

City of Coral Gables City Commission Meeting
Agenda Item F-9
March 9, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Pat Keon
Commissioner Michael Mena
Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias
Public Works Director, Hermes Diaz

Public Speaker(s)

John Lucas

Agenda Item F-9 [2:21 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida approving Site Plan Amendment pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a previously approved Country Club by Ordinance No. 2016-34, located within a Special Use (S) District, for the property commonly referred to as the "Riviera Country Club" and legally described as portions of Tracts 1 and 5, Riviera Country Club, a portion of Miami-Biltmore Golf Course of Riviera Section Part 4 and Lots 10-14, Block 112, Country Club Section Part 5 (1155 Blue Road), Coral Gables, Florida; all other conditions of approval contained in Ordinance 2016-34 shall remain in effect; providing for an effective date. (Legal

description on file at the City)

Mayor Valdes-Fauli: F-9.

City Attorney Ramos: F-9 is an ordinance of the City Commission of Coral Gables, Florida approving Site Plan Amendment pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a previously approved Country Club by Ordinance No. 2016-34, located within a Special Use District, for the property commonly referred to as the "Riviera Country Club" and legally described as portions of Tracts 1 and 5, Riviera Country Club, a portion of Miami-Biltmore Golf Course of Riviera Section Part 4 and Lots 10 through 4 (sic), Block 112, Country Club Section Part 5, Coral Gables, Florida; all other conditions of approval contained in Ordinance 2016 shall remain in effect; providing for an effective date. This is a public hearing item. Mr. Clerk, you should swear in Mr. Trias and anyone else wishing to speak.

City Clerk Urquia: Mr. Trias, please raise your right hand, sir. Do you solemnly swear or affirm that the testimony you will offer today is the truth and nothing but the truth?

Planning and Zoning Director Trias: I do.

City Clerk Urquia: Thank you, sir.

Planning and Zoning Director Trias: May I have the PowerPoint, please? Briefly, I'll go over this project. As you know, it was approved back in 2016 as a brand-new clubhouse with a site plan that was located in the existing Riviera Country Club property, which is a special use and is properly zoned. None of that changed at the time. However, the building did change, and as part of the building, there were some conditions attached to the approval that dealt with certain things in the right-of-way and the parking lot. So, this is the site plan as approved. The landscape plan, again, it enhanced the area significantly. There was a 10-foot sidewalk multiuse path in the front

as a requirement. And as part of all that, there were some crosswalks and some enhancements in terms of pavers to enhance the aesthetics of the location. None of this really changes. The application has a few requests, many of them staff recommended approval and some staff recommended denial so there was a mix of things. Basically, the main issue of interest is the change of the pavers to asphalt at the main entrance on Blue Road. That I believe is the main issue. And the applicant wants to do that, and staff thought that since they had already proffered that originally it could remain as a condition.

Mayor Valdes-Fauli: But that's the green strip you had there, no?

Commissioner Keon: No. It's the...

Planning and Zoning Director Trias: Those are the yellow -- the yellow...

Mayor Valdes-Fauli: Okay.

Planning and Zoning Director Trias: Yeah, the crosswalks.

Commissioner Keon: It's the...

Mayor Valdes-Fauli: No, but I'm talking about the number one, change of concrete pavers.

Planning and Zoning Director Trias: Yeah, those are the crosswalks. The green strip is actually the sidewalk. The crosswalks go across Blue Road. There were some other minor changes that dealt with some parking spaces and the change of trees to live oaks, which staff recommended approval for. And again, this is the area. As you can see in the drawing, there's some pavers there.

Mayor Valdes-Fauli: Okay, there's the street and then between the street and the park -- and the sidewalk, it's now gravel or something. It looks ugly as sin.

Commissioner Keon: Because they're going to bury -- they're waiting to get approval to bury the lines. The...

Mayor Valdes-Fauli: To what?

