

1 CITY OF CORAL GABLES  
2 CONSTRUCTION REGULATION BOARD  
3 VERBATIM TRANSCRIPT  
4 CORAL GABLES CITY HALL  
5 405 BILTMORE WAY, COMMISSION CHAMBERS  
6 CORAL GABLES, FLORIDA  
7 MONDAY, SEPTEMBER 14, 2015, COMMENCING AT 2:08 P.M.

8 Board Members Present:

9 Rolando Diaz, Chairman  
10 Jill Daley  
11 Eugenio Lage  
12 Walter Lista  
13 Anthony Bello

14 City Staff and Consultants:

15 Manuel Lopez, Building Official  
16 Virginia Goizueta, Building Service Coordinator  
17 Yaneris Figueroa, Assistant City Attorney  
18 Belkys Garcia, Board Secretary  
19 Alexander Palenzuela, Esq.  
20 Robert Lowman, Fire Marshal

1           (Thereupon, the following proceedings were  
2 held.)

3           CHAIRMAN DIAZ: Good afternoon. The  
4 meeting for the Construction Regulation Board  
5 for September 14th is called to order.

6           Before we start with the preamble, I would  
7 like to introduce a new member of this Board,  
8 Mr. Anthony Bello. He's going to be working  
9 with us, I believe, for the foreseeable future.

10          Okay. Welcome to the regularly scheduled  
11 meeting of the City of Coral Gables  
12 Construction Regulation Board. We are  
13 residents of Coral Gables and are charged with  
14 maintaining the proper standard of construction  
15 in the City by enforcing the construction laws  
16 in force and effect within the City, including,  
17 but not limited to, licensing laws, Building  
18 Codes, and land development regulations  
19 including municipal, County and state, with  
20 construction contractors, subcontractors must  
21 comply with within the performance of their  
22 professions.

23          Any person who acts as a lobbyist pursuant  
24 to the City of Coral Gables Ordinance 2006-11,  
25 must register with the City Clerk prior to

1 engaging in lobbying activities or  
2 presentations before City Staff, Boards,  
3 Committees and/or the City Commission. A copy  
4 of the ordinance is available in the Office of  
5 the City Clerk. Failure to register and  
6 provide proof of registration shall prohibit  
7 your ability to present to the Construction  
8 Regulation Board in cases under consideration  
9 this afternoon.

10 Anyone who has any question about the  
11 lobbyist, you may contact the City Attorney on  
12 it.

13 I now officially call the City of Coral  
14 Gables Construction Regulation Board meeting of  
15 September 14th to order. The time is 2:08, and  
16 we're going to make the roll call now for the  
17 members.

18 THE SECRETARY: Mr. Bello?

19 MR BELLO: Yes, present.

20 THE SECRETARY: Ms. Daley?

21 MS DALEY: Present.

22 THE SECRETARY: Mr. Lage?

23 MR. LAGE: Present.

24 THE SECRETARY: Mr. Lista?

25 Let the record show Mr. Lista is absent.

1 Mr. Diaz?

2 CHAIRMAN DIAZ: Present.

3 Okay. The first order of business will be  
4 the approval of the minutes for August 10th,  
5 2015.

6 MS. DALEY: I'll make a motion to approve  
7 the minutes.

8 MR. LAGE: I'll second.

9 CHAIRMAN DIAZ: Okay.

10 THE SECRETARY: Mr. Bello?

11 MR. BELLO: Yes.

12 THE SECRETARY: Ms. Daley?

13 MS. DALEY: Yes.

14 THE SECRETARY: Mr. Lage?

15 MR. LAGE: Yes.

16 THE SECRETARY: Mr. Lista is absent.

17 Mr. Diaz?

18 CHAIRMAN DIAZ: Yes.

19 THE SECRETARY: Okay. The motion passes.

20 CHAIRMAN DIAZ: The first item on the  
21 agenda is -- do we have to swear in any person  
22 who is going to be testifying?

23 MR. PALENZUELA: Normally, at this point,  
24 any of the respondents or their witnesses, who  
25 have come to testify, would stand up and be

1 sworn in, and so would the City witnesses.

2 I recommend that you swear in Ms. Goizueta,  
3 in case there will be any testimony.

4 CHAIRMAN DIAZ: Then she should introduce  
5 herself to the members in the audience and let  
6 the people know who she is and she can swear  
7 her in.

8 MS. GOIZUETA: Okay. My name is Virginia  
9 Goizueta, and I'm the Building Service  
10 Coordinator for the Development Services of the  
11 City of Coral Gables.

12 (Thereupon, all participants were sworn.)

13 THE SECRETARY: I want the record to show  
14 that Mr. Lista has come in.

15 CHAIRMAN DIAZ: Okay. The first item on  
16 the agenda is Item Number 15-4251, 218  
17 Antiquera Avenue. The Folio Number is  
18 03-4108-009-0620.

19 MS. FIGUEROA: Mr. Chair, for purposes of  
20 the record, can you read them in English,  
21 please?

22 CHAIRMAN DIAZ: I'm sorry. 218.

23 MR. PALENZUELA: Okay. Mr. Chairperson and  
24 Board Members, I'm Alexander Palenzuela,  
25 outside counsel for the City of Coral Gables.

1 I'm prosecuting the unsafe structure cases,  
2 along with Virginia Goizueta, and normally we  
3 would be calling the cases, but we have  
4 agreement on all six of the cases that are on  
5 the agenda.

6 So what I would like to do is, approach the  
7 bench and hand the Chairperson the first  
8 proposed order, and also distribute copies of  
9 one of the orders, so that all of the Board  
10 Members can see what they provide for, and if  
11 you have any questions, I'll be happy to answer  
12 them.

13 CHAIRMAN DIAZ: Okay.

14 MR. PALENZUELA: Okay. Those are for 114  
15 Calabria Avenue.

16 CHAIRMAN DIAZ: Everybody has the same --

17 MR. PALENZUELA: Yes. Those forms that I  
18 handed you together is so that each Board  
19 Member has a form, and then the one that's not  
20 stapled is the one for the first case, 218  
21 Antiquera Avenue.

22 Mr. Saenz is here. He arrived at the  
23 hearing prepared to go forward. I proposed the  
24 agreed order, because he actually has his  
25 report for the re-certification; however, it's

1 incomplete, so he can't submit it.

2 And so the proposed order will give him 30  
3 days in which to submit his completed report,  
4 allow the Building Department to review it,  
5 both for building and electrical, and then  
6 he'll have the remainder of those 30 days to  
7 apply for any required permits.

8 He believes he's fully compliant. If he  
9 is, the case is over. But if he's not, then  
10 he'll have another 30 days to obtain the  
11 permits, and 20 days from that date to pass the  
12 inspection on the required permits and submit  
13 the compliance report.

14 CHAIRMAN DIAZ: Remember, we have the first  
15 case, and that's typical for every order?

16 MR. LAGE: I'm a little confused. We have  
17 218 Antiquera. What is the --

18 MR. PALENZUELA: The terms of the orders  
19 are all the same, but I only brought five of  
20 the case that we have before -- that's Number 2  
21 on the agenda, rather, because there was no  
22 indication --

23 MR. LAGE: Excuse me, so you're saying,  
24 this is the same?

25 MR. PALENZUELA: It's the same terms, if

1           you look at them. I'll be happy to go through  
2           them with you. You know, they have the same  
3           recitals and findings of fact, that differ, of  
4           course, according to the actual dates of the  
5           case, the address, but the terms are all the  
6           same, depending on, again, where they are in  
7           the process.

8           MR. LAGE: And it's proper and legally to  
9           do that?

10          MR. PALENZUELA: Well, you're not entering  
11          that order now. I am just showing you that so  
12          you can see what the standard terms are, and,  
13          then, when we get to that case, I'll focus  
14          specifically on what that order says.

15          MR. LISTA: In other words, there are five  
16          of this?

17          MR. PALENZUELA: There's five of 114  
18          Calabria, and then the others, you know, when  
19          we get to the case.

20          MR. LISTA: And they have 120 days to  
21          comply?

22          MR. PALENZUELA: It depends on the status  
23          of each case. I'll show you that in the next  
24          case.

25          In this one, they don't have a report in,



1 so they normally would get time to do that.  
2 The first 30 days of the agreed time period is  
3 for them to submit their report, and if they  
4 need to apply for permits, they'll have that  
5 much time.

6 MR. LISTA: Well, I drove by all of the  
7 five sites, and they looked pretty good.  
8 Structurally, they should be okay. It's  
9 probably all electrical and lighting, parking  
10 and so forth.

11 So I think we can wait --

12 MR. PALENZUELA: Mr. Saenz, he has a bill  
13 from his expert. He's here.

14 MR. LAGE: I can ask you a question?

15 MR. PALENZUELA: Yes.

16 MR. LAGE: Can you explain to me, how do  
17 you reach this agreement, specifically? What  
18 was the -- if you can explain to me, what was  
19 the agreement?

20 MR. PALENZUELA: The order in front of  
21 Mr. Diaz, that he's holding, is the terms of  
22 the agreement here.

23 CHAIRMAN DIAZ: Let me see if I can  
24 clarify. Let me get some excerpts of what the  
25 order says for the members.

1           The order says, first required action, the  
2           owner shall apply for the required permits --  
3           first has to submit a report, and then he has  
4           to apply for the required permits, to meet the  
5           minimum requirement, as noticed in the report,  
6           within 30 days of the date of this order.

7           MR. LISTA: Correct.

8           CHAIRMAN DIAZ: So I understand that in  
9           this case, he has the report.

10          MR. PALENZUELA: It's incomplete, so he  
11          can't submit it, but even if he did submit it  
12          now --

13          CHAIRMAN DIAZ: But after the date of this  
14          order, he has 30 days. If he hasn't submitted  
15          a report, my concern is that in those 30 days,  
16          the City will have time to review that report,  
17          and tell him what the required permits are.

18          If he requires permits, the City will  
19          require a certain progress, to be revised and  
20          to be approved by the City. So I don't know,  
21          and I would like the opinion of Mr. Lopez, the  
22          Building Official, if 30 days is enough time to  
23          accomplish that.

24          I think, in my opinion, we should separate  
25          a time to submit a report, and a time, after

1 that report is submitted, for the City to issue  
2 the permits.

3 MR. PALENZUELA: We might want to swear Mr.  
4 Lopez in.

5 (Thereupon, Manuel Lopez was sworn.)

6 MR. LOPEZ: I do.

7 We have time. If they bring in -- they'll  
8 have 30 days to bring in their report. Once  
9 they bring it in, we review the report. It is  
10 a very short -- it takes a very short time.  
11 The electrical official will look at it. I  
12 will look at it in the same day.

13 And, then, if in the report it says that  
14 they need to do repairs, they have to get  
15 permits, and they won't know until they get  
16 here.

17 Then they'll have the time, 30 days, to get  
18 the permits.

19 CHAIRMAN DIAZ: To get the permits.

20 MR. LOPEZ: And 120 days to do the repairs.

21 CHAIRMAN DIAZ: Basically, that's, for the  
22 Members of the Board --

23 MR. LOPEZ: And after the work is done,  
24 they'll have to bring in another report that  
25 says everything is done, the building can be

1 re-certified.

2 CHAIRMAN DIAZ: So everything is clear.

3 He has 30 days to submit the report. Then  
4 the City has 30 days to issue permits on  
5 whatever is necessary on that.

6 And then he has 120 days to finish whatever  
7 work needs to be done.

8 MR. PALENZUELA: And to submit a compliance  
9 report, if required.

10 CHAIRMAN DIAZ: And to submit a compliance  
11 report, but as far as now, after 120 days, if  
12 we have the final inspections from the City, at  
13 least we know that everything has been done in  
14 accordance with the City's requirements. It's  
15 just the report missing.

16 MR. PALENZUELA: Right.

17 Well, because this is a re-certification  
18 case, it's not just about passing final  
19 inspection with the permits. They also have  
20 to submit a letter from their engineer or  
21 architect, saying that the building is now  
22 safe.

23 CHAIRMAN DIAZ: I know that. I'm just  
24 telling them, if time elapses a little bit,  
25 because some engineers, like me, takes a little

1 bit more time to do things, at least this  
2 Board -- he can come to this Board and state to  
3 this Board that he has the final inspection  
4 from the City.

5 So, at least, for this Board, for me, it  
6 will indicate that the building is safe.

7 MR. PALENZUELA: Right.

8 Now, because these are agreed orders,  
9 there's also a paragraph that if for good  
10 cause, beyond the control of the respondent,  
11 they need an extension of time, they can  
12 request that.

13 CHAIRMAN DIAZ: Okay.

14 MS. DALEY: Are you saying that they've  
15 already done the 40-year re-certification, but  
16 the report is incomplete?

17 MR. PALENZUELA: What happened was, we just  
18 found now, when Mr. Saenz came in before the  
19 hearing started, that he actually paid his  
20 architect or engineer to provide the report,  
21 but it was completed August 13th, and he was  
22 going to turn it in, but the report was missing  
23 the electrical part of the report.

24 So we handed it back to him, so that he  
25 could submit the entire report.

1           Apparently he paid for the electrical  
2           portion, in order to be prepared. That's what  
3           I saw, but he can't submit it.

4           I think sometime in August, I think, the  
5           13th, the report was done, but he thought his  
6           engineer would submit it directly to the City,  
7           as, I guess, has happened in other properties  
8           that he owns, but not in this case.

