

City of Coral Gables City Commission Meeting
Agenda Item J-1
January 22, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Peter Iglesias
Assistant City Manager, Ed Santamaria
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Finance Director, Diana Gomez

Public Speaker(s)

Agenda Item J-1 [11:41:53 a.m.]

A Resolution authorizing an amendment to the Fiscal Year 2018-2019 Annual Budget to transfer from fund balance Police, Fire and Park Impact Fees, and to appropriate the Police and Fire funds for the construction of the New Public Safety Building, and the Parks funds for the Ponce Circle Park Project.

Mayor Valdes-Fauli: J-1.

City Attorney Ramos: J-1 is a resolution authorizing an amendment to the Fiscal Year 2018-2019 Annual Budget to transfer from fund balance Police, Fire and Park Impact Fees, and to appropriate

City Commission Meeting

January 22, 2019

Agenda Item J-1 - Resolution authorizing an amendment to the Fiscal Year 2018-2019 Annual Budget to transfer from fund balance Police, Fire and Park Impact Fees, and to appropriate the Police and Fire funds for the construction of the New Public Safety Building, and the Parks funds for the Ponce Circle Park Project. Page 1

the Police and Fire funds to for the construction of the New Public Safety Building, and the Parks funds for the Ponce Circle Park Project.

Finance Director Gomez: Good morning. In order to meet the funding needs of the construction for the New Public Safety Building, staff is recommending utilizing Police and Fire impact fees, \$711,006 from police impact fee balance -- fund balance and \$399,222 from the fire impact fee balance. It's in the fund balance. It's been received. We just need authorization to transfer it into -- so we can use it.

Mayor Valdes-Fauli: Do I hear a motion?

Finance Director Gomez: As well as -- I'm sorry. As well as a million dollars from the parks impact fee to the Ponce Circle Park Project.

Mayor Valdes-Fauli: Do I hear a motion?

Vice Mayor Lago: No. We got to talk about that.

Mayor Valdes-Fauli: Okay.

Vice Mayor Lago: So, in reference to park impact fees, explain to me -- that was what we had discussed before, that some of those funds wouldn't be used for renovation of parks, correct?

Finance Director Gomez: So -- right. So, parks impact fees -- so there are several projects that are within -- that parks impact fees are being used for. Some -- I'm not sure what the question is.

Vice Mayor Lago: The question is those funds that we're discussing right now, the million dollars that are impact fees being paid by developers.

Finance Director Gomez: Sure. We need to take a million dollars of it...

Vice Mayor Lago: Instead of allocating it for...

Mayor Valdes-Fauli: For a park.

Vice Mayor Lago: You know, for renovation of parks and...

Finance Director Gomez: But we're allocating it to the Ponce Circle Park project.

Vice Mayor Lago: Well, I thought we already had monies already allocated for that.

Finance Director Gomez: So, we only have -- we currently have \$2 million for the Ponce Circle Park project and it's anticipated that that project will be a larger project, so we are transferring a million dollars from parks impact fee fund balance to fund that project.

Vice Mayor Lago: I don't know how comfortable I feel with spending that money on Ponce Circle Park, which gets little use because of its location, in my opinion. I don't have any issues with anything else that we're discussing today. But I think that maybe those million dollars should be used for what you discussed before, Commissioner Mena. Let's use those monies to really finish off those parks that we...

Mayor Valdes-Fauli: Okay, but...

Vice Mayor Lago: May be short on. I'm just...

Mayor Valdes-Fauli: I disagree with that. This can be -- and with the Paseo project, this will be the most important project in parks in the City of Coral Gables. And that park is not used, I fully agree with you, because it is a horrible place. Let's make it into a better -- the center of the city,

the center of downtown is going to move south to that project and I would use it there as opposed to ten little parks in other places. This is the center of -- it will be the center of our downtown. And the park, I agree, again, it's not used because it is horrible with those horrible historic pine trees. Let's use it for that and let's improve that and make it a usable space.

Finance Director Gomez: I would have to defer.

