

City of Coral Gables City Commission Meeting
Agenda Item E-2
August 26, 2008
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, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Planning Director, Eric Riel
Parking Director, Kevin Kinney

Public Speaker(s)

Charles Girtman, Coral Gables Resident

E-2 [Start: 10:59:30 a.m.]

An Ordinance of the City of Coral Gables amending the text of the official Zoning Code, Article 5, "Development Standards", Division 14, "Parking, Loading and Driveway Requirements", Section 5-1410, "Miscellaneous Parking Standards"; and Article 8, "Definitions"; providing for updated automated parking storage provisions and definition; providing for repeal, providing severability, providing for codification thereof, an effective date, and repealing all Ordinances inconsistent herewith.

City Manager Brown: Mr. Kinney; Mr. Riel first and then Mr. Kinney.

Mr. Riel: Thank you Manager. Good morning, basically what you have before you, the Commission, a couple of months ago asked us to look at some limitations on parking lifts. We went to the Planning Board and also Kevin went to the Parking Advisory Board. The Planning Board discussed it at their last meeting; they did have a lot of questions and discussion; they did recommend approval, 7-0, forward to the Commission. They did ask though, they did have several questions regarding smaller projects to allow more flexibility; and they also suggested that additional or supplemental parking be allowed to accommodate lifts. I told the Board that I think we need to do some more research on that, and we'll return on a future date. So what's before you is a regulation to allow limitations on the number of lifts, basically twenty percent

(20%) of the first fifty (50), and ten percent (10%) thereafter of all parking fees. Kevin wants to add anything.

Mr. Kinney: Just kind of a progression of how this came about. We had a project with lifts that came to the Commission; there was some concern expressed at that time that we were allowing too many lifts in the development. It went to the Parking Advisory Board; they came back with a recommendation that we not allow any more than twenty percent (20%) lifts in any development. The Commission actually changed that to twenty percent of the first fifty, and ten percent after that, and recommended that it go to the Planning and Zoning Board, and this is the product that came from the Planning and Zoning Board.

Commissioner Withers: Was there any discussion on whether the property was located in the Central Business District where parking was not a requirement in the first place?

Mr. Riel: No, not really. It was just City lot; they understood the threshold, but no, it wasn't a geographic discussion.

Commissioner Withers: I'm thinking of some of those properties on Palermo, or Almeria, or Sevilla that have eight parking spaces, and they could put in a couple lifts and they would exceed their twenty percent requirement, and all they are really trying to do is add parking to an area that doesn't. I'm just curious on how you feel about.

Mr. Riel: I mean, the Board did discuss anything above the required should be either a hundred percent or fifty percent allow lifts, but they couldn't decide on a percentage, so that's why I said let's come back with some numbers if they want to go that route.

Mayor Slesnick: So in other words, something that concerns me too, the Board was concerned with, I didn't read that.

Mr. Riel: You have a hundred required spaces and you want to put one hundred extra in, there was discussion about those hundred extra could be in lifts entirely, and from my standpoint I don't think there's a problem with that, but we need to look at the management of, you know, those having potentially a hundred and fifty lifts in a building in terms of access and things like that, so I said we need to come back and give you some more information.

Commissioner Withers: I think, I think...what my thought is if this is parking in addition to what the requirement is, how do we deal with the requirement of lifts on that?

Mr. Riel: Same, same percentage.

Commissioner Withers: Same percentage.

Mr. Riel: Yes.

Commissioner Withers: So if they are required no parking, what percentage?- twenty percent of zero?

Mr. Riel: No, if there's no parking its 1.45 in the CBD (Central Business District).

Commissioner Withers: No, there's no parking requirement.

Mr. Riel: If there is no parking required...

Commissioner Withers: And they want to put lifts in, are they restricted to what percentage? If there is no parking required and there is twenty percent requirement of the required parking, and there is no parking required, what number do you put on it?

Mr. Riel: Twenty percent.

Commissioner Withers: Of what?

Mr. Riel: Of whatever they would provide.

Mayor Slesnick: That makes no sense.

Commissioner Withers: That makes no sense at all.

Mr. Riel: I think it's probably something that we didn't think about in terms of...

Mayor Slesnick: It makes no sense...I have no idea how this came up. Commissioner Kerdyk and other Commissioners expressed a concern of what we had done. We felt that when we saw the plans for the building on Ponce that we had made a mistake; that we had allowed someone to beef up the building to a point because of an excessive number of lifts.