9           So we just found out now, and, then,  
10          because it's incomplete, the City can't accept  
11          it.

12          CHAIRMAN DIAZ: One of the concerns that I  
13          have is, even if the report is not completed,  
14          the 40 years were March 1st, 2013. So it took  
15          two and a half years for the owner to do the  
16          report.

17          MR. PALENZUELA: Right.

18          CHAIRMAN DIAZ: I just want that to be on  
19          the record, that, you know, everything is very  
20          behind where it should have been done.

21          This is the 40-year or this one is the  
22          50-year?

23          MR. PALENZUELA: The structure was built in  
24          1953, according --

25          CHAIRMAN DIAZ: In 1953. So that means

1           there's no report for that structure since it's  
2           been built.

3           MR. PALENZUELA:   Right.

4           CHAIRMAN DIAZ:   So that's 60 something  
5           years old.

6           MR. PALENZUELA:   Right.

7           CHAIRMAN DIAZ:   And this is the first  
8           report.

9           MR. PALENZUELA:   Well, I don't know about  
10          that, and we're not here on the prior reports.  
11          The City --

12          CHAIRMAN DIAZ:   No, I just want to make  
13          that on record, and be clear that this is kind  
14          of urgent, because the time from when the  
15          property was built was almost 60 years, that  
16          the City has no information with regard to that  
17          property, electrical and safety-wise.

18          MR. PALENZUELA:   So Mr. Saenz is here.  He  
19          believes he may even be compliant.  If his  
20          report shows he's compliant and the review of  
21          the Building Department reveals that the report  
22          is satisfactory, he may actually be in  
23          compliance.

24          Obviously he's heard your comments and he  
25          takes this very seriously.

1 CHAIRMAN DIAZ: Well, the fact that he's  
2 here tells me that he wants to do this.

3 MR. PALENZUELA: Right.

4 CHAIRMAN DIAZ: Okay.

5 Demolition by the owner, if the owner  
6 decides to demolish the property, they have to  
7 be issued a permit and he has to go through  
8 the --

9 MR. PALENZUELA: Right. The time periods  
10 for that are a lot shorter, and, you know, the  
11 City doesn't tell people how to comply. It  
12 gives them options.

13 There is one owner who is demolishing. Not  
14 in this case. So that was in there.

15 But we have Mr. Saenz, and had he  
16 approached me before, the proposed order  
17 wouldn't even have that language in there about  
18 demolishing.

19 CHAIRMAN DIAZ: Okay. I think this order  
20 is, in my opinion, an improvement of whatever  
21 has happened prior to. At least we're getting  
22 the owners involved with the City, and the City  
23 giving some time for them to solve the  
24 problems. So I think it's a first huge step  
25 going forward of what's been happening.



1           Me, personally, I agree with the order.  
2           You are the attorney.

3           At least the order complies with really  
4           what we want to happen with that property.

5           MR. PALENZUELA: Then, if the Board finds  
6           it satisfactory --

7           MS. FIGUEROA: Excuse me, for purposes of  
8           the record, Mr. Lista, you indicated that you  
9           visited all of the properties; is that correct?

10          MR. LISTA: I drove by all of the  
11          properties. One of my purpose was to see --  
12          I'm a structural engineer -- if I saw anything  
13          ready to fall or dangerous, then I would bring  
14          it to the attention of the Board, saying, "This  
15          is a dangerous situation and we have to act  
16          quickly."

17          And all of the buildings looked well  
18          maintained.

19          MR. FIGUEROA: Do you feel like your  
20          visiting the properties affected your  
21          impartiality in this cases in any way?

22          MR. LISTA: No. That's part of my -- I  
23          thought that was part of my work.

24          MS. FIGUEROA: Well, no, we are not  
25          supposed to be visiting the properties.

1 MR. LISTA: I didn't visit. I drove by the  
2 street.

3 MS. FIGUEROA: Right, but we're not  
4 supposed to do that with the intent of  
5 familiarizing ourselves with the properties.  
6 This is a quasi-judicial proceeding, so we need  
7 to be very careful about that.

8 MR. LISTA: So you're going to stop me from  
9 driving by?

10 MS. FIGUEROA: You're not supposed to, with  
11 the intent of familiarizing yourself with these  
12 properties, no. If it's on your way to work, I  
13 mean, it's on your way to work, but you're not  
14 supposed to drive there with that intent.

15 MR. LISTA: Okay.

16 CHAIRMAN DIAZ: Prior to us having a vote  
17 of the approval of the order, I would like the  
18 City Fire Marshal here, I would like for him  
19 to -- there was a question about this Board, at  
20 the prior meeting, if this property has been  
21 inspected and you inspect on a yearly basis  
22 every property in the City.

23 I don't know if this property has a fire  
24 alarm system. How does that work, Chief, in  
25 regard to inspections that the City does? I

1 think this Board wants to be familiarized with  
2 the Fire inspection, because that's an issue  
3 that we are really concerned about.

4 MS. FIGUEROA: If we could just swear the  
5 Chief in.

6 (Thereupon, Chief Lowman was sworn.)

7 MR. LOWMAN: I do.

8 And for the record, I'm Robert Lowman,  
9 L-O-W-M-A-N. I'm a Division Chief and Fire  
10 Marshal for the City of Coral Gables Fire  
11 Department.

12 I'll start with the first question, do we  
13 inspect every building every year? We are  
14 tasked to inspect all standard structures that  
15 are commercial properties. That includes  
16 condominium, apartments, hotels, business  
17 buildings, you know, auditoriums, et cetera.

18 We do not do single family homes or  
19 duplexes or triplexes. We only do large  
20 multi-family residentials only.

21 Currently, we have met, for the last three  
22 years, our requirement of inspecting all  
23 structures and all spaces within the  
24 structures, all businesses within those  
25 structures. There's roughly 1,600 structures

1 that we inspect, and about 4,600 business  
2 locations that we inspect each year. So, I  
3 guess, for the last three years, we have  
4 inspected all of them.

5 CHAIRMAN DIAZ: Chief, is there any way --  
6 and I don't want to put some burden on work,  
7 more than what you have. I know you're pretty  
8 busy -- is there any way that in cases that  
9 we're going to hear at this Board, we should  
10 have some information of when the last fire  
11 inspection was done, because, at least for me,  
12 it's a concern, if it has been inspected  
13 fire-wise and passed during the last year.

14 MR. LOWMAN: I understand. My  
15 understanding is that this is the same package  
16 you have, and the back of the package does have  
17 a copy of the last fire inspection. I assume  
18 they requested it from our office.

19 I'm sorry, we have it. It is here. I'm  
20 referring to 214 to 218 Antiquero. It's an  
21 apartment building. The last inspection date  
22 was November 5th, 2014. Inspector Vike  
23 (phonetic) inspected the location.

24 According to Inspector Vike, he found no  
25 violations of the Fire Code at that time.

1           Brief history, there are some subtle  
2 differences between the way the Fire Code is  
3 interpreted and applied, as it applies to  
4 existing buildings, as opposed to the Building  
5 Code.

6           The Building Code changes each year. They  
7 don't expect the buildings to change every  
8 year. They remodel accordingly.

9           Whereas the Fire Code, when they have the  
10 changes, everything becomes more stringent, and  
11 if the location does not meet that, it is  
12 applied to existing buildings. If there's an  
13 existing building requirement, and we have  
14 buildings that were built in the '20s here,  
15 obviously they don't meet today's Fire Codes,  
16 we have places that we consider to be existing  
17 non-compliant.

18           We evaluate the change. The structure may  
19 or may not be able to accommodate that,  
20 especially some of the older apartments, for  
21 example.

22           When we have a change, we will look at what  
23 that requirement is, what the intent of the  
24 NFPA, was the National Fire Protection  
25 Association, what they had in mind for that

1 requirement, and we look to see if, in that  
2 location, not having that poses a significant  
3 life safety hazard of any type or fire hazard  
4 of any type.

5 If we feel, yes, it needs to be addressed,  
6 then we will meet with the owners. "You must  
7 comply with this." Or they can come back and  
8 give me -- you know, they may look at an  
9 alternative that I, as the authority having  
10 jurisdiction, will evaluate and accept in lieu  
11 of that requirement.

12 For example, we have a lot of noncompliant  
13 egress, like old stairs, not enough stairs,  
14 stairs aren't isolated from the rest of the  
15 building, because, you know, the buildings go  
16 back before air conditioning, for example, and  
17 we need the natural flow of air to the  
18 building. So the ingress and egress would  
19 rapidly become a problem.

20 So in places like that, they may install  
21 automatic fire sprinklers. They may put  
22 automatic fire detection and a fire alarm  
23 system, so that we have quicker detection and  
24 notification to the occupants that they need to  
25 be moving on out, because their exiting may

1           become compromised quicker.

2           So there are things that we do, along those  
3           lines, and that happens every time the new Code  
4           comes out. We look at those buildings. In  
5           particular, like I said, these older buildings.

6           You know, if there's a case coming to you,  
7           they can always ask -- you know, send us the  
8           address, and we can bring up the last fire  
9           report, if there's open violations, if there's  
10          no violations, you know, whatever the status  
11          is. We can certainly supply that.

12          CHAIRMAN DIAZ: So if you would like to  
13          entertain a motion to approve the order for  
14          Case Number 15-4251.

15          MR. LAGE: Well, I want to hear from the  
16          gentleman.

17          CHAIRMAN DIAZ: Sir, can you come up? Mr.  
18          Lage has some questions.

19          MR. LAGE: I'd like to hear the owner's  
20          intention. It's always good to hear it.

21          (Thereupon, Mr. Saenz was sworn.)

22          MR. SAENZ: I do.

23          My full name is Carlos A Saenz.

24          MR. LAGE: Good afternoon, Mr. Saenz, and  
25          thank you for coming.

1           You agree with the order that the City has  
2 put on your property, right?

3           MR. SAENZ: Yes, I have agreed to it.

4           MR. LAGE: Okay. And you're very clear  
5 about all of the issues and all of that, that  
6 potentially needs to be taken care of?

7           I just want to hear it from you.

8           MR. SAENZ: Well, the issue that I'm --

9           MR. LAGE: Any concerns that you have?

10          MR. SAENZ: The issue that I understand is  
11 that my ten-year re-certification has not been  
12 completed. As I explained to the attorney  
13 here, we gave the order to the engineer to  
14 provide the inspection. Normally, in the past,  
15 they send the report directly to the City of  
16 Coral Gables, and that's what we have done in  
17 the past.

18          This time, he didn't send it. And when we  
19 reviewed the file, we found out that the report  
20 was in our hands, and that's the one that I  
21 intended to turn over to the City.

22          However, the report is not complete. Let's  
23 put it that way.

24          CHAIRMAN DIAZ: Okay. Have you given the  
25 order to the engineer to complete the report in



1 a certain time?

2 MR. SAENZ: We already paid him in full for  
3 the full report.

4 CHAIRMAN DIAZ: Have you talked to him and  
5 told him that you need the completion of the  
6 report as urgent as he can do it?

7 MR. SAENZ: No, I haven't talked to him. I  
8 will talk to him now, because this is something  
9 new that came in.

10 MR. PALENZUELA: If I may, I think he  
11 discovered the report was incomplete when he  
12 tried to submit it just now, before the  
13 hearing, and we notified him that the  
14 electrical portions were missing.

15 CHAIRMAN DIAZ: Anyway, if he doesn't  
16 comply within 30 days, he will be back here  
17 next month.

18 MR. SAENZ: Let's hope not.

19 MR. LAGE: Mr. Chair, I make a motion to  
20 agree with the recommendation of the City  
21 Attorney.

22 MS. DALEY: I'll second it.

23 MR. LAGE: Thank you, sir.

24 CHAIRMAN DIAZ: A vote.

25 THE SECRETARY: Mr. Bello?

1 MR. BELLO: Yes.

2 THE SECRETARY: Ms. Daley?

3 MS. DALEY: Yes.

4 THE SECRETARY: Mr. Lage?

5 MR. LAGE: Yes.

6 THE SECRETARY: Mr. Lista?

7 MR. LISTA: Yes.

8 THE SECRETARY: Mr. Diaz?

9 CHAIRMAN DIAZ: Yes.

10 THE SECRETARY: The motion passes.

11 MR. PALENZUELA: Now that the Board -- Ms.  
12 Goizueta is asking about the procedure. Now  
13 that the Board has signed the order, we'll be  
14 scanning it and e-mailing it to the owner and  
15 any interested parties. In this case, there  
16 are no lienholders that I'm aware of.

17 We'll also send him instructions on how to  
18 pay for the administrative costs, as discussed  
19 with the owner before.

20 CHAIRMAN DIAZ: The second case on the  
21 agenda is 15-4252, 101 Almeria Avenue. The  
22 Folio Number is 03-4117-005-3050.

23 Is there anyone in the audience for 101  
24 Almeria Avenue?

25 MR. PALENZUELA: We have an agreed order in

1           this case, so I informed the respondents, when  
2           we had an agreed order, that they do not need  
3           to appear or send their representative.  
4           However, if the Board, for any reason, chooses  
5           not to enter the order as agreed to, then, of  
6           course, we will give them the opportunity to  
7           adjourn and come next time.

