

City of Coral Gables City Commission Meeting
Agenda Item E-2
February 28, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Craig E. Leen
Assistant City Attorney, Cristina Suárez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Jackson Rip Holmes
Barbara Tria
Zeke Guilford
Judy Weisel

Agenda Item E-2 [0:00:00 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending the City of Coral Gables Code by:

·Creating Section 62-137 “Private Sidewalks Adjoining Streetscape Improvements Along Miracle Mile and Giralda Avenue” in Chapter 62, Article IV.

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Agenda Item E-2 – Ordinance of the City Commission of Coral Gables, Florida, amending the City of Coral Gables Code by creating Section 62-137 “Private Sidewalks Adjoining Streetscape Improvements Along Miracle Mile and Giralda Avenue” in Chapter 62, Article IV.

Providing for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Cason: Now, let's move on to E-2.

City Attorney Leen: Mr. Mayor, Item E-2 is an ordinance of the City Commission of Coral Gables, Florida, amending the City of Coral Gables Code by creating Section 62-137 "Private Sidewalks Adjoining Streetscape Improvements Along Miracle Mile and Giralda Avenue" in Chapter 62, Article IV; providing for a repealer provision, severability clause, codification, and providing for an effective date. There's also an addition to the ordinance. And I should -- before I start speaking, I would just like to recognize Peter Iglesias and also Cristina Suarez. They worked on this ordinance and they may want to come up if you have any questions. But one addition to the ordinance is that -- and what this essentially does is the City is going to be -- the beautiful pavers that are along Miracle Mile, one thing we want to ensure is that private sidewalks on Miracle Mile that are naturally apart of the sidewalk have the same pavers. So, the City has been providing those pavers. In addition, we want to require by law that those pavers be used, essentially, so that we don't have a mishmash of different types of materials along Miracle Mile. So, there is a provision that's being added to A that -- and there's a number of little -- of small wording changes, which you'll see on second reading, but the main provision says that the -- specifically, the private sidewalks must be consistent with the adjoining streetscape improvements, including that the private sidewalks must consist of the same pavers installed on the adjoining improved areas. Additionally, any pavers installed on private sidewalks, as part of the Miracle Mile and Giralda Avenue Streetscape Project must not be removed or changed. So, with that, I would turn it over to City staff.

Mayor Cason: And I understand that...

City Attorney Leen: And it's a public hearing, Mr. Mayor.

Mayor Cason: Right. I understand from our...

City Manager Swanson-Rivenbark: And we...

Mayor Cason: Discussions privately that the Actor's Playhouse would not -- historically designated buildings, their entrances, their unique pavement would not necessarily have to conform with this.

Assistant City Manager Iglesias: Yes. All historic buildings that are there or any historical paver such as that would be maintained.

City Attorney Leen: Yes. Thank you, Mr. Mayor. In fact -- and the Manager brought this up in our meeting. It's historically designated buildings. So, it would have to be formally historically designated buildings.

Commissioner Lago: Which -- Peter, I'm not going to hold you...

City Attorney Leen: And properties.

Commissioner Lago: To that number, but do you have an idea of how many there are on the Mile?

Assistant City Manager Iglesias: Sixty.

City Manager Swanson-Rivenbark: No, in terms of what is...

Assistant City Manager Iglesias: Oh, historical...

City Manager Swanson-Rivenbark: Historically designated...

Assistant City Manager Iglesias: I'm not sure.

City Manager Swanson-Rivenbark: In terms of the ground floor entrance -- and it's the terrazzo of Miracle Theater -- we believe that that is the only one. But any one that is...

Commissioner Lago: That's why I'm asking.

City Manager Swanson-Rivenbark: Officially historically designated that has an adorned ground entrance, then we would make sure are preserved.

Assistant City Manager Iglesias: I'm not sure exactly, but that's -- I believe it's probably the only one. If not, there's not very much.

Commissioner Lago: Less than handful.

Assistant City Manager Iglesias: Yeah, a very small number.

Mayor Cason: So, basically, what this does is uniformity of treatment, right up to the entrance.

Assistant City Manager Iglesias: And the entrance also. If you look at Giralda, it's gone right into the entrances and right to the door. It's worked out -- it looks very well.

City Attorney Leen: And, just remember, even though there's a requirement, the City's also bearing the cost. So, any sort of legal concern is addressed, because the City is bearing the cost, so it does not place an inordinate burden on property owners.

Mayor Cason: And so, if ten years from now they decide to change the entrance or something and it encroaches on our pavements, this basically says you have to give them back to us in nice condition. Don't throw them away.

Assistant City Manager Iglesias: Any work that they do, such as changing a storefront, they have to protect the pavers. And if they want to expand the building into the right-of-way, they'd have to remove the pavers; easily done. They're set in sand. And provide us the -- and return the pavers to us.

Mayor Cason: Okay and the BID's in favor of this, I would presume? Business Improvement...

Assistant City Manager Iglesias: Yes. I see no issue with the BID on this.

Mayor Cason: Yeah, okay. We have one speaker card. Mr. Holmes.

Jackson Rip Holmes: You know, Mayor and City Commissioners, I'm not even sure if I was notified of this. Was I notified?

City Attorney Leen: I think each property owner that has a private sidewalk was -- received a covenant that we sent to you, so that the City could essentially bear the cost of putting in the pavers, and you should have received that if you're a property owner with a private sidewalk. You don't have a private sidewalk.

Mr. Holmes: But this is expanding your powers here.

Mayor Cason: That's exactly right.

Mr. Holmes: I have to object that I wasn't even notified of this expansion of powers...

City Attorney Leen: Mr. Holmes...

Mr. Holmes: I don't even know what it is. I think it's a wrongful exercise of eminent domain. How on earth could the City sneak in and take away my rights without even giving me notice that it's doing it?

Mayor Cason: Well, I think we said they gave notice...

City Attorney Leen: Mr. Holmes...

Mayor Cason: Is that true?

City Attorney Leen: You signed a covenant.

