parking lot and the individual spaces. And the reason that was included in there is because there was some issues with that -- with those parking spaces being used by another entity for valet parking purposes, and that caused a lot of problems for the neighborhood. But that was agreed to and that's something that will not occur anymore if this agreement is ratified. Yes, ma'am.

City Attorney Ramos: And as I mentioned, 747 Ponce should be included for the sole use of their employees and their customers.

Mr. Reyes: Correct, correct. The City agreed install residential parking -- a residential parking zone along Boabadilla Street and Avila Court. And the City's also going to contribute 20 to 25 metered parking spaces on Ponce de Leon Boulevard in front of the 760 Ponce property, unless doing so conflicts with the City's right-of-way needs. And again, that was an olive branch by the City in order to alleviate some of the traffic problems. There was an agreement also to provide ingress and egress only on Ponce. There will be no cars driving onto the property from any of the residential streets. Entry and exit will be made just on Ponce, again, to alleviate one of those concerns. Valet parking will be permitted on the 760 Ponce Property and the 747 Ponce Property. I think that's going to help in a lot of ways. Number one, you won't have necessarily cars driving around the neighborhood looking for parking. The valet parking will be there and they can try to put as many cars as they can in the parking lot, again, removing those vehicles from the neighborhood. A City of Coral Gables Parking Zone Officer shall enforce the parking regulations as is customary. Subject to Miami-Dade County approval, the City will apply for, advocate for, and fund a traffic -- traffic calming devices on Boabadilla Street between Avila Court and Ponce de Leon Boulevard. For those vehicles that do drive down that street, they won't be driving down there at a high rate of speed. There were several residents that have young children, and of course, that's a big safety issue. Again, subject to Miami-Dade County approval, the City will apply for, advocate and fund a crosswalk on Ponce de Leon Boulevard between the two structures, 760 Ponce and 747 properties. The City's going to waive all permit fees and will expedite permitting for the subject wall and the landscaping, as well as for the demolition of the two residences. There's a Code Enforcement Ticket/Notice of Violation No. 272991, citing B&B Investments. I think that's what is going to be discussed later, right?

City Attorney Ramos: Yes. I am now being told that the fine that was paid \$1,500, not \$3,000, for the record.

Mr. Reyes: Okay, great. Quest Diagnostics is -- has a lease there at 747 Ponce. Once they vacate the premises, the Certificate of Use for that space will expire. The settlement agreement, of course, has a notice and cure provision in the event there's a violation. We don't have to litigate. That'll be, hopefully, resolved with this cure provision in the event that that happens. And that applies to paragraphs 2, 3, 4, 5 or 8. And should the terms set forth in paragraphs 6, 9 or 15 of this agreement be violated, the party in violation shall be given 48 hours to comply. And should the party not comply within the 48 hours, the City may impose a daily fine of \$500. I want to mention just briefly that when we first started this settlement agreement, there was -- the temperature in the room, to say the least, was very warm, very, very warm. I -- it was nice to see how everyone came together. You can tell that they realized during this process that they have to live together, in a sense. That the buildings are not going away. The residents are not going away. So, within the parameters that I mentioned before that were there, everyone really came together. I was very proud of everyone, despite the months and months, maybe even years of issues that they've had between and among themselves. They -- everyone conceded. And like any other settlement, not everyone got everything they wanted, but it's a settlement and they now have control over their destiny in the situation, as opposed to submitting to a quasi-judicial process or a process like that. So, I want to thank everyone for making my job a little bit easier in mediating this thing, and of course, the City, for allowing me to participate.

Mayor Valdes-Fauli: Yeah, well, thank you, and thank ourselves, really, for having chosen such a competent, capable mediator.

Mr. Reyes: Thank you.

Mayor Valdes-Fauli: You did a great job, and this is a problem that, as you say, is not going to go away. It may wind up in litigation, but the buildings are not going to go away and the residents are not going to go away. And a solution such as this is probably the best deal possible. But Madam City Attorney, you want to say -- you want to continue?

City Attorney Ramos: Yes, sir. So, I'd like to just add the paragraph 15, which I think was inadvertently skipped. 747 Ponce will agree to provide an off-duty police officer from 8 am to 12:30 pm on Tuesdays, Wednesdays and Thursdays. Those were the dates and times identified by the traffic consultant who studied the area for a number of days as the days that are the busiest time, so that should help as well. With that being said, if you have no further questions for...

Mayor Valdes-Fauli: Are there any questions?

City Attorney Ramos: Mr. Reyes...

Mayor Valdes-Fauli: No?

Mr. Reyes: I forgot to add one thing. We did disclose to everyone that I am the police legal advisor for the City of Coral Gables, in case anyone had an issue with that and there were no issues with that of conflict or anything like that. I just want to make sure that the Commission and everyone else is aware of that.

Mayor Valdes-Fauli: Thank you. Thank you very much.

Mr. Reyes: Thank you. Thank you very much. Nice seeing you all.

Mayor Valdes-Fauli: Thank you.

City Attorney Ramos: We should hear from Mr. Iglesias, from a technical standpoint, about the agreement.

Commissioner Quesada: You know, I just had one question. Of course, as you walk away, now I have a question. I was told -- I think the City Manager told me or the City Attorney told me

before today that there were groups of people coming in and out. I guess they weren't -- didn't participate in the entirety of the mediation. So, the -- I guess, the (INAUDIBLE) or the preliminary agreement that was reached is that -- is there anyone objecting to that? I guess, we'll find out later today.

