

# **City of Coral Gables City Commission Meeting**

## **Agenda Item E-3**

**December 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 Speaker(s)**

**Laura Russo, Attorney Representing Gulliver Academy**

**Andrew Dickman, Attorney Representing the Homeowners Association**

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E-3 [Start: 11:59:08 a.m.]

Planned Area Development, Site Plan, Encroachment, and Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:

- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
- 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
- 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road right-of-ways; and
- 4) Zoning Code Text Amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations;

Providing for severability, repealer, codification, and an effective date (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010).

Mayor Slesnick: E-3

City Attorney Hernandez: [Note: Above title was read into the record].

Mr. Riel: The Commission of the November 9<sup>th</sup> meeting recommended approval 3 to 1; staff does support the request as well as the Planning and Zoning Board. As indicated previously, there were three separate meetings regarding the Gulliver Academy application. The City Commission did add one additional condition regarding an additional officer, fourth officer at the intersection of Lugo and Old Cutler. Staff did discuss with the Police Department and we did put language in there that allows some flexibility by using words, approximately, to vary the times based upon the peak times that it was expected that students would be in that area. So that's the only basic modification that staff has to this particular condition of approval, and I believe the only thing the applicant wants to do is just enter into the record that the final agreement between the neighbors and Gulliver as well as the fact that they agreed to all the conditions as modified.

Commissioner Cabrera: Can we talk about that time frame?- I think it was Ms. Anderson's recommendation for the additional officer that the folks from Gulliver struggled with for a few minutes, and we took a break and then they came back and were graciously willing to do this. I think you've been out there...

Yes, I've been out there many times.

Commissioner Cabrera:...I'm sure Ms. Anderson's been out there, I've been out there four times, and what I can tell you from my personal observations, I've been out there at different times of the day, but primarily between the hours of 2 and 4, and what I have been able to see is that the 2:30 p.m. to 3:30 p.m. that's the allotted time for our Police to be out there, really is not going to take care of the issue. There are lots of young people that are still leaving the school after 3:30. Let me just take this opportunity because we are just going to talk about this gate today, I know that's going to be the topic of discussion.

Commissioner Withers: I'm sorry, the what?

Commissioner Cabrera: The gate, I'm sorry, the pedestrian gate. Here's what I observed; I observed – because I was also out there in the morning; I observed if we move forward without any ingress and egress from the Campamento side regardless of where it may be, for those students only, properly enforced and with the proper oversight, here's what a student that lives in Gables By the Sea would do – and I realize that there may be only 17 families as of today, that student would walk from Lugo to Old Cutler and cross Old Cutler at that light, and then walk

down that sidewalk, can I say north?- yes north to the general entrance of Gulliver Academy and then if the Officer is aware of it, the Officer would do everything possible to ensure that the student then can safely walk across Old Cutler unto the campus. The same holds true for the end of the day; the end of the day the student would have to once again cross Old Cutler, walk south to the intersection at Lugo, and then be assisted by law enforcement personnel; and this idea of walking on the same side of Gables By the Sea along the public right-of-way, I did it, I can do it; I don't think that it's a huge hardship, but it is a hardship, there is no sidewalk there; there is uneven surface, there are driveways, there's all kinds of different challenges that possibly could become a problem, especially if it's raining. So, when it's all said and done, I care about Gables By the Sea Homeowners Association, I care about the work they have done with Gulliver to come to some sort of agreement, resolution, compromise, but you know, up here ladies and gentlemen, I have a responsibility for life safety, I have a responsibility for kids that, I believe it was Mr. Arnold who presented to us last time and said that neither his son or his grandchildren ever had a problem getting to and from Gulliver; and I'm very pleased to hear that, I'm very glad that Mr. Arnold's family has been safe all those years, but guess what?- that doesn't prevent anything bad from happening in the future, in the present or the future. So, I don't know what the answer is. I tried to look at Campamento and in fact Ms. Perez who is here today, I found her house by the cone that she places in her driveway. So people will not station themselves on her private property, and I'm really empathetic when it comes to the queuing of vehicles along Campamento. I think that's wrong, I think that's a problem for that residential neighborhood, I think their quality of life needs to be preserved regardless of the fact that it may be twenty minutes in the morning and twenty minutes in the afternoon, it doesn't matter, they have a right to enjoy their tranquility and their peace in their neighborhood. But I'm just truly, truly concerned about these 17 families, and going back to what I started to say, when I looked at Campamento and saw 57<sup>th</sup> Avenue, I thought that perhaps we could make an opening there, but I believe there may be some liability issues with that; I believe there could also foster more cars to queue up along Campamento and 57<sup>th</sup>, but you know what?- this could also be resolved very easily by installing a gate, a five foot pedestrian gate that has a mechanism that only allows certain people from using it to ingress or egress into the property or out of the property, and that could be very easily done with a self-locking mechanism like most of us have, those of us that have swimming pools, we have self-locking mechanisms at our gates, and a card system would be able to be a good mechanism in which students or their families would have the peace and tranquility to be able to use a gate; and with all due respect to Mr. Plummer who I respect very much for his professionalism and knowledge when it comes to traffic engineering, I know there is an internal roadway, but forgive me there is a way to put a gate somewhere that doesn't affect that internal gateway, I'm sorry, internal roadway; and again, I don't mean that Mr. Plummer, I don't mean that to say that you would not come up with a solution like that, I know you have the professional experience to make that happen, but I know that was one of the arguments that was thrown before us at the eleventh hour at the first hearing of this item. So, if we can't come up to