Commissioner Keon: You signed it.

Mr. Holmes: Yeah, but now...

City Attorney Leen: You signed a covenant.

Mr. Holmes: You're saying, though -- the way it was just described is that this goes further and removes my ability to change things in the future. What I signed...

City Attorney Leen: No, it doesn't, sir.

Mayor Cason: No, it doesn't say that. That's not what it said.

City Attorney Leen: Let me be clear. I want to be very clear to the businesses. It does not. It's what you said -- put in your covenant. So -- and you've done the covenant. You're going to put

these pavers. If you ever decide to expand, you don't have to keep the sidewalk. But what you have to do is give us back the pavers. That's what it says. It's -- we're not -- vis-à-vis you, Mr. Holmes, we're not doing anything differently than what you signed.

Mr. Holmes: Right, okay. So, let me give you the benefit of the doubt, but let me remind you. I wasn't notified of this ordinance, so I haven't studied it. So, I can't afford ultimately to give you the benefit of the doubt. I should have been given the opportunity to study it and find out for myself since this involves my property rights.

Mayor Cason: Are you a member...

City Attorney Leen: Well, it's a first reading.

Mayor Cason: Is your business a member of the BID?

Mr. Holmes: What's that?

Mayor Cason: Are you a member of the BID?

Mr. Holmes: Of course.

Mayor Cason: Did the BID have this...

Mr. Holmes: I don't think the BID has voted on it. This goes to the heart of integrity in government. Was the BID -- has the BID voted on this? I don't think so. I think it was just misrepresented. I don't think they voted on it.

Mayor Cason: Alright. Anything else...

City Manager Swanson-Rivenbark: So, Mr. Mayor, if I may. It's not our intention to slip something through. We were memorializing this...

Mr. Holmes: But the question is integrity in government.

City Manager Swanson-Rivenbark: Excuse me.

Mayor Cason: Okay.

Mr. Holmes: It was just made -- a representation to you that the BID has approved this, which I think is a lie.

Mayor Cason: Okay.

City Manager Swanson-Rivenbark: Excuse me.

Mayor Cason: I suggest you lower your voice, so you won't be out of order. We understood your point of view. We have notified, as far as I know. People say they didn't get a notification.

City Manager Swanson-Rivenbark: We have this...

Mr. Holmes: So, why don't we get to the heart of integrity in government and find out if the BID has approved this?

Commissioner Lago: Mr. Holmes, let's do this. How about we do this -- just take a step back for one second, okay. Let's find out in reference to what protocol staff took in regards to notifying either the BID or the business owners. Let's talk about that. Let's get away from the integrity. Let's get away from raising our voice, because we want to get to the point of the matter is just finding out how we can...

Mr. Holmes: But I'm challenging the integrity of...

Mayor Cason: Alright.

Mr. Holmes: Coral Gables city government...

Mayor Cason: Alright.

Mr. Holmes: Wherein a representation...

Mayor Cason: You're out of order.

Mr. Holmes: Has been made...

Mayor Cason: You're out of order. You're out of order. We've heard your point. That's it. Sit down.

City Attorney Leen: Mr. Holmes, you'll be ejected unless you sit down. Thank you.

Commissioner Lago: Madam City Manager, will you proceed, please, with your thought -- train of thought, excuse me.

City Manager Swanson-Rivenbark: I know that the easements went to the 60 owners. I know that this is on first reading. If the Commission would like to consider this and then allow us to have a meeting specifically with the BID on this issue, we have ample opportunity between first reading and second reading to go over the issues. I met personally with the BID as it relates to the overlay district, which is your next item, but I did not meet with them related to the proposal here on memorializing and legitimizing the easements and the commitments that the City has

made for the private properties, and there's 60 of them. So, if the Commission would like, we can either, A, withdraw this item; B, have you consider it on first reading with the instruction that we will meet with the Business Improvement District. We will readdress it with the 60 owners, whether they have signed or not signed, so that there's true clarity, and then we can bring it back to you.

Mayor Cason: Okay. And we also have another -- before we get to that, we have another speaker card from Barbara Tria.

Barbara Tria: I am Barbara Tria. I represent Ponce Real Estate Investments, owner of 2309 and 2315 Ponce. I appreciate the -- I'm also vice president of the BID, but I come to you today as a property owner paying into the assessment for the streetscape improvement. I don't know if it's appropriate to say. I signed the speaker card before you had made your comments, and I will be very supportive of the second option that you suggested wherein there's an opportunity to discuss and learn more about the program. My initial impetus for signing the speaker card was to inquire as to additional details. So, I think the City Manager's suggestion -- the second option, I believe it was you presented, I would much support that.

Vice Mayor Quesada: Let me ask you a question. Did you receive anything in the mail related to this today?

Ms. Tria: I am not one of the 60 property owners. I did...

Vice Mayor Quesada: Got it.

Ms. Tria: Not receive anything in the mail.

Mayor Cason: We discussed this when we discussed Miracle Mile a long time ago. This was -- we always talked about moving the pavement...

Vice Mayor Quesada: I understand that.

Mayor Cason: Right up to the entrance.

Vice Mayor Quesada: I'm curious. I just want...

Mayor Cason: So, it's not like new...

Vice Mayor Quesada: I just need to gather some facts.

Mayor Cason: Yeah.

Commissioner Lago: And we have a property owner here who maybe can give us -- shed a little light on this issue.

Zeke Guilford: Mr. Mayor and Commissioners, for the record, my name is Zeke Guilford. I'm a property owner on Miracle Mile, 320 and 321 Miracle Mile. We did not receive notice of what is coming before you today. As a matter of fact, the way I found out was through Barbara Tria. I will tell you an easement went out that I had not signed, because it was giving the City, I believe, a 30-year easement and there was no letter explaining what was going on. I believe it was just the easement itself, if I recall correctly. So, I don't think this has really been vetted with the property owners as of yet. Frankly, I'm not in favor of it, just from what I've seen so far, but you know, I'm just one property owner.