8           CHAIRMAN DIAZ: The order is basically the  
9           same one that we read?

10          MR. PALENZUELA: All of the general terms  
11          are going to be the same. You know, obviously  
12          the facts may be different from case to case,  
13          as I said, as to the dates and the deadlines,  
14          but the important thing for the Board to  
15          consider is, each case is different as to where  
16          they are in the compliance.

17          This one has a deadline of 30 days to apply  
18          for all of the required permits and obtain them  
19          within 30 days after the application is  
20          complete, no later than 60 days from the date  
21          of the order.

22          CHAIRMAN DIAZ: Do you have a report on  
23          this one?

24          MR. PALENZUELA: I'm sorry?

25          CHAIRMAN DIAZ: Do you have a report?

1 MR. PALENZUELA: Yes.

2 CHAIRMAN DIAZ: The 40-year? Do you have  
3 the report from the engineer for the 40 years  
4 in this case?

5 MR. PALENZUELA: Yes, we do.

6 CHAIRMAN DIAZ: You have it? So he can  
7 apply straight to the permits now?

8 MR. PALENZUELA: Yes. They have applied  
9 for re-certification. However, it was rejected  
10 by both, electrical and structural.

11 CHAIRMAN DIAZ: Okay. So he has to revise  
12 that before he submits it again?

13 MR. PALENZUELA: Correct. That time  
14 limitation that we gave him to correct the  
15 violations has elapsed. That's why he entered  
16 into an agreement.

17 CHAIRMAN DIAZ: Can he revise the report in  
18 30 days, because he cannot, in my opinion,  
19 revise the report and obtain permits in 30  
20 days?

21 MR. PALENZUELA: No. The procedure -- the  
22 report already shows that the building has  
23 deficiencies. So the procedure is, now he has  
24 to apply for whatever permits are required, in  
25 order to correct those deficiencies. He

1 doesn't need to submit an amended report now.

2 CHAIRMAN DIAZ: He doesn't have to submit a  
3 new report? All he has to do is apply for the  
4 permit, to make the corrections that the report  
5 needed?

6 MR. PALENZUELA: Right, and then he gets 30  
7 days to apply, 30 days to obtain the permits,  
8 and 120 to pass the final inspection. So it's  
9 a total of six months.

10 At that point, he's got to submit an  
11 updated report from his engineer or architect,  
12 saying that now the building is compliant.

13 CHAIRMAN DIAZ: Okay.

14 MR. PALENZUELA: So that's the proposed  
15 order that we do have now.

16 CHAIRMAN DIAZ: It's fine. I have it here.

17 MR. PALENZUELA: Well, this is a different  
18 one, for your signature, once it's approved by  
19 the Board for this case. That's the agreed  
20 order for 101 Almeria.

21 CHAIRMAN DIAZ: The other terms are  
22 basically the same terms?

23 MS. GOIZUETA: I also have the information  
24 from the Fire Marshal, and there were no  
25 violations noted during the inspection on June

1 10, 2015.

2 CHAIRMAN DIAZ: Okay. That's good news.

3 If the Board has any questions, or if the  
4 Board accepts this agreement, we need a motion  
5 and a second.

6 MR. LISTA: I second.

7 CHAIRMAN DIAZ: Do you put a motion?

8 MR. LISTA: You said that --

9 CHAIRMAN DIAZ: I will need a motion. I  
10 would like for a motion. As the Chairman, I  
11 try to avoid putting the motion.

12 So I would like --

13 MS. DALEY: I will make the motion to  
14 accept the proposal.

15 MR. LISTA: I second it.

16 CHAIRMAN DIAZ: Okay. The motion to  
17 approve the agreement for 101 Almeria Avenue,  
18 Case Number 15-4252, has been made, a motion  
19 and a second.

20 THE SECRETARY: Mr. Bello?

21 MR. BELLO: Yes.

22 THE SECRETARY: Ms. Daley?

23 MS. DALEY: Yes.

24 THE SECRETARY: Mr. Lage?

25 MR. LAGE: Yes.

1 THE SECRETARY: Mr. Lista?

2 MR. LISTA: Yes.

3 THE SECRETARY: Mr. Diaz?

4 CHAIRMAN DIAZ: Yes.

5 THE SECRETARY: Motion passes.

6 CHAIRMAN DIAZ: Case Number 15-4253, 114

7 Calabria Avenue. The Folio Number is

8 03-4108-009-0990. Is there anyone in the

9 audience from 114 Calabria Avenue?

10 MR. PALENZUELA: That's the order I

11 circulated five copies of, so you could

12 familiarize yourselves.

13 CHAIRMAN DIAZ: It's basically the same

14 order?

15 MR. PALENZUELA: Right. We heard from the

16 attorney for the management company and we were

17 able to enter into an agreed order.

18 CHAIRMAN DIAZ: It's basically the same

19 order, and the terms are the same?

20 MR. PALENZUELA: Right. Except, in this

21 case, the property owner had submitted a report

22 that showed deficiencies. They actually

23 corrected all of them, except for one, where

24 they need to put LED lights in the parking lot.

25 So the agreement is, they have some time to

1 -- they've actually applied for the permit, and  
2 it's ready to go. They need to do the work.

3 So they're getting 120 days to complete the  
4 work and submit an updated report showing  
5 they're fully compliant.

6 CHAIRMAN DIAZ: Okay. If the Board agrees  
7 with the order that was done by the City --

8 MS. GOIZUETA: Also, I wanted to let you  
9 know that the Fire Department inspected the  
10 property back in November of 2014 and no issues  
11 were noted. It's pending the 2015 inspection.

12 CHAIRMAN DIAZ: It's not a year.

13 So if the Board agrees with the order, I  
14 will need a motion and a second.

15 MS. DALEY: I'll make the motion to accept  
16 the 30-day order.

17 MR. LISTA: I second.

18 CHAIRMAN DIAZ: The motion has been done  
19 and second.

20 THE SECRETARY: Mr. Bello?

21 MR. BELLO: Yes.

22 THE SECRETARY: Ms. Daley?

23 MS. DALEY: Yes.

24 THE SECRETARY: Mr. Lage?

25 MR. LAGE: Yes.



1 THE SECRETARY: Mr. Lista?

2 MR. LISTA: Yes.

3 THE SECRETARY: Mr. Diaz?

4 CHAIRMAN DIAZ: Yes.

5 THE SECRETARY: The motion passes.

6 CHAIRMAN DIAZ: Next item on the agenda is  
7 Case Number 15-4254, 108 Menores Avenue. The  
8 Folio Number is 03-4108-009-3760.

9 Anybody in the audience for 108 Menores  
10 Avenue?

11 CHAIRMAN DIAZ: Okay. In this case, the  
12 owner elected to demolish the structure. So  
13 the proposed order I'm about to hand Mr. Diaz  
14 provides for 15 days to obtain the demolition  
15 permit, that they have already applied for, and  
16 then 15 days beyond that to pass final  
17 inspection on that property.

18 MS. GOIZUETA: The Fire inspection was done  
19 on March 5th, 2015, and there were issues  
20 found.

21 MS. DALEY: Do we know if the permit to  
22 demolish has actually been entered yet?

23 MR. PALENZUELA: Yes. They applied for a  
24 demo permit back in July 2015. They're very,  
25 very close to getting the permit.

1 MR. LAGE: So I'll make a motion --

2 CHAIRMAN DIAZ: To accept the --

3 MR. LAGE: -- accept it.

4 MR. BELLO: I'll second it.

5 CHAIRMAN DIAZ: A motion has been done and  
6 second.

7 THE SECRETARY: Mr. Bello?

8 MR. BELLO: Yes.

9 THE SECRETARY: Ms. Daley?

10 MS. DALEY: Yes.

11 THE SECRETARY: Mr. Lage?

12 MR. LAGE: Yes.

13 THE SECRETARY: Mr. Lista?

14 MR. LISTA: Yes.

15 THE SECRETARY: Mr. Diaz?

16 CHAIRMAN DIAZ: Yes.

17 THE SECRETARY: The motion passes.

18 CHAIRMAN DIAZ: Next item on the agenda is  
19 15-4255, 1514 Salzedo Street. The Folio Number  
20 is 03-4108-073-0001.

21 Anybody in the audience for 1514 Salzedo  
22 Street?

23 CHAIRMAN DIAZ: In this case, the owner  
24 agreed to submit a report within 30 days from  
25 the date of the order. They need time to hire

1 someone to do that. Apparently they had  
2 already contacted someone to do the work.

3 And so after that, then it's the standard  
4 deadlines of 30 days to apply for the required  
5 permits, if any, and then another 30 days to  
6 obtain them, and 120 after that to pass final  
7 inspection.

8 CHAIRMAN DIAZ: If the Board agrees with  
9 the order, we need a motion.

10 MR. LISTA: I propose that the motion be  
11 passed.

12 MR. LAGE: I'd like to hear, did they do a  
13 Fire inspection?

14 MS. GOIZUETA: The Fire inspection occurred  
15 on June 30th, 2015, and no violations were  
16 found.

17 MR. LAGE: Okay. I second the motion.

18 CHAIRMAN DIAZ: Okay. We have a motion and  
19 we have a second.

20 THE SECRETARY: Mr. Bello?

21 MR. BELLO: Yes.

22 THE SECRETARY: Ms. Daley?

23 MS. DALEY: Yes.

24 THE SECRETARY: Mr. Lage?

25 MR. LAGE: Yes.

1 THE SECRETARY: Mr. Lista?

2 MR. LISTA: Yes.

3 THE SECRETARY: Mr. Diaz?

4 CHAIRMAN DIAZ: Yes.

5 THE SECRETARY: Motion passes.

6 CHAIRMAN DIAZ: Next item on the agenda is  
7 15-4256, 1515 San Remo Avenue. The Folio  
8 Number is 03-4130-033-0001.

9 Anybody in the audience for 1515 San Remo  
10 Avenue?

11 MR. PALENZUELA: Okay. In this case, the  
12 owner had already applied for the permits, but  
13 he hasn't obtained them yet. So the agreed  
14 order provides for 30 days to obtain the  
15 required permits, and another 120 days to pass  
16 final inspection and submit the compliance  
17 report.

18 CHAIRMAN DIAZ: You have a report in the  
19 City now? You have a report?

20 MR. PALENZUELA: Right. And the report  
21 shows, in Paragraph 3, that there were problems  
22 with the electrical and the structural. There  
23 were actually twelve issues that were notified  
24 by their expert, their engineer or architect.

25 CHAIRMAN DIAZ: That building is an old

1 building. I haven't passed by it, but I bring  
2 my granddaughter to tutoring, and that's across  
3 the street, so I have to pass by there.

4 So do you have a Fire inspection?

5 MS. GOIZUETA: Yes. The Fire inspection  
6 occurred on September 9, 2014. There were  
7 issues found. There was a re-inspection on  
8 October 9, 2014 and there are still issues  
9 found. So it's continuing.

10 CHAIRMAN DIAZ: Thank you.

11 If there's Fire issues, that's a concern  
12 that I have. That building is -- as I told  
13 you, because I go into a building in front of  
14 this office building. They have Fire issues.  
15 Is that safe? Is there any immediate danger  
16 that we should be aware of?

17 MR. PALENZUELA: That's the expert's  
18 report. It's one of the exhibits.

19 MR. LAGE: Yes.

20 MS. DALEY: When were the permits first  
21 pulled for this?

22 CHAIRMAN DIAZ: No, he submitted a report,  
23 but he hasn't applied for the permits, and the  
24 Fire issue has been there for a year.

25 MR. PALENZUELA: Actually, I think they

1 have applied for the permits, but they're not  
2 ready to be picked up.

3 CHAIRMAN DIAZ: My main concern, as I see  
4 from the pictures, and like Mr. Lage here has  
5 shown me, there's a lot of electrical there,  
6 and my main concern is safety.

7 CHIEF LOWMAN: This is an emergency light  
8 that was found not working on one section of  
9 the building. There are obviously multiple  
10 ones. The likelihood is that a set of  
11 batteries have gone bad. According to this,  
12 this was a light, not all lights.

13 CHAIRMAN DIAZ: That's the only Fire issue  
14 that we have here?

15 CHIEF LOWMAN: That's the only one.

16 CHAIRMAN DIAZ: Okay. So if that's the  
17 only fire issue --

18 MR. PALENZUELA: What was the date of that?

19 CHIEF LOWMAN: The re-inspection was  
20 October 9, 2014. I'm sorry, I stand corrected  
21 on that. This is the inspection date. The  
22 reinspection date was scheduled for October of  
23 '14. We do not have the re-inspection. This  
24 was the initial inspection. A re-inspection  
25 may have been conducted and cleared it.

1           CHAIRMAN DIAZ: But it has been a year.

2           CHIEF LOWMAN: Well, what I'm saying is,  
3 let's understand, this is the first time I've  
4 been asked to come here.

5           MR. PALENZUELA: If Chief Lowman would  
6 provide me with the status, I will make sure  
7 that the owner takes care of this promptly.

8           CHIEF LOWMAN: Wait. This was the initial  
9 inspection, and my inspector gave them the  
10 initial 30 days to take a look at it.

11           When they were asked for this, I don't know  
12 why, but they may not have gone back to see,  
13 was there a reinspection.

14           Knowing that inspector, there's been a  
15 reinspection. If they hadn't fixed this, it  
16 would be driving him crazy. So I would venture  
17 to guess, it has been fixed. They just didn't  
18 bring the report from the reinspection.