Commissioner Quesada: So...

Assistant City Manager Santamaria: So, there have been some preliminary discussions. There was a design charrette that most of you...

Commissioner Quesada: Yeah.

Assistant City Manager Santamaria: Attended. And what was discussed is around the neighborhood of 3 to \$4 million. And so, what we have right now committed is \$2 million and that comes from the developer. And there are park impact fees that have been paid into the open space fund that would add another million dollars to the project.

Mayor Valdes-Fauli: I went to Burgalicious there and were having -- the Kiwanis -- I mean, Rotary is having a festival there. That park will get an enormous use by people. It will be a community event, a citywide festival, and I think that we should not take funds away from it.

Commissioner Quesada: Yeah, and...

Vice Mayor Lago: When I...

Commissioner Quesada: I agree with the Mayor. You know, we've had designs and thoughts go as far back as -- probably before then also, but the Neighborhood Renaissance, where there monies

set aside for it. And keep in mind, once the Agave project is finished, I think our downtown is going to shift a little bit south. I'd say the center point of our downtown is the Houston's area. I think it's going to shift a little bit. You're going to have a lot of office space. You're going to have a lot of residential. There'll be a lot of movement there.

Mayor Valdes-Fauli: Residential, yeah.

Commissioner Quesada: Yeah, and I think the Mayor's right. Any time you have a big event that they promote just a little bit, you get a lot of people there. And with more people living in the downtown, I think it's important that we have a great downtown park. You know, we had talked about doing a small amphitheater. We talked about doing some more artwork in there. Like as much money as we can set aside, you know, I'm in favor of. Remember, the Agave, also they had given us designs and at one point, I even -- I think one of the biggest problems we have at that park is access to it. Even though it's sort of in the middle of our downtown, it's sort of hard with the...

Mayor Valdes-Fauli: (INAUDIBLE).

Commissioner Quesada: Streets on both sides. But it's going to be a problem. The only way it's going to get fixed is by -- is with money, I hate to say it. So, anything we can allocate to it, I'm always going to be in favor for.

Vice Mayor Lago: I just -- let me add a point. I mean, when I wrote the legislation about park impact fees to bring in the revenue and then we amended that as a result of Commissioner Mena's comments about using some of those funds not only to acquire but also to correct some of the existing parks that we have in place that needed much needed TLC, I just want to make sure that everybody here understands we're taking a million dollars from what we've supported to basically correct a park that, in my understanding, we, at one point, had planned a fountain of youth there

and I don't know how many millions of dollars were expected to go -- that was before my time. I walked into that one.

Commissioner Quesada: About \$5 million I believe the number was.

Vice Mayor Lago: About \$5 million. So, to me, now we're down to \$2 million. What are -- did the City not have any funds allocated there or were those funds also diverted to some other project? Because I remember there was \$5 million that Commissioner Quesada just mentioned right now.

Finance Director Gomez: In the Ponce Circle Park?

Vice Mayor Lago: Yes, ma'am.

Finance Director Gomez: So, I believe that quite some time ago, there was maybe \$4 million. Some of that was -- had to do with the NRP dollars. It wasn't ready to be used. We had to spend the NRP dollars, so it was reallocated for other projects -- parks projects or other projects that the NRP was eligible to fund and then that project I think -- I want to say a couple of years ago it was -- there was no funding in there. And then, with the Agave money, the \$2 million was put in there for that park -- for the Ponce Circle Park and now we're putting a million dollars in with...

Mayor Valdes-Fauli: We went to...

Finance Director Gomez: Of parks impact.

Mayor Valdes-Fauli: To the charrette or the presentation. I think Commissioner Mena and I were the only ones there. And that is going to be a beautiful public space with the room for shows, with fountains, with playground for kids. It's going to be a beautiful place and it's -- today, it's a waste.

Vice Mayor Lago: So, is it -- but is that -- but I just want to make sure we're clear. So, those million dollars, are they depleting what we have in the account right now?

Finance Director Gomez: I don't understand.