Vice Mayor Quesada: Got it. So, you did receive an easement, but no explanation.

Mr. Guilford: Correct.

Vice Mayor Quesada: Got it.

Mayor Cason: Okay.

Commissioner Keon: I have -- I'm sorry, go ahead. Are you done?

Vice Mayor Quesada: Oh, yeah, I'm done.

Commissioner Keon: I remember when this was discussed when we were beginning the Mile -- the renovation to the Mile. And it was my understanding at that time that what we were talking about was that private -- it's sort of narrow property in front of each one of the storefronts that is an easement that belongs to the property owner. And I thought that there was -- in the discussion, there was agreement that we would take the paver up to the front of the storefront along there, and at any time, if you chose to renovate your storefront -- and I know some of them are on angles and some of them whatever -- if you chose to do that, that you would remove the pavers and you would do the renovation to your storefront to meet whatever your needs were that were, you know, within the Code and whatever else. The question -- and we talked about it yesterday that I don't ever remember discussing -- and I think we need to discuss further is that the actual entrance into your store from the -- as part of your property, not the easement, but you know, a number of the properties along the Mile have an apron or an area that sets back from the front of their store. And I don't remember that part of the discussion ever being that the City would place the material that is being used on the Mile in your storefront, because I think there are a lot of instances where that entry or that apron into your storefront generally coordinates with the floor in your -- in the store itself and is -- you know, and serves -- can serve a decorative purpose for your -- for the property itself and how whatever the store is, you know, and what they're selling or whatever else. So, I understand the need, so that we can continue the -- setting the pavements on the Mile, because that little maybe small strip that is your easement, I don't know why you would prefer to have it concrete or something that isn't consistent with the design of the sidewalk itself. I think that's one issue that needs to -- that really is the primary issue that

needs to be resolved, because we can't continue laying the pavers because we're laying the pavers from the storefront to the street. We're not going from the street to the storefront, so we have to resolve that issue in order to...

Vice Mayor Quesada: But...

Commissioner Keon: Lay the pavers on the Mile. But I think the apron into the store maybe is a different story and you really should...

Vice Mayor Quesada: Commissioner...

Commissioner Keon: Be discussed with the property owners.

Vice Mayor Quesada: Commissioner, I don't disagree with you. However, my problem here is the lack of...

Commissioner Keon: Yeah.

Vice Mayor Quesada: Complete notice that's been given to the property owners.

Commissioner Keon: Well, I think also...

Vice Mayor Quesada: If you just give the easement without an explanation...

City Attorney Leen: Can I comment on that?

Vice Mayor Quesada: An easement is very legalese.

City Attorney Leen: It is.

Vice Mayor Quesada: It's not -- there's no context. We should have had an accompanying letter...

City Attorney Leen: Can I make a comment?

Vice Mayor Quesada: That discusses all of the previous -- past, so...

Commissioner Keon: Yes.

City Attorney Leen: I'd just like to clarify a couple things. First, this -- you know, I'm sorry if there's any confusion. This ordinance came up from Legal, from me. I wanted this ordinance, so I want to be clear about that. I viewed it as basically a legal requirement, because the City's expending so much to put pavers on private property that we need to ensure that those pavers will be protected and that there will be uniformity among the sidewalk. So, it came up through me. And I thought that there -- I didn't realize there would be controversy about it, frankly, because the City...

Vice Mayor Quesada: But...

City Attorney Leen: Well, can I just finish? The City is paying for the pavers. Now, I want to clarify one point. The City also, in the covenant -- and I'd like, you know, Cristina to speak about what exactly we sent, so it's clear on the public record, for good or for bad, whatever it was. But too, I just want to -- I want to make it very clear that the City was not trying to reduce the property rights of any business owner, because the City was recognizing in the covenant that at any time you wanted to expand and use that area as part of your property, that you would just give us back the pavers and you could do so. What this ordinance does is it ensures that the twenty-some odd million dollars that's being spent by the City on streetscape will lead to a uniform sidewalk and that there can't be a hodgepodge or mishmash of materials in the natural

sidewalk. It does not affect the areas that are right outside the door, the alcoves. What it does is the sidewalk itself, so you don't have two different types of sidewalk. I just want to be very clear about that. Whatever you think about it, the Commission doesn't have to adopt it, but that was the intent. And it came from Legal, which is probably why, you know, in my mind -- and I can see that maybe we could do it differently and we will now, if -- assuming the Commission...

Commissioner Lago: Guilford.

City Attorney Leen: Adopts it. But wait -- but the important point is that, in my mind, we had notified all the property owners were being affected that there's going to be this covenant requirement. And so, this is just intended to be along with that.

Mayor Cason: Zeke, go ahead.

Mr. Guilford: Mr. City Attorney, Commissioners, let me tell you my understanding -- and I think there may be some confusion, at least, you know, on my part. Originally, the streetscape was going up to the property line. If you had alcoves, you could then opt into the streetscape, but you had to pay for it. And again, you -- that was originally. Now, I heard under the easement -- the original easement is that, no, you wouldn't have to pay for it, but if you moved your storefront out, you would then have to pay at that time if you ever moved it out. Now, I'm hearing the City's doing it. So, there's -- and again, it may be confused on my part. So, I mean, where are we? If I give a 30-year easement and I want to move my storefront out, is the City willing to give up the easement? How does that...?

City Attorney Leen: But let Cristina -- just so the Commission, when they act, they can know the accurate facts.

Assistant City Attorney Suárez: The easement -- Craig, to clarify, the easements is in effect until -- I think it's 20 years. There's an exact date in the easement agreement when it will terminate or

-- it's the earlier of that date -- I believe it's 20 years out -- or the special assessment that the property owners are paying for the streetscape project is paid. So, they -- that's what they...

City Attorney Leen: But don't we also indicate that they can expand their private property and give back...

Assistant City Attorney Suárez: Not in...

City Attorney Leen: In the ordinance.

Assistant City Attorney Suárez: That is not in the easement agreement.