19           CHAIRMAN DIAZ: Personally, and I don't  
20 have the report, and I would like, in this  
21 particular case, to have a report to this  
22 Board, at the next meeting, in the October  
23 meeting.

24           CHIEF LOWMAN: Give me a moment and I'll  
25 give you an answer to that question.

1           CHAIRMAN DIAZ:  If a new Fire inspection  
2           has been done, okay.  I think we have to do a  
3           Fire inspection now, if it has not been done.  
4           It's been a year.

5           I'm just trying to get the opinion of the  
6           Board, and I would like to have a report,  
7           either from the City, to see what -- I want to  
8           see real progress there, that a permit has been  
9           pulled.

10          MR. LAGE:  Mr. Chair, I want to say  
11          something.  I was reading this report.  This is  
12          a report that was submitted from the engineer,  
13          right?

14          MR. PALENZUELA:  Right.

15          MR. LAGE:  Page 5 of 10, he wrote, "Based  
16          on observation, there's a structure deficiency  
17          identified needing immediate action."  This is  
18          the engineer, and it was a year ago.

19          This is something that we --

20          CHAIRMAN DIAZ:  I am really, really  
21          concerned with this building, and I personally  
22          think that this order -- we need something  
23          to -- we need to solve the problem.  As of  
24          November, to give an approval for this order, I  
25          need to be sure that in the next 30 days



1 something is done, at least with the structure  
2 and Fire.

3 I don't want to go to the same process, 30,  
4 60, 120, because it has been more than a year,  
5 and we have a report from a structural engineer  
6 that a structure permit has to be addressed  
7 immediately, a year ago.

8 I would like to have an inspection from the  
9 City and from Fire for the next meeting, and  
10 I'm willing to go ahead with this order,  
11 contingent that in the next meeting we see some  
12 progress. If not, me, personally, will vote to  
13 cancel the order, because this is serious.

14 MR. PALENZUELA: I would ask Ms.  
15 Figueroa if she wants to give some advice. The  
16 proposed order deals only with the issues that  
17 were as to structure. Obviously, if there's a  
18 fire issue, we can certainly raise it with the  
19 property owner, but properly speaking, that's  
20 something that it could be the basis of a  
21 proceeding here, but it would have to go on  
22 that initial notice, be part of the case being  
23 heard before you.

24 If it's done by agreement, that's not an  
25 issue, because the owner can agree to take care

1 of it -- I'm sure they will -- and also maybe a  
2 separate Code Enforcement action brought on  
3 Fire --

4 CHAIRMAN DIAZ: If we approve an agreement,  
5 it will force them to do certain things in a  
6 certain amount of time. I don't want to get  
7 rid of that.

8 That's so that they feel the pressure that  
9 they have to comply. What I want him to know,  
10 the owner, and he's not here, that he has two  
11 serious problems. One, I want to see the Fire,  
12 and, Two, I want to see the structure.

13 I have a report from the engineer, but we  
14 don't know what the issue is. They say that  
15 there are issues that have to be solved  
16 immediately.

17 I am a structural engineer myself. So I  
18 would like to have you and the City, who are  
19 very competent structural engineers and  
20 structural inspectors, and I would like to have  
21 an inspection from the City, and report to us,  
22 for the next meeting, for us to know what the  
23 real situation is.

24 And if the situation is more urgent than we  
25 think, than we should think extra,

1           unfortunately for him, to do what he has to do.

2           MR. PALENZUELA: Right. Well, the City  
3           does Fire inspections, but these structural and  
4           electrical recertifications, they have to be  
5           done by the owner.

6           CHAIRMAN DIAZ: I don't know if Mr. Lopez  
7           agrees with me or not, but we have sent -- we  
8           can send a structural inspector from the  
9           Building Department of the City --

10          MR. LOPEZ: But we don't do an inspection  
11          and a report. What we can do is, go by the  
12          structure and see if there are any problems  
13          that have to be --

14          CHAIRMAN DIAZ: Manny, I just want to know,  
15          from our side, what's happening with that  
16          building. You know, that building is fully  
17          occupied.

18          MR. LISTA: May I say something?

19          CHAIRMAN DIAZ: Go ahead.

20          MR. LISTA: I believe we don't have the  
21          luxury of waiting 30 days. I agree with you.  
22          This is very urgent.

23          Now, if it's a Fire problem, together with  
24          a structural problem, you could have a fire  
25          tomorrow, and this is a matter of life and

1 safety, and I think we should have some sort of  
2 mechanism here, where if we feel that this is a  
3 bad case, something urgent, we can order an  
4 inspection tomorrow, in three days, by the City  
5 or by someone, and give them no time  
6 whatsoever, and tell them, "You have to act  
7 immediately. You have to come up with a report  
8 within five days or three days" or whatever,  
9 short notice.

10 CHAIRMAN DIAZ: My main concern is that he  
11 has the report, like Mr. Lage has read, that he  
12 has serious structure problems. That doesn't  
13 give me any confidence of the owner that he  
14 really knows -- let's give him the benefit of  
15 the doubt -- that he really knows the urgency.

16 MR. PALENZUELA: In this case, by the way,  
17 the owner, is a condo association that we're  
18 dealing with.

19 MR. LISTA: That is worst.

20 CHAIRMAN DIAZ: You know what, I would  
21 change this order, and put here that in 30  
22 days, you give me a report from a registered  
23 structural engineer, with the solutions to that  
24 structure, in writing, and you have to apply  
25 for a permit at the City to do the repairs, or

1 we're going to change this order to demolish.

2 MR. PALENZUELA: Right. They already have  
3 an application in for the permits. I think  
4 what happened is, the City will discover that  
5 there is something wrong with the report when  
6 they go out there to inspect on the permits.  
7 If they think there are issues that are not  
8 being addressed or properly handled, the City  
9 inspector will say, "Hey, they forgot this" or  
10 "This didn't pass inspection."

11 So built into this process, the City will  
12 be able to tell if there are additional  
13 deficiencies.

14 They already have a short deadline to  
15 obtain their permits and pass final.

16 CHAIRMAN DIAZ: Sir, I disagree with you,  
17 because the structure is one of the big  
18 concerns to me, and the fact that an engineer  
19 puts in writing that serious issues -- I don't  
20 put that in writing, with my sign and seal,  
21 unless it's really urgent.

22 MR. LAGE: Also, Mr. Chair, the report  
23 says, "Loose rail post."

24 MR. PALENZUELA: So if the Board feels that  
25 there are urgent things that can be handled

1 quickly, we can treat those differently.

2 But, again, I have to take it back to the  
3 condo association, if it's going to be done by  
4 agreement. Right now they have agreed to do  
5 this.

6 MR. LISTA: But agree is not enough.

7 CHAIRMAN DIAZ: I think that if the Board  
8 disagrees with me, I would really appreciate if  
9 you tell me. In my opinion, I would go back to  
10 the condo association, with a copy of this  
11 report that you have, and say, you have 30 days  
12 to bring me a report, drawings or whatever you  
13 need, to satisfy the City and that gentleman  
14 that's there, to issue an urgent permit to  
15 repair these structure issues, or this order  
16 will be to demolish.

17 MR. PALENZUELA: Mr. Diaz, the report is  
18 right there. That's the report, saying what's  
19 wrong.

20 CHAIRMAN DIAZ: But the order gives them 30  
21 days, 60 days and 120 days.

22 MR. PALENZUELA: 30 days to obtain the  
23 permits.

24 CHAIRMAN DIAZ: I don't think all of that  
25 time --

1 MR. LAGE: Mr. Chair, if I may say, there's  
2 things mentioned here in the report that need  
3 to be done by like tomorrow.

4 MS. FIGUEROA: Just bear in mind that this  
5 is all done by agreement. If they were to  
6 disagree with the conditions you are placing,  
7 then they we will need to set them to come here  
8 in person.

9 MR. LAGE: I understand that, but this is a  
10 life safety issue.

11 MR. PALENZUELA: Mr. Chair, if I may, would  
12 the Board please identify, of the twelve  
13 issues, which ones it deems urgent. I will  
14 take it back to the owner.

15 CHAIRMAN DIAZ: The structural issues that  
16 are on the report. Me, personally, will not  
17 vote to accept this order, unless I have that  
18 issue addressed, because my only vote would be  
19 that if that issue is not addressed, for an  
20 order to demolish. That's my opinion.

21 MR. LISTA: My opinion -- excuse me -- is  
22 that we should give him 15 days to come up with  
23 an immediate report, and that's it. After  
24 that, we close the door.

25 Can you imagine if we have a fire out there

1 or a structural problem --

2 CHAIRMAN DIAZ: We need a report and  
3 something to issue a permit for the repair  
4 that's acceptable to the City, for repairs to  
5 be commenced immediately on the points of the  
6 structure that Mr. Lage has raised in that  
7 report. If not, there's an order to demolish  
8 or at least to vacate the building.

9 MR. LISTA: To vacate the building,  
10 correct.

11 MR. LOPEZ: If you want to order us to go  
12 out there and do an inspection, we can do that,  
13 to see if there's any area that has to be shut  
14 down. We can do that.

15 CHAIRMAN DIAZ: In my opinion, Manny, it  
16 would be to do two things: One, for one of  
17 your inspectors to go there and really verify  
18 what's on that report that's really urgent. I  
19 would like to have like a report on that.

20 And, secondly, he has to bring, like he  
21 says, a report or resolution from the  
22 structural engineer in the next 15 days.  
23 Something that complies with whatever you  
24 require at the City, to do emergency repairs.

25 MR. LOPEZ: Well, that's what this report



1 says he has to do.

2 CHAIRMAN DIAZ: He has to do that?

3 MR. LOPEZ: But I don't know how far along  
4 he is in that process.

5 CHAIRMAN DIAZ: That's a year and a half  
6 ago. So we don't know if those problems have  
7 increased -- that's my concern -- because of  
8 lack of action in a year and a half.

9 I would give him 15 days to do an updated  
10 report and to bring to Mr. Lopez and the  
11 Building Department the necessary information  
12 that he needs or a sketch or a set of drawings,  
13 so that he can issue an emergency permit.

14 If he doesn't do that in 15 days, in our  
15 next meeting, I will put a motion for  
16 demolition of the building, as simple as that.

17 That really concerns me, and we're Unsafe  
18 Structures, and if we declare an unsafe  
19 structure, he has to vacate the building, as  
20 simple as that.

21 So we are here to cooperate, guys, and work  
22 with you, but I don't want that on my  
23 shoulders, me, personally, the responsibility  
24 of giving someone a break, that has not  
25 demonstrated to me that they are willing and

1           able to solve problems, because that report has  
2           been in their hands for more than a year.

3           So I would not like to drive by there and  
4           see that someone got hurt, that a kid has  
5           fallen from that balcony. I don't want that on  
6           my shoulders. I'm being very serious with you.

7           MR. LOPEZ: So your proposal is to give him  
8           15 days --

9           CHAIRMAN DIAZ: Send him an inspector, and  
10          to give him 15 days to submit to you and to the  
11          City and the Building Department an urgent  
12          solution on that problem that's on the report.  
13          And then the Building Department inspector will  
14          tell us, "That's still there. It's the same  
15          thing. It's more or less."

16          Just I want the Building Department to be  
17          guided by this inspector that has seen what has  
18          been there, tomorrow; not a year ago.

19          So I don't want to have, again, in my  
20          shoulder that something happens there and we  
21          gave him a break for something that has been  
22          there for a year and a half. I'm sorry to  
23          disagree with you.

24          MR. PALENZUELA: No. That's all right.  
25          Let me make sure, if there are any urgent

1 matters that we need to address, that can wait  
2 for Mr. Lopez's inspection, or the Board can  
3 tell me and I will immediately contact the  
4 association. Since this was a proposed agreed  
5 order, if they don't agree to the changes that  
6 you requested, then we have to come back and  
7 give them a hearing next month.

8 CHAIRMAN DIAZ: I would notify them that  
9 this Board -- at least if we vote -- that this  
10 Board didn't approve the order, because that  
11 urgent issue has been on the table for a year  
12 and a half, and that we have voted to do  
13 certain things. I want them to know, in a  
14 letter from you, that this Board now means  
15 business, and that we are here to protect the  
16 citizens, as simple as that.

17 And if they don't agree, then we go  
18 further. You know, we have the tool to go --  
19 to enter the building, to do whatever you need  
20 to do.

21 If that association cooperates with us and  
22 do the things that we feel that are urgent -- I  
23 don't want him to do in 15 days things that  
24 could be emergency things. We work with him,  
25 but he has to demonstrate, the association,

1 that he's going to work with us, and that we  
2 are here to protect the citizens of this City.

3 MR. PALENZUELA: Okay. And, procedurally,  
4 I am prosecuting the case. I'll contact the  
5 association, and let them know that the Board  
6 refused to enter the order, because they want  
7 certain things, that will be identified by the  
8 City's inspection, addressed on an urgent  
9 basis.

10 CHAIRMAN DIAZ: And I want to be clear,  
11 things that are on the report, that they have  
12 had for more than a year. It's their fault,  
13 because they have had things on their table for  
14 a year and a half, that they didn't have done.