Vice Mayor Lago: Depleting every last dollar from that?

Finance Director Gomez: So, the -- the park...

Vice Mayor Lago: Because that -- this is not what that legislation...

Finance Director Gomez: Sure.

Vice Mayor Lago: Was written for. I just want to be clear that that's not what we -- what I sponsored and what I worked on and I brought before this Commission. We're taking that money and we're using it...

Finance Director Gomez: So, the parks impact fee...

Vice Mayor Lago: And was not notified.

Commissioner Quesada: No, no, but what was the -- okay, that's a different...

Vice Mayor Lago: The intent...

Commissioner Quesada: That's a very important point I think you just mentioned.

Vice Mayor Lago: The intent was to inquire, and then Commissioner Mena brought up a very good point. I wish I had the minutes here. It was a very good point. I think we ended up

negotiating like 15, 20, 25 percent of those monies that we collected as impact fees would go towards a much, much, much needed -- look at the situation we're in right now. We've waited, what, a year and a half for Betsy Adams Park to be actually completed. So, we said, that's a great idea, Commissioner. Let's address it.

Commissioner Quesada: So...

Vice Mayor Lago: If that's what you want, if that's what we want as a Commission, then we'll move forward. But I just think that we're -- we put that mechanism in place -- that legislation in place...

Commissioner Quesada: I just think we need to be consistent with what ordinance we created and the Code that we created. So, is it inconsistent, this million dollars?

City Attorney Ramos: It's -- it was a preference.

Finance Director Gomez: Right. I don't know that there was anything that was...

City Attorney Ramos: The resolution -- I'm pulling it up right now. And it was for park impact fee priority. And what it says was to utilize park impact fees for park acquisition unless such fees are otherwise earmarked for other park system improvements.

Commissioner Quesada: Okay, so...

City Attorney Ramos: It was just direction to staff. It was not an ordinance.

Finance Director Gomez: And so, some of the funding is being used towards the renovation of the passive parks and other renovations of the newer parks. But in this case, it's going to be for the renovation of the Ponce Circle Park, a million dollars of it.

Vice Mayor Lago: Yeah. That's not what -- because we actually put numbers...

Commissioner Mena: (INAUDIBLE).

Vice Mayor Lago: Yeah.

Commissioner Mena: (INAUDIBLE).

Vice Mayor Lago: Yeah. And we put...

Commissioner Mena: (INAUDIBLE).

City Attorney Ramos: If you want to pass it, we can do a little more research and bring it back later in the meeting to figure out where that percentage is.

Vice Mayor Lago: Okay.

Mayor Valdes-Fauli: Alright. But we approve the fund balance of the Police and Fire -- for the Police and Fire building?

Vice Mayor Lago: Oh, no. The Police...

Commissioner Mena: (INAUDIBLE) park, yeah.

Vice Mayor Lago: What the Mayor...

Commissioner Mena: (INAUDIBLE), yeah.

Vice Mayor Lago: Well, then I have no issue. With police and fire, I mean...

Mayor Valdes-Fauli: Okay. Make a motion for the police and fire.

Vice Mayor Lago: I make the motion...

Mayor Valdes-Fauli: Okay.

Vice Mayor Lago: For the police...

Mayor Valdes-Fauli: Second?

Vice Mayor Lago: And fire.

City Attorney Ramos: It's the same resolution. So, I'd rather just take it all together in one motion.

Mayor Valdes-Fauli: Okay.

Finance Director Gomez: But I -- well, I need...

City Attorney Ramos: I'm sorry?

Finance Director Gomez: No. I'm -- so...

City Attorney Ramos: We're going to bring it back. They want a little more information on the parks...

Finance Director Gomez: Okay.

City Attorney Ramos: Part.

Mayor Valdes-Fauli: Okay. Next is...

Vice Mayor Lago: You need it by today...

Mayor Valdes-Fauli: J-2.

Vice Mayor Lago: Correct?

Finance Director Gomez: I don't need it for today, but I do need it very soon for...

