

City of Coral Gables City Commission Meeting
Agenda Item H-1
September 14, 2010
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Works Director, Glenn Kephart

Public Speaker(s)

Fernando Menoyo, Coral Gables Resident

H-1 [Start: 2:27:13 p.m.]

Discussion regarding Segovia Street Streetscape Project

Mayor Slesnick: OK, we've come to our last agenda item of the day and that is Item H-2, excuse me H-1, H-1. Mr. Manager.

City Manager Salerno: Thank you Mayor. H-1 is a Manager's item regarding a discussion and Glenn will make a brief presentation on the matter at this time.

Mr. Kephart: Thank you Mr. Manager, good afternoon Mr. Mayor, Vice Mayor and Commissioners. Could I have the slide please? The purpose of this afternoon's discussion is to provide an update on the Segovia Streetscape Project that runs from Biltmore Way to Bird Road. My discussion will include a brief discussion of the scope of the project, anticipated design and construction, scheduling, and a brief history would be appropriate on this project also. As you see in your slide before you, the top slide, the top roadway is a cross section of the existing Segovia, which we are all very familiar with...

Commissioner Cabrera: Mr. Kephart...

Mr5. Kephart: Yes.

Commissioner Cabrera: This is your presentation, but I have a copy of that piece of that paper, I have a copy here for all to see; I've got to chime in because that's misleading and the reason I believe the top part is misleading is because it is showing four travel lanes, I know you all can't see this, but what it shows you is four travel lanes going north and south, and each travel lane is eleven (11) feet wide, that's what that diagram shows in front of us.

Mr. Kephart: Actually the travel lanes are twelve (12) feet wide, the total width of the roadway is 48 feet.

Commissioner Cabrera: OK, then let me ask you this. You all give me this document, which to the best of my knowledge is the same as that document, and I'm looking at vehicle travel lanes of 11 feet, four of them, that's what this document shows me.

Mr. Kephart: OK. The actual – I don't have that in front of me right now, but the actual travel lanes are...

Commissioner Cabrera: Wait, wait, but I asked for this last Monday, no I'm sorry, last Thursday, got it on Friday and it shows 11 feet of travel lanes, and now you're telling me its 12 feet of travel lanes.

Mr. Kephart: It is 12 feet of travel lanes.

Commissioner Cabrera: I know it is because I went out there and measured it, and it's really not 12 feet; it is 12 feet of travel lanes, but this is misrepresentative. Ladies and gentlemen I'm not making this up, this shows...

Mayor Slesnick: I haven't seen that.

Commissioner Cabrera: Well, I know you haven't, just like you have never seen that up there; this shows 11 feet of travel lanes, OK. So I went out there and tried to measure this area. Incidentally, this area does not measure exactly. There are some points of it that are 47 feet, and there are others that are 48 feet 8 inches. So, I'm puzzled about the fact that between the time that I requested this from Ms. Menendez and today's presentation there's been an adjustment made to this presentation, how did that happen? Did you go out there and measure it too?

Mr. Kephart: I did go out there and measure, but the design width, and I'll explain that as I go through here, has always been based on 48 feet of pavement from out to out, that drawing should not say 11 foot pavements, that is incorrect as you point out. It is 48 feet...

Commissioner Cabrera: It came from you all, it came from you all, it didn't come from me; I didn't create this thing, I don't have the capability to create this kind of stuff. OK. OK. Let the record reflect ladies and gentlemen, fellow colleagues, that I did request this document, and I did measure the existing width of the road, and it showed 12 feet of travel lanes.

Vice Mayor Kerdyk: Who did that the city or Marlin?

Commissioner Cabrera: Well, it's got Marlin's logo, but it's got the city seal.

Vice Mayor Kerdyk: That's why I ask.

City Manager Salerno: Marlin did that? Was it done by Marlin?

Mr. Kephart: Yes. What currently is out there is 48 feet of pavement, 4 lanes undivided, just a big massive pavement, and the proposed project, the proposed scope that goes back some years was to break that up, change it from two lanes in each direction to one lane in each direction with a landscape median, and also the addition of four feet bike lane. What you see in the schedule in the bottom that is what that does, and that sketch represents the original plan that was put out to bid earlier this year for this project. That plan included two ten foot lanes, 16 foot median, and 4 foot bike lanes. When the bids came in for that plan, there were some problems; the bidding process did not result in an effective result, and the reason for that was that the three lowest bidders failed to acknowledge an addendum that dealt with what would happen with a pavement edge adjacent to the median. This project was designed to basically just cut out the pavement in the middle of the roadway, it had no curb, and it included no pavement overlay, and it also didn't have any signal modifications to adjust for going from two lanes in each direction to one lane in each direction.

Commissioner Cabrera: Can I ask you, since you brought this up, I also happen to have a copy of the plan as approved by Miami-Dade County Public Works Traffic Engineering Division. In September, I believe, of 2009, and again, I'll pass it around if you want to see it, but this approval on September 28, 2009 by Miami-Dade County shows a traffic, or excuse me, a rural median, rural means a residential median, and the engineering terminology residential medians don't exist; that has no curbs, no gutters, and by golly it has trees in the middle of it and they look like they're Oaks from what I see, from these approved plans. So again, I'll make this available to all of you, this is the approval stamped by the County and then this is median trees, I'm sorry to have to do it this way, and I don't mean to block you...