Commissioner Keon: They're waiting to get approval to bury the lines, the powerlines and the other lines that run-in front of it. Once they have approval to -- they get the -- to bury it, then they will construct -- once it's buried, they'll construct the 10-foot-wide sidewalk along that place where now it's gravel. They'll construct it once they...

Mayor Valdes-Fauli: It's ugly as sin.

Planning and Zoning Director Trias: Yeah.

Commissioner Keon: Yeah, once they get the approval here -- they're already...

Planning and Zoning Director Trias: Blue Road is unfinished.

Commissioner Keon: Working on it now.

Planning and Zoning Director Trias: Yeah, Blue Road, the right-of-way is unfinished and that's part of the request.

Commissioner Keon: Right.

Planning and Zoning Director Trias: So, anyway, the staff thought that the pavers could remain. Then the review timeline, there was a neighborhood meeting. There was the Board of Architects meeting in February, Planning and Zoning also in February, and then today is the Commission. There was public notice as required. There was a courtesy notice to neighbors also. There are several legal ads. And you can see the property owners were notified within a thousand feet. Planning and Zoning recommended approval for the request, and unanimously, so I believe...

Mayor Valdes-Fauli: I'm sorry.

Planning and Zoning Director Trias: The applicant is...

Mayor Valdes-Fauli: What was...

Unidentified Speaker: Approval?

Mayor Valdes-Fauli: It said staff...

Planning and Zoning Director Trias: No, they recommended approval...

Mayor Valdes-Fauli: (INAUDIBLE).

Planning and Zoning Director Trias: To the whole thing.

Mayor Valdes-Fauli: What?

Planning and Zoning Director Trias: They did not follow staff recommendation. They recommended approval to the request as the applicant requested. And that's the end of my presentation.

Mayor Valdes-Fauli: Let me see the staff recommendation again.

Planning and Zoning Director Trias: Sure, if I can have the PowerPoint back.

Mayor Valdes-Fauli: There.

Planning and Zoning Director Trias: The disagreement had to do with the pavers on the crosswalks basically.

Mayor Valdes-Fauli: The crosswalks.

Planning and Zoning Director Trias: Yeah. The rest of it, staff recommended approval.

Vice Mayor Lago: Can you -- do you mind leaving that up?

Planning and Zoning Director Trias: Yeah, sure.

Vice Mayor Lago: You mind leaving it up? So, Mayor, if I may. I live a block away. I live -- not a block, two blocks away from this property. And I visit -- I frequent -- I'm not a member at Riviera, just to put that on the record. Maybe one day, God willing, but now I'm not, but I do visit the club frequently with friends when they invite me. You know, I'm going to vote no on this today, and I'm going to tell you why. Because I'm a hundred percent in favor of the undergrounding of the electrical. I think it's aesthetically incredibly more pleasing. It's beautiful. It's in line with what I'm trying to do with undergrounding of FP&L. And I think it's a wonderful opportunity for the club and also for the neighboring community. But when this conditional approval was granted in 2016, the clubhouse, part of the pitch that was sold to the residents in the community was that you were going to have these pavers and the beautification of this area.

Mayor Valdes-Fauli: Right.

Vice Mayor Lago: And now, after the clubhouse is built, now you're -- I hate to say it, but it's a bait and switch. And to me, if it's not about money, what is it about? The cost, obviously, for the pavers is more. The maintenance, as we've seen on Miracle Mile, is more. And to me, I think that we as a City, we take pride on being the City Beautiful. We don't do things just because it's cheaper or because it's easier to maintain. You can see that throughout the City in our landscaping, in our buildings, in the way that we address certain textures and techniques. So, to me, I think that for my neighborhood, I think that voting in favor does a disservice to the neighborhood because when this significant project was voted upon and approved -- which by the way, it's beautiful -- this put a two-year strain on the neighborhood in between demolition and construction. The residents of this area were promised a beautiful outcome, not only in the building or in the property lines, but also in the public rights-of-way. And I think that we should keep our word on that point, so I'll be voting no on allowing this change today. Thank you.

Commissioner Mena: Can I ask a question? Just to understand the history here, what -- first of all, I'm a little confused by this chart, but if you can walk me through that.

