



City of Coral Gables
SPECIAL CITY COMMISSION MEETING
August 4, 2014

ITEM TITLE:

Continuation of hearing under Article 3, Division 18 of the Coral Gables Zoning Code reviewing and making determination regarding the request for City Commission approval of government settlement as to City of Coral Gables, Florida v. Astor Trolley, LLC and Merrick Manor, LLC, F/K/A 4111 LeJeune, LLC, Case No. 13-29113-CA-40 (11th Judicial Circuit, Miami-Dade County, Florida), and relating to the administrative matter proceeding before the Federal Transit Administration, Complaint No. 2013-0131; and reviewing and making determination regarding development requests as to the proposed mixed use development at 301 Altara Avenue, Coral Gables, Florida, which are part of the proposed government settlement.

DEPARTMENT HEAD RECOMMENDATION:

Approval

BRIEF HISTORY:

On July 22, 2014, the City Commission held a quasi-judicial public hearing with regard to this matter that was continued until this Special Meeting on August 4, 2014. Materials that were presented at that meeting including memorandum from the City Attorney, Fishkind & Associates, and the City Manager are attached hereto to memorialize the record, and as reference for the continued meeting (attachment 1).

At the July 22, 2014, meeting, the City Commission directed staff to meet with Astor Trolley, LLC and Merrick Manor, LLC (collectively the "Developer"). The Commission also requested that a member of the Commission participate in the negotiations to have one member of the policy making body involved, but not to represent the Commission as a whole and not to approve or reject any settlement offer. The Commission was clear that this matter was to come back to the Commission for review and final decision.



Our negotiating team, that included *inter alia* the City Attorney, the City Manager, and Commissioner Lago, met with the Developer on Tuesday, July 29, 2014, at which meeting, the Developer proposed an alternate resolution. The City's team analyzed the proposal, and met with the Developer again on Thursday July 31, 2014, at which time the parties agreed to the terms set forth in a Memorandum of Understanding, which is being reduced to writing.

In the meantime, staff researched alternatives for temporary trolley operations as well as explored the feasibility of locating a trolley facility on US1 on the parcel of land where Fire Station #2 is located. A memorandum from Glenn Kephart, the Public Works Director, is attached (attachment 2) outlining those efforts. Staff was able to identify

some possible temporary solutions, and found that the Fire Station #2 site is a feasible site, but will require further design and study to maximize utility to the City. The preliminary cost estimate for constructing a new trolley building on this site is \$5.1 Million, which includes relocation of our existing fuel station.

As directed by the Commission, staff also worked with outside counsel to address the comments raised in the Interim City Manager's memorandum, and prepared proposed changes to the Settlement Agreement and Amended Land Exchange Agreement that were presented to the Commission on July 22, 2014. These proposed changes are available in the event the Commission chooses to proceed with the Settlement Proposal originally presented on July 22, 2014.

APPROVED BY:

City Attorney	City Manager
	

ATTACHMENT(S):

1. **Materials presented at the meeting on July 22, 2014, including Memorandum from the City Attorney dated July 17, 2014; Memorandum from Fishkind & Associates dated June 6, 2014; and Memorandum from the Interim City Manager dated July 21, 2014.**
2. **Memorandum from the Public Works Director dated July 31, 2014**