City Attorney Ramos: No. We'll get it done before the end of...

Finance Director Gomez: The public safety building.

City Attorney Ramos: This meeting.

Finance Director Gomez: Yeah, yeah, okay.

City Attorney Ramos: Yeah.

Finance Director Gomez: Thank you. That's fine.

(BREAK IN AUDIO)

City Attorney Ramos: I have additional information on J-1, if we want to take that up again.

Commissioner Keon: Okay.

City Commission Meeting

January 22, 2019

Agenda Item J-1 - Resolution authorizing an amendment to the Fiscal Year 2018-2019 Annual Budget to transfer from fund balance Police, Fire and Park Impact Fees, and to appropriate the Police and Fire funds for the construction of the New Public Safety Building, and the Parks funds for the Ponce Circle Park Project. Page 11

City Attorney Ramos: The transcript, Commissioner Lago -- Vice Mayor Lago is correct. The motion that you made to the resolution that was initially drafted but has not been finalized says I make a motion to divert 35 percent of the funds that are currently going to be attained via the park impact fund -- fee, excuse me, from acquisitions to an increase in programming, not maintenance. Correct? I say correct. And then there's a motion to approve that.

Vice Mayor Lago: What I would like to do is I would like to amend J-1, and I'd like to remove the new public -- excuse me, the new -- the parks funds portion of it, and we can address that maybe next month, and I'd like to move forward with the fire fund and police fund, if my colleagues agree with me.

Mayor Valdes-Fauli: Alright.

Commissioner Quesada: See, I'm okay with...

Commissioner Mena: I second that.

Commissioner Quesada: I'm okay with -- yeah, I'm okay with it.

Mayor Valdes-Fauli: Alright. Will you call the roll on that, please?

City Clerk Urquia: Commissioner Mena?

Commissioner Mena: (INAUDIBLE).

Assistant City Manager Santamaria: I just want to put on the table here that that will impact the design schedule for the park and -- because we still have to determine scope and determining scope,

there has to be a financial consideration to it. So, the sooner that we have a decision on this matter, the better it is.

Mayor Valdes-Fauli: Let's put it on the agenda for the next meeting. But I think it's very important -- I'm all for neighborhood parks and I'm very proud that our goal is to have a park within a ten-minute walk of every resident. But we also need a park where 5,000 people can meet.

Vice Mayor Lago: I agree.

Mayor Valdes-Fauli: Where 10,000 people can meet. Look at Burgerlicious. Look at Rotary's - - you know, the festival that's coming up. There are a lot of festivals and we need public spaces in Coral Gables. And this would be a wonderful -- let's put it on the agenda for the next meeting.

Vice Mayor Lago: Mr. Assistant City...

Commissioner Mena: Well, I think to understand also, though, Ed, what does the \$2 million version look like and what does the \$3 million version look like.

Vice Mayor Lago: And if I could dove...

Commissioner Keon: It's going to be a \$5 million version.

Vice Mayor Lago: And if I could dovetail off Commissioner Mena's comments because I -- I'd like a memo circulated to this Commission explaining in detail where we had \$4 million allocated here, where the money went, from what line item to what line item -- I don't need it today. I don't need it next week, just before the next Commission meeting, explaining -- because my understanding, like Commissioner Quesada mentioned, we started off with a fountain of youth and we've all gotten older since we've been here. So, I need to figure out what my fountain of youth funding allocation is because I heard that was \$5 million.

Commissioner Quesada: It could have been four.

Vice Mayor Lago: Four, three.

Commissioner Quesada: Yeah, four to five is what I was recall.

Vice Mayor Lago: All I know is that it's...

Commissioner Quesada: Yeah.

Vice Mayor Lago: It's somewhere and we need to find out. If you tell me, listen, Vince, that money was taken and that you don't remember -- it happens. I don't remember.

Commissioner Quesada: No, no, but that was -- but here's what happened, though. After several years that we weren't moving forward with it, that was -- it was reallocated.

Vice Mayor Lago: I know.