City Attorney Leen: So, the ordinance provides them additional rights, essentially. Okay...

Assistant City Attorney Suárez: (INAUDIBLE) restriction.

City Attorney Leen: I'll turn it back to the City Manager for her thoughts, but in my view, we should just -- I recommend -- I really believe legally we need to do this at some point if we're going to really go forward and pay for these pavers.

Vice Mayor Quesada: But that's not the issue.

City Attorney Leen: Yeah.

Vice Mayor Quesada: That's not the issue.

City Attorney Leen: But we should give more notice, and I'm sorry about that.

Vice Mayor Quesada: It needs to be a more comprehensive notice. Because if you just get an easement, you go what the hell is this? I mean, we should have had a letter accompanying saying, hey, back on this day, we had these discussions and, you know, a timeline chronology all the way through. No, that's fine. It happens. But I mean, at this point, the way I feel is I don't want to vote on it today, because I want to make sure a letter goes out explaining...

Commissioner Lago: That's fine. Let's just...

Mayor Cason: Alright.

Commissioner Lago: Table this discussion to the following Commission meeting. Let's notify all the owners on the Mile and the BID and we'll move from there.

Commissioner Slesnick: Will two weeks be enough notice? I move to defer to the March 28th Commission meeting.

City Attorney Leen: The first reading?

Commissioner Slesnick: For first reading.

City Attorney Leen: Just so you know, that means the first reading will be...

Commissioner Slesnick: March 28th.

Commissioner Lago: But hold on -- but let me just -- Mayor, if I may, just one thing. Because now -- many of you may not understand. This is why I need to talk to the Manager and Mr. Iglesias. How is this going to impact our schedule in regards to construction? This is what's important right now. So, again, I know you want to defer it to the 28th meeting, but...

Ms. Tria: I think I would like to echo Commissioner -- Vice Mayor Quesada's comment that my --, because it's how I feel as well. I was looking for additional information about how the program identified the properties, how the funds from the City's side are -- how it's being paid for, and that's a question from my BID role, because property owners are paying into the streetscape globally. And when a property owner approaches me and says, well, I heard that the City is paying for somebody's pavers, I need to have an appropriate answer, so I can respond with the proper information about -- well, wait a minute. That cost is coming out of X bucket, not your bucket. So, for me, it's a global understanding of these components. I'm not objecting. I was not approached to make a --, because the property I represent is not -- was not identified. I don't have legal expertise as to the threshold of the easements. The only thing I can sort of just contemplate is the -- and there are so many unique scenarios on the Mile as to where storefronts begin and end. Is -- if a property owner doesn't have impact-resistant windows and there are pavers adjacent to that non-impact-resistant window but the property has shutters that get screwed in, is that -- does that -- you know, and that's an individual question. But some of these components are things that I think we maybe can discuss if we keep it first reading now and then discuss between now and the next Commission meeting.

Commissioner Lago: I agree with you wholeheartedly and understand you. My question has nothing to do with whether we move to the following Commission meeting or the one thereafter. I just need to have clarification from our Assistant City Manager. Who's been -- who this role has been thrust upon him since he walked in here? Where do we stand in regards to construction, and if we delay this one meeting or two meetings, how impactful is that to the schedule? Because, I know that right now it's critical that we finish the south side and get it activated, so people can start using that (INAUDIBLE)...

Assistant City Manager Iglesias: In the plans, we have the gifted area, which is basically the private sidewalks are being used as sidewalks. And we have the alcoves, which is the areas inside the actual buildings. Those are completely delineated on the actual plans. We've ordered sufficient pavers for all of those areas.

Commissioner Lago: Okay.

Assistant City Manager Iglesias: So, this has been going on for some time now.

Vice Mayor Quesada: But answer the question, though.

Assistant City Manager Iglesias: The issue of the anchors, we're working with it right now to leave certain strips in those private areas, so that they can continue to use their storefronts.

Vice Mayor Quesada: So...

City Manager Swanson-Rivenbark: So, Peter, excuse me one second. Vice Mayor, may I?

Mayor Cason: City Manager.

City Manager Swanson-Rivenbark: May I?

Mayor Cason: Yes, you may.

Vice Mayor Quesada: Okay, go ahead.

City Manager Swanson-Rivenbark: So, Commissioner Lago...

Vice Mayor Quesada: I want to simplify this.

Commissioner Lago: That's what I'm trying to do.

Vice Mayor Quesada: I want to simplify this, but...

Commissioner Lago: That's what I'm trying to do right now.

City Manager Swanson-Rivenbark: Commissioner Lago is asking if we delay until March 28th first reading, what does that mean for streetscape.

Commissioner Lago: That's all -- that's my question.

Vice Mayor Quesada: Yeah, that's it.

City Manager Swanson-Rivenbark: I will tell you that, for first reading, March 28th, the second reading isn't until May.

Commissioner Keon: Until May.

City Manager Swanson-Rivenbark: And so, what we would love to do is -- if it's acceptable to the BID and all the individual property owners -- is to consider it first reading. We will work with each of the property owners and the Business Improvement District. If we have agreement, we will put it back on for second reading. If we don't have it, then we all understand by the lack of agreement, we will be delaying the private part of the streetscape project. We get it.

Mayor Cason: Let me ask a...

City Manager Swanson-Rivenbark: What we would like to do is have a first reading.

Vice Mayor Quesada: Simple, simple. Peter, simple question. If this is delayed -- if we don't make a decision on this aspect for six months, does it impact the moving forward and the construction of the streetscape? I would assume the answer is yes.

Assistant City Manager Iglesias: It does because we can't finish the area -- these areas in (INAUDIBLE)...

Vice Mayor Quesada: Got it. So, we cannot complete any section until...

Mayor Cason: Totally.

Vice Mayor Quesada: We've made a decision on this either yea or nay.

Assistant City Manager Iglesias: We're currently working around it right now, though I would like to...

Commissioner Lago: My advice...

Vice Mayor Quesada: So, temporarily, we can move forward. However, we can't push it off for that long.

