

**City of Coral Gables City Commission Meeting
Agenda Item F-2
November 13, 2018
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
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant City Manager, Ed Santamaria**

Public Speaker(s)

**Mario-Garcia-Serra, Representing the Developer
Maria Magdalena**

Agenda Item F-2 [12:50:42 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida approving a Second Amended Development Agreement for The Plaza Coral Gables Planned Area Development for the property located at 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida 33134 and providing for a repealer provision, severability clause and providing for an effective date.

Mayor Valdes-Fauli: We are going to take up F-2 now.

City Attorney Ramos: F-2 is an Ordinance of the City Commission of Coral Gables, Florida approving a Second Amended Development Agreement for The Plaza Coral Gables Planned Area Development for the property located at 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida 33134 and providing for a repealer provision, severability clause and providing for an effective date. This is an ordinance on First Reading and it is a public hearing item.

Commissioner Keon: Is there anyone from the public? Mayor, is there anyone from the public that wishes to speak?

Vice Mayor Lago: Mayor if I may, really quickly. I had spoken to a developer where there was a little bit of an issue of maybe some ambiguity in regards to the fees or whether a portion of those fees, which are going to be dedicated towards art, are going to be used towards public safety. That's not the case, right?

City Manager Iglesias: We may be using some of these funds at the public safety building.

Vice Mayor Lago: How much is that?

City Manager Iglesias: About \$2.7 million.

City Attorney Ramos: Vice Mayor, if you don't mind, can we have...

City Manager Iglesias: However, Commissioner, those are fees that's in addition to the art fund...

City Attorney Ramos: Vice Mayor, if you don't mind, if we can have the request to go through what he's asking for, I think that would be helpful.

Vice Mayor Lago: Can you break down why I brought that up.

Mayor Valdes-Fauli: Let's hear them and then you get...

Mr. Garcia-Serra: Good afternoon Mr. Mayor and Commissioners, Mario Garcia-Serra with offices at 600 Brickell Avenue, representing the developer, Agave Ponce LLC. As you the project was well underway now and coming out ground. The proposed Second Amended Development Agreement that you have before you today is fairly straightforward. I would categorize to sort of two areas of changes being changes to the four area program, which had been relatively minor, small decreases in certain components, small increases in others; and then also the other category of change is trying to get more out of the impact fees that we are going to be paying to Miami-Dade County, so that more of that money comes here locally to improvements around the project area. I have a bullet-point there, very similar to the bullet points that are in the letter requesting the Second Amended Development Agreement, we can go through each one. The first one is the changes in the program, like I told you, no major changes – slight decrease in retail, small increases in restaurant, office, residential and hotel. The second bullet point is a possibility of a joint participation agreement between County, City and

Developer. What that means is that the county impact fee that's paid in roadways, we will try to negotiate a joint participation agreement with the County whereby law that money could be dedicated to local improvements within the City of Coral Gables, as opposed to going somewhere else within the benefit district, which covers pretty much all of central Miami-Dade County. The third point there is clarification that the \$2.5 million going to mobility contributions is indeed used for capacity enhancements, that's something that the County has commented to us in our discussions with them. The next one is the consultation with Miami-Dade County by the City with respect to follow-up traffic studies. As you'll remember, after we get issuance of certificate of occupancy in the project. We need to do a follow-up traffic study every year for certain period of time. The County wants to have input on those follow-up traffic studies also. The fifth bullet point, as distinction between whose paying for what – electrical cost over the regards to street lights and so forth, they were putting up, we are taking care of everything that is abutting the project. Anything in the neighborhoods is the responsibility of the City. And then lastly, further updated conceptual plan for the Plaza. Commissioner Lago...

Vice Mayor Lago: Before we get into it, can you put a little clarity, through the Mayor please, on point number four. All of a sudden, Miami-Dade County wants input into our traffic calming initiatives. I find it very interesting and a little bit backwards that we've been trying, like the Mayor mentioned before, for three years and we finally got an MOU.