City Attorney Ramos: The purpose of this hearing and why I wanted to have a public hearing on this item was to make sure that everyone had an opportunity to participate because we saw that, as the process went forward, different people came...

Commissioner Quesada: People had to leave and...

City Attorney Ramos: To different meetings, people left, so I wanted to make sure that everyone had an opportunity to be heard and that's why we provided the 1,500 foot courtesy notice.

Commissioner Quesada: Yeah, so I probably jumped the gun by asking now. I guess we'll see what people say today.

Mr. Reyes: And to that end, I had sign-in sheets so we can see from the sign-in sheets who stayed for the whole process and who had left. If you want to see that, I...

Commissioner Quesada: No. I don't think it's necessary. Just see if there are any objections to it today.

Mr. Reyes: Okay.

Commissioner Quesada: Thank you so much.

City Attorney Ramos: And on that point, I'd like to state -- I'm sorry -- legally that while I included Ms. Busot as a neighborhood representative, she hasn't been voted as such by the

community. It's simply the person who we have been dealing with really day in, day out from the beginning on this issue. Truly, the settlement agreement is between the City and the property owners, as with any regulatory matter. When we have a Code Enforcement case, it's not the complainant that's involved. They may say what they're upset about, but ultimately, the agreement's between the City and the property owners.

Commissioner Quesada: Got it. Thank you.

Mayor Valdes-Fauli: Mr. Iglesias.

Vice Mayor Keon: Yeah.

Assistant City Manager Iglesias: Yes. I think -- a few important issues. One is that entrances now will be on Ponce de Leon, and all entrances to the parking lot from the residential sides will no longer be there. One big issue. Another is that the houses stay residential. The zoning does not change. It's a conditional use to put parking on that, so the residential zoning stays with the property. I do think that maximizing parking in that area will minimize the problem. Our traffic consultant, Tim Plummer, was throughout the whole time that we were negotiating the settlement and he feels that this is probably one of the best solutions that we have there. So, it also will help eliminate the issue on 747 as far as obstruction of the right-of-way. Another important issue is that we have already taken care of medical uses in CL zoning. CL is Construction Limited. So, now any medical use for CL zoning requires conditional use, which requires Commission approval. So, there's been a number of things that I think are very positive here. And having looked at it with the traffic consultant and everyone, we think this is the best viable solution that we have here.

City Attorney Ramos: Mr. Iglesias, can you state whether you were aware of the complaints that were being made by the neighborhood and whether you feel that this solution will help to resolve those complaints?

Assistant City Manager Iglesias: Yes. I'm aware of the complaints, and I feel this is a good solution and really the best solution that we have for the area.

City Attorney Ramos: Does anybody have questions for Mr. Iglesias or any member of his staff?

Commissioner Lago: I think what Peter mentioned at the tail end of the discussion here, I think, is critical because one of the main problems that we're having besides, obviously, the parking is - - in the neighborhood is the issue with 747 and the fact that -- I think it's Lab Corp, correct? Is it Lab Corp or...

Assistant City Manager Iglesias: Quest Labs.

Commissioner Lago: Quest.

Vice Mayor Keon: Quest.

Commissioner Lago: Excuse me. Again, it's just overwhelming in regards to the amount of people that are coming and going, so I think that's a good opportunity to, again, find some -- find a different user when that lease does expire to alleviate a little bit of the concerns in regards to 747. And how do we ensure that that gets followed, via Certificate of Use when that tenant does turn over? How are we making sure that they comply?

Assistant City Manager Iglesias: The Certificate of Use -- when a tenant leaves, any Certificate of Use will be automatic -- will automatically expire. So, any new tenant would have to come for a Certificate of Use. If that use is medical, then it becomes a conditional use, with Commission approval.

Commissioner Lago: Perfect. Thank you.

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: I had a quick question. I don't know if it's for Peter or for you, Miriam. But we had talked about the plants that need to be planted on the perimeter of the wall, making sure that the language in the agreement, you know, made clear that it needs to be sort of a full hedge so that you don't have this wall sort of facing the neighborhood and so that there's as much sound protection and aesthetic enhancement as possible for the neighbors.

City Attorney Ramos: Yes, sir. It now states specifically a hedge that provides a screening effect with a minimum height of six feet at the time of planting.

Vice Mayor Keon: And they maintain it.

City Attorney Ramos: And it's maintained, yes. It's installation and maintaining.

Vice Mayor Keon: I think it's a -- I think that we really addressed this issue in a very proactive manner. We, a while ago, had established a neighborhood dispute resolution process that also gave us that tool. We established the nuisance abatement ordinance that gave us an additional tool. And when we recently addressed the issue, we have had various problems related to medical use because of the volume of traffic that is created with medical uses. So, we -- you know, we have worked to put items and regulations in place to be able to deal with issues as they come to us and really serve our community and serve our residents, as well as our businesses in a very fair fashion. So, I think...

Mayor Valdes-Fauli: It worked.

Vice Mayor Keon: We have done...

Mayor Valdes-Fauli: I know this was your initiative...

Vice Mayor Keon: Yeah. We...

Mayor Valdes-Fauli: And it worked.

Vice Mayor Keon: This is -- I mean, it really has proven to work very well.

Mayor Valdes-Fauli: Thank you, Peter.

Assistant City Manager Iglesias: Thank you.

City Attorney Ramos: I would like...

Mayor Valdes-Fauli: Alright, should I open this...