Vice Mayor Kerdyk: Right.

Mayor Slesnick: So the idea came back that we had over allowed, in other words, that we needed to come back and tighten down how much parking you could replace with lifts, and the requirement that we were giving you. It was never in my mind, I won't speak for anyone else, never in my mind to try to stop someone from saying, well I have no parking requirement, and I've got five parking spaces, I'd like to add three lifts to give me three lifts; I mean, that's their personal property, we're not requiring the parking, what is our business in our telling them they can't do that? I mean, unless there is some safety issue; if there's a safety issue then that falls into a different category.

Mr. Riel: I understand what you're saying. I think we need to look at the economy; in other words, if somebody put in two hundred additional spaces, and all in lifts we need to look at it, so we'll go back and look at that issue in terms of if there is no parking required, coming back with a recommendation in terms of whatever that number is.

Mayor Slesnick: But why do we have to do that, we can just strike that language.

Mr. Riel: Certainly we can...

Mayor Slesnick: Where that language came from?- I mean, I was shocked; I looked at the ordinance and all of a sudden I saw words in there that I never thought...

Commissioner Withers: Yes, it was just my concern if we require twenty percent, but we don't have a requirement as twenty percent of what number, and I was just trying to...

Vice Mayor Kerdyk: But if they don't have any parking requirements, and they are putting some lifts in, why would they now have parking requirements, it just to me, it would just...its just embellishing the issue.

Commissioner Withers: That's the whole point.

Vice Mayor Kerdyk: But we know what this is for, I mean, this is for...

Mr. Riel: We can put different language that says, if you have no parking required there is no maximum number of lifts that are permitted, that language in there.

Vice Mayor Kerdyk: That's fine. A couple questions for you. I'm not so sure the numbers are exactly right, but let's go ahead and talk about the last sentence where it says, vertical parking lift systems shall be limited to two level decks, and each lift shall be controlled exclusively by one tenant/unit, now how does that work?- explain that one to me.

Mr. Riel: Basically each tenant or unit will have the capacity or the ability to basically operate that lift.

Vice Mayor Kerdyk: What? Explain that.

Mr. Riel: You can't take a vehicle on the top and a vehicle on the bottom to be controlled by two different tenants or two different residential units.

Vice Mayor Kerdyk: And how are you ever going to monitor that? I can understand it if its an office condo, because you buy an office condo...you get an office condo, you buy four office parking spaces, two have lifts down and up, that counts as four parking spaces let's say; that one unit controls that, that makes sense. But what happens to get back to, the analogy that the building is two hundred thousand square feet; you have six hundred parking spaces that are needed, and this analogy here ten percent, sixty spaces are attributable to the lifts; so you have five hundred and forty spaces that are flat, you have sixty that are on the top portion of the lift making your six hundred spaces. Now how does...I don't see how that's going to be monitored by a tenant...some people...how does that work?

Mr. Kinney: The spaces would have to be leased in tandem, so you can't lease one space, you lease both spaces.

Vice Mayor Kerdyk: Then how about if you use that for auxiliary parking? Because most tenants are not going to want that space; they are going to want the...let me back track; the tenants are in general getting two spaces per thousand...

Mr. Kinney: Right.

Vice Mayor Kerdyk:...so you have that overage that I talked about before because we are requiring three parking spaces per thousand, so the overage parking is probably going to be attributable to these lifts, not the tenant space; the tenant is going to say, hey, I'm not going to park in those lifts, in all practicality I want spaces on the ground. I just want to know what's our mechanism to enforce what you are saying here in this ordinance here?- and then I have a comment.

Mr. Riel: I mean, the assumption would be the same mechanism we use to enforce how many spaces are required in the building. We could also put in some language saying that if you do get these parking lifts that it be a restricted covenant, and things like that, I mean, we've done that...

Vice Mayor Kerdyk: Again, just a technicality, I mean, the guts of the provision is the twenty and the ten percent, but I just don't know how you are going to go ahead and monitor this with the developer; I'd like you to figure that out between first and second reading for me, and maybe shore that up a little bit. The second thing is that, getting by to my two hundred thousand square feet analogy and the six hundred parking spaces; right now you attribute twenty percent for the first fifty spaces, and then ten percent thereafter, right?