15 MR. PALENZUELA: Right. Here's the thing,  
16 at this point, they have a permit application  
17 in for the ACs on the roof, but they need to  
18 amend that permit application to take into  
19 account everything that's on the report --

20 CHAIRMAN DIAZ: They have a permit?

21 Okay. Mr. Lopez can give them a separate  
22 permit for the AC and they can have a separate  
23 emergency permit for the structural.

24 MR. PALENZUELA: For an emergency, right.

25 CHAIRMAN DIAZ: For emergency. I think

1 Mr. Lopez will work on an emergency permit.

2 MR. PALENZUELA: For everything that can't  
3 wait for the 30 days. I'm saying, as to the  
4 emergency items, 15 days, and as to the other  
5 items, we're staying at 30.

6 MR. LISTA: Manny, if your inspectors, the  
7 City inspectors, find like a balcony railing --  
8 because I used to report on a lot of buildings  
9 up in Palm Beach County with defective railings  
10 work, if during the City inspection they find,  
11 for example, a railing with the legs all  
12 corroded and so forth, that's dangerous, you  
13 can order an immediate temporary solution, as  
14 to a barrier, close the area --

15 MR. LOPEZ: Yes.

16 MR. LISTA: -- temporary railings and so  
17 forth? And that should be done like  
18 immediately.

19 In a three-day period, you can call a  
20 company and they can come out and they do it,  
21 but at least that gives him time, for 15 days,  
22 but if the railing is about to fall off, they  
23 shouldn't get any time at all. They had plenty  
24 of time and they have not responded.

25 So I don't feel any sympathy for these

1 people.

2 MR. LOPEZ: We can do that, yes.

3 CHAIRMAN DIAZ: And I know that we meet  
4 once a month, but I am willing and able -- I  
5 don't know about the other Members of this  
6 Board, are willing and able, that if there is  
7 something that we have to address as a Board  
8 prior to the next meeting, I am willing and  
9 able to have an emergency meeting and sit down  
10 here for one afternoon for twenty minutes or an  
11 hour to address this.

12 MR. PALENZUELA: Alternatively, if  
13 Ms. Figueroa would approve it, what we could do  
14 is renegotiate the order to take into account  
15 your concerns for any emergency items that Mr.  
16 Lopez identifies to be taken care of, at least  
17 permits pulled within 15 days, and leave the 30  
18 days for the non-emergency items, and present  
19 that agreed order to you, Mr. Chairman, for  
20 your signature, without having to  
21 re-convenience.

22 But if we have to have a hearing, we'll try  
23 to call an emergency hearing or put it on the  
24 next agenda, if they do not agree. That's up  
25 to you.

1           MR. LISTA: I don't mind if in the middle  
2 of the month we have an emergency meeting and  
3 we come here for half an hour or an hour.

4           CHAIRMAN DIAZ: You know, it's better to be  
5 safe than sorry. If you need us here, when you  
6 talk to the association and Manny does the  
7 inspection, and he brings something, I will  
8 prefer, instead of sending by e-mail the order,  
9 you know, we just come here and just meet, you  
10 know, for half an hour, discuss this case.  
11 This is what we're here for. The only thing is  
12 that the City has to pay for the coffee.

13           MS. FIGUEROA: You can certainly go ahead  
14 and have an emergency meeting, but we can also  
15 have the Board make a motion giving you the  
16 authority to approve the order. So it wouldn't  
17 have to be sent to everyone. It would just be  
18 sent to you and you could approve it.

19           CHAIRMAN DIAZ: Me, personally, if you send  
20 me the order, I will contact, even if I have to  
21 contact by phone or e-mail, whatever, I can do  
22 that, contact all of the members --

23           MS. FIGUEROA: No. This is a Sunshine  
24 Board.

25           CHAIRMAN DIAZ: So I would like to have all

1 of the Members here, because what I don't  
2 see -- we have different experiences, different  
3 businesses that we have been in, and what I  
4 don't see -- like Mr. Lage saw that note there,  
5 like he's a structural engineer, and I would  
6 like to have the consensus or the opinion of  
7 every Member of the Board on what -- you know,  
8 I don't want to have that burden on myself.  
9 Maybe there is something that I don't see. I  
10 have some experience. I have experience, and  
11 he has another kind of experiences, and he has  
12 others, he has other kinds of experiences,  
13 cable TV and Direct TV, and she has another  
14 kind experiences.

15 So I would like for the Board to just agree  
16 to have an emergency meeting, you know, just  
17 for an hour, if it's necessary.

18 MR. PALENZUELA: Well, that was, I guess,  
19 the question. The guidance is, if we can get  
20 an agreed order that they will voluntarily do  
21 it within 15 days, do you still want to have  
22 the emergency meeting?

23 CHAIRMAN DIAZ: Let me put it this way:  
24 For me, if Mr. Lopez, who I have known  
25 Mr. Lopez for a lot of years, if Mr. Lopez does



1 the inspection and the association brings  
2 something to Mr. Lopez that satisfies him, and  
3 he's willing and able to issue a permit for the  
4 structural repairs, I have no problem waiting  
5 until the next meeting, and Mr. Lopez can come  
6 here and says, "I saw it. My people saw it. I  
7 issued a permit, and the repairs are in the  
8 process of being done."

9 My full trust is in his knowledge of what  
10 has to be done here.

11 MS. DALEY: I want to interject one other  
12 idea, and that would be to, if they do not do  
13 something in 15 days, that a penalty of some  
14 sort or a fine be imposed, if that's within our  
15 arena, which I believe it is.

16 CHAIRMAN DIAZ: A violation --

17 MS. DALEY: A violation due to the length  
18 of time, and the fact that they have not  
19 addressed this.

20 MR. PALENZUELA: Ms. Figueroa might want to  
21 give you advice, but this is not a Code  
22 Enforcement hearing.

23 CHAIRMAN DIAZ: No, I know. I think that  
24 when they feel the pressure -- me, personally,  
25 if they feel the pressure, if they are notified

1 that either you do this or the next meeting in  
2 October you will get a demolition order, that  
3 is serious.

4 MS. FIGUEROA: And that would be the  
5 enforcement mechanism that you will have, that  
6 order, not a fine.

7 CHAIRMAN DIAZ: If they don't comply in 30  
8 days, this order will be to demolish. A  
9 demolition order from the Unsafe Structure,  
10 correct me if I'm wrong, the City has the  
11 authority to go there and demolish and put a  
12 lien on the property.

13 MS. FIGUEROA: Correct.

14 CHAIRMAN DIAZ: So it's not a matter that I  
15 don't want to demolish. I don't submit a  
16 permit -- if they don't submit a permit within  
17 "X" number of days for demolition, the City has  
18 the authority to go there, demolish it, and put  
19 a lien on the property.

20 MS. GOIZUETA: Also I wanted to let you  
21 know, the Fire inspection has been scheduled  
22 for the beginning of next week and Chief Lowman  
23 will be personally going.

24 CHIEF LOWMAN: I just talked to my office.  
25 It is scheduled for Friday. We can move it up.

1 That's not a problem. I can have it done as  
2 early as sometime tomorrow, but in my  
3 inspection, I'm going to go -- my concern is,  
4 what immediate life safety hazard has you  
5 alarmed?

6 CHAIRMAN DIAZ: What I would really  
7 appreciate, if the results of your inspection,  
8 you communicate it to Mr. Lopez.

9 CHIEF LOWMAN: I will do that, but if there  
10 is a specific thing that's not related to Fire,  
11 that's one thing, but, let me ask you, the  
12 report talks about railings and someone falling  
13 from a rail.

14 Are these on private balconies or are these  
15 -- I guess these are garden style apartments,  
16 three or four stories or so, and it has iron  
17 rails. If those are what's rusted out in this  
18 report, if those are truly at a failure point,  
19 then I don't wait 15 days. We deal with it on  
20 the spot. If they can't reinforce right then  
21 and there, they can't use the hallways, which  
22 means they can't go in the building.

23 But what I'm trying to find out is, what  
24 has you alarmed?

25 CHAIRMAN DIAZ: If the result of your

1 inspect -- if you tell Mr. Lopez what the  
2 results is, I would like him, when the  
3 structural part comes in, Mr. Lopez will have  
4 the full issue of what is going on.

5 CHIEF LOWMAN: I understand that. I can  
6 coordinate my office with his office, and we  
7 can have the structural out there and have the  
8 inspector I need to assist me in my inspection.  
9 By Code, I can bring out any inspector I need  
10 for additional technical support.

11 If there's a particular item on this report  
12 that I'm not seeing, that's what I'm trying to  
13 find out. Is there something in there that I  
14 don't know about?

15 MR. LISTA: Concrete spalls, piece of  
16 concrete hanging out.

17 I mean, I just fixed a building on Miami  
18 Beach where the spalls were right on top of the  
19 pool area and could fall on someone having  
20 lunch or something.

21 CHIEF LOWMAN: I'm very familiar with that.

22 MR. LISTA: And there was a piece of  
23 concrete all spalled. So that's an issue.

24 I don't know if you have the legal  
25 authority to do this, but you can maybe

1 informally --

2 CHIEF LOWMAN: Things like falling  
3 guardrails, you know, loose concrete, spalling  
4 down to the people below, would go to the  
5 Building Department right away, and my people  
6 would notify them, "Hey, there's concrete  
7 coming off this building."

8 MR. LISTA: The other thing that concerned  
9 me is the electrical. I know you're not an  
10 electrical person, but loose wires, that kind  
11 of thing, where --

12 CHIEF LOWMAN: We have the ability to call  
13 the --

14 MR. LISTA: You take care of it?

15 CHIEF LOWMAN: I would call the electrical  
16 inspector, to get their opinion on it. If it  
17 presents an immediate life safety hazard, such  
18 as electrocution, we can call Florida Power and  
19 Light, and they will interrupt the building.  
20 So we could handle that, as well.

21 But if there's something that's got your  
22 attention, I want to make sure we that don't  
23 overlook it in any way, shape or form.

24 MS. DALEY: The roof. It looks like  
25 there's a lot of debris on the roof, and I'm

1 not sure if it's electrical debris.

2 CHIEF LOWMAN: Debris up on the roof,  
3 that's just laying there, and it's not supposed  
4 to be there, would not be --

5 MR. LAGE: But, Mr. Chair, these are my  
6 comments, that I don't feel comfortable with  
7 it, because they had the report for almost a  
8 year already, okay, and on Page 1, 2-B, I'm not  
9 very comfortable with that. That talks about  
10 the roof railing, spalling concrete. That  
11 needs to be taken care of right away.

12 On Page 4, steel grating system is  
13 corroded, okay. Recommendation, removing the  
14 corrosion.

15 7-D, repair exposed rebar.

16 And then 11, obviously, the evaluation that  
17 it needs to be taken care right away.

18 Those are the issues I don't feel  
19 comfortable with. I mean, this is very  
20 serious.

21 CHAIRMAN DIAZ: Definitely.

22 Mr. Lopez has a copy of the report?

23 MR. PALENZUELA: Yes.

24 CHAIRMAN DIAZ: Okay. I would like to --  
25 when Mr. Lopez goes to that inspection, his

1 inspector will address those emergency issues.

2 I have an idea, at least, I don't know if  
3 the Board disagrees or agrees with me, if it's  
4 possibility, maybe the attorney, that when  
5 Mr. Lopez has a report and a result of those  
6 issues that you have, to send us, by e-mail, a  
7 copy of that report, and then we will make the  
8 decision or I, personally, can talk to the  
9 attorney and make a decision if we need an  
10 urgent meeting to address this, for one of the  
11 things that Mr. Lage was addressing, and I  
12 think he's 250 percent right, but we, as  
13 members, to ask for this agenda to be received  
14 prior to the meeting.

15 At least, if the meeting is a Monday, I  
16 would like to receive it on a Thursday, so that  
17 I have Friday and the weekend to read, because  
18 if we had read this prior to, we have less  
19 time, because we would have addressed that  
20 issue, we will know what was happening.

21 There are cases that we need to know what  
22 happened on the building, so that we can  
23 address properly your agreement. So I would  
24 appreciate it if you do something and you send  
25 us the agenda, with this paperwork, at least

1 three or four days prior to the meeting, so  
2 that we can know, when we come here. We can  
3 read it in our offices, you know, so we come  
4 prepared.

5 And, second, I would like for Mr. Lopez,  
6 when he has that report, to send it to us by  
7 e-mail, and then we will make a decision, when  
8 we see what Mr. Lopez has found out, because  
9 maybe it's more than this, if we need an  
10 emergency meeting to address this particular  
11 case.

12 MR. PALENZUELA: The thing is, I would  
13 discourage the Board from accepting information  
14 from outside of the context of the hearing, as  
15 it relates to the cases.

16 CHAIRMAN DIAZ: I think we, as Board  
17 Members, and I have been a Member of the Board,  
18 and Mr. Lopez knows, and we receive the agenda  
19 prior to, because we have to abide by the  
20 Sunshine Law. Even if we receive the agenda,  
21 that's for us. We cannot discuss it with each  
22 other, because then we will be in violation of  
23 the Sunshine Law.

24 It's matter of us, as members, to come here  
25 prepared for the hearing. I, personally, need



1 to know the case prior to coming here, so that  
2 I can have the proper questions to this  
3 gentleman and this lady here.

4 I don't want them to lose here more time  
5 than what they need to lose in this hearing,  
6 because she has a lot of work to do and Manny  
7 has a lot of work.