Commissioner Quesada: So, it's not like it's still set aside.

Vice Mayor Lago: But it doesn't -- but that still has to have -- you know, the Commission has input.

Finance Director Gomez: Sure. I mean, we have -- so, the...

Commissioner Keon: We did.

Finance Director Gomez: It was reallocated through a budget process in that year -- in the years because we have -- we did come to the Commission and we told you that we had to reallocate dollars in the NRP because we were not going to meet the timeline for using the money.

Vice Mayor Lago: That's perfectly fine.

Finance Director Gomez: Right.

Vice Mayor Lago: I need -- if you could do me a favor, I want it in writing.

Finance Director Gomez: Yes. We can do that.

Vice Mayor Lago: I want it in writing and I want it explained...

Finance Director Gomez: That's fine.

Vice Mayor Lago: That at the following budget hearing, we reallocated funds. Vince, you don't remember. You forget a lot of things. Just put it in writing for me to remember so that I know. Because you're asking me to divert funds from, you know, impact fees, which is -- for me, that's -- and Commissioner Mena's mentioned before, there's a reason why I wrote this piece of legislation because this is, again, I believe at the bedrock of what Coral Gables stands for, open space. So, we need...

Mayor Valdes-Fauli: Open space including a big park, yes.

Vice Mayor Lago: Yes, open space including a big park. But I want to make sure that after we've had this impact fee in place and it's been rolling forward and projects have started and they've paid their impact fees, I want to know how much money is currently in those impact fees and I

want to know what are we taking out from that because I have a feeling you're taking a pretty big chunk out of it.

Commissioner Keon: No. I...

Commissioner Mena: I think we need to understand...

Vice Mayor Lago: A million dollars is a pretty big chunk.

Commissioner Mena: On the legal side and based on what Miriam just read us, am I wrong that the million would have to be within the 35 percent of the overall?

Vice Mayor Lago: Yep.

Commissioner Mena: I mean, is that...

City Attorney Ramos: Yeah.

Finance Director Gomez: So...

City Attorney Ramos: I mean, it was 35 percent...

Commissioner Quesada: Well, no, but hold on a second.

City Attorney Ramos: Of the (INAUDIBLE).

Commissioner Quesada: But there's a discretionary aspect of that. I mean, look, it's whatever the Commission decides, but I think what you initially read is still somewhat discretionary.

City Attorney Ramos: That was the original...

Commissioner Quesada: You're saying the amendment...

City Attorney Ramos: Draft resolution.

Commissioner Quesada: Took away the discretion.

City Attorney Ramos: On the table -- right. There was...

Commissioner Quesada: Okay.

City Attorney Ramos: An amendment essentially made by Commissioner Lago and it passed to use those 35 percent dedicated.

Finance Director Gomez: May I ask does that -- from that point forward or including the balances that existed at that time that may have already been allocated. So, I'm not...

Vice Mayor Lago: That's why I asked.

Commissioner Keon: But Diana, it's my understanding...

Vice Mayor Lago: A memo.

Commissioner Keon: I mean, I remember when you came to us on the Neighborhood Renaissance Program. Because part of the requirements in the bonding was that the...

Finance Director Gomez: Spend it down.

Commissioner Keon: They had to be spent within a certain period of time and there were remaining balances that were not going to be spent on the -- some of the items as they were listed...

Finance Director Gomez: Right.

Commissioner Keon: Just for timing purposes. They just weren't ready and we couldn't use the dollars for there. So, to meet the requirements of the bond, the...

Finance Director Gomez: Right.

Commissioner Keon: The financial requirements, we had to spend that money so they were reallocated to projects that they would have been finished by the time that those dates came into play. So, those monies were -- had nothing to do with impact fees at all.

Finance Director Gomez: Correct.

Commissioner Keon: Those were the Neighborhood Renaissance bond dollars that came from an initiative...

Finance Director Gomez: That's right.

Commissioner Keon: That happened -- I think Commissioner Quesada...

Vice Mayor Lago: Cason.