Commissioner Anderson: No, no, not a problem.

Commissioner Cabrera: So, I'm sorry; so as you brief them, I'd like to brief them too because I've obviously done a little work.

Mr. Kephart: So as a result of the failed bid process, staff knew that we needed to rebid the project, and at that time there was a discussion and evaluation as what happens to that edge of pavement that doesn't have any curb where we have the problems with the bids, and it lead to perhaps we should take a closer look at this project and look at the design criteria. At that time staff commissioned Marlin Engineering to do exactly that, and Marlin's evaluation of this revealed some safety deficiencies in the original project, and those safety deficiencies were they identified that for this type of project in urban collectors, its classified as an urban collector, that it would need to have a barrier curb to protect the vehicles from running off the road and striking one of the trees, if we were to have trees in the median. Subsequently, and in addition to that

staff was looking at it, the pavement is fairly distressed, a twenty year pavement out there, and basically at the end of its useful life, it's at the stage where pavement starts to turn into potholes that an overlay would be appropriate also. We had subsequent discussions after Marlin Engineering study with Miami-Dade County, and Miami-Dade County confirmed the findings in the Marlin study that it was number one, a collector and must be designed to the collector's standards, and that if we were to not have a barrier curve and the best we could do with the median was to have trees with a four inch or less caliper tree basically, an Alexander Palm perhaps, or something of that nature, but certainly not the large Oak shade trees unless the median would have to be widened to 22 feet to have trees in it. Based on the existing width of 48 feet from pavement to pavement, the median would have to have a barrier curb in order to have trees. It is important to note that on August 3rd the Traffic Advisory Board and prior to that the Landscape Advisory Board both had recommended moving forward with the previous plan...

Commissioner Cabrera: The original plan.

Mr. Kephart: Yes.

Commissioner Cabrera: They unanimously voted on supporting the original plan.

Mr. Kephart: Yes. That is correct.

Commissioner Cabrera: That is the plan you are looking on Mr. Kerdyk.

Mr. Kephart: But those votes came for the Traffic Advisory Board, that vote came prior to the confirmation that we had from the County that Marlin study was in fact correct, there was some discussion at that meeting as to whether the Marlin study was correct or would be supported by the County and in fact the County did support that, and their criteria is based on building this project in the interest of public safety, which is what the standards are designed to do to design the highways as safely as possible, so really focusing on the inherent vehicles running off the roadway. Since that time staff has been working with or staff has continued to work with the County on this project, and in an effort to have a project that would be consistent with the original intent and concept to create a landscape project – could I have the next slide please?

Commissioner Cabrera: Mr. Kephart, while you are looking at the next slide, isn't it true that staff is being directed by the City Manager to move forward with the curbs and gutter designs as the desired design, is that not a correct statement on my part?

Mr. Kephart: What I can say is that the City Manager has made it real clear to me as the professional Public Works Director that he doesn't want us to compromise on the appropriate standards that we are suppose to follow within our profession.

Commissioner Cabrera: OK. Well, what he said to me on May 20th in our last private meeting was that he felt that the original project was incomplete, he used the words incomplete and unfinished, those are the two words he used in that discussion, and made me aware of the fact that he was not happy with that particular design. So it's my position that he's giving you

direction to do everything in your power to provide for the curbs, the gutters and the artificial irrigation. That's just my statement, I stand by it, and I don't mean to put you on the spot because you report to him and you're brand new, and you're a decent man.

City Manager Salerno: Wait. Mayor, if I may? The direction I gave to Glenn was exactly as he said. He needs to build the project that is in conformance with standards, that does not compromise safety, that tries to implement the intent of the overall direction, which is to provide a shade canopy over the roadway, that was the desire that I heard from the residents I met with; he is following that. This is also a project that also needs approval from the County, the plans you have there that were previously approved, I think Mr. Kephart will soon let you know that he had conversations with the Director of Public Works, where they indicated that they, it appears that they made a mistake when they approved those plans. Is that correct Mr. Kephart?

Mr. Kephart: That is correct Mr. Manager, the County admits to overlooking the trees in the median when they approved that plan, and the director followed up in a conversation with me that we may have overlooked that in the past, but we need to move forward today to do the right thing in the interest of public safety and that's following the "green book" and the standards on that, she was very clear with that.

Commissioner Cabrera: Let me ask Mr. Salerno, do you recall telling me in a private meeting on May 20th that you felt the project was incomplete and unfinished?

City Manager Salerno: I can't recall exactly those words, but I'm certain I expressed to you my concerns with the project, that would certainly be clear, and I think it's validated today...

Commissioner Cabrera: No, you never talked to me about safety; you talked to me about the project being unfinished and incomplete those are the words you used.