Commissioner Keon: It's not clear what they're asking for now.

Commissioner Mena: But...

Commissioner Keon: Is their attorney on the line?

Commissioner Mena: Very quickly.

City Clerk Urquia: There's a representative from them on the line, yes.

Commissioner Mena: But...

Commissioner Keon: Their attorney's there, he can explain it.

Commissioner Mena: Was the underlining of the lines part of the original?

Commissioner Keon: No.

Vice Mayor Lago: No.

Commissioner Mena: So, that's sort of the trade that I guess they're suggesting, right?

Vice Mayor Lago: But that's -- again, they can...

Commissioner Mena: No, I guess what my question is, would you rather they do the things that were originally promised and not underlined...

Vice Mayor Lago: I'd rather they do both.

Commissioner Mena: Right.

Vice Mayor Lago: Because at the end of the day, if you ask me, you know, the underline is also going to benefit them.

Commissioner Mena: Right.

Vice Mayor Lago: Especially when you talk about redundancy. And their view is going to be positively affected.

Commissioner Mena: Where are these -- where exactly are the lines? I don't have a...

Vice Mayor Lago: Right literally running parallel on Blue.

Commissioner Mena: On Blue.

Vice Mayor Lago: Right there, you can see them. As a matter of fact, one of the main issues that I had talked to the Manager and to the ACM about for months and months -- and Hermes about it for months and months, a year -- has been like the Manager -- excuse me, like the Mayor mentioned, the gravel and the fact that when are we going to have these sidewalks installed. And the question was that there's a light pole that's in the way, and they didn't want a jog around the light pole with a sidewalk. They wanted to actually be able to do something comprehensive that addressed that issue. So, we're basically...

Commissioner Mena: And they would just be underlining just directly in front of the property basically?

City Manager Iglesias: Yes. It would be underlining the property. The poles are on the north side. It's a ten-foot sidewalk, and when you went to the County, the County wanted certain pavement markings on the sidewalk because the poles were in the middle of the 10-foot sidewalk.

Commissioner Keon: I think -- doesn't the 10-foot sidewalk have to extend from University to -- is it to Santamaria? What is the requirement on the 10-foot sidewalk?

Public Works Director Diaz: Hermes Diaz, Public Works Director. My understanding is the requirement is that they're supposed to give the City the money for the completion of the sidewalk at a later date for the remainder...

Commissioner Keon: Oh, for the rest -- for the other areas?

Public Works Director Diaz: Correct.

Commissioner Mena: I guess -- I just need clarification -- or maybe I'm missing something. I apologize if I missed it. I just need some clarity on how we got here.

Commissioner Keon: I think that their attorney...

Commissioner Mena: There was a plan.

Commissioner Keon: I'm sure their attorney can tell you why.

Commissioner Mena: Right. There was a plan that included X.

Planning and Zoning Director Trias: Yes, the...

Commissioner Mena: So, did they come to us asking to underground instead of doing these other things? Did you guys ask them to underground? How did we get to this proposal?

Public Works Director Diaz: If I may, I have a little bit of the back story.

Commissioner Mena: Yeah.

Public Works Director Diaz: When they went to Miami-Dade County originally, the County's not too thrilled about having pavers in the right-of-way. (INAUDIBLE) say no, but they're required also by agreement. And they also want to enter into a direct agreement with the property owner and they'll have an agreement with the City, and the City will have to enter into a subsequent agreement with the owner for maintenance. So, after they went through the County process, they came to us and said, "Well, the County, you know, wants all these things." And I guess at that point they preferred to go a different route and try not to include those things. And in addition to that -- and Peter mentioned it -- the poles -- there are actually multiple power poles and they're not necessarily aligned. Some of them are anywhere -- from the top of my head -- anywhere within two to six feet south of the property line. So, that sidewalk is kind of meandering around and the County wanted all sorts of striping and all sorts of stuff there. So, that's how the whole thing about the undergrounding came about.

Commissioner Mena: Just -- it...