Mr. Kinney: Right. So that would be ten or five lifts in the first fifty.

Vice Mayor Kerdyk: Right. So basically you would have...I guess what I want to say is that maybe we should have another break at some point when the building gets bigger, maybe a five percent break after two hundred spaces, or something like that so it would go twenty percent for the first fifty spaces, ten percent from fifty spaces about two hundred spaces, and then five percent from two hundred spaces up to as big as the garage goes. I'm trying to be as conservative as possible...

Mr. Riel: I understand, I understand.

Vice Mayor Kerdyk:...that's my ultimate aim here, because I don't know where its going, and I would rather error on the conservative side of the equation, than on the more liberal side because you can prove me wrong if it works; if it works then we can come back and revisit the issue, but once they are already in place, you know, and we've already allocated, we can't go back and...

Commissioner Withers: If someone owns the condo in real estate, do they own their parking spaces also?

Vice Mayor Kerdyk: Yeah, they do.

Commissioner Withers: So does this apply to privately owned parking spaces or only in...

Vice Mayor Kerdyk: Total parking.

Commissioner Withers: So if I'm an owner and I wanted to put a lift in my parking space, can I do that?

Vice Mayor Kerdyk: Well, you'll build it when you were building your building and it would be applied to the amount of square footage that your building had.

Mr. Riel: That's new development or redevelopment?

Vice Mayor Kerdyk: New development.

Commissioner Withers: So these condos that are already built now...

Mr. Riel: They are redeveloped.

Commissioner Withers: No, they are right now, they are not redeveloped, they are built right now; if an owner wants to put a lift into their garage, are they going to be restricted based on the overall component of the building, is it going to come to a level where all of a sudden we are going to say no more?

Mr. Riel: I don't know the answer to that because that would be more of a zoning question, unfortunately I don't know.

Vice Mayor Kerdyk: I'm talking about the new building that's being built that once uses are part of the FAR that we use, like you pointed out...

Commissioner Withers: Right, right, right, I understand.

Vice Mayor Kerdyk: I just want to be as conservative as possible with this, and they've come back with a number, the twenty percent for the first fifty spaces, ten percent thereafter; I'm thinking ten percent up to the two hundred space, and two hundred spaces thereon five percent, more conservative for the bigger buildings.

Mr. Riel: If you wanted an example of some projects that have come through, what the numbers end up meaning on this current threshold, it's about ten to eleven percent of the parking could be in lifts. I did an analysis of the Gables Gateway...

Vice Mayor Kerdyk: What percent?

Mr. Riel: It's about ten or eleven percent of the total. Gables Gateway had about six hundred and fifty spaces; you take the first fifty, that's ten; and you take the next ten percent ends up being about seventy spaces out of the total six hundred and fifty to have lifts. Just to kind of give you some numbers.

Vice Mayor Kerdyk: I think it's too many too, I really do; I don't think these things are going to work, especially when you have anybody...

Commissioner Anderson: I'm just asking what were the numbers?- I apologize, I came in...

Mr. Riel: Six hundred and fifty spaces for the Gables Gateway had, and again they didn't reduce the size of the building, I'm just kind of giving you an idea of the numbers. You take the first fifty at ten percent, that's ten spaces, and then they end up getting seventy spaces of...

Mayor Slesnick: I thought it was twenty percent of the first fifty.

Mr. Riel: Twenty percent, I'm sorry.

Mr. Kinney: But that's thirty-five lifts, so Gables Gateway would be allowed thirty five lifts under this.

Mayor Slesnick: Wait a minute, you just said ten percent; ten percent of six hundred and fifty spaces is sixty-five.

Mr. Riel: He's right. About thirty-five to thirty-eight lifts.

Mayor Slesnick: But then that's five percent.

Mr. Riel: But that's seventy spaces.

Vice Mayor Kerdyk: Upstairs and downstairs.

Mayor Slesnick: That's seventy spaces; wait, it's thirty-five or seventy?

Mr. Riel: Its thirty-five spaces because they're double lifts.

Mayor Slesnick: Oh, they're double lifts.

Mr. Riel: Yes, yes, yes.

Commissioner Withers: See, that's Bill's whole point, they are counting that as two parking spaces when there is only one as towards their parking.

Vice Mayor Kerdyk: That's exactly right.

Mayor Slesnick: Maybe I'm confused; what is a double lift?- does it lift two cars?