Commissioner Keon: Was the only one that was on the dais at that time, so it was before we were there. So, all of those funds -- and that was the funding for Ponce Park was in that. So, it had to be reallocated because you were still negotiating the -- with Agave on the development of that...

Commissioner Quesada: Yeah.

Commissioner Keon: Park. Remember, and then it went out for an RFP and it didn't go anywhere. We just never got to a point where we could actually expend those dollars.

Commissioner Quesada: Can we do something...

City Attorney Ramos: Ms. Gomez, to your question...

Commissioner Quesada: Because you bring up -- you remind me -- you bring up a good point. At the next meeting, maybe the following meeting, can you get to all of us -- we'll put it in the agenda. You know, you talk about the fountain of youth and we say it in a jesting way and everyone snickers when we say it. It was awesome. I loved that design. It was very cool. And what Agave had proposed also to do in that park was spectacular as well. I really think that either one of those iterations is -- really would be a tremendous attraction, what Agave did.

Commissioner Keon: Right.

Commissioner Quesada: So, I think for the benefit of everyone, can we go back into historical and see what those proposed designs were? Can you put it in front of us?

Vice Mayor Lago: Put it as an attachment to the memo.

Commissioner Keon: But I...

Commissioner Quesada: Yeah.

Commissioner Keon: Also, the...

Commissioner Quesada: Put it on the agenda and put it as an attachment so we can look at the different variations. So, we -- give everyone here a little more perspective of what the numbers look like...

Assistant City Manager Santamaria: Sure.

Commissioner Quesada: And give us what the numbers were at that time.

Vice Mayor Lago: And we can go back and forth...

Commissioner Keon: But it's my...

Vice Mayor Lago: And we can go back and forth about NRP, NRP funds and...

Commissioner Keon: Right.

Vice Mayor Lago: Whether they were sunseting or where they weren't. And I agree, you know, we may have moved that money around to fill another hole or a stop gap, but when I wrote this legislation, the NRP funds were never in consideration. This was a...

Commissioner Quesada: Yeah.

Vice Mayor Lago: Completely...

Commissioner Keon: Right.

Vice Mayor Lago: Separate...

Commissioner Quesada: I agree with that.

Commissioner Keon: This is an entirely...

Finance Director Gomez: I -- yes. Impact -- right.

Commissioner Keon: Separate issue.

Vice Mayor Lago: I just want to be clear about that.

Commissioner Keon: But it was my understanding that -- I know that when Pat Salerno was manager, when we -- you know, that Vince and I were here and Commissioner Quesada were both here, we -- that there was an RFP that went out on the development of that park and then it was -- whatever -- it never came back. It died.

Commissioner Quesada: Correct.

Commissioner Keon: And then there was a discussion with Agave doing that as part of their development and I think they did a design, but decided not to do the park. Is that correct? Didn't they decide...

City Manager Iglesias: They proffered two million...

Commissioner Keon: Not to do the park, but proffered \$2 million to do that park. So, the \$2 million is an allocation from Agave. That \$2 million is not impact fees. That's a direct...

Finance Director Gomez: It's not impact fees.

Commissioner Keon: Right. So, what you're asking for then is just an additional...

Finance Director Gomez: Taking (INAUDIBLE).

Commissioner Keon: Million dollars and it's going to come from...

Finance Director Gomez: Impact.

Commissioner Keon: These fees. Is that right?

Finance Director Gomez: That's what the request is.

Commissioner Keon: So, you have to tell us what the balance is in the park impact fee fund.

Finance Director Gomez: So, right now, there is a balance of \$3.3 million, roughly -- I'm rounding numbers -- in the park impact fees. Of that, there are allocations that are already set on those \$3.3 million.

Vice Mayor Lago: Which one -- what are the allocations?

Finance Director Gomez: So, for instance, \$1.1 million, renovation of passive parks. Downtown civic plaza, \$600,000. Leucadendra Passive Park, \$175,000.

Vice Mayor Lago: But let's go back.