a solution for some sort of a gate, I'm sorry; I'm sorry to Gulliver and I'm sorry to the Gables By the Sea Homeowners Association, I am not going to support this application.

Commissioner Anderson: Let me just add something in support of what you said, because I did go there and take a look and then Dr. Frolich sent photographs that are very compelling; there are no sidewalks, it looks pretty dangerous and I would really be supportive and actually had thought of that same kind of thought would a mechanism where it wouldn't be open to everybody because that's what we want to avoid, but there has to be some way to figure it out that doesn't violate the agreement that the Gables Homeowners and Gulliver have that we can all move forward positively and give something to these folks that really, these children walk to school and it's dangerous. If you look at these photographs, by accident a Police Officer looks the wrong way and a child crosses and somebody could get hurt. So I would be supportive, to entertain a simple solution such as proposed by Commissioner Cabrera.

Commissioner Withers: Here's my only issue and I thought about this in anticipation of the Second Reading. I think if I remember on the site plan there was some concern that even if there was a gate there, they were still going through some egress and ingress of equipment that possibly could be moving in and out, so there is still a risk, not as high a risk as there was on Old Cutler, but there is still a risk. What it boils down to me is this, I think we all have the one issue that at least bothers me and I think I hear from you all, the gate causes queuing up of cars that upsets neighbors.

Commissioner Anderson: I understand that.

Commissioner Withers: If it wasn't for the queuing up of those cars we would have no problem opening or leaving that gate open, if we could be assured there was safety once the kids get on the campus. I'm really disappointed that Gulliver, and I've supported them on every aspect that's ever come before them and even when I think they were on main highway, I remember when they moved from main highway into the Gables, that Gulliver as a school is kind of throwing this in our lap for us to make a decision. This is really not a City of Coral Gables issue more than it is a Gulliver school issue; the safety of their kids going to and from school should be as important to them as it is to us, and I hear absolutely nothing, they are totally silent on the fact of remedying the situation inasmuch that we ask Gulliver to help patrol the situation if the gate was open, they agreed not to do that. They didn't want to do that. Ralph had asked for extended hours on crossing guards and there was some pull back on that. I have no problem leaving the gate open; I have no problem posting that area; I have no problem stationing an officer there and citing people and pointing directly at the school if that's where we end up on this thing; but I'm really – I have no problem, if Gulliver has come to us with a master plan of their campus that said they want to remove a gate from there, but I don't know why we are ourselves trying to overstep their request to appease fighting amongst the neighbors, I mean, its...if there was building in downtown Coral Gables and there was access off an alley and the building owner

came to us and said, we want to close access of the alley for the betterment of our building, for the betterment of our property, and there was a huge uproar of local business owners or whatever saying, you can't close that access....