City Manager Salerno: Commissioner, both of those are ---, I don't remember my exact conversation. I clearly expressed concern. Mr. Kephart is a professional engineer, his obligation is to provide his best advice, that is what mine is; it is a policy decision on the part of the Commission, that's why this matter is before you. The design has reached the stage where members of the public have impressed upon me, I get calls from them asking me when is the project going to start construction, I get inquiries from members of the Commission asking me when are we going to start construction. That was the reason that we brought it here. I have directed Mr. Kephart in one regard; my personal assessment of the asphalt pavement on that road is that, that is a severely distressed road, and I believe that it needed to be evaluated, and my opinion was it needed to be resurfaced. Mr. Kephart has examined that and he concurs that to do the project without addressing the resurfacing would not be appropriate, is that correct?

Mr. Kephart: That is correct Mr. Manager.

City Manager Salerno: How would you describe the condition of the road?- what's happening to it?

Mr. Kephart: The pavement is distressed; it is at the end of its useful life. If you look at it, the oil content in the asphalt is gone, and you start to see the alligator cracking which will soon result in, if we don't do something in us chasing potholes on that street.

Commissioner Cabrera: Let me not deviate in from the real important matter here, OK. I know you are new to the City of Coral Gables, but I'd like to give you some food for thought as a professional engineer that you are and I am not. Had we followed the strict guidelines as set forth by Miami-Dade County or the Florida Department of Transportation, the following projects wouldn't look like they look like today. The Miracle Mile median would not look like it looks like today, the median on U.S.-1 would not look like it looks like today, the numerous traffic calming devices throughout our city would not look like they look like today had we just simply said, let's follow the Department of Transportation guidelines, and let's follow Miami-Dade County guidelines. What we all fail to see here is a workable solution is not being contemplated, what is being contemplated are the directions of the City Manager as to what this median should look like, and at the end of the day we can hide behind Ms. Callis at Miami-Dade County government, the FDOT, the "Green Book", which incidentally the "Green Book" is the, and correct me if I'm wrong, the "Green Book" is the standards and guidelines for highways and high speed corridors that is being primarily used to follow the curbing and the gutter and the irrigation, and if I'm wrong please correct me.

Mr. Kephart: The "Green Book" also refers to urban collectors which is what this is.

Commissioner Cabrera: One chapter, yes, one chapter, yes it does. So bottom line is, if that's the way you want to do it, look, it will not look like the city's current rural medians. It will not look like Alhambra, it will not look like Sevilla, it will not look like Mall Street, it will not look like Bella Vista at Gables By the Sea, and if I dare use the Granada Golf Course, it will not look like the Granada Golf Course, which happens to be a median that you live right across the street from. So if those are all the existing medians that we have that have been grandfathered somehow, some way, then so be it. Incidentally, if we are so gung-ho about following these guidelines, why then on San Amaro are trees planted without the appropriate distance from edge of pavement? Chip, you go down San Amaro, I think, every morning, San Amaro Drive near my house, if you look at those trees that were planted post Katrina and post Wilma, none of those trees meet the standards that we are talking about today, they don't meet them. Why?- because we deviate from those standards. Why?- because we are uniquely different from many other communities, that's what makes us different in Coral Gables. So, you know, if at the end of the process you all decide you want an urban median in a rural setting so be it. I think you will prevail, the professionals will prevail and it's a sad, sad state of affairs if that happens, but it is what it is.

City Manager Salerno: If you can continue.

Mr. Kephart: If I could have the slide up one more time. What this slide shows is what's explained what's in the current design that we've been working with the County with, that does meet the County standards, and that includes a six inch barrier curb at the median as required by the County, it includes an 11 foot pavement lane in lieu of 10 foot, some signal modifications

will be in that plan, and it includes irrigation in the medians, which should help the growth of the trees, it accelerates them up to 75 percent according to some landscapers. So those are the things that are in the plan that are different from the original plan, what is similar to and is same in the original plan is that it still has bike lanes, it still has the landscape median, it still reduces two lanes in each direction to one lane in each direction, and the overall amount of green space is virtually the same between the two plans; and there was one additional concept that I need to bring up that has been suggested by some and that was, well why don't you widen the median to 22 feet that way you don't need the curb. We've looked at that issue; and what that would require is a widening into the swale of approximately 3 feet, and as Commissioner Cabrera pointed out, some places its 47 feet in width, some places its 49 feet in width, but its approximately only 3 feet, and furthermore...

Commissioner Cabrera: But that's a scare tactic, you know you've got 15 feet of swale now, if you reduce it by 3 feet on each side then you are leaving it with 12 feet, no wonder my colleague to my left has concerns with that, because then all of a sudden he sees less green space. I guess we've forgotten the fact that the median, excuse me, the street doesn't measure what's been presented to me 3 days ago, its wider, and it could be made wider if in fact we are going to improve the street; we could make it as wide as 48-49 feet thereby getting additional green space.

Mr. Kephart: It is 48 feet currently; we would need to go to 54 feet to build a wider median and one point to keep in mind there if you visualize that, that requires the trees in order to meet the County standard still be planted in the dead center of the median. So basically, what you are doing is you're taking the green space from the swales and moving it into the median area, and if that concept would one that the Commission would want to move forward, one other recommendation that I would have is that the bike lane is four feet wide, and I wouldn't want to widen just 3 feet because then you end up with a construction joint in the middle of the bike lane, and that looks OK the first year, second year, but over time you get some differential there. So you really should widen 4 feet into the swale if we were to go to the widen concept. One more slide if I could, which will show artist rendering what the project should look like as completed, and this is the project that meets the County's criteria, the one that we are currently working on, and if it's the Commission's will to move forward with this project, we are in the final stages of design, we should be able to have this under construction by December of this year, it's about a six month project, so early next summer this project could be completed, and the cones and construction can be out of people's neighborhoods. Thank you.