Mr. Riel: One pulls in, lifts up the car, and another car pulls in.

Commissioner Withers: You get two cars in one spot.

Mr. Riel: In one space.

Mayor Slesnick: I understand that, but if you get ten percent of sixty-five, you got six hundred and fifty required spaces; if it works out that you can put sixty-five cars on lifts, that means you are only going to put in five hundred and something spaces...

Commissioner Withers: Exactly.

Mayor Slesnick:...so let's stop playing...

Mr. Kinney: No, no, no.

Mayor Slesnick: So he disagrees with that.

Commissioner Withers: Well that's what Bill's concern is because they are going to take those sixty-five spots that are now on double lifts and turn that into FAR for...

Mr. Kinney: You are allowed to satisfy seventy of the requirement; so seventy spaces take up thirty-five lifts.

Mayor Slesnick: No, I don't think you are right Kevin; I think what we are allowing is to put seventy cars up on the lift.

Commissioner Withers: And reduce the surface parking by seventy.

Mayor Slesnick: That's absolutely what the ordinance says.

Mr. Riel: Kevin's correct in terms of...it would be...understood, but that was the intent, that was clearly the intent.

Mayor Slesnick: What was the intent?

Mr. Riel: That seventy spaces will be made available in thirty-five lifts.

Commissioner Anderson: Thirty-five lifts accommodate two cars.

Mayor Slesnick: That's not what the...listen, forget the hypothetical; go down and look at the Ponce building that started this whole discussion; how many lifts did we get?

Mr. Riel: I don't know the total lifts; I don't know the total number of lifts.

Vice Mayor Kerdyk: It was like...it was like, if I remember, it was like sixty out of a hundred and thirty spaces or something like that.

Mayor Slesnick: What they are saying now is that we have been mislead in our own minds that we are not allowing that many lifts, we are allowing that many spaces by doubling up the

number; in other words its not seventy lifts we are allowing, we are allowing thirty-five lifts – two cars in that space, but that's not what the thing says, it says that we will give ten percent to lifts, or twenty percent, or five percent.

Mr. Kinney: Well it says that you can satisfy the required parking up to twenty percent, so that would be twenty percent of the spaces, that's only ten lifts; ten spaces...

Mayor Slesnick: If it says...we've got good lawyers in the room representing developers; if it says they can qualify by using twenty percent of the spaces required as lifts then that means twenty percent times a thousand is two hundred, and that means two hundred lifts, and it means eight hundred spaces.

Commissioner Withers: That's how I read it.

Mr. Kinney: Well, we'll just have to clarify the language, that's not the way I read it; you can meet twenty percent of the required parking by using lifts.

Mayor Slesnick: Yes, but if its your interpretation, we just solved the big problem, actually I can't imagine how you get to your interpretation, I'm not trying to be critical, but its not clear language; I'm not trying to be a lawyer, I'm just trying to be a lay person reading that language says to me that you get to satisfy "X" number of percent by using lifts, which means if I have to have a thousand spaces, I can satisfy two hundred spaces if its twenty percent by lifts, that means I build eight hundred spaces, I put two hundred cars up on lifts.

Commissioner Withers: And use the other two hundred spaces to increase your FAR, right Bill?

Mr. Kinney: No, satisfying the two hundred spaces, you do that with one hundred lifts, you don't do that with two hundred lifts.

Commissioner Anderson: Right because its times two. I think that's not clear.

Mr. Kinney: OK. I'm all for clarifying language.

Commissioner Anderson: One lift accommodates two cars, so your twenty percent for the two hundred is actually in your version two...

Mr. Riel: And that allows for the reduction of the size of the building putting two cars in one space.

Mayor Slesnick: I'd like to know when you get a chance how many lifts, actual lifts, are being installed at the building to get the building they got...

Mr. Riel: Happy to do that.

Mayor Slenick:...and see whether it computes with what we just talked about.

Mr. Riel: Happy to do that.

Mayor Slesnick: So where does that leave us on this one?

Vice Mayor Kerdyk: Send it back.

Mr. Kinney: Verify language.

Commissioner Withers: It sounds like we were back and forth, but we're glad that we came to consensus.

Commissioner Anderson: The theme of today is parking.