Commissioner Anderson: We basically get thrown a neighborhood problem onto us.

Commissioner Withers: Right – and that's just how I feel. I don't know if you all feel that way.

Commissioner Anderson: I agree. I almost pulled the motion the last time because we were having trouble figuring out extending the crossing guard that was very disconcerting to me, because I was trying to be accommodating to achieve the greater goal, it took a break.

Commissioner Cabrera: Well the bottom line was you were not being unreasonable.

Commissioner Anderson: No.

Commissioner Cabrera: You were being reasonable, you really wanted to try to figure out – you were trying to fix the problem.

Commissioner Withers: The cost – I was trying to do some rough cost of what it cost, \$20 per hour, \$40 per hour, whatever it was for the additional hours you wanted, and I put it on a spreadsheet, and I said you know, Gulliver could almost buy a van, go around the neighborhood pick people up and drop them back off again for the cost of them supplying an additional \$100 a day or \$200 a day.

Mayor Slesnick: Let me just add a couple of things. Number one, is that the fact is I think you hit the nail on the head, that this is an issue between parents that are paying for their kids to go to school and the school itself, and the parents are just as bad as Gulliver, they are coming to us for us to dictate to Gulliver...

Commissioner Anderson: I don't think they had a choice though.

Mayor Slesnick: But they are coming to us for us to dictate to Gulliver how their kids are going to get to school to a private school that they are paying to go to. I mean, I find that somewhat bazaar. The Homeowners Association, they are not desperate they can drive their kids to school...

Commissioner Cabrera: If I was a parent living in Gables By the Sea I would hold a gun to your head and make you put up a gate.

Mayor Slesnick: Well thank you very much.

Commissioner Cabrera: Well you are welcome very much. You know I would, I'm saying it facetiously, but I would come to you and lobby the hell out of you.

Mayor Slesnick: Well no one has lobbied me; they have shown up to talk to us.

Commissioner Cabrera: I'm just telling you what I would do.

Mayor Slesnick: OK, Well then Ralph, let me finish.

Commissioner Cabrera: OK, you go ahead, Don.

Mayor Slesnick: Thank you Ralph. I haven't spoken very much this meeting; I'd like to speak a little.

Commissioner Cabrera: Go ahead; I'd like to hear you.

Mayor Slesnick: I think it's an issue between the school and the parents is number one, and I'm sorry that they can't seem to come, because I respect the fact that the homeowners association speaks for the area as a homeowners association; homeowners association has said they have problems with the gate being there and with the incumbent issues with the gate being there. So I respect that on the part of the homeowners association. The fact is that the people that send their children to this school is by choice; they pay a lot of money; they choose to go to that school; if they don't like how their kids are being treated I don't know why they send their kids there. I mean, it's just a matter of choice between the parents, and I have to tell you I'm not quite sure why Gulliver as a school hasn't found a way to reach accommodation for parents who are paying money to send their children there. I don't understand either side of it, but we are talking about 17 children or 17 families with 17 children, it's a very small number of people influencing the entire actions of the neighborhood, and they have chosen to go to school there; if they went to school any place else, they'd have a longer distance to go. So I just...hey listen, I walked to school lots of times when I was a kid, I drove my bike to school.

Commissioner Withers: In the snow.

Mayor Slesnick: No, not in the snow, but times have changed.

Commissioner Anderson: And by candlelight.

[Laughter]

Mayor Slesnick: Times have changed and it's nice to have some children that can walk to school, but the fact of the matter is it's that's a preference choice and that's a luxury.

Commissioner Anderson: But nevertheless, I really think the responsibility is the person who is bringing forward the change, honestly, and they could or could not go to school, but you're right, but the point is the people who want the change aren't as cooperative as they could be. I mean, I know they want this and I know it's for the betterment of the school.

Mayor Slesnick: I presume, it's my understanding of the chronology of this is that the school proposes a change, the school goes and negotiates with the community, the community asked for the gate to be closed, not the school. I don't think the school proposed closing the gate, I think the community asked for that as part of their agreement. If I'm wrong on that I need to be corrected, but I'm under the impression that it's Gables By the Sea Homeowners who asked for the gate closure.