City Attorney Ramos: Now to give counsel...

Mayor Valdes-Fauli: Huh?

City Attorney Ramos: For 760 and 747, if counsel would like to...

Mayor Valdes-Fauli: Yeah.

City Attorney Ramos: Speak, this would...

Mayor Valdes-Fauli: Please.

City Attorney Ramos: Be the time.

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City Commission Meeting

February 27, 2018

Agenda Item K-1 - A Resolution of the City Commission of Coral Gables, Florida ratifying a settlement agreement to resolve the pending nuisance abatement action relating to 747 and 760 Ponce de Leon Boulevard and neighboring residents, including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.

Daniel Milian: Good morning, ladies and gentlemen. Just for the record, my name is Daniel Milian. I represent 747 Ponce. Although, you know -- in order to come to an amicable resolution today, we're agreeing to all the terms to the settlement. We have no objections to the terms that have been presented here by the City. The only thing, obviously, I just want to make it clear for the record we're not -- you know, there's no findings of fact or anything like that. But other than that, we are in complete agreement. The only things in the agreement I wanted to just touch base. There was actually three meetings and not two meetings. We had several meetings regarding this matter. We already touched base on the provision or the change for Paragraph 6 regarding the 747 Ponce. And for Paragraph 16, I just wanted to make a note for the record that this is more of a notification to us more than an agreement since it's what the City is allowed to do by Code.

City Attorney Ramos: Correct. The Certificate of Use would expire by operation of law.

Mr. Milian: So, other than that, we reserve time for rebuttal. And if you have any questions for us, please let us know. We're here available for any questions you may have.

Vice Mayor Keon: We're grateful to you as a business within our City to be willing to work with us and work with our residents. Thank you very much.

Mr. Milian: Thank you. I'm very glad to see that we were able to come to an agreement.

Vice Mayor Keon: Thank you.

Mr. Milian: We worked really hard to do it and we were able to get it, so I'm glad...

Vice Mayor Keon: Okay.

Mr. Milian: To say we were -- thank you..

Vice Mayor Keon: We'll see if the residents agree, but thank you for...

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: Being at the table.

Mayor Valdes-Fauli: Ms. Russo.

Laura Russo: Good morning, Mr. Mayor, members of the Commission. For the record, Laura Russo, with offices at 2655 LeJeune Road. I am here this morning representing the owner, B&B Investments Management Limited, which is the owner of the property known as 760 Ponce. I want to reiterate the comments made by Mr. Milian with respect to the settlement. This is not an admission, but I want to say that we come in good faith and I want to commend the City for hosting and facilitating the mediation process. I think the mediation process did a lot to bring the parties together to understand the issues that each one had and to understand the rights and be able to respect the uses that each one wants to have in the neighborhood. So, we are here in good faith and we totally agree to the terms of the settlement agreement, as amended by Ms. Ramos, the City Attorney.

Mayor Valdes-Fauli: Thank you. Thank you very much. Any other counsel wishes to speak? This is a public hearing, so I will open -- Madam City Attorney.

City Attorney Ramos: Anyone who's going to testify in the public hearing, if...

Mayor Valdes-Fauli: Yes.

City Attorney Ramos: You could please stand up...

Mayor Valdes-Fauli: Vicky...

City Attorney Ramos: To be sworn in.

Mayor Valdes-Fauli: Vicky Busot. Vicky, are you here?

City Attorney Ramos: Yeah, she's here.

Mayor Valdes-Fauli: Yeah. You have to be sworn in, please.

City Clerk Foeman: Would you raise your right hand, please? Do you solemnly swear or affirm that the testimony you will provide today will be the truth and nothing but the truth to the best of your knowledge?

Vicky Busot: I do. Good morning, everybody.

Commissioner Quesada: Morning.

Commissioner Lago: Good morning.

Ms. Busot: I speak for the residents, the Boabadilla residents, and we are in agreement -- we're very happy with the agreement. Thank you, Israel, for helping us hammer that out. The only thing we're concerned about is the valet parking that's going -- that we agreed to. This was agreed to after we had agreed to the four-foot wall. And after that, the residents started thinking about how if it's valet parking, it's going to -- the cars are going to be stacked three, four and five deep, and we were hoping for a taller wall. In talking to Brook, the landscape architect, he was mentioning the pros and cons of a higher wall. But I do submit to the Commission that I've spoken to the residents and everyone is in favor of a higher wall. We've seen the wall over at

Coral Gables Hospital and at the courthouse. And if it's done tastefully, I think a higher wall would shield us from the valet parking. We wouldn't have to be looking at a parking lot...

Commissioner Quesada: You know, but that's...

Mayor Valdes-Fauli: Can I suggest something? The problem with a higher wall is that you have a thing of concrete there. And if you make it high enough, it's going to look like an hourly motel. Planting trees...

Commissioner Quesada: The best solution -- I'm sorry to cut you off, Mayor -- is right in front of Commissioner Lago's house and Maria Cruz's house. University of Miami, the law school, they had an issue when they first built it out. They did a little wall and then a big hedge. I think it's clusias, I think is what it is.

Mayor Valdes-Fauli: The hedges.

Commissioner Quesada: And it's grown very tall and it's actually very nice. You don't see the parking lot. Well, some spots you do, but not as much.

Commissioner Lago: I'll give you an example -- and it just goes to Commissioner Mena's comments five minutes ago where he wanted to memorialize the hedge, like the hedge -- you know, he...