Commissioner Withers: Is there a curb on the street?

City Manager Salerno: No.

Commissioner Withers: Just on the median.

Mr. Kephart: Just around the median.

Vice Mayor Kerdyk: Put that back up just a second please.

City Manager Salerno: Glenn go to the original photo, the photo of existing conditions, do you have that?

Commissioner Withers: It's here, it's here.

City Manager Salerno: Yes. OK. Go back to the existing today, if you don't mind, the existing picture.

Mr. Kephart: The one on the top represents the existing photo.

City Manager Salerno: You don't have it in there? We are talking about the photograph, you don't have that?

Mr. Kephart: I don't have the photograph, it's on the slide.

Vice Mayor Kerdyk: So basically, let's make this concise. Essentially the County said that this was a collector street, is that correct?

Commissioner Cabrera: An urban collector.

Vice Mayor Kerdyk: Urban collector.

Mr. Kephart: That is correct.

Vice Mayor Kerdyk: And thus since they said it's an urban collector all these other criteria are in effect.

Mr. Kephart: That is correct.

Vice Mayor Kerdyk: Just curious – why did they sign off on this in September 28, 2009?

Commissioner Cabrera: They "didn't have a dog in the fight"; they were not motivated one way or the other on this project. We've got a long standing history of working with Miami-Dade County Public Works, they recognize what a unique community we are, if they see a professionally rendered design, they are not going to really make a big stink out of it, they are just not, they are not made that way; they want to be as cooperative with us as possible. The big motivator for Miami-Dade County at that time Bill, was that we had bicycle lanes, because the bicycles lanes allowed us to improve volume along Segovia, which in turn allowed the road impact fees to be submitted for this project, because remember the road impact fees are coming from the Flagler Development Project. I know, because six years ago, I worked with Jose Gonzalez and I worked with Carlos Gimenez, and with David Brown, and with Alberto Delgado to secure the funding for this project. That's why this project is so near and dear to me. So the bottom line here is the County can work with us, the "Green Book" or the State Department of Transportation can work with us, but in order for them to work with us there's got to be an

inherent desire and there is no inherent desire in this project, because what I keep saying or eluding back to, when I first learned of this the fact that it was not going to be on the May Commission meetings second agenda is because the Manager felt that the project was incomplete and unfinished, those are the words he used, I didn't make these words up, those are the words he used; and that was the criteria that he used for going back and redesigning this and rebidding it, and in fact when he said that to me and said you know, the bids came in very low, I said that's great, we can use the additional money for landscaping, but he had other ideas in mind.

City Manager Salerno: Let me just...

Vice Mayor Kerdyk: I did need to ask a question. The question is, I guess you've had discussion with the County on it.

Mr. Kephart: Yes, I have, numerous.

Vice Mayor Kerdyk: And is there any room for negotiation?- or is that...

Mr. Kephart: I don't believe that there is. I had a pretty frank discussion with the Public Works Director, Ms. Esther Callis, and she was very firm about we should not have signed that plan last year, we did, but that doesn't make it OK, and now that we know we need to move forward in doing what is in the best interest of the public safety. Those are her words as nearly as I can paraphrase them.

City Manager Salerno: Commissioner if I could add, just add one item. Had I approved the project after the bids were received, we would have been unjustly enriching a vendor by approximately \$115,000, he would have had a windfall profit, because the three lowest bidders failed to sign, as Glenn said in his opening remarks, a key document, and that was to restore, because all it was going to do was do a saw cut on the asphalt that's 20 plus, 30 plus, maybe 40 years old asphalt, that would have produced an irregular edge, the addendum was requiring the contractor to repair and restore that, no matter how you restore a failed edging like that, it's going to be a maintenance problem forever. The fourth lowest bid as I recall was \$115,000 approximately above the low bidder. So had I awarded it, it would have been just giving somebody an extra \$115,000 in his pocket to do the same work that the project – had the vendor – this was not a responsibility of the city, the vendor just failed to acknowledge a key addendum; I don't believe any Manager would have awarded a contract giving somebody, and I don't think you would want to have unjustly enrich somebody and giving them \$115,000 profit on top of his normal profit just for that particular reason. That required the project to be rebid and as Glenn said that also allowed the time as well for us to engage Marlin Engineering in doing a traffic study for the design that had never been done before. Those are prudent steps; I think Glenn you commented that the initial design or the original design called for 10 foot lanes, those are incorrect...

Mr. Kephart: That's correct.

City Manager Salerno:...Those are flawed, they are not wide enough, those are design problems. Those things would not have been caught, and the fact of the matter is down the road if there, God forbid, if there is an accident or something else, the city accepts the liability for designing a project that doesn't meet standards, and forget the financial obligation; there is the moral obligation here. If you wrap, if somebody wraps their car around the tree, I know Glenn has already expressed to me not wanting to put anybody into that position, not to have made...to not give his best professional advice for something like that to occur. That's what this is about. People can construe it as something else, but the bottom line is there is a liability factor. I saw the City Attorney agreeing with me. We build something not to standard, and the County tells us what to do, we accept significant responsibility.