Mayor Valdes-Fauli: Alright.

Commissioner Mena: I'm trying to -- obviously, I'm not familiar with all the history here. This is...

Public Works Director Diaz: Right.

Commissioner Mena: But it kind of seems like apples and oranges, like the...

Planning and Zoning Director Trias: Yeah. They are unrelated.

Commissioner Mena: Power lines are...

Planning and Zoning Director Trias: They're unrelated.

Commissioner Mena: The power lines, and the commitment they made to do these things in the street is a separate issue.

Planning and Zoning Director Trias: Yes, right.

Commissioner Mena: And the idea that -- so what is their -- and again, if they have a representative on the line that wants to address it -- and I'm happy to hear from that person but...

Commissioner Keon: They could address it for you.

Commissioner Mena: What is the logic behind coming and saying, "Hey, you know, we had said we were going to do the following things, and now we're asking not to have to do those things." Is that basically what you're saying?

Planning and Zoning Director Trias: Yes.

Commissioner Mena: Just because the County's requirements are too -- or more onerous than we knew them to be. Is that basically what they're saying?

Planning and Zoning Director Trias: Basically.

Commissioner Keon: I think it has to do with the liability that they will incur, that they have to indemnify everybody and have all total responsibility for anything that happens along that road if they put pavers in it because it's not the general surface that's used. Could I put on the record that I am a member of Riviera Country Club, and I don't in any way...

Mayor Valdes-Fauli: So am I.

Commissioner Keon: Benefit from anything that happens here today.

Mayor Valdes-Fauli: So do I.

Commissioner Keon: But probably because I'm a member, I know the issue, so -- and have heard the issue before. So, it was my understanding, but that's why I'm saying that I'm sure there's somebody on the line that can explain from there why they are asking to not put the pavers in the road. I think it's really the indemnification and the liability that they -- I don't think they realized they would have to accept in order to do that, and so they're asking not to do that. And the reason that they're burying the lines is because they're being required to put in a 10-foot sidewalk by the County, and the way that the poles are laid out, they can't put in a 10-foot sidewalk and not intrude into the right-of-way or have the distance between the sidewalk and...

Commissioner Mena: Sure.

Commissioner Keon: The road that they need to have.

Commissioner Mena: But I guess...

Commissioner Keon: So, it's easier to bury them and create the sidewalk they want. But I'm sure they can tell you all of that.

Commissioner Mena: Well, I don't think anybody here would suggest that they're against them burying the line.

Commissioner Keon: No, no, no.

Commissioner Mena: They're more than welcome to do that. And I think everybody...

Commissioner Keon: Yeah.

Commissioner Mena: Here would approve of that. But it's sort of the -- again, the mixing of apples and oranges here that has nothing to do with...

Commissioner Keon: No.

Commissioner Mena: The other issue.

Commissioner Keon: Now, it doesn't.

Commissioner Mena: So...

Commissioner Keon: I think it's the liability...

Vice Mayor Lago: And by the way...

Commissioner Keon: Associated with them.

Vice Mayor Lago: You're talking about liability.

Commissioner Keon: No, I think that's...

Vice Mayor Lago: And you're talking about...

Commissioner Keon: The issue.

Vice Mayor Lago: Being indemnified. And for most of us that live in single-family that have redone their driveways, you have two options. Option A is do your driveway up to the swale. Option B, indemnify the City by signing a document and do the driveway all the way up to the street. That's what I did in my house. So, this happens every single day.

Commissioner Keon: No, but that's up to the street.

Vice Mayor Lago: But I'm...

Commissioner Keon: Not in the street.

Vice Mayor Lago: But I'm not finished.

Commissioner Keon: Which is...

Vice Mayor Lago: I'm not finished.

Commissioner Keon: A different story.

Vice Mayor Lago: But you're still on City property when you're doing a -- when you're finishing your driveway and you're finishing to the point through the swale all the way to the street. Don't forget, the swale is City property. It's not owned by the resident. The resident is tasked with maintaining it. So, yes, it is the same thing.