Commissioner Anderson: Right and listen I'm not, the big gate closure I'm not busting that one, that's fine, but I think there is another solution that can be found that's simpler than that, so I'm not trying to figure that part out, but I think that there is something...this is very compelling stuff for me. But I want the thing to happen.

Mayor Slesnick: OK. We'll get Mr. Riel.

Mr. Riel: If you'd like, I can clarify in terms of how the parties got to the agreement. First Planning and Zoning Board meeting, we had testimony the entire evening, second meeting about half of the meeting. A number of issues were identified, they ranged from site plan issues to off-site impacts to traffic to parking, everything was discussed, and basically what it was we identified all the issues, we wrote them down; the Board asked that the applicant meet with the homeowners association and forward and negotiate each of those issues. The end result was the agreement which is before you today. So they did discuss all the issues of closure, pedestrian access, everything, and it was negotiated out between the two parties. So just to clarify the issues.

Commissioner Withers: And that's the whole point; the school weighed the give and take of getting the approval from the homeowners, and they said the gate is something that we can move to the homeowner's side if we get these other things. So you know, the school has created the anomaly that we are faced with getting their kids through the gate. It's not really a City issue guys, but I mean, it's a safety issue, but I mean it's so much more incumbent on the school that I think...

Commissioner Anderson: I understand.

Commissioner Cabrera: How would you feel if we asked the school if they intend on addressing this matter?- would that be appropriate or would you rather...?

Mayor Slesnick: That's coming up next.

Commissioner Cabrera: OK. I wanted to ask...

Commissioner Withers: You mean address the closing of the gate?- or to keep the gate open?



Commissioner Cabrera: What you say?- what you and Don say?- which is, you know it's really not our call on this, that it should be the responsibility of the school.

Commissioner Withers: You know Ralph, you bring up a very good point because what this Commission has done on several of these issues, and I remember when we kind of entered into this, not necessarily this Commission, but maybe in the previous Commission, we kind of entered into allowing neighborhoods to negotiate deals with developers, with schools, with churches, and then bring them back to us; we've allowed that to happen. We allowed it to happen with Andy Murai on putting oak trees as opposed to leaving his oak trees up in the Village of Merrick Park...

Commissioner Cabrera: We did it with St. Phillips.

Commissioner Withers: We did it with St. Phillips – and what happens is we sometimes paint ourselves in the box because we say, OK, neighborhood and developer whatever, you guys work it out, you come to us for the blessing and we'll put in stone for you. In this situation we've kind of allowed the Gulliver School and the homeowners to work out their own deal, and I'm sure there was a lot of horse trading back and forth on what they were allowed to do, heights and whatever, and one of the issues that obviously the homeowners association was hanging tight on was, we want that gate closed. I'm sure the majority of the parents that have kids living in the neighborhood they would have probably said, keep the gate open, but it didn't. So we find ourselves in a situation that the homeowners association will probably not want to bless the deal if the gate stays open. So to me the developer, the school said, this is an agreement that we've reached, now there is a small faction that's saying like you said, we are not really happy with this deal, so do we as a Commission step in and say, we don't accept all components of the deal; and my feeling is we've kind of let the process go along, we've kind of let everybody reach a deal, we've got everybody shaking hands on it, and now they are asking us to come back and amend the deal for a smaller group of people. When to me it really should have been worked out with the homeowners in the first place and the school in the first. That's just my feeling, but I understand, if I was a neighbor there and my kid attended Gulliver and they could just go through the fence and walk into school and I didn't have to worry about them walking on Old Cutler, I would be right next to you.

Commissioner Cabrera: Yes, I was being facetious.

Commissioner Withers:...I could understand that being a parent and worrying about, thank goodness, you know, you worry about what I used to worry about them walking to school or 11:00 o'clock at night driving home, but I would worry.