8 MR. PALENZUELA: And I'm talking about the  
9 report that you're requesting.

10 CHAIRMAN DIAZ: The report? If you cannot  
11 send it to us, then we will have to do an  
12 emergency hearing to get it as an agenda. We  
13 can treat that report as the Sunshine Law,  
14 because it's information for the Board.

15 Me, personally, I'm not going to share it  
16 with anyone, because I know I'm in violation of  
17 the Sunshine Law, because that's an interior,  
18 private document for this Board.

19 MR. LAGE: So what you're saying, that this  
20 report, we cannot have it beforehand? Because  
21 as I was sitting down, it was there.

22 MR. PALENZUELA: You couldn't take action  
23 on the specific report --

24 CHAIRMAN DIAZ: No. No. No.

25 THE REPORTER: I'm sorry, I need you guys

1 need to speak one at a time.

2 CHAIRMAN DIAZ: Okay. I'm sorry.

3 I'm telling you about the results of  
4 Mr. Lopez's structural inspection. To send it  
5 to us by e-mail, so that we can know the  
6 results, and, then, at the hearing, we can make  
7 the decision of how we will act, because if we  
8 don't know the results -- these are what the  
9 City has seen. We cannot make a decision of  
10 how our actions --

11 MR. LISTA: Well, this is public  
12 information, isn't it? This is all public  
13 information?

14 CHAIRMAN DIAZ: If he does an inspection,  
15 it's public information? If he does an  
16 inspection --

17 MR. PALENZUELA: It's public records.

18 The issue is, obviously, there's a case  
19 called Jennings regarding ex parte  
20 communications and Boards, and the due process  
21 issue, where you have to basically rule based  
22 on the evidence presented here, which is what  
23 prevents site visits and communications between  
24 the Board Members. Not Sunshine, but also this  
25 due process.

1           So that's why it's best to consider the  
2           evidence only, as it's presented at the  
3           hearing, with the other side present, so that  
4           they can have the other side respond, which is  
5           what will have to happen in this case if  
6           there's no agreed order today.

7           You'll either get an emergency hearing,  
8           based on the authority that you gave us, or it  
9           will be on your next agenda.

10           MR. LISTA: I have a question.

11           CHAIRMAN DIAZ: Mr. Lista.

12           MR. LISTA: Thank you.

13           There' another problem. As I understand,  
14           there's like 50 buildings that are in  
15           violation. We cannot possibly take every one  
16           of them and discuss every one with information  
17           at the time of the Board Meeting.

18           We need time to look at this report, and  
19           prepare ourselves. So, perhaps, if we have ten  
20           cases, I would divide it, and say, "These five  
21           are very minor," and be ready to discuss them  
22           with you very quickly at the time of the  
23           meeting, and "These other five are very  
24           important, and they require more time," and I  
25           couldn't do that here, right at the moment, the

1 way we have been meeting for the last --

2 CHAIRMAN DIAZ: We are talking two  
3 different things.

4 We already agreed that the cases that we're  
5 going to hear, we should receive the agenda for  
6 those cases prior.

7 MR. LISTA: He's saying, no.

8 CHAIRMAN DIAZ: No. What he's saying, no,  
9 is, in this particular case, when Mr. Lopez do  
10 the inspection at this particular case, in this  
11 particular building, he cannot send us by  
12 e-mail the results of his inspection.

13 MR. PALENZUELA: For you to take any  
14 action.

15 CHAIRMAN DIAZ: For me to take -- no, I  
16 don't want to take any action. I want to see  
17 the results of the inspection, and then we're  
18 going to decide if we need an emergency hearing  
19 to take any action.

20 MS. FIGUEROA: I think the safest way to  
21 approach all of this is, we've all heard your  
22 direction and we know your concerns.

23 I'll ask Manny to send me the report. When  
24 I've received it, I'll read through it. If  
25 there's something that I see that is alarming,

1 where we can't reach a resolution, then I will  
2 have Belkys go ahead and set an emergency  
3 hearing and notify you all.

4 That way you come here without seeing  
5 anything. And if we don't need it, then that's  
6 fine.

7 MR. LISTA: Okay. But my questions is,  
8 this is public information. Where is the harm  
9 that we see it?

10 MS. FIGUEROA: The issue is, because this  
11 is a quasi-judicial proceeding, it has the ex  
12 parte communication. So the City giving you  
13 information that the other side isn't privy to  
14 would be improper.

15 CHAIRMAN DIAZ: She's right. This is part  
16 of the case, and then the City cannot give us  
17 certain information, if the other side has not  
18 been informed of the same thing, because they  
19 have the right to argue that.

20 You know, I agree with that. You know,  
21 when you have Manny's report, you will read it,  
22 and you will make a decision if we need an  
23 emergency hearing or not.

24 As far as that, I will entertain a motion  
25 to deny the agreement and to proceed and

1           instruct the City, in a motion, to do a Fire  
2           inspection and to do a structural inspection by  
3           the City, revising new issues and the issues  
4           that have been stated on the report that  
5           they've already submitted to the City, and  
6           submit that report from the Building Department  
7           to the Assistant City Attorney.

8           MR. LISTA:   And to take emergency action,  
9           if necessary.

10          CHAIRMAN DIAZ:   That's a decision that has  
11          to be made.   Manny will take emergency action.  
12          He doesn't need us to order some emergency  
13          action.   He can red tag it.

14          The action that we're going to take is  
15          basically an emergency meeting or at the next  
16          regular meeting, based on the reports that Mr.  
17          Lopez and the Fire will issue.

18          That would be my motion.   It's clear, my  
19          motion?   Do you want me to condense the motion  
20          a little bit?

21          MR. PALENZUELA:   I would prefer, at this  
22          time, that we withdraw the order and not have a  
23          motion for determination, so that when we do  
24          come back, the other side is present for any  
25          Board action.

1           CHAIRMAN DIAZ:  If you withdraw the order,  
2           the instructions that we have given the City  
3           will not be followed.

4           MS. FIGUEROA:  Would still be on the  
5           record.  It's being transcribed.  So there will  
6           be a record, and we all have been given  
7           direction, so we know how to proceed.

8           MR. PALENZUELA:  Right.  There's no need  
9           for a motion at this point.

10          MR. LAGE:  Excuse me, Mr. Chair, because  
11          I'm a little confused here.

12          If they withdraw the motion, and we're  
13          deferring this here, and we know there's an  
14          issue of life-safety that needs to be taken  
15          care of right away, so how do we handle that?

16          MR. PALENZUELA:  I mean, you've notified  
17          the City employees.

18          MR. LAGE:  We've already notified the  
19          Director that there's an issue, an emergency,  
20          that has to be taken care of with this  
21          building.  That will not go away --

22          CHAIRMAN DIAZ:  I, personally, disagree  
23          with you, with all due respect, on withdrawing  
24          the motion.  We denied this agreement.  We gave  
25          some guidance, as the Board, to the City, that

1 has to be done.

2 For us accepting another order, when you  
3 come back with another order, but we don't have  
4 to withdraw this one. I want to be on the  
5 record, like Mr. Lage says, that we have, as  
6 the Board, taken this seriously, has read  
7 everything and has given some recommendations.

8 I feel that if we withdraw the motion,  
9 everything that we have discussed here is gone  
10 with the wind.

11 MR. PALENZUELA: No. On the contrary. All  
12 that you've said has been noted; however, there  
13 is no need for an order to make that happen.  
14 When the Board convenes for a hearing with the  
15 other side present, if they haven't taken care  
16 of all of this, you will have the opportunity  
17 to enter an order --

18 MR. LAGE: Mr. Chair, I disagree with that.  
19 I want to reject the order completely.

20 MS. FIGUEROA: Just to be clear, for the  
21 record, no one is saying that you have to  
22 approve the order. That's fine.

23 The issue is, you don't need to a motion in  
24 order for us to act. If you would feel more  
25 comfortable having a motion directing the City,



1 that's one thing, but the other side isn't here  
2 to give their points and their arguments, in  
3 terms of --

4 MR. PALENZUELA: Right. They were told  
5 that if the Board would not enter the order, as  
6 proposed, they would have to come back and  
7 appear.

8 CHAIRMAN DIAZ: I will put a motion to  
9 disagree with the order or to not accept --  
10 that this Board is not accepting that order.

11 MR. PALENZUELA: That is fine. If you  
12 don't --

13 MR. LAGE: Excuse me. This is new for us.  
14 Obviously, it's the first time we take issues  
15 on the 40 years. And, you know, excuse us,  
16 because we're not familiar with this, but you  
17 don't notify the owners of the proper  
18 information -- what is the notification to the  
19 landlord, to the owners for these properties,  
20 that they're not here?

21 What is not fair to them?

22 MR. PALENZUELA: They got notice of the  
23 hearing.

24 MR. LAGE: So they knew we were here today,  
25 right?

1 MR. PALENZUELA: Yes.

2 MR. LAGE: And we were going to hear their  
3 case?

4 MR. PALENZUELA: Correct.

5 MR. LAGE: Why are they not here?

6 MR. PALENZUELA: Because they entered into  
7 an agreement, so if the agreement was approved  
8 by you, then there was not need to appear.

9 MR. LAGE: I know, but the agreement  
10 doesn't mean we approve it. So you're kind of  
11 pushing us to agree with it.

12 MR. PALENZUELA: No, sir. On the contrary.  
13 It's clear -- that's why I withdrew it.

14 MR. LAGE: I just want to make sure, you're  
15 saying that they don't have to be here, because  
16 you reach an agreement already?

17 MR. LOPEZ: No. No. He's saying that they  
18 are not here, because they reached an  
19 agreement, but the agreement doesn't have to be  
20 accepted by you. If you don't accept it, they  
21 have to come back to the Board next time.

22 I think what's happening here is that what  
23 you need to do is in two parts. He's  
24 withdrawing his order, so nothing has to be  
25 done, or they could deny it, disagree with it,

1 and then whatever instruction you want to give  
2 us, you do it in a separate motion, if you  
3 want.

4 MS. FIGUEROA: You are not approving the  
5 order. The order stays there. There's no  
6 effect to the order unless you all agree. So,  
7 in effect, you staying silent on the order  
8 means that the order is essentially void.

9 MS. DALEY: I want to address the permit  
10 situation. So right now they do have a permit  
11 in?

12 MR. PALENZUELA: They have a permit for the  
13 AC.

14 MR. DALEY: Only for the AC.

15 MR. PALENZUELA: But it doesn't cover the  
16 whole scope. So the 30 days would be for them  
17 to amend that permit and cover all of the work  
18 that needs to be done with a permit.

19 MS. DALEY: And by us not approving this,  
20 does that stop the permit?

21 MR. PALENZUELA: It should not stop them  
22 from complying in any way. That's why the  
23 deadline is so short in this one, compared to  
24 the others, because they already started taking  
25 some action to be in compliance.

1 MR. BELLO: Mr. Chairman, I have a  
2 question.

3 This inspection was done in October of '14,  
4 correct, or sometime about there? They replied  
5 in August, last month, 2015, that it's taken  
6 them a long time, and some of the owners can't  
7 afford the work that needs to be done.

8 I see estimates and proposals from  
9 contractors for weatherproofing of the AC, for  
10 electrical work, blah, blah, but I don't see  
11 any proposals for structural.

12 So they have taken over a year and have  
13 totally ignored what could probably be the most  
14 important factor of this case.

15 CHAIRMAN DIAZ: That's basically my  
16 concern, that the most important factor, that's  
17 the structure and railings, have not even been  
18 mentioned here.

19 So I will entertain a motion to reject the  
20 proposal. That's one motion.

21 MR. LISTA: I second that.

22 Let's vote on that motion.

23 MS. FIGUEROA: Mr. Chair, someone else  
24 should make the motion and then --

25 MR. BELLO: I make the motion.

1 MR. LISTA: I second it.

2 THE SECRETARY: Mr. Bello?

3 MR. BELLO: Yes.

4 THE SECRETARY: Ms. Daley?

5 MS. DALEY: Yes.

6 THE SECRETARY: Mr. Lage?

7 MR. LAGE: Yes.

8 THE SECRETARY: Mr. Lista?

9 MR. LISTA: Yes.

10 THE SECRETARY: Mr. Diaz?

11 CHAIRMAN DIAZ: Yes.

12 THE SECRETARY: That motion passes.

13 CHAIRMAN DIAZ: Then we need a motion for  
14 inspection with the City Inspector, with Fire,  
15 and basically to inspect anything --

16 MR. LISTA: So we need a motion now to  
17 request the emergency inspection by the City  
18 and to give them 15 days, max, for the  
19 engineer's report?

20 CHAIRMAN DIAZ: I would put in that motion  
21 that that inspection should cover the report  
22 that has already been done, the items addressed  
23 on the report, plus any additional items that  
24 the City finds.

25 MR. LISTA: Yeah, but when we request

1 emergency inspections, we have to -- and, of  
2 course, Manny knows, to take whatever emergency  
3 measures they need to --

4 CHAIRMAN DIAZ: I would like a motion with  
5 the guidance that there's a report existing  
6 that has some deficiencies. I would like to  
7 have those deficiencies looked at, so the  
8 inspector has some guidance of the main  
9 problems that we are seeing here.

10 MS. FIGUEROA: Just to clarify, the motion  
11 can't make the other party do anything, because  
12 they're not here. We didn't give them an  
13 opportunity to speak.