Mr. Garcia-Serra: Right.

Vice Mayor Lago: Now we are in a process of implementation of the traffic calming initiatives and we are actually budgeting for it. Why do they now want to engage us on this issue now?

Mr. Garcia-Serra: The traffic study has to be reviewed by the County, as does the traffic plan. The County and there's been some differences over, should we go over what City prefers or what County prefers. Generally, we've been able to run, win the fights and get what the City prefers, but the County is saying, OK, we'll go over what you want to go over, but in the future when we are looking at it, we want to have a sort of input in the process when you get that follow-up traffic study.

Vice Mayor Lago: Is it a cursory review or are we talking about...

Mr. Garcia-Serra: The way we worded right now is just input. In other words, we show them the follow-up traffic study, they can tell us what they think, but they don't have...

Vice Mayor Lago: I want to be very clear about that, because if you see what's happened in the past.

Mr. Garcia-Serra: I've seen it on my projects.

Vice Mayor Lago: The City Manager can tell you very, very clearly that we've been in absolute gridlock with the County and there is no possible way that the County is going to exert even more control over the City of Coral Gables. I want to remove ourselves from the County as much as possible.

Mr. Garcia-Serra: I've been subject to some of that gridlock also. So, I've been working with each of you guys, actually, to try to figure out a way to successfully be able to navigate that.

Assistant City Manager Santamaria: If I may, I'd like to add, Assistant City Manager Ed Santamaria. If I may, I'd like to add that the County will get involved and always does in terms of traffic engineering. So if there is any striping that's going to be applied anywhere, on any roadway, including the ones around this project, the County will get involved in terms of traffic engineering review.

Mayor Valdes-Fauli: In terms of input.

Assistant City Manager Santamaria: I'm sorry?

Mayor Valdes-Fauli: In terms of input.

Assistant City Manager Santamaria: In terms of input – well, so by the County Charter they are still entrusted with traffic engineering functions overseeing all that.

Mayor Valdes-Fauli: Why does everyone gets things done and we can't in terms of traffic calming?

Assistant City Manager Santamaria: Mr. Mayor we do get things done in terms of traffic calming.

Mayor Valdes-Fauli: Give me one example where we've gotten anything done.

Assistant City Manager Santamaria: There are many examples of traffic calming throughout the City, sir.

Mayor Valdes-Fauli: Red/Bird.

Assistant City Manager Santamaria: Red/Bird right now is on deck – yes sir.

Mayor Valdes-Fauli: When is it going to be decked?

Assistant City Manager Santamaria: When will it be decked?- It's going to go into Procurement.

Vice Mayor Lago: But, the issue that we are going to have there and you know very well, we've talked about it, and we are not going to go down that road, but I want to be very clear. The issue is we are going to deal with the signage and I have an item there that we are going to talk about signage later. We are on deck – we are on deck, but there is a very good chance that we may get three fast balls down the pike and we may strike out.

Mayor Valdes-Fauli: Mario you have any comment on this?

Mr. Garcia-Serra: The \$2.7 (million) you wanted to talk about.

Vice Mayor Lago: Anything that deals with traffic and the County, Ed, Peter, I want to push back as much as possible, push back, push back. If not, you know we'll never hear the end of it.

City Manager Iglesias: We will be pushing back.

Vice Mayor Lago: I know you are. I just want to make it very clear and my colleagues understand and if they have a difference of opinion, they can voice it now, which I don't think they do. So, let's talk about that money in reference to...

Mr. Garcia-Serra: So, the \$2.7 million that they raised right now is a contribution that at the City's discretion rose to public art and/or public safety enhancements.

Vice Mayor Lago: OK.

Mr. Garcia-Serra: That's how it was originally worded, that's how it's still worded today.

Vice Mayor Lago: That public safety enhancement, I want to understand, obviously in detail what does that pertain to?- where would that money be earmarked for?- what would it be for?

Commissioner Mena: Isn't there – at some point earlier on in this project like a police sub-station office space.