Assistant City Manager Iglesias: We have a workaround, but we would need to take care of it, yes.

Vice Mayor Quesada: Got it.

Commissioner Lago: Mayor, if I may. My advice is to proceed in the fashion that was just mentioned by the City Manager. We can -- give me one second, Mr. Holmes, one second. We can vote on this issue today, take the necessary steps to bring it back on the March 28th agenda on second reading after we've met with all the properties in question and we've built some sort of consensus where everybody feels, you know, that their needs have been met and all the questions have been answered. If not, we'll take the necessary time, but I just want everybody to be aware that there's no Commission meeting in April, that this will have to go to May. I just

want to be clear about that, because then I get the emails of the delays. Why hasn't this area been touched? It's so simple, just install a few pavers to finish it. It's an ADA nightmare. So, I just want to be really clear because I'm getting those emails. And again, with all due respect, people don't understand construction sequencing. They don't understand what the steps are because they're not -- you know, some of them are lawyers. Some of them are doctors. Some of them are accountants. Just like I wouldn't expect to know how an audit works or how a lawyer files a motion. So, they need -- they just get frustrated when they see an area, which has not been completed and they're wondering why that hasn't been completed, and they don't know there may be a lead time for a product that's been ordered and that we're doing a workaround to get that area finished.

Vice Mayor Quesada: So, you gave one option, Commissioner.

Commissioner Lago: Yes.

Vice Mayor Quesada: Let me give another option. Or we defer it today and we bring it up first reading at the first meeting in March, second reading at the second meeting in March...

Commissioner Lago: That could work also.

Vice Mayor Quesada: And sometime next week, Wednesday or Thursday or Friday of next week, we have -- and you send the notice out. We get a comprehensive letter out by tomorrow or Thursday, the latest, to the property owners, and we give them an opportunity to have a public meeting to discuss it...

Commissioner Lago: Public meeting.

Vice Mayor Quesada: The following week.

Commissioner Slesnick: One other thing I'd like to know I am the City's representative for the BID and the next BID meeting is March 15th, which is after our Commission meeting on March 14th. So, I'm fine with making the first reading on March 14th.

Commissioner Lago: But why don't -- can we...

Mayor Cason: Alright, make a motion then.

Commissioner Lago: Can we ask the BID...

Commissioner Keon: But if we make the first reading today...

Commissioner Slesnick: Does that work, Barbara?

Commissioner Keon: And the second reading will be contingent on that discussion, they can at least start right now. And if it's not ready by the 14th, it can be on the 28th. It doesn't have to be sequential meetings that it's heard on first and second reading. I mean, at least it's out there. There is a discussion -- I mean, I would really ask the property owners and the people on the BID -- there are a number of people here that are both property owners and BID representatives that are here is if you have a problem with our passing it on first reading with an amendment to it that it will not come back until there is, you know, the discussion and the work...

Vice Mayor Quesada: Yeah, but Commissioner...

Mayor Cason: Let me ask...

Commissioner Keon: With the property holders to do this.

Mayor Cason: Let me ask the City Attorney, what does consensus mean? Say you have six people that say no, what happens?

Commissioner Lago: Good question.

City Attorney Leen: Well, you know, that's an underlying concern here, because there may not be unanimity.

Mayor Cason: There's not going to be unanimity, so...

City Attorney Leen: But the issue is -- but the underlying issue is ultimately we want it to be uniform. The Commission has always said that.

Mayor Cason: Right.

City Attorney Leen: So, I mean, my own view -- ultimately, it's up to -- either way, it's fine. I always like the first reading, because then we can take an actual -- adopt -- you know, just on first reading, we always say that doesn't mean that you approve it. It's just approved on first reading and we bring it back. And then, frankly, you can change it however you want at second reading. I mean, I'm making that very clear.

Vice Mayor Quesada: I can't support voting on first reading today.

Mayor Cason: Then make a motion on second reading -- make a motion.

Commissioner Slesnick: I can't either, because the tenant owners haven't had notice, and I believe in public notice.

Mayor Cason: Alright, so we have a motion from the Vice Mayor. Do we have a second?

Commissioner Slesnick: Second.

Mayor Cason: We have a second. Commissioner...

Commissioner Lago: But I want to be very careful when we say...

City Attorney Leen: We haven't -- yeah.

Commissioner Lago: Because. we just said that they haven't had notice. They did have notice.

Commissioner Slesnick: They haven't been noticed properly.

Commissioner Lago: It may not have been -- it may not be a robust...

Vice Mayor Quesada: Comprehensive.

Commissioner Lago: They may not be comprehensive notification, but I want to be very clear, because you say certain things up here and then people say, no, there wasn't any notice. Let's be careful.

Mayor Cason: Yeah, yeah.

Commissioner Lago: Very careful.

Commissioner Keon: There was notice.

Commissioner Lago: There was notice. But it may not be to my liking, to my personal liking in reference to how easy it is to read, how robust the conversation is...

Assistant City Manager Iglesias: It's in the drawings.

Commissioner Lago: But again, we can do better. We can do better.

Commissioner Keon: Could we ask some of the property owners where they stand on this, Mayor?

Commissioner Lago: Yeah, I think that's great. Let's do that.

Commissioner Keon: Mayor, the...

Mayor Cason: If you're respectful. If you impugn the motive of this Commission again, you will not be speaking while I'm mayor.

Commissioner Lago: Hold on, wait, wait. We've heard -- just give me one second. You're going to come up, but...

Mr. Holmes: He just recognized me.

Commissioner Lago: I'm going to, just give me...

City Attorney Leen: You've already spoken.

Commissioner Lago: Just give me one second. You'll speak after...

(COMMENTS MADE OFF THE RECORD)

Commissioner Lago: You will speak, if the Mayor allows, after this nice lady speaks. One moment.

Commissioner Keon: Judy Weisel.

Commissioner Lago: Please.