Commissioner Mena: Right.

Commissioner Lago: He jumped the gun, perfectly. I think that's what everybody in this Commission...

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Has said. And...

Commissioner Quesada: Yeah.

Commissioner Lago: I just want you to understand -- and Ramon Trias is going to laugh because, two years ago, I wanted to build a wall or I wanted to put a picket fence for my pool, which is required by Code. They didn't allow me to put a picket fence. I had to build a wall and the wall is four feet. And due to the slope of my property, you can literally be on my side yard and you can see everybody in the pool, even with a four-foot wall. So, I built a four-foot wall, and then I put a clusia hedge, like Commissioner Quesada just stated and like Commissioner Mena mentioned. The wall serves no purpose. It's just as a result of the Code, and then the hedge, obviously, like the Mayor was mentioning, is going to -- is probably going to be around six feet...

Mayor Valdes-Fauli: The hedge will do it.

Commissioner Lago: Six and a half feet.

Vice Mayor Keon: Yeah.

Ms. Busot: Well, clusia grows fast.

Vice Mayor Keon: Yeah.

Commissioner Lago: Yeah, and I have clusia. And I have clusia.

Vice Mayor Keon: Right.

Commissioner Mena: Six feet at the time of planting.

Commissioner Lago: Yeah.

City Attorney Ramos: Correct. That is correct.

Commissioner Lago: This is going to be a big, thick hedge.

Mayor Valdes-Fauli: Yeah.

Vice Mayor Keon: Right.

Ms. Busot: That was our concern. I just mentioned that.

Vice Mayor Keon: Okay.

Ms. Busot: And the other concern was the driveways. We're very happy that they're not on Boabadilla anymore.

Mayor Valdes-Fauli: Right.

Ms. Busot: That was a huge concern. In talking to Brook again, the landscape architect, he was saying they're going to have to reconfigure the parking lot inside. And again, that's the City's -- the City and the owner's problem, but we're just happy that there's not going to be a driveway on Boabadilla. And we're hoping that any reconfiguration that they do to comply with City Code or anything like that does not include a driveway on Boabadilla.

Mayor Valdes-Fauli: No. One of the conditions is that it does not -- I mean, that's exclusively on Ponce, the ingress and egress.

Ms. Busot: So, other than that, we're happy with the agreement.

Mayor Valdes-Fauli: Thank you very much.

Ms. Busot: And we're happy that...

Commissioner Lago: Can I...

Ms. Busot: It's going to be taking place so quickly.

Commissioner Lago: Just one last question because this is going to go into what I wanted to mention about the shading trees. Are you satisfied with the design in regards to the trees that are going to be accents to the hedge, the shade trees?

Ms. Busot: I really didn't see that. It really wasn't clear on the...

City Attorney Ramos: Commissioner, so you know, the rendering that's been submitted that you all have is a preliminary rendering. There's going to be a lot of back and forth and a lot of input from the City as to what needs to be planted where or how it needs to be configured. I know Mr. Dannemiller has concerns about keeping the canopy inside of the lot.

Commissioner Lago: That's why I brought it up because in yesterday's discussion when we had our agenda meeting, you mentioned to me, obviously, that this was just preliminary and that nothing was being ironed out -- I mean, excuse me, nothing was being, you know, finalized today. And I want to be careful with that because when we vote on this issue today and we move forward, I want to meet your goals because we've been working on this -- how many years has it been already?

Ms. Busot: How many years?

Commissioner Lago: So...

Ms. Busot: Exactly.

Commissioner Lago: We've been going back and forth, everybody on this Commission.

Ms. Busot: Yeah.

Commissioner Lago: So...

Ms. Busot: No, that's our major goal...

Commissioner Lago: The staff.

Ms. Busot: Is the canopy and not being able to see the cars in the parking lot and keeping at least some of the trees. There's a big, huge beautiful tree at the little triangle at the corner of Boabadilla and Ponce. And if they can, we're hoping they can keep that.

Commissioner Lago: And another issue here is that from what I checked on the canopy -- I don't know if it's still there -- but there was a Florida pine that was -- that is still there, from my understanding. I hope that remains. Does that still remain, Brook? Because if everybody takes a look at 760 Ponce, there was a beautiful tree. It may not have been a native tree, but it was a massive canopy that had thousands of square feet of canopy coverage and that tree is no longer there. That tree was cut down. And again, it was cut down. It's going to allow now for the reconfiguration of the parking lot, but it wasn't cut down the way it should have been cut down.

Mayor Valdes-Fauli: Okay.

Commissioner Lago: And so -- and I think that we're all -- we all pay the consequences of that.

Ms. Busot: Yes.

Commissioner Lago: We all pay the consequences.

Ms. Busot: We lost a beautiful tree.

Commissioner Lago: So, I want to make sure -- and I know what nobody wants to talk about this, especially right now, but we're going to talk about it.

Mayor Valdes-Fauli: No, you're right.

Commissioner Lago: And the importance of that is that when you cut that tree down and you cut it without a permit and you do it over the hurricane, you're sending the wrong message because people think, hey, they cut a massive tree. You know, how were they able to do that? And now they're being able to reconfigure the parking lot, which I think is great for the benefit of the community, yes, but not at the expense of the tree, you know.

Ms. Busot: We were very upset about the loss of the tree. We're the ones...

Commissioner Lago: The loss of the tree.

Ms. Busot: That notified the City.