City Attorney Hernandez: If we accept something over the industry standard, you know, less than what the industry standard requires, we do expose ourselves to potential liability.

Vice Mayor Kerdyk: Listen, I want to see a nice project there, a landscape, a nice project down the median. The big issue to me was the question I was going to ask, and I think you just answered it anyway, what were the repercussions if we went in a different direction?- because whether we saw cut it or whether we put the median down, it's going to be a nice project for the City of Coral Gables, but having heard what you said about the repercussions, that's an issue for me, a big issue.

Commissioner Cabrera: Well, OK, then it's an issue for all of us, because he's using...

Vice Mayor Kerdyk: But that's what I meant.

Commissioner Cabrera:...I know you are, but you are talking for all of us, but he's using the term moral obligation, I urge you all today when you leave this meeting to drive down Alhambra, there's a moral obligation there, we're not addressing that one; we've got trees that are within inches of edge of pavement; I urge you to drive down Old Cutler, we have trees that are within inches of edge of pavement, those are OK everyone, and the reason they are OK is because they are not the Segovia Street median.

Commissioner Anderson: If I might....and I'm not trying to argue with you, you have your thoughts, but those are existing already, and not within our purview within this project, so I'm trying...

Commissioner Cabrera: No, they are within our purview, we're talking about moral obligation, we have a moral obligation to each and every one of our citizens that traverses through those areas, and therefore we should be correcting those areas as well.

Vice Mayor Kerdyk: But I'm also hearing, and I just heard it, we have a moral obligation as the City Manager said, but Liz is saying we have a liability issue too.

City Attorney Hernandez: I'm saying that if we do not build to industry standards, we will always open ourselves up to exposure. I don't know if you remember when we did the median

along U.S.-1, the architect on the median got out of a case where a young boy was involved in a very catastrophic automobile accident, that car blew up, he burned alive, and it was because we accepted the irrigation system that the architect designed and we were brought into the case. I don't know...I'm not the engineer here people, so I'm not saying one thing or the other, but the architect got out of it because the city accepted the end product, and I know that because we've been exposed to that liability and we've had to redo the irrigation.

Commissioner Anderson: Let me ask about existing conditions; are we liable for existing conditions?

City Attorney Hernandez: It depends. I'm not going to sit here and tell you...I'm not going to sit here and have my testimony played back in a jury trial. It would depend.

Commissioner Anderson: No, no, not a problem. Some of these projects are existing, and we're contemplating a new project, so I was just trying to clarify.

Mayor Slesnick: OK. Do we have any cards for speakers?

Commissioner Cabrera: It wasn't a public hearing item; it was a City Manager item.

Mayor Slesnick: But I allowed...We have one speaker; has he filed a card?

City Clerk Foeman: Yes.

Mayor Slesnick: OK. I keep asking, I don't get any response. You've got Fernando, three minutes, OK. Since I can't...your card is hard to read, identify yourself.

Mr. Menoyo: Fernando Menoyo, 744 Biltmore Way.

Mayor Slesnick: Thank you.

Mr. Menoyo: On Granada Boulevard which is a real collector, if you look at the intersection of Bird Road and Granada Boulevard and you go down half a block, some oak trees were just recently planted, just recently within the last three months, 3 feet away from the edge of the pavement, on Granada Boulevard which is a real collector compared to Segovia. While you were listening to the presentation or we were listening to the presentation about public art, I was thinking, our most beautiful art in this city is our nature. A rural median in the middle of a residential area is disastrous, it's horrible, it doesn't belong there, it doesn't go with our history. What words of expression of art would that be? The reason why this city is special is because we have beautiful residential medians like Alhambra Circle and Country Club Prado, which makes us special, and traditionally our engineers have worked with the County and the rule has been 8 feet from the edge of the pavement to any obstruction, be it a lamp post, be it a tree, the minimum width is 8 feet, and there is room for that here, and that's why this was approved. The original design of this project was studied for 10 years, it was thoroughly studied, and it was approved and my understanding is, once the County approves a project the liability is no longer

on the city, it's on the County. So this project was approved by the County, there is no liability for us.

City Attorney Hernandez: That's correct. If the County approves....

Mr. Menoyo: It was approved.

City Attorney Hernandez: I'm answering just the specific questions that are posed to me sir.

Mr. Menoyo: We have no problem, no liability problems.

Commissioner Anderson: But they've admitted they made a mistake.

Commissioner Withers: But wait....in 2009, right.

Commissioner Anderson: Yes.

Commissioner Cabrera: But they retracted it, Chip, they are going to retract it now, because staff has spoken to the County; staff has shared with them their desire to have a median that looks like an urban median, that's what staff has been directed to do. You can shake your head all you want, but I know what went down here, I know how it works.

Mr. Menoyo: What has happened here is a shame, because we could have had a median consistent with the rest of our city, no liability and using the standard business. We have a median on Toledo Street that is 10 feet wide, the whole median, and we have Oak trees in the middle, the business between the Oak trees and the edge of the pavement is 4 feet. Thank you.