Judy Weisel: Thank you very much. Judy Weisel, property owner of 232, 330, 336. I was noticed. I had some questions. I worked with a conference with Cristina, as well as a representative from Ric-Man. I have the papers right here ready to sign. With this new addition, I think I probably will hold off on that until we know exactly what's going on. But, I have been noticed and I would prefer on my own personal thing is having that public hearing, so other people have the opportunity, because there are many property owners, for everyone to meet privately -- it's not going to expedite anything.

Mayor Cason: Would you like this meeting...

Ms. Weisel: I agree we have to move and I think we need to probably have the meeting March -- in March, first and second, and moved forward.

Commissioner Keon: So, you would prefer that we wait?

Mayor Cason: Do you want the BID to speak -- you want this to be within the umbrella...

Ms. Weisel: I'm not speaking for...

Mayor Cason: Of the BID or individually, because -- I mean, is the BID going to speak...

Ms. Weisel: I think...

Mayor Cason: For the property owners after the meeting?

Ms. Weisel: I think we should have an opportunity to have all the information there...

Mayor Cason: Right.

Ms. Weisel: However everyone agrees to have it done. And, I can't speak for the BID, because we haven't really discussed it. I just want to let you know personally how I handled the situation. I have the papers right here, but I think because of what this new addition is, I think you would agree that I should wait until we have a substantial answer to this.

Commissioner Keon: But Ms. Weisel, do you -- is it -- would you prefer that it not come for first reading until the meeting in March, or do you have a problem -- do you feel there's adequate notice to pass it on first reading and not bring it back until such time as all the issues have been worked out? Does it make a difference to you?

City Manager Swanson-Rivenbark: Commissioner, as you're seeking in...

Ms. Weisel: I can't -- I really can't answer (INAUDIBLE)...

Mayor Cason: Okay.

Ms. Weisel: We haven't discussed it.

Commissioner Keon: Okay.

Ms. Weisel: I think we need to expedite. We have, in my opinion, an emergency as far as the streetscape is concerned, so I think whatever we can do to get things done as quickly as they can

do them within the confines of what we're doing, I think we need to move forward as fast as we can with whatever decisions are made.

Mayor Cason: Thank you.

Commissioner Keon: So, would it be to have the first reading today and then have the second reading in two to four weeks or to wait?

Ms. Weisel: Can I confer?

Mayor Cason: Sure.

Commissioner Keon: Yes. Mr. Mayor, Mr. Guilford is also a property owner.

Mayor Cason: Zeke.

Commissioner Keon: Would that be appropriate?

Mr. Guilford: Mr. Mayor, let me just say I think what the City Attorney has done helps the easement, so I don't have a -- I think this is very good. There's still a lot of questions out there. Whether you pass it today or pass it in a couple of weeks, the only issue is notice to the property owners, which is important. But from my standpoint, as a property owner, I've had a chance to look at it. I think it helps. I still have a lot of questions, so whether you pass it today or in two weeks, it really doesn't matter.

Commissioner Keon: It doesn't matter, okay.

Commissioner Lago: Zeke, listen, I'm in favor of moving forward and giving it until the next Commission meeting. I think what we should do is, you know, do as what Vice Mayor Quesada mentioned. I think it goes good faith with the owners on the Mile.

Mr. Guilford: No, I...

Commissioner Lago: Honestly, we have -- it's a little bit confusing right now and the last thing I want is to be inundated with emails and, you know, people feel that, again, we slipped something in the middle of the night on them, which is never, never the intention not only of this Commission, but of the City.

Mr. Guilford: And I think maybe the City Attorney can correct me. I mean, with a super majority, you can waive the second reading, if necessary, so, you know...

City Attorney Leen: Yeah. You know, this is something...

Mr. Guilford: You could do it that way, as well.

Mayor Cason: Okay.

City Attorney Leen: That could qualify if everyone agrees.

Commissioner Keon: Thank you.

Mayor Cason: Alright.

City Attorney Leen: Because of the timeframe.

Commissioner Lago: Zeke, I appreciate it.

Mr. Guilford: Sure.

Commissioner Keon: Thank you.

Ms. Weisel: After conferring, one of the suggestions that we have is that our meeting is -- our representative from the Commission mentioned our scheduled meeting is March 15th. We need to bring it to the board, so we would approve advancing it on the first reading, but then we would have to move our -- we would have to notice for our board meeting, so that we can vote so that we can bring it back to you before then.

City Attorney Leen: Okay.

Mayor Cason: Do you think you'll be able to arrange that, so it's before the 14th? You can make that happen?

Ms. Weisel: We can certainly try, because we have to have quorum. But we can certainly...

Mayor Cason: And you think you can...

Ms. Weisel: We're in favor of doing whatever -- we'll do our part to try and get this done, so that we can move forward.

Commissioner Keon: Or we could -- if you moved your meeting forward of the 15th, it could come back on first reading. Then on the 14th -- and we could either waive it for second reading or the second reading would be on the 28th. Is that what you're saying?

Mayor Cason: (INAUDIBLE) motion.

Commissioner Keon: Is that what you're asking?

Mayor Cason: Alright.

Commissioner Keon: Commissioner Quesada, that's what you're asking?

Mayor Cason: Alright.

Commissioner Keon: Does that work for the City? Is there -- does that pose a problem for the City?

Vice Mayor Quesada: Yeah, yeah.

City Manager Swanson-Rivenbark: The -- so, as I understand it, you would not object to the concept of first reading but not bring it back until the BID and the individual property owners that are affected could weigh in, understand it...

Vice Mayor Quesada: Correct.

City Manager Swanson-Rivenbark: And then we could bring forward that.

Vice Mayor Quesada: Correct.

City Manager Swanson-Rivenbark: So, if the Commission's decision is to act on this meeting, we'll make sure that whether it is a special meeting of the BID or we brief you at the next meeting and we don't hold the final vote until the 28th, we're fine. We're also fine if you decide March 14th as first reading and then March 28th or, as Mr. Guilford pointed out, the ability to waive. I don't normally like to waive the...