Commissioner Lago: So, if we're going to mitigate that tree, which is supposedly in the works, along with a very nominal fine, which Vice Mayor Keon was instrumental in rewriting the Code and making sure that if you cut a specimen tree down or you cut a massive tree down, you paid a

hefty fine. If we are in the process of mitigating that -- and we're not going to finalize the tree design for this project, I want to make sure that later in the future we're not coming back saying, hey, there's a problem because they don't want to put the following caliper of tree or the following specimen of tree, you know, because it costs too much or it's not in the best interest of 760. I want to make sure that we do what's in the best interest of all parties.

Ms. Busot: I agree.

Commissioner Lago: And that there's shade because when you cut 4,000 -- Brook, tell me if I'm wrong. When you cut down over 4,000 square of -- am I correct or no?

Public Services Division Director Dannemiller: About 3,000.

Commissioner Lago: About 3,000. I want to make sure I get it on the record. When you cut down over 3,000 square feet of shade, there's a -- there's something called a heat island effect.

Ms. Busot: Yes.

Commissioner Lago: A heat island effect is when you have a surface parking lot, which is black tar, and then again, the sun hits it, reflects off of it, and it causes an immense amount of heat for the entire neighborhood -- entire neighboring area. So, we want to avoid that. How do you avoid that? You avoid that with a canopy, and that's why...

Ms. Busot: As many as possible.

Commissioner Lago: Trees are so important.

Ms. Busot: I agree, I agree. And hopefully, when the City approves the final parking lot plan, there will be trees on there...

Vice Mayor Keon: Well, I think...

Ms. Busot: As many as possible.

Vice Mayor Keon: That it appears here that the trees that are currently existing that are healthy that are on the parking lot now will remain. You know, I think we need to remember that, no, you shouldn't have cut down a tree. You deserve to be fined for it. But you know, there was a period of -- a very long period of disharmony in the neighborhood and -- with the business and the neighborhood. You know what -- and so, it didn't always work the way it should work due to that disharmony. Thankfully, we have the ability to come together and have this discussion and reach a settlement and, you know, look at it going forward.

Ms. Busot: I appreciate...

Vice Mayor Keon: So...

Ms. Busot: That acknowledgement and...

Vice Mayor Keon: You know...

Ms. Busot: I agree. This is the best solution.

Vice Mayor Keon: You know, so -- you know, and we had talked about this solution for a long time we've talked about this solution, and it took us a while to get there. But you know, we're grateful to the property owner. We are grateful to the residents for hanging in there with us and trusting that we would do what we told you we would do and that we would help you. So, I'm very grateful to you and the residents in the community that hung in there with us and, you know, didn't go ballistic...

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: And stayed with...

Mayor Valdes-Fauli: Thank you, Vicky.

Vice Mayor Keon: Us and worked with us...

Mayor Valdes-Fauli: Thank you.

Ms. Busot: It worked out.

Vice Mayor Keon: To get this done because it did work out. And I mean, I think the purpose of the wall is for headlights because headlights can still go through a...

Mayor Valdes-Fauli: Yeah.

Vice Mayor Keon: Hedge. So, you need the wall. Four feet is -- should be sufficient, but it's to keep headlights from going into the neighborhood. But you can call for a six-foot hedge. I mean, I don't know if that needs...

Unidentified Speaker: Minimum.

City Attorney Ramos: It is. It is...

Vice Mayor Keon: It calls for a six-foot hedge.

City Attorney Ramos: Minimum six foot.

Vice Mayor Keon: So, you...

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: Will have all of the protection and everything that you should need. And going forward, you know, we will trust that the property owner will work in good faith with us and with the neighbors to enhance that whole neighborhood. I've already spoken to the City Manager about once this is done that we can begin to have a discussion with the neighborhood about the aesthetics in general of that area and section of our city...

Ms. Busot: That would be greatly appreciated.

Vice Mayor Keon: So that it has the same aesthetic that we see throughout the rest of the city. So, we're not done.

Ms. Busot: Good.

Vice Mayor Keon: It's the first great step.

Ms. Busot: Good. Thank you so much.

Mayor Valdes-Fauli: Thank you very much.

City Attorney Ramos: I'd also like to thank...

Mayor Valdes-Fauli: Thank you very much, Vicky.

City Attorney Ramos: You, Ms. Busot, and all of your neighbors for coming to the table and working with us and being reasonable. Thank you very much.

Ms. Busot: Thank you so much.

Mayor Valdes-Fauli: There's no other people in the audience that wish to speak.

Commissioner Mena: Somebody...

Mayor Valdes-Fauli: Yes, sir, but fill out a card and I'll recognize you.

Bart Upthegrove: What?

Mayor Valdes-Fauli: Fill out a card.

Mr. Upthegrove: Oh, fill out a card? (INAUDIBLE). Sorry about that.

Vice Mayor Keon: Okay.

City Manager Swanson-Rivenbark: So...

Commissioner Quesada: You can fill it out after.

City Attorney Ramos: Okay, we can take him and he can fill it out.

Commissioner Quesada: Fill it out after.

Vice Mayor Keon: We can take you, and then you can fill it out.

Mayor Valdes-Fauli: What is your name, address and...

Mr. Upthegrove: My name is Bart Upthegrove. I live at 20...

Mayor Valdes-Fauli: I'm sorry, what?

Mr. Upthegrove: Bart Upthegrove. I live at 25 Veragua Avenue, which is not too far from this area.