Vice Mayor Kerdyk: All I can tell you when you are clarifying...yes it is...when you are clarifying this vertical parking lift shall be two levels and controls solely by one tenant, you know, let me tell you what a developer told me; he said listen Bill, I'm using these lifts, I'm not giving them to any tenant, I'm going to stick them down there and use them just as meeting my parking requirement in the basement and that's it; they are never going to be used by any tenant they are just going to sit down there; and I'm OK with that because I'm meeting my...I'm not going to tell you what developer told me that, but that's what I got from him; that's what bothers me if you are really expecting people to park in there, they are not going to...

Commissioner Cabrera: But they are not.

Vice Mayor Kerdyk:...so this is going to thrust more stuff out into the street. I think we need to be very conservative, and you prove me wrong a year from now, you prove me wrong.

Commissioner Cabrera: Don't we need to be authentic?- if you, if you...thanks first of all, thank you for sharing that with all of us; but I have had similar conversations with others. So if we know that's the intent, let's make a decision today, let's make a decision and move on to something else; let's not waste the Planning Department's time, the Planning Board's time, and more agenda time over this issue.

Mayor Slesnick: But we don't even have an accurate calculation of what we are talking about.

Commissioner Cabrera: Let's kill it, but let's kill it regardless; I'm prepared to kill this thing; I mean, you know it comes to...

Mayor Slesnick: But killing this goes back to the original formula, which bothered us in the first place, that's the only...

Commissioner Cabrera: Well, then let's go back to that formula and change it, but let's kill this today, let's move on with this thing, I mean, I don't see the advantage of sending it back to anyone, I mean, we know the reality, we know why this...with all due respect to your professionalism, we all know why this is being done, its just another way to get a bigger, fatter, taller building, so let's kill this damn thing.

Mr. Kinney: Well, I would say...

Mayor Slesnick: We're killing the thing that caused that; the thing that caused that is what we are trying to amend, that's what we are trying to do.

Commissioner Cabrera: I hear you, and I understand, I understand; and forgive me for going off on a tangent.

Mayor Slesnick: No, no, we want to make sure we are doing it right.

Commissioner Cabrera: I just want to send a message out there, at least my message is, I'm not going to support this thing.

Vice Mayor Kerdyk: No more vertical parking, is that what you are saying?

Commissioner Cabrera: Lift.

Vice Mayor Kerdyk: No more lift parking.

Mayor Slesnick: Listen Ralph, I don't disagree with the fact that we need to move forward, but since we sent E-1 back, why don't we send 2 back with our comments and our concerns, and get them both back at the same time?- they tie into each other, they are the same thing, is that acceptable?

Commissioner Cabrera: Are you OK with that?- is everybody OK with that?

Commissioner Anderson: Yes. Absolutely.

Mayor Slesnick: You've heard our comments, so do I have a motion to send E-1 and E-2?

Commissioner Cabrera: So moved.

Mayor Slesnick: Mr. Cabrera moves it.

Vice Mayor Kerdyk: Second.

Mayor Slesnick: Mr. Kerdyk seconds it and all those in favor say aye.

All: Aye.

Mayor Slesnick: Opposed like sign. E-1 and E-2, if you'll bring them back to us; I think they tie into exactly what each of the Commissioners from Maria Anderson, to Ralph Cabrera, to Bill Kerdyk, to Chip Withers, they've all talked about it, and that's the vision of what we are trying to accomplish and how we are trying to meld the building of downtown Coral Gables with parking in the future, and I think these tie together very well.

Commissioner Anderson: I just want to add for the record per say, as long as its percentages and we can clarify the percentages correctly and know the ramifications, conceptually I'm not against parking lifts, it just has to be in the right proportion, and we have to know what are the ramifications if we put them in, would it add to the issues of scale of the building and things like that; I'd like that information as well, when I make the decision, I want to have all the facts, that would be helpful for me.

Mr. Kinney: Well, one of the things for the Parking Advisory Board was simply that there are better systems out there, the automated parking systems we talked about, so there was basically a realization that we actually wanted to...[inaudible]...so putting a height limit on it.

Mayor Slesnick: Lifts are not automatic parking.

Mr. Kinney: No, they are not automated systems.

Commissioner Cabrera: They're not, they're not. They are quite archaic.

Mr. Kinney: Yes, they've been around for almost a hundred years.

Commissioner Cabrera: Exactly.

Vice Mayor Kerdyk: How many projects are coming along right now that are dealing with this?