Mayor Slesnick: Thank you. The Manager has brought this to us for trying to get a consensus, the will of the Commission is to move forward, and how to move forward, so do we have a....

Commissioner Cabrera: Can I just make one final comment?

Mayor Slesnick: Yes.

Commissioner Cabrera: Last night I didn't sleep well because I knew this item was coming on the agenda, and I've been very troubled by this item because I don't know what kind of legacy you are going to leave behind, but one of the legacies I wanted to leave behind for my kids, and their kids, and their kids was this median that's why I worked alongside of all these people for six years to try to get it accomplished, and incidentally I've got to give Fernando Menoyo all of the credit for really coming up with this concept because he came to me nine and-a-half years ago, right after I got elected into office and gave me the idea, and he really was the one that was passionate about it. So I don't want to take your passion for this idea away from you, I just agreed with what you wanted to do, and tried to make it a reality. But last night in my inability to sleep I decided to write some thoughts, and I'd like to read them to you, and if anything, if they resonate with any of you at all, hopefully you'll see where I'm coming from with this. You

know, in my opinion, and from what I've learned these last nine and-a-half years as a member of this Commission, who incidentally has worked together with our Public Works Department, very much like you did Bill with the trolley program, I believe that municipal engineering is an art that combines good engineering practices with elements of design that preserve the integrity and personality of any municipal community. Our Public Works staff throughout the years has been very successful in convincing the County, the Florida Department of Transportation, as well as teaching consultants that you can have a very good engineering project while maintaining the character and special charm of the City of Coral Gables. I'm going to be quiet because I think the Manager had something to say, I'm sorry. Most of our past traffic calming projects are an exceptional and vivid example of that particular effort. They took hard work; they took imagination, and the courage of departing from the cookie-cutter project, very typical of lesser communities, and usually approved by the Department of Transportation and usually designed by many, many traffic consultants. Our city was able to be a pioneer in all of the projects that I've talked about today; the Miracle Mile Median, the U.S.-1 Median, the one hundred plus traffic calming devices that we have installed throughout our city. The determination and perseverance of our city, staff really paid off, and as they say, "no guts no glory". To do a Segovia project in a way that was proposed required a good combined effort between the County, the city and all the community stakeholders involved, and as I have said stakeholders are the Landscape Beautification Board, stakeholders are the Traffic Advisory Board, stakeholders are the Historic Homeowners Association of Coral Gables that took an active part in this process. Building an urban median on Segovia is just simply another cookie-cutter DOT material that does not represent the City of Coral Gables as a special place it is, and I believe we are doing a complete disservice to all who truly care about our City Beautiful, and that's the reason I'm so passionate about this. At the end of the day we can hide behind liability, at the end of the day we can hide behind Esther Callis, and the Public Works Department at Miami-Dade County, we can hide behind the "Green Book", we can hire a consultant for \$3,600.00 to support what we want done, but I've told you what really makes us different from any other community in South Florida, and for this matter from any community in the region. So with that said, you know, the ball's in your court; you know how passionate I feel about this project, and you all are the ones that are going to supposedly give direction to the City Manager on this project.

Vice Mayor Kerdyk: Can I say a few words?

Mayor Slesnick: Yes, sure.

Vice Mayor Kerdyk: I feel – I have heartfelt appreciation for what Fernando and what you have done Commissioner Cabrera, and I know because everybody here has projects that they have worked on, and I know you have worked very hard on this project, extremely hard on this project; and for me just having a nice median down would be something that is a good thing for the City of Coral Gables, a very good thing for the City of Coral Gables, and to be very frank with you, when I first heard of it I thought it was not a bad idea, I thought it was a good idea to put the saw cut. What really troubles me and you can say I'm hiding behind it, but I'm really actually not hiding behind it....

Commissioner Cabrera: I would never allege that of you, or anybody for that matter, the four of you.

Vice Mayor Kerdyk: But what concerns me is when our City Attorney and City Manager and our staff tells us, hey we have a liability/ what was the other words that you used?- liability is really the issue....

City Attorney Hernandez: And again Commissioner, just to be clear, I have not studied this proposal; a question was posed that if we didn't meet industry standards and we accept a project that doesn't meet, I gave you my answer, Mr. Menoyo came up and said that the County did accept it, so you know, the flow of facts goes back and forth, if you want me to give you a specific answer on a specific set of facts...

Vice Mayor Kerdyk: Well, is the County going to accept it now?

City Attorney Hernandez: Well, I don't know. You have to give me the specific set of facts you want the answer on.

Commissioner Cabrera: The staff has a letter from the County's Public Works Department that stipulates that, that letter, that they retract their findings. But you know, we have our traffic consultant here, I saw him out in the hallway earlier today, and he's here, perhaps we would like to ask him some questions about how could we make a median occur in a residential neighborhood that doesn't look like an urban-type median, I'd like to know that, but maybe the rest of you don't, maybe we just need to go home and be back here at 5:00 o'clock or do whatever we've got to do. So I don't want to burden you anymore with this project, I know when I can't prevail on something, and I'm willing to put up the white flag and say, I lack the resources, I lack the will, I lack the energy to continue to fight because you know what?- what people say is true, you can't fight City Hall, it's impossible.