Finance Director Gomez: Ponce Circle Park, \$1 million. And the Coral Gables High School track lighting is \$300,000. That's about \$3.2 million and there's \$145,000 that's unallocated.

Vice Mayor Lago: So, what happened to...

Finance Director Gomez: And then, yeah, remember that there's park mobility -- no, park impact fees for the Underline that has -- because we also had to set aside...

Vice Mayor Lago: Yes.

Finance Director Gomez: Some for that and that has \$680,000.

Vice Mayor Lago: So, let me ask you a question. Thirty-five percent was going to be allocated for the renovation of existing parks, correct? The other remaining 65 percent was for acquisition of new open space. So, if I look at the numbers right now, and from what you said, there's no acquisition.

Finance Director Gomez: And so, with -- I don't -- I don't know if that resolution was ever finalized and I ever -- I don't have that in -- I didn't have that information and I don't know the date of it to see was this already allocated...

Vice Mayor Lago: But if you...

Finance Director Gomez: Before that resolution was done because if it was already allocated...

Vice Mayor Lago: But you're charge -- but you're charging the developers for it. How could it have not been approved?

Finance Director Gomez: No, no. We're charging -- the impact fee did not change. The formula didn't change. It was when it came in...

Commissioner Keon: How it was allocated.

Vice Mayor Lago: No, no. That wasn't.

Finance Director Gomez: Is it? Okay.

Vice Mayor Lago: No, no, no, no, no. No, no, no.

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Lago: Trust me. I wrote the legislation.

Finance Director Gomez: Okay. I apologize.

Vice Mayor Lago: I wrote the legislation, okay. It went from 1 to 1.5...

City Attorney Ramos: No.

Vice Mayor Lago: In impact fees.

City Attorney Ramos: Hold on, hold on.

Finance Director Gomez: Okay.

Commissioner Keon: No, no, no.

City Attorney Ramos: That was the initial change that was proposed. That was not made. In exchange -- because we couldn't touch that part of the ordinance, we did the resolution that was passed. And to your question about whether it was retroactive, I do not believe so. The motion made by the Vice Mayor was to divert 35 percent of the funds that are currently going to be attained.

Finance Director Gomez: Going to be, right.

City Attorney Ramos: And this was in April...

Vice Mayor Lago: When was it?

City Attorney Ramos: 24th of 2018.

Finance Director Gomez: Right. So, we would have to take an analysis of what have we received since April and then make sure that 35 per -- that the split is there.

City Attorney Ramos: Okay.

Vice Mayor Lago: Yeah, but also, what about the money that was -- the purpose of the legislation was to acquire new open space. That's why we added those additional impact fees. Yeah, that's what we added it...

Finance Director Gomez: Okay.

Vice Mayor Lago: For. I mean, I -- so what I need to know is -- and I want it in writing. I want to understand how much money we have in the account and I want to know in detail what are you budgeting for and I want the City Attorney to explain to me and to explain to this Commission why are we not acquiring open space if a piece of legislation was written in a certain manner by a Commissioner here and why are we using money to do -- to perform services or to do something that's not within the scope of the legislation. And that's what I want to understand. And I don't need to understand it today, I'm just saying. But we've had this back and forth for some time now and I want to -- I want clarity on it. Because if you look at it right now, the five projects that you mentioned...

Commissioner Mena: What's enhancement of...

Vice Mayor Lago: Yeah, they're not...

Commissioner Mena: Of open space?

Vice Mayor Lago: They're not -- 65 percent of that is not purchasing open space.

Finance Director Gomez: And again, it hasn't been spent yet. We can relook at...

Vice Mayor Lago: I understand that, but I'm just saying. That's why I'm not -- I just want to clarify. That's all I'm saying.

Commissioner Keon: Can I ask -- to the City Attorney. With impact fees, doesn't there have to be a nexus between...

City Attorney Ramos: There does.

Commissioner Keon: The impact fee and where the impact fee is used.

City Attorney Ramos: There does. However, for parks, we determined -- this Commission determined that they were citywide because people move...