Mr. Riel: None that the Planning Department has, but I'm not sure about Zoning.

Commissioner Anderson: They have been used in smaller buildings though.

Mr. Riel: There has been some that have come through that I recall.

Vice Mayor Kerdyk: You were talking about DYL has it in there's, right?

Mayor Slesnick: No, it was Gateway.

Vice Mayor Kerdyk: Oh, Gateway had it.

Mayor Slesnick: He was just using it as an example.

Vice Mayor Kerdyk: Alright, so they didn't have it.

Mr. Riel: There is only one that I believe.

Vice Mayor Kerdyk: You know, there is a building over here, the old CitiBank building that I heard has a lot of lifts that are being presented in a proposal that's moving forward on that, have you seen that proposal?

Commissioner Withers: Which building?

Vice Mayor Kerdyk: CitiBank on the corner of LeJeune Road and Alhambra.

Mr. Riel: I'm not sure if that one does or not.

Vice Mayor Kerdyk: Have you seen that one recently?

Mr. Riel: Yes.

Vice Mayor Kerdyk: Can you please write me a memo and to the Commission a memo, detailing if that project has a substantial amount of parking lifts, and if this delay is going to allow them to get those parking lifts in from us not being able to react, then I'd like to bring it back at the next Commission agenda to deal with the issue; in other words I don't want our non vote up here to allow any projects to get a huge amount of lifts in...no, its true, its exactly right...I don't want anything to slide between the cracks.

Mr. Riel: I'm going to tell you up front and tell you, those projects that are in review right now since you don't have regulations that do that, they will go through the review process and when they secure approval under the current "regs" there is nothing we can do. I'm just being real. There might be projects that have lifts out there right now.

Commissioner Cabrera: That's why I say kill it.

Mayor Slesnick: You can't kill an original ordinance, it takes two readings.

Commissioner Cabrera: OK.

Mr. Riel: The only other option is to remove the parking lift provision from the Code for those individuals who hasn't secured preliminary Board of Architects, but there is no guarantee.

Mayor Slesnick: But you still have to go through two readings to rescind the ordinance, and we have to publicize it, so. We can get back here quicker with your work on this, if you can do that.

Mr. Riel: We'll try to get it back as soon as we can.

Mayor Slesnick: Bill if they are...

Mr. Riel: It's going to be another 40-45 days.

Vice Mayor Kerdyk: Then we can get it.

Mr. Riel: It's going to be another 30-45 days.

Vice Mayor Kerdyk: 30 or 45 days.

Mr. Riel: If not more, because there are two readings between.

Mayor Slesnick: Wait a minute, let me say this, let me say, I would prefer on E-2 that we bring it back next time, we don't need the Board to defer our comments, we need just your work to bring it back.

Vice Mayor Kerdyk: Yeah, we don't need the Planning Board, we need your work; yeah, clarify the language for us.

Mayor Slesnick: And we said get rid of the requirement on the non essential parking, or non required parking.

Mr. Riel: Well, may I suggest that perhaps the Commission pass it on first reading today and that way we can bring it back on second reading to clarify the language by the 10th and it will be in place by the 10th.

Commissioner Withers: Yeah, that's fine.

Vice Mayor Kerdyk: That's a good idea.

Mayor Slesnick: Mr. Cabrera wanted to...

Vice Mayor Kerdyk: I'll second his motion.

Mayor Slesnick: OK. Mr. Cabrera moves the...well wait; first of all I need a motion to reconsider the deferral and then sending it back.

Vice Mayor Kerdyk: Alright, I'll make that motion.

Mr. Cabrera: Second.

Mayor Slesnick: Kerdyk moves Mr. Cabrera seconds and we all voted and that was a unanimous vote, so we have a motion and a second to reconsider; all in favor say aye.

All: Aye.

Mayor Slesnick: All those opposed like sign. Now we need a motion not to send it back.

Vice Mayor Kerdyk: So moved.

Mayor Slesnick: Been moved.

Commissioner Withers: I'll second.

Mayor Slesnick: Seconded by Mr. Withers, moved by Mr. Kerdyk second by...all in favor say aye.

All: Aye.

Mayor Slesnick: All opposed like sign. That brings it back on the table, is there a motion now?

Vice Mayor Kerdyk: A motion to...?

Mayor Slesnick: Approve on first reading...

Mr. Riel: Clarification on the issues.