14 You can order the City -- direct the City,  
15 rather, to approach them and offer them an  
16 order for the 15 days, with those caveats that  
17 you all placed on the order.

18 And, then, if they do not, then you could  
19 order --

20 MR. BELLO: But we want an inspection right  
21 away.

22 MS. FIGUEROA: Right. And that's to the City.

23 CHAIRMAN DIAZ: I would leave the motion on  
24 the inspection only, so that we can have that,  
25 and then we decide on the 15, 5, 10, 20, after

1 we have the inspection from the City.

2 MR. LISTA: What you're saying is, separate  
3 the request for the emergency inspection, and  
4 emergency repairs, if needed; and the 15 days  
5 report on a separate motion?

6 MR. BELLO: I'll make a motion that we  
7 require the City to do an emergency inspection  
8 and take action -- any emergency action  
9 required at that time.

10 That's it, right?

11 CHAIRMAN DIAZ: That's it.

12 MR. LAGE: I second it.

13 THE SECRETARY: Mr. Bello?

14 MR. BELLO: Yes.

15 THE SECRETARY: Ms. Daley?

16 MS. DALEY: Yes.

17 THE SECRETARY: Mr. Lage?

18 MR. LAGE: Yes.

19 THE SECRETARY: Mr. Lista?

20 MR. LISTA: Yes.

21 THE SECRETARY: Mr. Diaz?

22 CHAIRMAN DIAZ: Yes.

23 THE SECRETARY: The motion passes.

24 CHAIRMAN DIAZ: Another motion for the 15  
25 days? I think the 15 days are immaterial,

1 because we need to see the report.

2 Okay. There is no Old Business.

3 A motion to adjourn?

4 MR. LISTA: What happened to the 15 days?

5 CHAIRMAN DIAZ: The 15 days, we will wait  
6 until we have the inspection report, because  
7 maybe we don't need 15 days, we need five. We  
8 don't know what kinds of things are --

9 MR. LISTA: Both things can go together.

10 MR. LAGE: When they send out their  
11 inspector, if there is a life safety, if the  
12 railing is falling, the City is not going to  
13 walk away. They're going to take issue right  
14 on the spot.

15 MR. LISTA: They have now 30 days.

16 CHAIRMAN DIAZ: They have nothing, but we  
17 have rejected the order.

18 THE SECRETARY: Mr. Chairman, I have a  
19 question for the Assistant City Attorney. Just  
20 to be on the record and clear, three days prior  
21 to the meeting, I'm only sending out the agenda  
22 and minutes that may pertain, not the City  
23 Exhibits, correct?

24 MS. FIGUEROA: We can send out the  
25 exhibits -- I would actually like to have a



1 meeting with Staff before I make that decision.

2 I can put it on the record at the next  
3 meeting.

4 MR. PALENZUELA: Thank you. Those, I  
5 guess, will go to the secretary.

6 And then, for future guidance, as far as  
7 the agreed orders, does the Board prefer that  
8 the agreed orders be submitted, on  
9 non-emergency cases, without the owner being  
10 here or should I require them to appear  
11 regardless?

12 MR. LAGE: My whole thing, the orders, I  
13 mean, it's their choice. I mean, that's the  
14 part that I was uncomfortable. It's like we're  
15 going to approve it right away, maybe they feel  
16 comfortable, it's a done deal.

17 So I want them to know that.

18 MR. PALENZUELA: Yes. They know that you  
19 might not approve it, but then they can come  
20 back.

21 If there's something that seems like it's  
22 an emergency, they should be here.

23 MR. LAGE: These here, no. I mean, I don't  
24 feel comfortable. We need to make sure they  
25 know it's not a done deal. I just want the

1 owners to know they have an agreement to you,  
2 but with us --

3 MR. PALENZUELA: Well, it's not with me,  
4 it's with the City.

5 MR. LAGE: Yes, with the City. I  
6 understand that. We're the Board. I mean,  
7 we're knowledgeable, and we need to read it or  
8 otherwise what are we doing here, just rubber  
9 stamping everything?

10 No.

11 MR. PALENZUELA: Understood. So if it's an  
12 emergency case or we can't reach an agreement,  
13 obviously that's why the Board is here for, to  
14 rule on the cases. So I'll keep that in mind  
15 for future cases.

16 MR. BELLO: A point of order, Mr. Chair.

17 CHAIRMAN DIAZ: Sure.

18 MR. BELLO: Is there a way for us to get  
19 these ahead of the meeting, like the Friday  
20 before, so that we can review it?

21 MR. PALENZUELA: I mean, normally that's  
22 the procedure for the agenda, certainly, and  
23 then Ms. Figueroa is going to be advising you  
24 on whether you can get the exhibits in advance,  
25 as well.

1           MR. LISTA: I know you're trying to protect  
2 me and the citizens and the Board and  
3 everybody, but last time we were here, and I  
4 mentioned, you know what, I'd like to receive  
5 the list, so I can take a look on the outside,  
6 and either you or one of the ladies told me,  
7 "You cannot go in."

8           And I said, "I'd like to drive by, to see  
9 what" -- especially the first time, but what I  
10 was looking for is, see, since some of these  
11 cases are so old, I thought maybe one of these  
12 buildings is collapsing.

13           I just drove by a building in New York  
14 City, where they asked me to go by and take a  
15 look at it, and it was bad, and that's what I  
16 was expecting.

17           I was surprised that these buildings looked  
18 structurally sound. Looked, okay. Now, a  
19 structural engineer has a duty, if he sees an  
20 unsafe structure, to report it to the nearest  
21 proper authorities.

22           Again, I want to ask for clarification,  
23 what is the harm in us doing our duty if we  
24 happen to drive by, and the building -- like  
25 any other citizen if I see something falling

1           apart, what do I do? Am I prohibited from --

2           MS. FIGUEROA: You're certainly not  
3           prohibited from any duty that you may have in  
4           your professional capacities. The issue is  
5           that there could be a Sunshine violation with  
6           you all going out there.

7           Like we said before, there's the Jennings  
8           ruling. You're going to see something that  
9           maybe the other side isn't privy to or it may  
10          just open up a can of worms that we don't want  
11          to go down. You may see someone at the  
12          property and they try to talk to you --

13          MR. LISTA: No. No. No. We discussed  
14          last time, I said, you know, I'm going to drive  
15          by and look and see what it is.

16          "Don't talk to anyone."

17          Okay. I live in the City and I probably  
18          will be driving by, by accident, and if I know  
19          the address, what I'm going to do, look the  
20          other way?

21          MS. FIGUEROA: If you drive by, in your  
22          regular life -- this is a small community, and  
23          we all --

24          MR. LISTA: What happens if I see -- there  
25          was a house in -- before I became a Member of

1           this Board, a house in Coral Gables that the  
2           wall was about to collapse, one of the  
3           historical houses, that I repaired, because it  
4           was part of my company's contract, and it was  
5           dangerous at the time.

6           And if I see something like that, if I  
7           drive and I see something, whether it's in this  
8           agenda or not, what is the mechanism to report  
9           it? I report it to the Unsafe --

10           MR. LOPEZ: I think, if you go by a  
11           building and you see that there's structural  
12           problem, that something is going to collapse,  
13           you can call me or somebody in our office and  
14           say, there's a problem there, and we can go by  
15           and take a look. Anybody can do that.

16           CHAIRMAN DIAZ: Let me try to clarify that.  
17           Correct me if I am wrong. If I drive by there  
18           and I see something, and I come to this hearing  
19           and say, "I saw that railing was falling down,"  
20           in my opinion, that's a violation of the  
21           Sunshine Law, because when I come here, I am  
22           not supposed to discuss anything. I cannot  
23           raise, by law, an issue here that I saw prior  
24           to the meeting. That's the gray area, but you  
25           cannot do it. You can't do it.

1           Correct me if I am wrong.

2           MR. PALENZUELA: If I may. In the context  
3 of the Code Enforcement, the statute says that  
4 the Board Members are not authorized and  
5 they're not supposed to initiate a complaint of  
6 a Code violation.

7           And, you know, I don't know what the  
8 Legislature was thinking when they adopted that  
9 law, but the point, I think, is that that  
10 eliminates any issue of bias, where the Board  
11 Members are starting a procedure, saying, "I  
12 think there's a violation."

13           So the safest bet and the safest course of  
14 action for the Board Members is not to initiate  
15 an unsafe structure complaint, but if you drive  
16 by --

17           MR. LISTA: The question is not whether we  
18 are going to initiate it. The question is, if  
19 I receive these and I read here, "Structural  
20 violations, bad railing," and, "Oh, my God,  
21 this is next door," and I drive by, and I see  
22 it, am I not doing my duty, as clarifying it in  
23 my mind, because it might be just a minor  
24 thing, and then I say, "Well, it's not that  
25 urgent."

1           CHAIRMAN DIAZ: The problem is that the  
2 hearing has to be based on -- the hearing, in  
3 my opinion, has to be based on the information  
4 they have received officially from the City.

5           MS. FIGUEROA: This is a quasi --

6           CHAIRMAN DIAZ: If we raise an issue that's  
7 not here, because we drove by there, in my  
8 opinion, is a violation.

9           MS. FIGUEROA: Correct. This is a  
10 quasi-judicial proceeding and you are supposed  
11 to make a decision based on substantial  
12 competent evidence presented to you at the  
13 hearing, as part of the record.

14           If you all drive by and there's something  
15 else that you see, that may taint your opinion,  
16 one way or another, that may prejudice the  
17 other party, who wasn't able to offer their  
18 input or their comments.

19           MR. PALENZUELA: Well, it's not my job to  
20 advice the Board, that's what Ms. Figueroa is  
21 here for, but to be honest with you --

22           MR. LAGE: But I'm just curious -- I  
23 understand your point, but the Zoning Board, if  
24 they do a high-rise, and there's a small house  
25 next to the old building, I mean, they can go

1 -- I hear that all of the time --

2 MS. FIGUEROA: The Zoning Board is a little  
3 different, because they do some legislative  
4 issues, too. So they may, in a legislative  
5 capacity be doing that, but in a  
6 quasi-judicial, they should refrain from that.

7 MR. PALENZUELA: It's a different thing if  
8 you happen to live near the property and you  
9 drive by on the way somewhere. That's another  
10 matter.

11 CHAIRMAN DIAZ: Well, it's like me with  
12 this building. I have to see the building,  
13 because I have to park in front of the  
14 building, because I bring my granddaughter to  
15 tutoring right next door.

16 So I cannot do this and get into my car.  
17 But go there, on purpose, you know, to see the  
18 building, it's what makes -- and I would like  
19 to do the same thing, but I know that I cannot  
20 do that.

21 I don't even bother to drive by there,  
22 because prior to the hearing, we have to  
23 concentrate on the documentation that we have  
24 and on the testimony that we have from the City  
25 and from the other people.



1           After the hearing, that this is a public  
2 hearing, things are different, because the  
3 hearing has past. We cannot even discuss  
4 anything between ourselves prior to the  
5 hearing.

6           MS. DALEY: So, in general, we are not to  
7 drive by the buildings in advance.

8           CHAIRMAN DIAZ: You should take the other  
9 street.

10          MS. DALEY: Yes, take the other street, and  
11 then I think we should move past this subject.

12          MR. LISTA: I'll put it on my GPS not to  
13 pass by there.

14          Now, after the fact, let's say I read this  
15 report, am I allowed to drive by it? I'm  
16 asking legal advice. I'm not saying that I  
17 want to --

18          MS. FIGUEROA: Once the matter is closed,  
19 and it's no longer going to come before you,  
20 you, as a citizen, can drive by.

21          MR. LISTA: How about these five? I don't  
22 want to do anything wrong. That's why I'm  
23 asking you. Can I, after here, drive by and  
24 look at the buildings?

25                   (Simultaneous speaking.)

1 MS. FIGUEROA: Well, none of these cases  
2 are closed yet.

3 MR. LISTA: I will, too, since I've been  
4 told, no, but I'm trying to find out, is it  
5 legal for me to look at them later on, after  
6 the fact?

7 I already know, before the fact, you don't  
8 want it. I'll respect that.

9 How about after?

10 MS. FIGUEROA: It depends on where we are  
11 in the process. None of these cases are closed  
12 yet, because the ones that there is an agreed  
13 order, they may violate the terms.

14 Once they've submitted all of the proper  
15 documentation and they won't be coming back  
16 before you, then, if you drive by, that's fine,  
17 but it has to be completely closed.

18 At this stage, none of them are completely  
19 closed, and there is a conceivable likelihood  
20 that they will come before you in the near  
21 future.

22 MR. PALENZUELA: Right.

23 CHAIRMAN DIAZ: So is there any further  
24 discussion?

25 MR. LISTA: Yes. One thing.

1 CHAIRMAN DIAZ: You want to drive by again?

2 MR. LISTA: No. That's over.

3 CHAIRMAN DIAZ: No, I was just wondering,  
4 because you have to put some gas in your car to  
5 drive by. You are driving so much, you have to  
6 put gas in your car.

7 MR. LISTA: Now, we have discussed five  
8 cases. How many more cases do we have?

9 MR. PALENZUELA: Virginia can speak more on  
10 that.

11 MS. GOIZUETA: There are several. I mean,  
12 they're slowly complying. Some are not  
13 complying. I can't give you a number right  
14 now.