Commissioner Cabrera: And that's a paramount concern for me. I feel badly about the fact that this is being the one item that everybody is or one group is holding the other hostage on, but OK



let's take it out one more step. Ms. Anderson and I have been out there, and you have been out there and you know that area because you grew up in the Gables, there are just so many opportunities for something to go wrong, so what could we legislate?- well could we legislate requiring the school to put a crosswalk without lights along Old Cutler so that there is a very formal walkway for the students to understand that they have to go there and then the officer will then man that crosswalk?- or do we look at 57<sup>th</sup> Avenue which is public right-of-way and create a small opening there and have additional no parking signs along the public right-of-way?- and we have a card system whereby students can access that gate with the card and it's a self-locking mechanism. I'm just concerned about the life safety, that's the paramount concern here. You -- what would be so fearful for me, it's the same thing as it is with traffic calming, the reason I took on traffic calming is not because it was the popular thing to do, it's terrible. Traffic calming puts neighbor against neighbor; people hate it, people get passionate over, real estate professionals tell you that if you put traffic calming circle on a corner the value of the house goes down 30-40-50 percent. Bottom line is folks, we had to do something to calm our streets, our residential streets that we went into traffic calming, and what did that do?- hopefully created some public safety for those that play along the sidewalks and the public right-of-way and we slowed down traffic and we reduced volume in some areas. This is kind of a situation where I'm fearful that if you've got 17 families today, one of those kids goes off like we both know they walk to school and the police officer as Ms. Anderson says, doesn't see him, and get struck by a car, then how are we all going to feel about this?

Commissioner Withers: You know Ralph to me, and I sat out there and I watched and I saw parents on cell phones queuing up on Campamento, picking up kids and I saw a couple of instances where the kids wasn't even in the door, wasn't even closed and the parent was driving off, because the parent themselves was on the cell phone while they were queuing up waiting. So you know, I submit to you because it's an unstructured pickup area, there are probably as much at risk for kids going on there, when you look at all the tragic accidents that happen around schools, its kids getting on/off school buses when the school bus doesn't see them, a lot of it is happening right in parking areas and pickup areas and it's not a whole lot of kids walking to and from; I'm not saying that's a fact, but I mean just the stories that I see; its buses hitting kids or parents hitting kids. So those are as much of an issue to me as an unsupervised pickup area outside the school as there is the risk of the kids walking along Old Cutler. To me it's the queuing of the cars that's the whole issue in this. So either we enforce it and write citations and have people scream and have the school scream at us, or we close it, to me those are the only two options at this point.

Commissioner Cabrera: OK. I agree.

Commissioner Withers: I'm open to either one of them.

Mayor Slesnick: I'd like to hear from the applicant. By the way, before I forget, if you intend to speak at this hearing, if you would stand please and raise your right hand the Clerk will swear you in.

Ms. Russo: Good afternoon Mr. Mayor, members of the Commission, my name is Laura Russo with offices at 2655 LeJeune Road representing...

Mayor Slesnick: Wait a minute we are having a swearing in.

Ms. Russo: Oh, I'm sorry.

Commissioner Anderson: It's a long day. It's alright.

Mayor Slesnick: And I don't know about all of you speaking, I don't have that many cards. If the cards need to be turned into the City Clerk or you will not be called upon. OK.

City Clerk Foeman: Do you solemnly swear or affirm that the statements that you are about to make here today would be the truth and nothing but the truth.

Mayor Slesnick: Thank you. Ms. Russo.

Ms. Russo: Good afternoon; I'm hear representing Gulliver Academy, and what I'd like to do is based on the discussion that I've heard from the dais is to request a deferral. As you know we have entered into an agreement with the homeowners association, Gables By the Sea and Pinecrest By the Sea, and that agreement does not allow for use of the six foot gate, except for maintenance. To make any changes here now that Board can't do it, we can't do it, and what I'd like to do is have a meeting of all the parties involved, including having the Planning Department help with bringing other aspects of the City that may come in, whether it be Public Works with looking at the crosswalk, looking at all different possible solutions so that we can try to get everything. That was the purpose originally when we met with the neighborhood, its obvious there is a group that has not felt that their needs have been addressed. So to sit here and try to do it when you don't have all the different parties represented would be unfair and perhaps would just engender more ill feelings as opposed to what we are trying to get everybody on board.

Commissioner Anderson: I would gladly make that motion to defer and like I said, mine is not to derail what is going on, in fact if there was something else that we could do, that's what I'd be looking for as you all discuss this.