Vice Mayor Kerdyk: Yes, I'll make that motion.

Mayor Slesnick: Mr. Kerdyk has moved that we pass Item E-2 on first reading with all of our comments as part of the motion with the direction to the Department to integrate those comments into the revised verbiage and bring it back on second reading.

Commissioner Cabrera: Could this be seen as supporting?

Mayor Slesnick: No, this is, remember this is still restricting from what it was before, and we have already stricken some language and asked that other language be changed and other clarifications be made.

Commissioner Anderson: What will happen to projects that are in the process right now?

Mayor Slesnick: Oh, they are still in the process until we pass this on second reading.

Mr. Riel: And we'll be back on second reading on September 9th.

Commissioner Cabrera: Sure, I'll second that.

Mayor Slesnick: Mr. Cabrera seconds, we had a motion by Mr. Kerdyk; and you have any confusion over what instructions we've given you?

Mr. Riel: Between Kevin and I we'll clarify that.

Mayor Slesnick: Madam City Attorney, do you think we have been clear enough as to what changes are being made between now and second reading?

City Attorney Hernandez: Yes sir.

Mayor Slesnick: I did have one comment card from Mr. Girtman; Mr. Girtman do you think we covered this well or did you still have a comment before we vote?

Mr. Girtman: I thought you just passed it.

Mayor Slesnick: No, we haven't voted yet, so you had the one comment card and our motion is that we are moving forward with an ordinance to restrict further the provision of lifts that we initially gave some time ago.

Mr. Girtman: Since I'm standing here I'll just make a couple of quick comments, do you mind? I've been in the parking business...

Mayor Slesnick: Absolutely not. You turned in a card and I'm delighted to have you here Mr. Girtman, welcome to the City Commission.

Mr. Girtman: My comments are just on the lifts in general. I've been in the parking business for over thirty years, and thanks to Commissioner Kerdyk's undying efforts I'm now out of it. I had the perfect lots for these lifts. Its right in the center of downtown Miami, and it's flat. I looked at the scissors lift, the jack stand lifts, the ferries wheel lifts, the underground parking lifts, they are all mechanical; they all take some ability to operate; there is a reliability factor with every single one of them. I don't know if anyone of you ever sent your wife out to take your boat up on the boat lift, it's about the same thing. There is a potential for damage to the car being lifted, to the car underneath, drip, etc.; to the car adjacent; to the structure, the steel structure opening your door into it; oil splatter, door damage; there is liability damage; there is liability issues that come into here especially for me. When they are sitting there, say they are in a private building, and they wear out and the tenant leaves, who's responsible for taking them out, they become a big problem there. There is a general fear factor with operating these. You drive your car on there, press the button, and you see this big thing going up and down. There is a convenience factor; just take it in your own condo; you have the top, your wife has the bottom, you want to leave to work early, honey I got to take my car, I don't like your car; who gets up and down. They are not as neat as people seem to think they are, and it was presented to me as a half a million dollars gross a year to my income, and I still said no, I didn't think it was going to work. They do work in some places; it works as a last resort where you are really severely space limited, like New York and you don't use your car in and out two or three times, or once a day, or you can order the attendant can take it down and get it out, or for the owner with a condo that, say he has a car that he uses once a month, like the Ferrari, he puts it up there and puts his own car underneath it again so he can schedule himself. Two of you hit it right on the damn head; Commissioners Kerdyk and Cabrera said, well all that needs to be said about it as far as I'm concerned, but good luck with it. Thanks for the opportunity.

Commissioner Cabrera: How many times Mr. Girtman, had you been approached to do that kind of system in your parking garage?

Mr. Girtman: I've got a file this think on them.

Commissioner Cabrera: Wow.

Mr. Girtman: They come in all the time, not only the manufacturers, but people who want to present them to me as a business opportunity to which they would be a partner in; put up the money for me, etc., etc., and it just to me, look like it would ruin the whole premise why surface works, and that is the convenience. Thank you.

Mayor Slesnick: Thank you. Mr. Clerk.

Commissioner Withers: Yes

Vice Mayor Kerdyk: Yes

Commissioner Cabrera: Yes

Mayor Slesnick: Yes

(Vote: 4-0)

Mayor Slesnick: Did you get Commissioner Anderson?

Commissioner Cabrera: She stepped out.

[End: 11:31:00 a.m.]