Mr. Garcia-Serra: At one point there was a memo that was attached to the development agreement, Exhibit M, which talked about potential uses of that money, which my recollection is its more so operational cost, potentially hiring new positions and so forth. That memo and this Second Amended Development Agreement...

Commissioner Mena: Office space.

Mr. Garcia-Serra: I don't remember there being office space dedicated necessarily within the space. I remember what happened with Merrick Manor.

Vice Mayor Lago: Merrick Manor – I was under the impression there was some sort of like police sub-station.

City Attorney Ramos: Exhibit M talked about staffing needs. The City Manager wish to expand into infrastructure needs for public safety, that's why the change was made.

Mayor Valdes-Fauli: I think it was staffing.

Commissioner Keon: What is an infrastructure need for public safety?

City Manager Iglesias: Its been changed to a general public safety requirement and specific staffing, so we have multiple issues for that, for those funds.

Commissioner Keon: Is this going to fund the public safety building, is that what you are looking at?

City Manager Iglesias: Its possible, yes.

Commissioner Keon: Oh, wait a minute. No, I don't think so.

Vice Mayor Lago: I'm not in favor of that. And I'll be very brief, OK, I know we've been here a while and we need to have lunch before our next major discussion. This is a once in a lifetime opportunity, a project that's been approved with the City. We have millions of dollars that are going to be allocated towards art and we can have a destination for people to come to this community to enjoy world class art. The developers here are now going to put forth an incredible building, but they are also going to put incredible amenities associated with that building, and one of them being beautiful art. With everything that we are doing across the City, like the Mayor has mentioned before, with Carlos Cruz Diaz, now with the installations coming up with Basel. I think it would be a travesty if we took that money and we diverted it from the art programming, that's just my opinion. Because if you want to buy world class art, it cost a lot of money, and this is an opportunity to really put our name on the map.

Mr. Garcia-Serra: From our position, we are fine what the City wants, the majority of the City Commission.

City Manager Iglesias: Vice Mayor this is in addition to the art contribution.

Vice Mayor Lago: I know. I know. That's why I'm saying, that's why I mentioned in the beginning. We have an opportunity to make a big splash and do something which again, you see what Chicago has; Chicago has the Anish Kapoor sculpture; the City of Miami Beach has a beautiful Roy Lichtenstein sculpture that they purchased years ago. They've got a lot of heartache, but now it's a world class sculpture that people come and visit, and I know that I'm forgetting a litany of other sculptures throughout the world that people come and visit.

Mayor Valdes-Fauli: Where do we stand with this issue?

Vice Mayor Lago: I'm not saying we are going to get to that level, but I'm saying; again, if my colleagues think it's important, you never know. I'd rather have a developer of this magnitude spend it on art.

Mr. Garcia-Serra: And we are very excited about that opportunity ourselves, about the possibility of making a destination. As far as the issue is concerned Mr. Mayor, right now it leaves the option open at the City Commission's discretion how to use that \$2.7 (million) between either art or public safety. We can leave the language in there or we can make it clear it is just for art.

Mayor Valdes-Fauli: Let's make it clear, it's just for art.

Commissioner Mena: I think we also need to understand, is there still this other requirement out there separate from this or the sub-station issue or not?

City Attorney Ramos: I don't know of a sub-station issue that's in the development agreement. I don't know if Mr. Garcia-Serra does?

Commissioner Mena: Look, we are on First Reading. I'll explore it, let's talk about it and bring on Second Reading and get us the information on that, so we have a clear picture.

Mr. Garcia-Serra: Understood.

Vice Mayor Lago: Exactly what you said, like what Commissioner Mena mentioned. I'm pretty sure that we had put two police sub-stations; one at the Plaza and one at your other client's location adjacent to Coral Gables Senior High, Merrick Manor.

Mr. Garcia-Serra: OK. We'll go back and look.