Commissioner Withers: You know the other issue is to, I'm sorry Maria go ahead.

Commissioner Anderson: No, it's OK; go ahead, I was going to muse on something.

Commissioner Withers: The other issue is to remove the swale.

Commissioner Anderson: Pardon?

Commissioner Cabrera: It's not going to have a curb....

Commissioner Withers: I'm not saying I would make the decision to do that, I'm just saying the neighbors would be involved, and I think...what about the bike lane?- if we eliminated the bike lane.

Commissioner Cabrera: You can't. If you eliminate the bike lane you lose the funding from Miami-Dade County, because Miami-Dade County's Public Works Department justified the use

of road impact fees, Chip, because of the bike lanes, because what we were able to show was a reduction in volume of the street and that allowed the road impact monies to be allocated for that project. So removing it, that will really create a fight, not only with Miami-Dade County but with the bicycling community that is looking forward to having a connector between Bird Road and Alhambra.

Commissioner Withers: Let me just ask our engineer a question. Is there a gray area here as far as standards on road, widths and median requirements?

Mr. Kephart: The requirements for the median and the barrier curb based on us wanting to put wide canopy shade trees in, there are not gray in my opinion.

Commissioner Withers: So the factor is the landscaping we want, which is the tree, determines the height of the curb and how much distance you have to have from the travel lane to where I guess the tree is planted.

Mr. Kephart: Yes, it determines that you need a barrier curb.

Commissioner Withers: And that is found where?

Mr. Kephart: That is in the Florida "Green Book" and at this point required by us from the County.

Commissioner Withers: OK. So that is a law?- it's a standard?

Mr. Kephart: It's a traffic engineering standard that controls the design based on historical records of safety and things that happen.

Commissioner Cabrera: Chip, can I just tell you something, I'm sorry Chip, I don't mean to interrupt you. OK, go ahead.

Commissioner Withers: So in a lawsuit what you are telling me is that a plaintiff attorney, if somebody wrapped a car around a tree in a median in the road, then they would go to that "Green Book" standard and say, the City had the opportunity to follow the standard and they elected not to do so, so they are going to be liable.

City Attorney Hernandez: OK. It's not as simple as that. OK. If it's new trees and the city...there is a range of designs and design criteria; if the plain question is if it is below industry standards, what you are doing....

Commissioner Withers: Which this would be, which this would be.

City Attorney Hernandez: That's the hypothetical you're giving, then the city, if the city accepts the project, then just as if the County accepts it, if it's a County road then the County would be binding.

Commissioner Withers: But the expert, I mean that affectionately, has just stated that it would be below industry standard to do anything other than a 6 inch curb with a 4 inch tree, is that the issue?

Mr. Kephart: If you didn't have the curb you could have vegetation up to four inches caliper or a wider median.

Commissioner Withers: OK.

Commissioner Cabrera: Chip, under your example, OK, under your example. Somebody goes out and gets into an accident because one of our traffic calming circles instead of yield signs, instead of four yield signs, has four stops signs, OK, that doesn't follow the "Green Book" standard, that's a modification, that's a deviation from the "Green Book" standard, but you and everyone on this Commission knows that we have a bunch of traffic calming circles with four-way stop signs throughout our city. What's the difference there?- or what's the difference on San Amaro?- that we have planted trees less than 8 feet from pavement, less than 8 feet from pavement and the same thing could occur. So that's OK there.

Commissioner Withers: Well I'm not saying its OK there.

Commissioner Cabrera: No, I'm saying its OK there, I know you're not.

Commissioner Withers: In response to your concern about Oak trees that may have been planted three feet from the side of the road instead of four feet from the side of the road; I don't know that, that justifies the redesign of a median. Listen, I've talked to Fernando, I don't like the curb, he knows, I've told him, I said I would like to have like they have down on Alhambra, that look with no curb, I think it looks cleaner and more residential, I mean that. I don't know that any of us would like to have a curb there if we didn't have to have a curb there.

Commissioner Anderson: I would because I've lived on that street for a long time.

Commissioner Withers: You want to have a curb.

Commissioner Anderson: Yes. I've seen accidents on that street that would really curl your hair.

Commissioner Withers: But I would rather not have a curb, I'll tell you right now, but...

Commissioner Anderson: That's OK, I won't argue.

Commissioner Withers: And it's not because, you know, I've had e-mails where they said we don't want to look like Weston, we don't want to look like Meisner Park, we don't want to look like some development down in West Kendall, we have Coral Gables and we don't want curbs. It's just the fact that I would rather not have a curb because aesthetically it doesn't look that nice to me, to Maria it does, but if it's a legal issue and its going to put the city in harm's way whether

we have it in other places in the city, I'm going to be hard pressed to go against standard, I mean, I just, in fact I think I asked the City Manager if we could instead of putting a curb like this, if we could have a nice general slope of a curb, so it wasn't as intimidating of a curb, and I think you said no, we couldn't even do that, so.

City Manager Salerno: That's right.