Commissioner Keon: No, it's not. You're in the street and it's a County road, so it's not under the jurisdiction of the City anyway.

Vice Mayor Lago: You're still indemnifying...

Commissioner Keon: It is a County road. You are in the middle of the street that you drive on. People don't drive on your approach to your house, generally, unless they're coming there to visit your home. They don't ride up the swale and go over the entrance...

Commissioner Mena: But the point is...

Commissioner Keon: To the thing.

Commissioner Mena: When you're on public right-of-way...

Vice Mayor Lago: You're still...

Commissioner Mena: You have to indemnify...

Vice Mayor Lago: Indemnify the street. So, you can look at it...

Commissioner Keon: And...

Vice Mayor Lago: Look at it...

Commissioner Keon: And that's why they're saying to you -- I think. But you know...

Vice Mayor Lago: But let me...

Commissioner Keon: They can explain...

Vice Mayor Lago: Let me finish.

Commissioner Keon: Better than I can.

Vice Mayor Lago: Let me finish, one second.

Mayor Valdes-Fauli: One at a time, please.

Commissioner Keon: Let them decide.

Vice Mayor Lago: Let me finish, one second.

Mayor Valdes-Fauli: Wait, wait, wait.

Vice Mayor Lago: Let me finish, one second.

Commissioner Keon: Let me them decide.

Vice Mayor Lago: So, you are indemnifying the City because you're installing pavers on the City's swale. That's number one. So, the indemnification process is nothing new. Everybody wants to reduce, you know, liability. If you look through the City, there has been pavers installed throughout the City that the City has installed. We just recently did it on the side streets adjacent to City Hall, where we had to cut down the tree. I forgot the street. I forgot the street name.

Mayor Valdes-Fauli: Okay, Vice Mayor.

Vice Mayor Lago: But the point is that it happens everywhere, and it's considered everywhere, and it's a beautification process. So, at the end of the day, we had a condition of approval in 2016. The community as a whole approved it. The building was built, and now I think we should abide by the agreement and move forward and approve it because that is what this community deserves. This community deserves to have a beautiful avenue where people can enjoy driving down Blue Road. You can't just deliver on 99 percent of the agreement, and then at the end say, "I'm not going to do anymore." You have an agreement with the community, and I think we need to abide by that and uphold...

Commissioner Mena: Yeah.

Vice Mayor Lago: To our...

Mayor Valdes-Fauli: Thank you, Vice Mayor. Okay, let Commissioner Keon speak now.

Commissioner Keon: No. I -- well, I want to make clear that what you're saying, Commissioner Lago, is that an approach that goes from the public street up to the sidewalk or whatever that we generally don't drive on is the same thing as something that's put in the middle of the street that we always drive on. That's the same.

Commissioner Mena: He's saying it requires an indemnification because it's on a public right-of-way.

Commissioner Keon: But he's saying that -- right, so...

Commissioner Mena: Right, so that is...

Commissioner Keon: But they function...

Commissioner Mena: The same in that respect.

Commissioner Keon: Right, but they function -- but the thing is do they function...

Commissioner Mena: We understand the street's different from...

Commissioner Keon: As the same.

Commissioner Mena: The swale. The point is that when you go into the public right-of-way, you have to indemnify that municipality. In this case, it's the street, so it's the County. But the point is that they knew when they agreed to do these things...

Commissioner Keon: Well...

Commissioner Mena: In the public right-of-way...

Commissioner Keon: I don't think they knew.

Commissioner Mena: That it would probably require an indemnification. That's not a new concept.

Commissioner Keon: You know what, I don't know what they knew. I can't testify to what they know. I only know...

Commissioner Mena: I'm suspecting that the Riviera Country...

Commissioner Keon: But I would expect that they can tell you.

Commissioner Mena: Club has sophisticated architects and professionals working on these buildings and have worked with the County before. But here's what I would say. If they're not going to deliver on what they said they were going to deliver in the public right-of-way, which is a public benefit -- I think they should, but if they're proposing not to, I would like to hear an alternative -- if they were proposing something else for the public benefit, I'm willing to hear it. But the notion that the undergrounding is that -- I don't agree with that.