Commissioner Cabrera: Second.

Mayor Slesnick: Maria and Ralph, we have some citizens that have come to speak and I don't know if they...do you mind if they speak?

Commissioner Anderson: To your discretion, its fine with me.

Mayor Slesnick: No, no, no, well a motion to defer actually proceeds...

City Attorney Hernandez: The deferral then supersedes any...

Commissioner Anderson: It doesn't matter to me, its fine if you all want to do it.

Mayor Slesnick: We'll let the people who signed up say, because they may not be able to come back the next time, that's all.

Commissioner Anderson: That's fine. Not a problem.

Mayor Slesnick: First of all, can we turn the light system on so that we can have...there is a three minute time limit.

Commissioner Withers: Can I ask Laura a quick question?- or maybe we can vote what we want to do?- do you want to vote first?

Mayor Slesnick: No, because I'm going to have the...

Commissioner Withers: Vote after we...So moving forward, what are your thoughts?- are we going with a new solution?- are we going with...

Ms. Russo: Well, we are going to try to find a solution, I mean, I have a couple of members from the homeowners association, but there are numerous families involved in the homeowners; there were families who are parents who are members of the homeowners; I don't think you can ask one or two people here without consulting all the other people who were involved in the agreement to just say, yes we'll change it, no we don't, and I think the parties that want the change need to see all that's gone in and a benefit to Gulliver, not just for the current students, but for the entire future. We need to have everybody including members of perhaps Public Works, Planning, help everybody see what all the issues are, because we didn't get here as I said before, this has been a long process and to have it, you know, all just...it's not an easy solution. I think everybody needs to be back in a room together and we need to try to figure it out.

Commissioner Withers: But I guess my question is, the solution that you are looking for is only related to the gate, you are not changing the overall, I'm saying, do we need to go back to Planning and Zoning....

Ms. Russo: No, it's only with respect to....

Commissioner Withers: So you are not changing the plan just the gate itself.

Ms. Russo: Exactly – and to see if there is a solution like you said, maybe there is a crosswalk, maybe – a solution that will help the people that have already signed off that don't want the gate to be able to accommodate their neighbors that want their children to walk to school.

Commissioner Withers: I'm glad that's being done. Thank you.

Commissioner Anderson: Thank you.

Mayor Slesnick: We are going to just run through these cards; you have a card, right?

Mr. Dickman: Well I'm the attorney for the association.

Mayor Slesnick: OK, we are going to defer; well let me say this, it's been moved and seconded at the graciousness of the mover and seconder we've postponed, delayed voting on the deferment until we hear the people who came today in courtesy since they may not be able to come again.

Mr. Dickman: Well – OK...

Mayor Slesnick: Are you signed up to speak? The homeowners association is not a party to this proceeding per say, it is a party to an agreement with the applicant, but go ahead, no, no, come here.

Ms. Russo: I have no issue, but what I'd rather not do is go into the entire...because the purpose of the deferral is to have...

Mayor Slesnick: Well we're not. Three minutes.

Mr. Dickman: We are not opposed to a deferral, but I do want you to understand that we have probably dedicated a thousand hours to this, and I just want you to understand that when this first began the neighborhood association looked at the entire master plan and had a lot of issues with it, but the association which you are talking about hundreds of families, not 17 families, went through all of this and worked with the school and identified the issues, that were most important to them, and this Campamento issue, which not only represents a convenience for some families that go to Gulliver, but it's a safety, it's a property issue for people that live there. From time to time you may have 17 families you may have 15 families, but you can't please everybody; and so we agreed that this is an issue between Gulliver and their students or the families of their students, and I think the onus is on them to solve that problem and the great majority of the homeowners in the association have been adamant that this gate can't be there. We've agreed to a maintenance gate, which now has been expanded to six feet and moved closer to the homes, but we are OK with that, we've agreed to that even. We just want to be clear that we're not going to oppose a deferral, but the solution has to come between Gulliver and the families that are their patrons, basically.