City Clerk Foeman: Excuse me, Mr. Mayor. Have to swear him in.

Mayor Valdes-Fauli: 25 what?

Mr. Upthegrove: Pardon?

Mayor Valdes-Fauli: 25 what?

Mr. Upthegrove: 25 Veragua...

Mayor Valdes-Fauli: Okay.

Mr. Upthegrove: V-E-R-A-G-U-A.

Mayor Valdes-Fauli: Yeah, yeah.

Vice Mayor Keon: Veragua.

Mr. Upthegrove: The only thing I want to say is...

City Clerk Foeman: Excuse me, sir.

Mr. Upthegrove: The lot...

Mayor Valdes-Fauli: You have to be sworn in.

City Clerk Foeman: You have to be sworn in.

Mr. Upthegrove: Oh, I'm sorry.

City Clerk Foeman: Will you raise your right hand? Do you solemnly swear or affirm that the testimony you will provide this morning will be the truth and nothing but the truth...

Mr. Upthegrove: Yes, I do.

City Clerk Foeman: To the best of your knowledge.

Mr. Upthegrove: Yes, I do.

Mayor Valdes-Fauli: Before you start, excuse me. Anybody else wishes to speak? If anybody else wishes to speak, please fill out a card. Go ahead.

Mr. Upthegrove: Okay. The only thing I want to make sure of -- because I only went to the second mediation meeting, which was a month or so ago, and I found out by accident through Vicky, but the only thing that has me concerned -- I saw the preliminary drawing there. Will the parking lot be a planned design parking lot allowing X amount of spaces per -- you know, designed out because you were talking about -- Commissioner Lago, about canopy and everything. The way it's being used now and the reason why they want valet is they jam the cars in there like a used car lot or like -- I have property in Opa-Locka, and there's -- they bring cars

that are wrecked, you know, from insurance companies. They jam it to capacity. So, that's the only thing -- I certainly want these people to have a successful commercial business. But at the same token, being a resident and I walk around there all the time and it's a big problem, and we are resolving it, thankfully. And I've been meaning to do something myself and I just didn't, but...

Commissioner Quesada: Have you seen the design?

Mr. Upthegrove: Pardon?

Commissioner Quesada: Have you seen the design?

Mr. Upthegrove: I saw the design, but...

Commissioner Quesada: Have you seen how many parking spaces they have?

Mr. Upthegrove: I saw -- it looks like -- yeah, I didn't count it or anything. I saw that, but then I didn't -- to me, the valet was just so you could jam it.

Commissioner Quesada: So, I -- you know, I've driven by quite a bit. I know the area pretty well, and I saw the design. It seems like there's a lot more parking that's coming out of this new design.

Mayor Valdes-Fauli: Yeah. There's going to be a lot more.

Commissioner Quesada: And from the backups that I've -- again, I don't live around there, so I don't have the same experience you do, but it seems like they have ample parking, unless someone tells me otherwise.

City Attorney Ramos: That's correct. I also need to note two things. One, one of the issues with this property and why it's been causing issues in the neighborhood is just the fact that at the time that it was zoned, the parking requirements that we have today were not in place, and that's something we have to deal with. They're grandfathered in. They don't have to work with the parking requirements and that's part of the issue. Regarding valet, though, they are permitted to use valet on that lot and our Code allows for tandem parking, up to three cars, if you have a valet attendant on site. The idea is that by building the and the hedge, we're shielding the neighborhood from seeing, you know, the cars parked in tandem. So, if that's the way they choose to go, they're permitted to do so...

Mr. Upthegrove: Okay.

City Attorney Ramos: Or they cannot have valet and just have people park, if they feel that it's sufficient parking.

Mr. Upthegrove: Okay, fair enough. And one last thing, Patricia Keon, you made a comment about beautification of our area. And in fact, I'm researching that now and I can't seem to get any further with it. There was a beautification process for the median on Ponce, from 8<sup>th</sup> Street up to Southwest 7<sup>th</sup>, Flagler. And I've been calling and calling on it, and the last thing I heard, about a year or so ago, was there was a problem with permitting with the height of the hedges. I'm seeing everything south of 8<sup>th</sup> Street being developed and beautified and...

Vice Mayor Keon: I -- yeah, we had -- I had -- I just had the conversation this week with the City Manager and Mr. Ed Santamaria, and there was a plan. It was made a very long time ago.

Mr. Upthegrove: Right.

Vice Mayor Keon: And I think what we talked about was, you know, familiarizing the neighborhood and the community with that plan and then, you know, looking at whether that's

the plan that best works for you or have -- you know, are there other things that you would rather see. So, there is a plan in place. How long ago was that developed? It's quite...

Mayor Valdes-Fauli: Can I...

Vice Mayor Keon: Some time ago.

Mayor Valdes-Fauli: Can I mention I was Mayor when that...

Vice Mayor Keon: Right.

Mayor Valdes-Fauli: Was beautified.

Vice Mayor Keon: Okay, so this is a...

Mayor Valdes-Fauli: And we made a mistake. We planted those -- we planted jacarandas and Poinciana trees. And jacarandas and Poinciana trees are beautiful for about a month a year and the rest of the time they look awful.

Vice Mayor Keon: Right.

Mayor Valdes-Fauli: Which we didn't count on. We planted them and we saw them when it was May, June whatever. But there -- it was beautified at some point. It's just that we made a mistake in the choice of trees.

Vice Mayor Keon: So, it's an...

Mayor Valdes-Fauli: And we're willing to work at it.