Commissioner Keon: I don't think there was any notion that they were confused.

Commissioner Mena: Well, it's all together...

Commissioner Keon: I think they were...

Commissioner Mena: In the same proposal so...

Commissioner Keon: Because they're both changes.

Commissioner Mena: Correct.

Commissioner Keon: And I think -- so they wanted both changes...

Commissioner Mena: Right.

Commissioner Keon: Taken care of at the same time. I don't think it's an either or. But I think...

Mayor Valdes-Fauli: Okay. We are...

Commissioner Keon: You're better off that they can tell you that.

Commissioner Fors: Quick question. I'm sorry.

Mayor Valdes-Fauli: Go ahead.

Commissioner Fors: I believe remember correctly at the Planning and Zoning Board meeting, the emphasis by their attorney -- if I remember correctly -- was that asphalt had already been approved and that doing pavers would require them to go back to the County, and it would pose a delay of - - I think he said almost two years or a year and a half or something like that.

Planning and Zoning Director Trias: I seem to recall something like that. Yes, sir.

Commissioner Fors: Is -- would it really pose that much of a delay?

Planning and Zoning Director Trias: I don't know. Maybe the Public Works Director...

Commissioner Fors: I know it's impossible to predict.

Public Works Director Diaz: I'm just not sure nowadays with everything that's going on, how long will the process take with the County. I will hate to guess.

Vice Mayor Lago: But can I ask a quick question? Just following up on Commissioner Fors, if you allow me just one second.

Commissioner Fors: Sure.

Vice Mayor Lago: Because it's the same question literally dovetailing off his statement. This was part of the original approval, so why didn't these plans -- when they went to DERM and WASA and they to concurrency in County -- why didn't they approve these right-of-way improvements? Because when I submit a project and I have to follow and track it, I have to sure that -- you're not just approving portions of the project. You're approving everything. The MOT, concurrency, any right-of-way improvements. I don't think that's an issue.

Mayor Valdes-Fauli: Okay.

Vice Mayor Lago: This was either submitted to the County as per an agreement or it wasn't.

Mayor Valdes-Fauli: Vice Mayor, we're spinning our wheels now and going over things that have already been discussed in the process.

Vice Mayor Lago: But can we let Commissioner Fors finish?

Mayor Valdes-Fauli: What?

Vice Mayor Lago: Can we let Commissioner Fors finish one second?

Commissioner Fors: Very quickly, just so I can...

Mayor Valdes-Fauli: Yes, please.

Commissioner Fors: Fully understand because that's what I was getting at, and that's what was confusing to me, that if the original plan was pavers, why are they saying that asphalt was originally -- or is already approved by the County whereas pavers are not. Is it -- am I wrong to find that odd?

Public Works Director Diaz: So, my understanding -- and you know, we're not the ones who take it, but my understanding is that they went to the County with the pavers, and when the County put certain roadblocks in the process, they revised the drawings and put asphalt. When they came to our office, we realized that that wasn't what was approved by the City Commission, so that's when we put a brake on the process, and you know, we basically...

Planning and Zoning Director Trias: So, the issue is that they don't have the ability to change the design unless the Commission approves the change, so that's why we're here.

Public Works Director Diaz: So, at that time we gave them two choices. You either build it as per the approval and you need to go through all the hoops that the County puts in front of you. Or two, you go back to the Commission and get them to approve a change to the site plan.

Commissioner Fors: I have no further questions, Mayor.

Mayor Valdes-Fauli: Okay, I'll enter -- the Chair will entertain a motion.

Commissioner Mena: I'd like to hear from the -- you know, we've been discussing this, so I would think it would be fair to give their representative an opportunity to...

Mayor Valdes-Fauli: Okay.

Commissioner Mena: Address the issue.

City Clerk Urquia: Mr. Lucas.

Mayor Valdes-Fauli: Is their attorney --? Yeah.