Commissioner Cabrera: Counsel you know, I appreciate you coming up here and giving us your client's position; you know what I struggle with the last time we heard this item, my colleague made a very reasonable recommendation, and I'm not going to sugar coat it or over dramatize it, your client struggled to give us an answer...

Mr. Dickman: No, no, no, my client....

Commissioner Anderson: They are the homeowners.

Commissioner Cabrera: I'm sorry, I'm sorry, their client, I'm sorry, I beg your pardon, their client, forgive me, it's been a long morning and I've been affected adversely by Chinese drywall.

[Laughter]

Commissioner Cabrera: The bottom line is I'm not sure that this can be remedied without, and this goes against you, but I'm not sure this can be remedied without intervention from the City. What do you hope to do?

Ms. Russo: Well I think the City can help us explore some solutions, I mean, it's not that I'm asking the City to solve the problem, but I think there are some solutions to be explored, perhaps a crosswalk may work, I mean, there are different solutions that we can look at.

Commissioner Cabrera: What do you think the timeframe for that would be? Just out of curiosity, I'm not trying to pin you down, it's a moving target.

Ms. Russo: Probably 30 to 60 days, because we have the holidays coming right, and that's going to make it difficult, so probably in February.

City Attorney Hernandez: In order to avoid the cost of advertising can it be deferred to the first meeting in February?- does anybody have a date certain for that?

Mayor Slesnick: It's the second Tuesday in February.

Mr. Dickman: Is that the 7<sup>th</sup>?

Mayor Slesnick: No, that can't be the second Tuesday.

Mr. Dickman: I do have a trial coming up starting...

Mayor Slesnick: By the way, because of the disrupted communications here, Mr. Dickman did not say who he was, I did not say, Andrew Dickman.

Commissioner Withers: The 8<sup>th</sup> of February is the second Tuesday.

Mayor Slesnick: The 8<sup>th</sup>.

Commissioner Withers: And then the 22<sup>nd</sup> is the fourth Tuesday.

Mayor Slesnick: Listen, wait, wait, excuse me, why don't we push this along in the second meeting in January, can't we get it along.

Ms. Russo: The problem is trying to get people to meet over the holidays.

Mr. Dickman: We'll agree to a January deferral, February becomes a problem.

Commissioner Cabrera: Because you have some commitments.

Mr. Dickman: Um huh that I can't nail down, there is a trial period in February, it's up to the Judge.

Mayor Slesnick: Second meeting in January.

Ms. Russo: Second meeting in January the 25<sup>th</sup>.

City Attorney Hernandez: OK, that's a motion to defer to the January 25<sup>th</sup>, City Commission meeting.

Commissioner Anderson: That's right.

Mayor Slesnick: And since Mr. Dickman has represented, we have the cards, we are just going to go ahead and vote on the deferral now; we have a motion and a second to the second meeting in January. All those in favor?

All: Aye.

Mayor Slesnick: Opposed like sign. We are deferred to the second meeting in January, and we invite any and all people to offer their suggestions and comments between now and then and invite you back. The cards you have filed with your comments will be put on the record and they will be here.

Unidentified Speaker: I'm sorry; I know you are saying this is a safety issue...

Mayor Slesnick: Wait, wait, wait, we are not taking any testimony now, we deferred it.

Unidentified Speaker: But this gate has been there forever; nobody walks, there are no sidewalks, they shouldn't be walking, they don't walk there now, and they are not going to walk there when the gate is left...

Mayor Slesnick: Thank you. We have deferred it to the second meeting in January, at which time we will then discuss the whole issue. You know, let me say this, I am sorry, but the fact of the matter is there has been a deferment in order to address the issues of those of you who are

shaking your heads and we are trying our best to wrestle with those issues. If you would like the Commission to go back and vote on it today, we can do that too, but I think that the people who are supporting a position of trying to make your children safer have asked for a deferment by their motion and second, and that's what we are doing.

Audience Member: [Inaudible – off mic.]

Mayor Slesnick: We were...OK, well we were doing that, but it got to the point where we had gone down the road and we had more people, we have now a specific date, at the time we didn't have a specific date. So it's December, excuse me, January 25<sup>th</sup> that we are coming back here.

[End: 12:36:38 p.m.]