Commissioner Mena: Right.

City Attorney Ramos: And so just because you live down south doesn't mean that you wouldn't come to Ponce Circle Park or vice versa. So, with parks specifically, we spread them out citywide, not per neighborhood, as we would for others.

Commissioner Keon: Okay, but I...

Vice Mayor Lago: We had this debate.

Commissioner Keon: Thought that there was -- wasn't there a discussion about whether they were in the commercial area of the city, the business district as opposed to in the residential districts?

City Attorney Ramos: And my understanding -- my recollection without looking at it is residential was included.

Commissioner Keon: Okay. It was my understanding that...

Vice Mayor Lago: We...

Commissioner Keon: Commercial...

City Manager Iglesias: Residential...

Vice Mayor Lago: We had a very...

City Manager Iglesias: Residential was included in the...

Vice Mayor Lago: We had a very long discussion about this, very long discussion on this dais. And it's -- there were several iterations, and that's why I want to clarify this and let's galvanize this and...

Finance Director Gomez: Sure.

Vice Mayor Lago: Move forward so that we don't spend -- this is a lot of money.

Finance Director Gomez: Sure. And I guess you...

Vice Mayor Lago: This is a lot of money that could address Commissioner Mena's comments over and over and over on this Commission. And we could take that money and we could use it in parks right now and get through those five parks.

Finance Director Gomez: So, the majority, just to be clear -- the majority of the money that I'm talking about was collected previous -- in previous fiscal year. There may only be a small portion of it that was collected since that resolution.

Vice Mayor Lago: In the parks impact fee?

Finance Director Gomez: Yeah, so from April -- we're talking about from April 2018.

Vice Mayor Lago: No, but wait a minute. Before -- we voted on this before. We voted on -- we...

Finance Director Gomez: The resolution is...

City Attorney Ramos: 35 percent specifically was voted on April of 2018.

Vice Mayor Lago: I'm not talking about the 35 percent.

Commissioner Mena: Yeah, but before that.

Vice Mayor Lago: I'm talking about -- let's not play -- let's not...

Finance Director Gomez: No, no. I'm just...

Vice Mayor Lago: Let's be clear. Let's be clear. Let's be clear because we're starting to, you know -- let's be very, very clear. In April, we allocated -- Commissioner Mena brought forward legislation, I think it was, or an amendment to the legislation. He brought up -- he brought it up in the Commission. And we discussed it in depth. We came up to a number of 35 percent. Before that, there was legislation in place, which is how we got the impact fees, when we went from 1 to 1.5, and that's what I want researched. Because I know it wasn't in April. I know it wasn't in April. It was a lot before that.

Finance Director Gomez: Yeah, I...

City Attorney Ramos: We will research it and bring it back.

Vice Mayor Lago: I know it was before that.

City Attorney Ramos: But my understanding is that never happened.

Vice Mayor Lago: And if you'd like, I can go into my files and I can also, you know, put forth -- because I know that I think I even wrote a memo on it. Okay.

Mayor Valdes-Fauli: Let's go on. We have a very significant...

Vice Mayor Lago: Well, this is going to be on the next...

Mayor Valdes-Fauli: Issue before us.

Vice Mayor Lago: This is going to be on the next agenda.

Commissioner Mena: Did we vote to approve the other part?

Finance Director Gomez: Yes.

Mayor Valdes-Fauli: No.

Finance Director Gomez: Yes, we did.

City Clerk Urquia: We need to finish the roll call on Item J-1.

Commissioner Keon: We haven't voted to approve.

Mayor Valdes-Fauli: We haven't voted.

Finance Director Gomez: Oh.

Commissioner Keon: Well, I would give you the whole thing. I'm sorry. What is the motion on the floor?

Vice Mayor Lago: The motion that I made was approve the police and fire funds.

Commissioner Mena: And hold off on the park part...

Vice Mayor Lago: Yep.

Commissioner Mena: Until we get clarity on everything we just discussed because it doesn't sound like...

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

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Vice Mayor Lago: Perfect.