Commissioner Keon: John Lucas.

John Lucas: Good afternoon, Mayor, Vice Mayor, members of the Commission. John Lucas, and I have the privilege of being a member at Riviera Country Club, serving on their executive committee. And I am appearing on their behalf today. We also have another gentleman by the name of David Shoppe, who is project manager, overseeing this entire debacle, if you will. The issue with regard to the Florida Power and Light lines going underground and the 10-foot sidewalk are really a nonissue for purposes of today, to the Commissioner's earlier point. The real issue here is whether or not the proposed amendment to change the paving material from the main entrance and the crosswalks from pavers that were part of the original architectural design to a thermoplastic paint, which is, I might add, consistently and uniformly applied throughout the City of Coral Gables in accordance with generally accepted uniform traffic control devices and is not inconsistent with in any way the City's comprehensive plan regulations and the like. The underlying question is, why the change now. I can assure this Commission that this is not a bait and switch. And the architects who originally designed this proposed that there be pavers out there. It appeared to be an aesthetically pleasing type of a look, as Commissioner Lago had alluded to earlier in terms of neighborhood beautification and the City beautification as a whole. Staff's observation that pavers are not favored by Miami-Dade County is not inaccurate. They're not favored. And as the Commission knows, in terms of jurisdiction over the County roads -- of which this is a County road -- it is exclusively within the jurisdiction of Miami-Dade County and any and all of the traffic and or right-of-way maintenance obligations are those of the County unless, however, they relegate those to municipalities -- as the City knows -- through what is referred to as an intergovernmental agency agreement. If the pavers are to be had, there will need to be a shifting, if you will, or an assumption of the responsibility for the continued maintenance of this particular roadway. Riviera Country Club is not in the business of nor is it equipped or able to maintain public right-of-way. That was something that could and should have been observed at the inception of this project. I can't sit here today and tell you that it was. But the fact of the matter

is, Riviera is not in the role or serve the role of maintaining public right-of-way. That is purely a traffic engineering function and a function that is better suited for the County and or the City. If the City were to enter into an intergovernmental agency agreement with the County that would allow for these favors, then, of course, we could only assume that there would be a further agreement that would be required of Riviera with the City in order to hold it harmless from and against any liabilities that may be associated with our continued obligation and maintenance of this right-of-way. We made these arguments and advanced these arguments before P and Z and received unanimous approval. I can assure you that the club project as a whole should be considered as a whole. And the isolation on this one particular component, which is the placement of pavers within three crosswalks were at the main entrance crossing Blue Road should not detract from the overall beautification of this area through the completion of this project. We would respectfully ask that the Commission also considered staff's report at the P and Z. And if you take a look at staff's report, there were specific findings of fact on the issue that were reflected in the comments that appeared in paragraphs D, F, G and H of the staff report. And I'll focus more on F, G, and H, wherein staff indicated that the absence of this paving material, the pavers themselves, would diminish the pedestrian experience, whatever that means. That was mentioned in two specific occasions, paragraphs F and G, of the staff report. And with respect to the design of the proposed driveways, there was an observation that the proposal to change the paving material to asphalt and thermal plastic paint, which incidentally is throughout the City of Coral Gables, the mention was does not promote a well-defined vehicular and pedestrian circulation. Well, we simply disagree, and we would also suggest most respectfully to staff who spent a great deal of time looking at this issue, that there was really no substantial support, if you will, for those particular observations. Asphalt will serve its purpose along Blue Road as it has since Blue Road was constructed. The project will go forward. And we would respectfully request that the site plan amendments be approved.

Mayor Valdes-Fauli: Thank you, sir.

Mr. Lucas: Thank you.

Mayor Valdes-Fauli: You said there was somebody else who wanted to speak?

Vice Mayor Lago: No. I think there was just one person.

Mayor Valdes-Fauli: What now?

Vice Mayor Lago: So, I'm willing to make a motion to deny F-9.

Mayor Valdes-Fauli: It's been moved. Is there a second? Okay, the motion fails for lack of a second.