Commissioner Keon: Right.

City Manager Swanson-Rivenbark: Second reading, so I'd like to avoid that if we can. But either way, we could accomplish what is required for streetscape in conjunction with the property owners. It wasn't the intent to leave them in the lurch.

Commissioner Keon: It's interesting, because Ms. Weisel feels like she did receive notice. She did understand, and yet there are others that received the same information, yet don't -- or I'm assuming received the same information, but didn't quite read it or understand it in the same fashion.

Ms. Tria: And, then there are others that didn't get any of the information, because our property did not fall under that category, yet we're paying into the streetscape because of the location of the property, so it's just about getting the information.

Mayor Cason: Okay.

Ms. Weisel: Just better communication.

Commissioner Keon: Okay.

Mayor Cason: Alright, so we have...

Commissioner Keon: Who is considered a stakeholder in this? Is it anybody that pays in or is it the property owners on the Mile?

City Manager Swanson-Rivenbark: Well, there are 60 -- I under -- as has been explained to me, there are 60 special easements that have been issued to the affected property owners.

Commissioner Keon: So, that's what I'm asking you. Is this an item that is not -- I mean, I'm sure the BID would like the opportunity to weigh in, but is this an item where the stakeholders are the property owners on the Mile, as opposed to the -- all of the property owners that are within the BID boundary.

City Manager Swanson-Rivenbark: The City Attorney would be better to answer that.

City Attorney Leen: I mean, one, again, I think notice is very important, so we're going to do that. But I think -- to me, when you're dealing with someone's property rights, which is the private sidewalk area, I feel that they're the ones that are affected.

Commissioner Keon: Okay.

City Attorney Leen: I mean, in a true sense of the word, because you're affecting their property rights, which is why the City is paying for these pavers. But if we're going to do that -- in order to serve a public purpose, we have to make sure that they're protected, the pavers and that it serves the public purpose of making uniform sidewalks.

Commissioner Keon: Continuity (INAUDIBLE)...

City Attorney Leen: So -- and continuity, because we have to achieve our objective if we're going to expend the funds.

Commissioner Keon: I mean, as a courtesy, we would notify the BID. But we will -- the stakeholders in this are the property owners.

City Attorney Leen: Well, one of the issues the property owners brought up about the covenant was, you know, they wanted to make sure that they had the right to develop their property and that we weren't taking that away, which is what the ordinance does. That's a big part of the

ordinance. There's a few parts of the ordinance, but that's a significant part of the ordinance. So, I think, ultimately, once they see it, either between readings or for first reading, however it's done, I think they'll support it. I think, but you know, we'll see.

Commissioner Keon: Maybe the language of the ordinance needs to be changed, so that you're not -- they have the right to...

City Attorney Leen: They do -- no, the ordinance gives them that right. What the ordinance says and what it's intended to say is that if you develop your property -- if you decide to do that, you give the pavers back to the City. That's my understanding, right, Peter?

Assistant City Manager Iglesias: Yes.

City Attorney Leen: Yes.

Commissioner Keon: But is that in the covenant?

City Attorney Leen: No, the covenant didn't address what would happen if they developed the property, which was a concern to the City; because we want to make sure that if we're going to expend money on these pavers, that we protect them.

Commissioner Keon: But shouldn't the covenant also include that language?

City Attorney Leen: Well, but a number of people have already signed the covenant. This was approved much earlier. This issue has come up since in response -- in my understanding, in response to some people have signed it or some people have objected. Some issues they've raised is this issue, so we're trying to address it by law.

Mayor Cason: What's going to happen if six people say I don't want them? I don't want your pavers up to...

City Manager Swanson-Rivenbark: You know, Mr. Mayor, I will tell you, we will work around that. If six people -- and I know it will be a headache, but if six people want to keep their entrance exactly the way it is, we're going to work around it and we're going to get that sidewalk done.

Mayor Cason: So, basically, it's an opt in...

Assistant City Attorney Suárez: There's a difference. It's not...

City Attorney Leen: Well, let me be clear. We may want to change that, but this ordinance, as presented, requires not the alcoves, but requires the sidewalk to be uniform.

Assistant City Manager Iglesias: It's considered as the gifted area, as the gifted area, which is the private sidewalk. Then you have the alcoves, which is the entrances to the building. So, those are by the property owner. The gifted area, which is the private sidewalk, the City decided to absorb. This is the way it's delineated on the actual drawings. This is the way it was presented since the beginning.

City Manager Swanson-Rivenbark: And thank you for bringing that up, because it was the private sidewalk, not the alcoves, not the indentations, not the uniqueness to certain properties, but the private sidewalk that, together with the public right-of-way, that creates the 23-foot sidewalk. And, you all said in public meeting, well noticed, that you didn't want to have that cut up feel. The fact is that if what we're talking about though is the individual indentations and those alcove experiences that are unique to only 60 properties, we can figure it out.

Commissioner Keon: No, but...

Assistant City Manager Iglesias: We're talking right now -- we're discussing two issues. The issue is really the gifted area and that area is essentially the private sidewalk. The area inside -- in other words, the area from there going into a door of the building is the alcove. Those are clearly delineated separately on the drawings. The City has purchased enough pavers to take care of both conditions, so that the owners have the ability to go ahead and get that work done if they wish.

Mayor Cason: If they wish.

Assistant City Manager Iglesias: The private sidewalk was the gifted area. I think that's been very clear since the beginning, and I think that everybody has been noticed concerning that.

Commissioner Keon: But, do they -- does the property owner have the right to choose it or to give you permission to do the easement that is between the public sidewalk and their -- the front of their building to have the pavers placed on there, so we have a continuous sidewalk, but decide that the actual apron that is the entrance to their store can be...

Mayor Cason: Unique.

Commissioner Keon: Is not affected?

Assistant City Manager Iglesias: That's up to them. That is up to them.

Commissioner Keon: That is...

Mayor Cason: Okay.

Commissioner Keon: Up to them.