15 MR. LISTA: An approximate number.

16 MS. GOIZUETA: About 40.

17 MR. LISTA: I'm trying to make the math  
18 here. I hope I'm not old enough by the time we  
19 finish looking at all of these cases.

20 Can we do more cases, if we get this ahead  
21 of time, and we see that half of them are easy  
22 stuff? It's just, we get the report on time --

23 MS. GOIZUETA: Yes. We were doing these,  
24 the first hearing, as a test case, and then we  
25 will get more as we go along.

1           CHAIRMAN DIAZ: I would stay, for the next  
2 hearing, at least, with five, and then if we  
3 see that most of the cases are so easy, an  
4 agreed order, then we can increase it to, say,  
5 seven, at the next meeting.

6           MR. LISTA: What if some of these cases are  
7 horrible, like the one I've seen? That's my  
8 concern.

9           CHAIRMAN DIAZ: I think with five we are  
10 pretty safe. I'm figuring out that we're not  
11 -- from the five, either one or two is going to  
12 be difficult, like this one. So that's why I  
13 would not like to increase, to do more than  
14 that.

15           MR. LISTA: Can we ask our Staff to go  
16 through all the cases, all of the 40 cases or  
17 whatever there are, and try to pick the worst  
18 ones, the ones that look the worst, and present  
19 those first, so we can try to eliminate the  
20 older ones, the worst looking ones, the ones  
21 that have been there for a long time?

22           CHAIRMAN DIAZ: That's difficult for them  
23 to do. They thought they had five orders here  
24 that were going to be approved by us, and when  
25 we read it, Mr. Lage raised an extremely

1 important point, that changed the course of the  
2 case.

3 MR. LISTA: My concern is that, among these  
4 40 cases, there's some real bad ones lurking  
5 and we are entertaining or putting time on  
6 other cases that are not so important.

7 MS. GOIZUETA: If I may clarify. You've  
8 seen the oldest case, which was the first case,  
9 that was 2013. You've also seen most of the  
10 cases that have reports.

11 Anything that we're bringing forward does  
12 not have a report.

13 MR. LISTA: Okay. In other words, you're  
14 already doing what I'm suggesting, in a way?

15 MS. GOIZUETA: Yes.

16 MR. PALENZUELA: And they have extensions  
17 pending. So a lot of them are not ready to  
18 come before the Board. So once those deadlines  
19 expire, if they haven't complied, they'll be  
20 set for hearing.

21 CHAIRMAN DIAZ: Any further discussion?

22 MR. BELLO: Move to adjourn.

23 MR. PALENZUELA: Yes. There was one  
24 discussion item. As far as continuance  
25 requests, how would the Board like to handle

1 that, because it's possible we might get those,  
2 where the Building Official from the City  
3 agrees that they should reschedule the hearing,  
4 because they are working on this. Can we go  
5 ahead and do that?

6 CHAIRMAN DIAZ: You might go ahead and  
7 bring to us that the Building Official has  
8 agreed. You know, again, I've worked with  
9 Mr. Lopez for a long time and he has my full  
10 trust. If he agrees to a continuance on  
11 whatever, you know, me, personally, what I  
12 think is, you have to bring it to us, because  
13 we are all Members that have to agree to it,  
14 but just bring the fact, you know, that  
15 Mr. Lopez has agreed to a continuance, and  
16 that's it.

17 MS. FIGUEROA: We can notify you of that.  
18 I think the question is, would you like for the  
19 property owners to come and request that from  
20 you?

21 MR. PALENZUELA: Two options. Obviously,  
22 if there's good cause and the City agrees, the  
23 inclination would be to go ahead and continue  
24 it, but does this Board want to hear the cases  
25 where there's no agreement, as a complete

1 Board, and make them send someone to the  
2 hearing?

3 CHAIRMAN DIAZ: Let me make a suggestion.  
4 Can you do that by e-mail?

5 MS. FIGUEROA: No. We would have to have a  
6 full Board meeting.

7 CHAIRMAN DIAZ: I think a continuance needs  
8 to go to this Board. I think a continuance  
9 would have to come to this Board.

10 Do you agree with me or not?

11 MS. DALEY: I think if it's in contention,  
12 if there's not a good reason, then it should  
13 come back to the Board.

14 If the City agrees, I'm fine with that.

15 MR. PALENZUELA: That's why I'm asking,  
16 because if the City --

17 MR. DALEY: I don't want to micromanage  
18 every single case.

19 MR. PALENZUELA: Or, alternatively, the  
20 Board could allow Mr. Diaz to hear any motions  
21 for continuance the City doesn't agree to on  
22 his own and rule.

23 In other words, he can get the e-mail  
24 before coming here and see whether he wants to  
25 grant it not.

1 MS. DALEY: In other words, if there's a  
2 continuance that the City is not in agreement  
3 with, they would send it to you, and we would  
4 give you the authority to say yes or no.

5 MR. PALENZUELA: And then if you say, no,  
6 the person can come to the full Board.

7 CHAIRMAN DIAZ: Okay. Thank you.

8 MR. PALENZUELA: I'm trying to make sure  
9 you answer all of my questions.

10 MR. LISTA: What is our next meeting, if  
11 you have it there?

12 THE SECRETARY: October 12th.

13 CHAIRMAN DIAZ: That's Columbus Day.

14 MS. GOIZUETA: The City does not observe  
15 Columbus Day.

16 MR. BELLO: Well, I do and I will be out.

17 CHAIRMAN DIAZ: Maybe I'll be out.

18 MR. LAGE: I might be out, too.

19 MR. BELLO: Can we move it to the week after?

20 CHAIRMAN DIAZ: Could we do it October 5th?

21 Could we change it to a Wednesday? Do you  
22 have available the room on a Wednesday?

23 MR. LISTA: I go to Spain on the 14th.

24 MS. FIGUEROA: We would have to verify.

25 The Code Enforcement is on Wednesday, and the



1 Planning and Zoning Board is on Wednesday.

2 What we can do, if you have a few dates, we  
3 can check the room availability and then get  
4 back to you all.

5 CHAIRMAN DIAZ: I'm going to be out for  
6 sure on the 12th.

7 MR. LISTA: I'll be out between the 14th  
8 and the 3rd of the next month. So please  
9 arrange that it be done a little before, I'll  
10 be very happy. Or I don't know if you can  
11 arrange the computer, and I don't mind being  
12 here by computer, you know, e-mail or whatever,  
13 or by telephone, if that can be arranged.

14 MR. BELLO: Send us the dates.

15 MR. PALENZUELA: The issue is, the City has  
16 to have time to send out the notices and give  
17 ample notice for the hearing.

18 CHAIRMAN DIAZ: I'm going to be out. I'm  
19 coming back on Thursday, the 13th, and leaving  
20 Friday, the 9th.

21 MR. LISTA: How about the 14th? My flight  
22 is at night, so I think I can be here. Can we  
23 start at 1:00 instead of 2:00?

24 MS. FIGUEROA: Will the rest of you be here  
25 on the 12th?

1 MR. BELLO: No.

2 MS. FIGUEROA: I'm trying to see if we  
3 still have a quorum.

4 CHAIRMAN DIAZ: No. It should be either  
5 the 5th or the Wednesday or Thursday, if you  
6 want to do it on a Wednesday or Thursday.

7 MR. PALENZUELA: We have the room on  
8 Mondays.

9 MR. LISTA: How about the 14th?

10 CHAIRMAN DIAZ: It would have to be that  
11 Wednesday or the following Monday, the 19th.

12 MR. BELLO: Look at those and send us what  
13 the possibilities are.

14 CHAIRMAN DIAZ: Because the 19th, he won't  
15 be here, but the three of us will be here.

16 MS. GOIZUETA: 19th is a possibility?

17 CHAIRMAN DIAZ: Mr. Lisa is not going to be  
18 here, but he's not coming until the first week  
19 of November.

20 MR. LISTA: Can I be on a conference call?

21 MS. FIGUEROA: As long as there's a quorum  
22 present in the room, we can do that. We did  
23 that for another meeting, but there is some  
24 issue with the acoustics in the room and  
25 actually hearing.

1           As long as a quorum is present in the  
2           room --

3           MR. LISTA: I would like, if possible, to  
4           be the 14th. I don't go until late that night.  
5           So if we start at 1:00, we should have plenty  
6           of time, and if I have to leave before time, I  
7           can leave. The 14th will be ideal for me.

8           CHAIRMAN DIAZ: Either do it the 14th at  
9           1:00 or the 19th.

10          MS. GOIZUETA: Okay.

11          MS. FIGUEROA: You gave us some dates. We  
12          have to see if the following week, if there's  
13          enough time to notice it. We'll get back to  
14          you.

15          CHAIRMAN DIAZ: The 5th is a Monday. You  
16          can do it October 5th.

17          MS. GOIZUETA: The 5th might be too soon  
18          for the Staff. We'll let you know.

19          CHAIRMAN DIAZ: Okay.

20          MR. PALENZUELA: Just to clarify, on the  
21          agreed orders, only if there's nothing urgent,  
22          to go ahead and continue to negotiate those or  
23          does the Board want to take care of --

24          CHAIRMAN DIAZ: The agreed orders were  
25          agreed. If you can get better terms --

1 MR. PALENZUELA: Well, that's the thing.  
2 If it's an emergency, we'll treat it as such.  
3 If they won't agree to it, then I'll bring it  
4 before you.

5 CHAIRMAN DIAZ: In my opinion, if you  
6 reduce the time for compliance, it's a benefit  
7 to us. You can reduce the time of compliance.  
8 Instead of 30 days, if it's 20 days, to be in  
9 compliance.

10 MR. PALENZUELA: Yeah. I think the City  
11 does that based on the status of the case.

12 CHAIRMAN DIAZ: The orders were agreed, we  
13 agreed the way it was written. So you can go  
14 ahead and --

15 MR. PALENZUELA: Continue to do those  
16 without forcing people to come in, unless --

17 CHAIRMAN DIAZ: It's agreed. In some cases  
18 that you have seen, and we haven't seen any  
19 special issue that we saw with the last one --

20 MR. PALENZUELA: I understand. I mean,  
21 because those are normally the types of cases.  
22 If it's an emergency, we'll ask for shorter  
23 deadlines.

24 CHAIRMAN DIAZ: If there's something that's  
25 not complying in the order, it will come back

1 to us.

2 MR. LISTA: Then the next time it will be  
3 easier, because all we have to do is something  
4 -- one of us sees something dangerous or  
5 difficult in the report, we can just ask for  
6 the City to do an emergency inspection.

7 MR. PALENZUELA: Well, what we'll do is --  
8 honestly, all of these reports are about the  
9 safety of the building for continued occupancy.  
10 So they're all going to say there's something  
11 wrong with the building. The question is, as I  
12 understand from the Board, if it's urgent, like  
13 spalling or, you know, problems with balconies,  
14 railings or whatnot, those have to be dealt  
15 with immediately, but if it's more of the  
16 standard issues, those can have the 30-day  
17 deadline, and I'll keep that in mind when  
18 negotiating.

19 I mean, it's a benefit to the respondent  
20 not to make them come, if they can agree to  
21 something that the City is happy with. I just  
22 want to make sure that the Board is also happy,  
23 because then I can just tell everybody, "No,  
24 you have to come. The Board will tell you if  
25 they're going to approve the order or not."

1           It kind of takes away from the ability to  
2 negotiate a resolution, but --

3           MR. LAGE: In my opinion, you can  
4 negotiate. If it's a life-safety issue, I'm  
5 not going to give away an inch on that.  
6 Life-safety is first.

7           I don't mind fixing a lightbulb, but  
8 railings and falling concrete columns --

9           MR. PALENZUELA: Yeah, that case had 12  
10 problems. So I'll use that as a guide for the  
11 next time, to say, "This is what we think the  
12 Board will accept, but you need to show up  
13 because your case may be heard, because your  
14 case has been around too long."

15           Hopefully, for future hearings, as we get  
16 up to speed --

17           MR. LAGE: And I understand, it's a  
18 condominium, it's more difficult than a  
19 building that's 47 units. It's kind of  
20 difficult with the association. It's like  
21 going back and forth all of the time. I  
22 understand the difficulty.

23           MR. PALENZUELA: Well, yeah, this is our  
24 first hearing of this kind. As you know, the  
25 County has one. So my involvement is recent,

1 but I'll go back to them and I'll tell them,  
2 "The Board needs immediate compliance on these  
3 urgent matters. The rest, you can take the  
4 time it takes to comply, but these have to be  
5 done on an emergency basis," and I'll identify  
6 them.

7 CHAIRMAN DIAZ: Another thing that really  
8 concerns me, is the point that Mr. Bello says.  
9 Even though it has been a year, when you see  
10 the information that you're giving the City,  
11 it's plumbing, electrical, the AC. They are  
12 not addressing the really important points, the  
13 structure, and that really worries me, because  
14 it's like they are putting that aside, and that  
15 really concerns me.

16 MR. PALENZUELA: We'll make sure they  
17 address that.

18 CHAIRMAN DIAZ: Meeting adjourned?

19 MR. LAGE: Motion.

20 MR. BELLO: Second.

21 (Thereupon, the meeting was adjourned at 4:05  
22 p.m)

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C E R T I F I C A T E


STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 24th day of September, 2015.



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NIEVES SANCHEZ