Vice Mayor Keon: It's an opportunity to relook at...

Mr. Upthegrove: Right.

Vice Mayor Keon: What -- you know, more holistically with the neighbors and with everyone to really come up with a plan, to establish a budget, and then to decide how we will fund that.

Mayor Valdes-Fauli: We will do that.

Vice Mayor Keon: And so...

Public Works Director Santamaria: Good morning, Vice Mayor, Mr. Mayor, Commissioners.

Mr. Upthegrove: Thank you very much.

Public Works Director Santamaria: I would like to add also...

Mr. Upthegrove: Thank you.

Public Works Director Santamaria: That one of the delays in this entire process is that there is a water main that is required as part of the improvements in this area, as long as we're going to be doing the work. And so, we've been working with Miami-Dade Water and Sewer on a joint venture agreement to get that done. My understanding is that that water main is under design if it hasn't been designed already, so this project will be moving forward.

Mayor Valdes-Fauli: Okay, thank you. Okay, we've gone off the subject. Do I hear a motion that we approved the settlement?

Vice Mayor Keon: I'll move the -- I'll move it.

City Attorney Ramos: If you'll permit, Mayor.

Mayor Valdes-Fauli: Yes.

City Attorney Ramos: If you -- if someone would like to make a motion, you are resolving to approve the settlement agreement with the exhibit in the substantial form that it is, although, we know that it is not the final exhibit. Obviously, it is going to go through the City process of approvals. And you are also -- in ratifying the settlement agreement and in passing this resolution, you're allowing the two residential lots located at 112 and 120 Avila to be used as a parking lot as a conditional use, although the zoning is not changing.

Mayor Valdes-Fauli: The initiator of this, Vice Mayor Keon, the person responsible for this very good solution has just made a motion. Is there a second?

Commissioner Mena: Second.

Mayor Valdes-Fauli: Alright, will you call the roll, please?

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very much and we will take a five-minute break at this point.

Commissioner Lago: Mayor, can I just make a quick friendly...

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Amendment, if Commissioner Keon -- Vice Mayor Keon will allow me. I want to make sure that once they finalize the design or the proposed design for the landscaping for the neighborhood, that it go back to the residents for at least one look at before...

City Attorney Ramos: They get to look at the wall. If you look at paragraph...

Commissioner Lago: Yeah, I know.

Commissioner Quesada: Paragraph 4.

City Attorney Ramos: Four, thank you. They get to look at two proposed designs for the wall and give their preference within 15 days.

Commissioner Quesada: So...

Commissioner Lago: But I'm talking about -- not the wall. I'm talking about the landscaping.

Vice Mayor Keon: And the landscaping.

Commissioner Lago: Because the landscaping is up in the air. I read this pretty thoroughly and it wasn't in there. So -- and we're talking about -- if we're talking about issues that are up in the air, I want to make sure they get pegged down because later I have a feeling someone is going to say...

Mayor Valdes-Fauli: Right.

Commissioner Lago: Hey, listen, the trees that were chosen -- again, like our very wise Mayor just said, this is the second go-around for him and they planted a tree that only flowers once a year. Let's avoid that. We have great resources. We have Brook here, so let's make a decision once we finalize what trees we're going to use...

City Attorney Ramos: Can I...

Commissioner Lago: Since we're trying to impact shading -- because we lost 3,000 square feet of shading -- let's make sure that we let the residents know before they get chosen.

Mayor Valdes-Fauli: Right.

Assistant City Manager Iglesias: Commissioner Lago, the plans will go through the Board of Architects and through Public Works for -- to make sure that the landscaping and whatever shade trees we have are adequate, and to see what we could do to save as much of the current canopy as we can.

Commissioner Lago: And I'm grateful for that, but I just want to make sure that the residents get at least notified. Here, here's a copy of what's being proposed. If they have any comments -- we don't have to come back to Commission. Just send...

Mayor Valdes-Fauli: Right.

Commissioner Lago: Send the representative of the neighborhood, here's a simple example of what's being called for in reference to 760. And if you have any questions, please join us at the board. That's it.

Commissioner Quesada: One last...

City Attorney Ramos: Commissioner...

Commissioner Quesada: One last thing...

City Attorney Ramos: I'm sorry. Is it an additional amendment?

Commissioner Quesada: It is.

City Attorney Ramos: Okay, then I'm going to ask -- because this is a substantial amendment. We'll hear yours and then, if so, then I'll ask the...

Commissioner Quesada: Go -- yeah, go ahead.

City Attorney Ramos: Moving party if she'd like to accept those amendments.

Commissioner Quesada: Friendly amendment for your consideration, Vice Mayor. Paragraph 4 of the settlement agreement -- you don't have to read it. I'll just summarize it real quick. Within 30 days of demolition, B&B Investment shall provide Vicky Busot with two proposed designs for the subject wall. She has 15 days to express the resident's design preference. If she doesn't respond, then B&B Investment can proceed with the preferred design. It just says may proceed. That's too ambiguous.

City Attorney Ramos: Shall.

Commissioner Quesada: I want something -- it shall...

City Attorney Ramos: Shall.

Commissioner Quesada: And it shall be completed within X amount of time. Because the last thing I want is, oh, yeah, we've been proceeding for the last five years...

City Attorney Ramos: So, in...

Commissioner Quesada: And nothing ever happens.

City Attorney Ramos: Paragraph...

Mayor Valdes-Fauli: Right.