Assistant City Manager Iglesias: That is the alcove area...

Commissioner Keon: Okay.

Assistant City Manager Iglesias: Versus the gifted area.

Commissioner Keon: Okay.

Mayor Cason: Got it.

Assistant City Manager Iglesias: The gifted area is the private sidewalk.

Commissioner Keon: Yeah.

Assistant City Manager Iglesias: Now, the reason we asked for an easement is because we're putting our pavers...

Commissioner Keon: Right.

Unidentified Speaker: On private property.

Assistant City Manager Iglesias: On private property, and that is the way that the plans have been drawn up. That is the way that the project was presented initially, so nothing like that as changed. All we're doing is just creating that -- if the owners want to build up to the right-of-way, which they can, they simply give us back the tile -- the pavers. If they're doing any work within their area, they protect the pavers. It's a very...

Commissioner Keon: Right.

Assistant City Manager Iglesias: So, I think it's reasonable.

Commissioner Keon: I think that that needs to be -- apparently, there's some confusion...

Assistant City Manager Iglesias: So, we're not taking away anything...

Commissioner Keon: With regard to that, so the language needs to be made more clear.

Assistant City Manager Iglesias: Well, I believe it's...

Commissioner Keon: Or the explanation that you go with.

Assistant City Manager Iglesias: I think it's clear, Commissioner. We're not taking anything away...

Commissioner Keon: No, I'm...

Assistant City Manager Iglesias: That you can't do.

Commissioner Keon: I know.

Assistant City Manager Iglesias: All we want is if you decide to build to the right-of-way, give us the pavers back.

Mayor Cason: Give them back.

Assistant City Manager Iglesias: And that's it.

Mayor Cason: Ms. Weisel.

Assistant City Manager Iglesias: I think it's very clear.

Mayor Cason: Last two speakers, Weisel -- you want to discuss the -- the issue is, do we defer now or do we -- that's the issue.

Ms. Weisel: Well, I was just going to help try to explain. Everyone, I think, is familiar with California Pizza Kitchen. So, for some reason, in 1948, there was an area that the property was not built to the City property line, so there's an area now that is going to be gifted by the City with those pavers that we've agreed to, which is why we will sign -- when everything is done -- the grant of easement. The actual entrance, which is the red -- with the red cement that's there, we are not doing, because we feel that's the choice of the -- of our tenant. So, there you have your legal -- we've gifted that area. In the event CPK decides to do something or they leave and somebody else comes in there, as I think the new ordinance says, we would have -- as a property owner, we would have to give back those pavers that are there if they decide then to go to the property line. Is that correct?

City Attorney Leen: Yes.

Mayor Cason: That's correct.

City Attorney Leen: Yes, and we're going to be...

Ms. Weisel: (INAUDIBLE)...

City Attorney Leen: Depending on what the Commission does, regardless, we're going to be wordsmithing this to make sure it reflects what's been said today...

Ms. Weisel: Okay.

City Attorney Leen: And, the commitments that have been made.

Mayor Cason: Okay, Mr. Holmes, on this issue.

Mr. Holmes: First of all, I don't -- I apologize to you. I hope you bear in mind that this is about property rights. And so, if I don't defend my property, who will? And, you might very well feel the same way if it affected your personal property. I'd like to raise two items of information, if I may. Number one, Commissioner Lago, the original concept, as far as I know, was never to impose easements on property owners. If the City -- the City has the right to do whatever it chooses with its property and the idea -- and in our Constitution in the country and the State of Florida, property owners have the right to do with their own property what they want to do. I don't -- I think that the tradition of Coral Gables has not been to impose easements, has not been to exercise eminent domain. I'm surprised that you would want to go into imposing easements. When is the last time the City imposed an easement? I think this is a mistake, and I don't think that the success or failure of the streetscape was either envisioned nor is now dependent on forcing -- taking away rights of property owners to control their own property. That's not what the City of Coral Gables is about, and it's not what's going to make streetscape a success or failure. People should have the right to do with their own property what the United States Constitution guarantees them the right to do and what the Florida Constitution guarantees them the right to do, control their own property. Street -- we should not be telling people that we're going to take away by easement their property rights.

Mayor Cason: Okay. And the second point?

Mr. Holmes: I think it's important to note that the BID has no legal authority to speak for or control the actions of property owners. It's not in the Charter. If you want to change the

Charter, please do. It'll probably result in it being rejected. There's no legal right for the BID to impose its views, whatever they might or might not be on individual property...

Mayor Cason: I think we've said that we're going to the property owners. Is that correct? So, that's taken care of. So, thank you.

Vice Mayor Quesada: So, I want to make a motion...

Mayor Cason: Okay.

Vice Mayor Quesada: To defer the item to first reading to be at the first reading in March.

City Attorney Leen: Mr. Vice Mayor...

Mayor Cason: And a second?

City Attorney Leen: Could you move to continue it instead of saying defer?

Vice Mayor Quesada: I'm sorry, move to continue.

Mayor Cason: Continue...

City Attorney Leen: Thank you.

Vice Mayor Quesada: Whatever...

Commissioner Lago: I'll second that.

Vice Mayor Quesada: Term you want to use. But I just -- I want to make sure that -- part of my motion is to make sure we send out a comprehensive letter in the next few days...

Mayor Cason: To the property owners.

Vice Mayor Quesada: To the property owners just explaining it, giving a historical timeline to it. I also want to, if possible, simplify it as much as possible, because I think there have been some misinterpretations of what it is. I think Mr. Holmes misinterprets what it really is, so I want to make sure that it's clear. We could do a visual, you know, as an example to show what the area would be. Again, just to simplify it as much as possible so it's an easy read.

City Attorney Leen: Did you say the second meeting in March or the first meeting?

Vice Mayor Quesada: First meeting in March.

Mayor Cason: First meeting in March. Do we have a second?

Commissioner Lago: Second.

Mayor Cason: Commissioner Lago seconds. City Clerk.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Mayor Cason: Yes.

(Vote: 5-0)