Mayor Slesnick: OK, we've got to bring this to a close. Number one, my principal motivation here is to get a median down on Segovia, has been from the beginning, I mean, I truly believe that enhancing Segovia Street is the highest priority here, enhancing Segovia Street. There can be different ways to enhance it, but doing it and getting it done is better than sitting and doing nothing for a long time; and the more we sit, now we've had two e-mails – I'm sorry, the public hearing is closed – now we've had two e-mails from residents of Segovia Street who said forget the median, just leave it like it is, and I think the longer we hesitate we're going to have more; and Fernando, I must say to you that those kind of shocked me, these were not by the way ludicrous e-mails, these were long thought out e-mails that we got from two. Well, I gave them to the Clerk, I thought they were addressed to everybody, I'm pretty sure, but the Clerk has them; and these are two residents that said, look, stop worrying about the median, just leave it like it is, it works, why worry about it if it works.

Commissioner Cabrera: It doesn't work.

Mayor Slesnick: Ralph, I'm not agreeing...

Commissioner Cabrera: How many times it's been shown.

Mayor Slesnick: Ralph, Ralph, I'm not agreeing, there just seems to be a growing sentiment that if we are sitting on our rear ends arguing about it, they'd rather just have us leave it there. So I don't want to do that.

Commissioner Cabrera: It would be a great landing strip if we wanted to create an airport right there, or speedway, you know, quarter mile speedway. That's all its good for. I'm sorry; I'm just stating the obvious.

Mayor Slesnick: Ralph, Ralph I am all for doing a median there.

Commissioner Cabrera: Don, Don. OK. I got it, I got the message, I got the message. I know what's going to happen here. We are going to have a median that looks like Ponce de Leon Boulevard by December and everybody is going to live happily ever after, and it's going to look a lot like other communities that are not Coral Gables.

Mayor Slesnick: I am not hiding behind anything....

Commissioner Cabrera: I never say you hide behind anything. I'm not alleging that.

Mayor Slesnick: No, no, but you used the term, so let me just say...

Commissioner Cabrera: I used the term just for one person, not for any of my colleagues.

Mayor Slesnick: OK. I am concerned as you know, and you even handed me up earlier...I am concerned about eating up the swale. We have great big swales, and beautiful swales along Segovia, and I for one am not interested in eating up the size of the swales there. So if it requires us to have a curb to leave the swales alone, then I favor that; on the other hand I too would like to have as much a less or more Coral Gables roll setting as we could, but I cannot support eating up the swales. I also want to say that Ralph, it pains me greatly to know that you have been through as much trouble and as much frustration and so forth....Ralph, let me say it, I'm not doing this to make you happy, I'm just telling you that this is the truth; you are one of our fellow Commissioners, we worked together for nine years, we've had lots of agreements, lots of disagreements, we've had lots of projects arm in arm together, we've gone different ways sometimes, I don't care whether I agree with you or not, it always hurts me when a fellow Commissioner is having a tough time with an issue, and I just want you to know.

Commissioner Cabrera: Well it could have been a very easy time had staff really wanted to work with this, just like the local vendor preference, nobody called me, nobody bothered to discuss it with me, nobody thought it was important enough that the Commissioner that brought it to the city's attention should be consulted before it became a First or Second Reading, but we concentrated on the fact that it was sixty not ninety days, and we concentrated on the fact that, gosh, I'm an idiot for going outside to the bathroom when that item was being discussed, that was important, those two were very important subject matters to point out. The fact that no one called me that wasn't important, the fact that no one consulted with me that wasn't important. It's OK, that's the way it runs these days, you know. The United States Secret Service has nothing on the City Manager's office.

Mayor Slesnick: Ralph, I'm just trying to say that I feel your pain...

Commissioner Cabrera: No, you don't.

Mayor Slesnick: Yes, I do. I think you know I do. I feel your pain because we share your pain sometimes, and I feel it, and therefore I'm sorry that it comes down to a time when you are this frustrated...

Commissioner Cabrera: In the words of a great man, "that's all I have to say about that".

Mayor Slesnick: OK. Ms. Anderson.

Commissioner Anderson: I just want to know is the next step that we need to move on?

Mayor Slesnick: The next step is we need to just determine whether we are going to give a vote of confidence if you will to the plan we've seen today presented by our Public Works Director, and move forward, or send the Manager back to the drawing, that's what I need a motion on.

Commissioner Anderson: I will move to proceed with the project as presented.

Mayor Slesnick: I need a second.

Commissioner Withers: I'll second it.

Mayor Slesnick: We have a motion and a second to send the project forward onto the bidding process, I guess, to put it out for bid as we've seen it presented by the Manager today.

Commissioner Withers: Don, I would like to add one more thing to that. Before the plan is submitted to bid could we submit it if it hasn't been submitted to Dade County to get a sign off on it?

City Manager Salerno: Of course, we are following their direction right now.

Commissioner Withers: To have it approved by them, so...

City Manager Salerno: Sure.

Mayor Slesnick: Those in favor please say aye.

All: Aye.

Mayor Slesnick: Those opposed like sign. It passes and I would hope that we would all like to see Segovia addressed as soon as possible Mr. Manager, and that we move forward with all due haste and who knows, maybe we can find a way to build curbs that don't look like traditional curbs.

Commissioner Cabrera: Maybe pigs will fly.

Mayor Slesnick: Maybe they will.

[End: 3:23:06 p.m.]