City Attorney Ramos: In Paragraph 3, it gives them 120 days to complete everything.

Commissioner Quesada: Okay.

Mayor Valdes-Fauli: And this is not...

Commissioner Quesada: I didn't catch that.

Mayor Valdes-Fauli: This is not an amendment. This is a new motion because it already passed.

Commissioner Quesada: No, no. I didn't catch that. It's in the -- what paragraph did you say, 8?

City Attorney Ramos: Paragraph 3. It says that they shall -- B&B Investment shall build the parking lot as depicted conceptually in Exhibit A, including paving, drainage, and the masonry wall...

Commissioner Quesada: Okay.

City Attorney Ramos: Within 120 days of the demolition of the residential properties.

Commissioner Quesada: I missed that. Never mind.

Commissioner Lago: Frank, you're so friendly. You're friendly.

Commissioner Quesada: My amendment is not needed.

Commissioner Lago: You're so friendly.

Mayor Valdes-Fauli: Alright. Is that...

Commissioner Quesada: Incorrect.

Commissioner Lago: (INAUDIBLE).

Mayor Valdes-Fauli: Okay, we'll take a five-minute break.

Commissioner Lago: But you're friendly, though.

City Attorney Ramos: That's not an additional amendment.

Vice Mayor Keon: Could you call the roll?

Mayor Valdes-Fauli: What?

City Attorney Ramos: We have...

Vice Mayor Keon: (INAUDIBLE)

City Attorney Ramos: Commissioner Lago's friendly amendment has not been...

Mayor Valdes-Fauli: It's not an amendment. It's a new motion.

City Attorney Ramos: Voted on.

Mayor Valdes-Fauli: We passed it.

Commissioner Quesada: So moved.

Commissioner Lago: Second.

Mayor Valdes-Fauli: Okay, second. Will you call the roll, please?

City Clerk Foeman: Commissioner Lago?

Commissioner Lago: Yes.

City Clerk Foeman: Commissioner Mena? Commissioner Quesada.

Commissioner Lago: Hold on. He's got a few points he wants to make.

Commissioner Mena: Is it an amendment or not? I'd like the City...

Mayor Valdes-Fauli: It is not an amendment because the other one passed.

Commissioner Mena: I'd like the City Attorney, though, to explain it.

Vice Mayor Keon: The amendment is that the...

Commissioner Mena: Right, but there's legal implications of what we vote on, guys, and we need...

Mayor Valdes-Fauli: It's a new motion.

Commissioner Mena: The City Attorney to...

Mayor Valdes-Fauli: Okay, let me...

Commissioner Mena: Advise us.

Mayor Valdes-Fauli: Tell you what it is. It's a new motion to amend the old motion.

City Attorney Ramos: It's a motion to make an amendment...

Mayor Valdes-Fauli: Amend what we just passed.

City Attorney Ramos: To the motion.

Commissioner Mena: Right.

City Attorney Ramos: So, I'm asking the mover if she accepts the amendment.

Commissioner Mena: Right.

Vice Mayor Keon: Yeah. The amendment was that the residents will...

Mayor Valdes-Fauli: I'm sorry.

Vice Mayor Keon: Be...

Mayor Valdes-Fauli: This is not an amendment. The other one passed. It's there already. It's an ordinance...

Vice Mayor Keon: Yeah, it's in there.

Mayor Valdes-Fauli: Already.

City Attorney Ramos: Yeah.

Mayor Valdes-Fauli: What he's doing is...

Vice Mayor Keon: Do you...

Mayor Valdes-Fauli: Making a motion to amend what has just passed. She doesn't have to accept anything. Go ahead. It's been...

Vice Mayor Keon: Okay, but what is...

Mayor Valdes-Fauli: And second.

Vice Mayor Keon: Your item? What is your...

Commissioner Lago: No. My item is very simple, like I mentioned, that the -- that members of the community who live in the vicinity of this 760 Ponce, that they have -- prior to it going to

either, you know, the Board of Architecture or Planning and Zoning or whatever reviews it has to with the City, that they have a review of what is being called for...

Vice Mayor Keon: That they have input into it.

Commissioner Lago: In regards to the landscaping (INAUDIBLE) -- landscaping scope.

Vice Mayor Keon: Yes, that you have input into...

Commissioner Lago: That's it, very simple.

Vice Mayor Keon: That design.

Commissioner Lago: So, that they have an understanding and they can make...

Mayor Valdes-Fauli: Okay, continue calling the roll.

Commissioner Lago: And they can give their input, and they can give their input in regards...

Vice Mayor Keon: Perfect.

Commissioner Lago: To shading. That's it.

Vice Mayor Keon: Okay, perfect.

City Attorney Ramos: Is there a motion to reopen the previously held vote in order to add that additional condition?

Commissioner Quesada: That was my motion.

Commissioner Lago: Second.

City Attorney Ramos: Okay, now I need a motion on whether we want to add the condition.

Vice Mayor Keon: Yes.

Commissioner Lago: Second.

City Attorney Ramos: Could we call the roll, please?

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Vice Mayor Keon: And I have all the faith in the world that...

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: We will move forward in good faith and not extraordinarily burden either the business or the residents in coming to the resolution of this problem. You have a good relationship at this point. It is my hope that you will continue.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: Thank you.

Commissioner Lago: Thank you.

City Attorney Ramos: Thank you.

Mayor Valdes-Fauli: Ten-minute break.

[End: 10:28:54 a.m.]