City Manager Iglesias: These monies will be spent at the discretion of the City Commission, so if you leave it as is, it can be spent in either public safety or art, its subject to that. So, we would have to come to the City Commission to how we are going to spend it.

Commissioner Mena: I would like to be briefed on what things you are thinking about, so that by Second Reading we can make those decisions.

Vice Mayor Lago: What I would recommend you do; this is my recommendation, this is something that I recommend all my colleagues, including Vice Mayor Quesada, who stepped out of the room for a second, make an appointment to meet with a developer. When you meet with the developer and you see what the developer is proposing and the magnitude and scope of the art that they will be bringing here to Coral Gables, it is so significant that I think that you'll be very interested in heading in this direction that I'm proffering. So, I don't have a problem leaving it for Second Reading, because if meet between First and Second Reading with the developers, you'll see what they've programmed in regards to the Art Park and possible scope.

Commissioner Mena: I went to a workshop on the park and what they had in mind and I just want to understand what's still in and what's coming out as far as that sub-station issue and this item here and how it interplays.

Mayor Valdes-Fauli: This is a public hearing and we have Maria Magdalena who wishes to speak.

Vice Mayor Lago: What I mentioned was they refined the art scope even more.

Mayor Valdes-Fauli: Name and address please.

Ms. Magdalena: My name is Maria Magdalena, 21 Madeira Avenue. I'm kind of confused here, has this been approved already about the development, another development.

Mayor Valdes-Fauli: Yes, it has been.

Commissioner Mena: Its under construction.

Mayor Valdes-Fauli: Its under construction some five stories up.

Ms. Magdalena: I would like to know how does that work. It seems that they choose art that; I really don't know how they define it, OK. So, I assume that we are paying for that art...

Vice Mayor Lago: No.

Mayor Valdes-Fauli: No, no we are not.

Commissioner Keon: We don't pay for the art, the developer pays for the art.

Ms. Magdalena: No, no. I know he pays for the art, but in what way? Is it like in a break that you give them or...

Mayor Valdes-Fauli: Money.

Ms. Magdalena: I know its money. But, I mean is it because of what – what is it that we are losing...?

Vice Mayor Lago: One percent – one percent of the total construction cost goes towards art

Ms. Magdalena: Right.

Vice Mayor Lago: And, then an additional point five goes for open space.

Ms. Magdalena: But that's what I'm saying. So, we are missing taxes from that? - are we giving them a break on that?

Commissioner Mena: No. They are required to pay "X" when they develop their project, whatever it cost them.

Ms. Magdalena: OK.

Mr. Garcia-Serra: We are actually paying a little bit more.

Commissioner Mena: In addition to that, not from that. They have to pay these monies to the City for the art.

Mayor Valdes-Fauli: If the project cost \$100 -- if it cost them a hundred one dollars, because that one dollar will go to art, but they pay for it.

Ms. Magdalena: So, it's just the maintenance that we pay for.

Mayor Valdes-Fauli: No, they pay for maintenance.

Commissioner Mena: They pay for art in our City.

Ms. Magdalena: They pay for that too. So, the flowers that we have right there...

Commissioner Mena: That's different

Ms. Magdalena: Oh, that's different, OK.

Vice Mayor Lago: That was not put forth by a developer, that was done by the City. So, we are responsible for maintenance on that project.

Ms. Magdalena: Oh, I see. OK.

Vice Mayor Lago: Completely different situation.

Ms. Magdalena: I just wanted to kind of...

Mayor Valdes-Fauli: Thank you. OK. Do I hear a motion?

Vice Mayor Lago: So moved.

Mayor Valdes-Fauli: Second?

Commissioner Keon: Second it.

Mayor Valdes-Fauli: What?

Commissioner Keon: Second.

Mayor Valdes-Fauli: Commissioner Keon seconded. Will you call the roll please?

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: Yes

(Vote: 4-0)

(Commissioner Quesada: Absent)

Mr. Garcia-Serra: Thank you very much. See you on Second Reading.

[End: 1:05:41 p.m.]