Commissioner Keon: I'll make a motion to approve.

Mayor Valdes-Fauli: What?

Commissioner Keon: I'll make the motion to approve the item.

Mayor Valdes-Fauli: Motion has been made to approve. Is there a second? Is there a second?

Commissioner Mena: I'll approve it for discussion.

Commissioner Mena: Okay, seconded.

Commissioner Mena: I'll second it for discussion, but -- and I was still thinking when the Vice Mayor was making his proposal, frankly. But is this something that we can defer? Is there a -- because I just...

Mayor Valdes-Fauli: Why should we defer it?

Commissioner Mena: Because I don't feel like I have enough information.

Vice Mayor Lago: I have no issues if you want to defer it. The issue is I'd like to see the underground...

Commissioner Mena: I'd like to understand exactly what it is that they committed to. Is there something else that can be done, you know, that also provides a public benefit in lieu of doing this that wouldn't, you know, I don't know, be as challenging as this appears to be. You know, I'm taking at face value here that the County, you know, put up these roadblocks, and I understand that as they've been described. But you know, I want to work towards a solution to the problem, and I don't really -- I'm kind of being pitched a binary choice here, yes or no. And...

Vice Mayor Lago: Can I -- can you...

Commissioner Mena: I'd like to come up with something that works for everybody where we still deliver on some sort of public benefit to the residents. This was -- you know, I think the pavers - - my perception is was intended to be a, you know, a beautification, a luxury item that was nice for the neighborhood, which I appreciate. You know, and I'm just brainstorming now, but is there like light posts? Is there something else that we can do that fills that, you know, purpose that's not necessarily the pavers?

Vice Mayor Lago: Commissioner...

Commissioner Mena: That's all I'm asking.

Mayor Valdes-Fauli: Can I...

Vice Mayor Lago: To give you an idea...

Mayor Valdes-Fauli: Can I make a comment? Hey, I haven't talked in all of this. Let me say something. I think, you know, they have a beautiful clubhouse. They replaced an obsolete clubhouse. They have done a wonderful, wonderful job, and we're talking about replacing pavers in front of a clubhouse for what's used in the rest of Coral Gables. I think we're focusing on details, and I think that we owe it to them to make this change. Yes, they made a commitment, and it's difficult to comply with it. And they are asking this Commission for a very, very, very minor change in the whole millions of dollars of structure that they have built to beautify the neighborhood. I mean, they have -- there's nobody who lives east of them in Blue Road. And west of them, there are houses, yes, but they're very, very few houses around there. And I think that they deserve to be given this variance.

Vice Mayor Lago: Mr. Mayor...

Mayor Valdes-Fauli: Anyway...

Vice Mayor Lago: Just one quick comment.

Mayor Valdes-Fauli: It has been -- a motion has been made and seconded. Will you call the roll, please?

Vice Mayor Lago: Just have one last comment. We have a...

Mayor Valdes-Fauli: Come on.

Vice Mayor Lago: We have...

Mayor Valdes-Fauli: Let's get it over with. Come on. Go ahead.

Vice Mayor Lago: I'm in no hurry. I don't have a problem...

Mayor Valdes-Fauli: No, we're not in any hurry.

Vice Mayor Lago: I don't have a problem being here all day if I have to.

Mayor Valdes-Fauli: It's a very minor...

Vice Mayor Lago: No, it's...

Mayor Valdes-Fauli: Item and (INAUDIBLE).

Vice Mayor Lago: It's not minor. It's not minor in the sense that...

Mayor Valdes-Fauli: Go ahead.

Vice Mayor Lago: It's not minor in the sense that it's a neighborhood that was promised something and...

Mayor Valdes-Fauli: The neighborhood is irrelevant in this. There is no neighborhood. You live three blocks away or four blocks away. Come on. Go ahead.

Vice Mayor Lago: I live three blocks away, and it is the neighborhood that I live in. So, at the end of the day, let's also remember we're using pavers throughout the City. We use paver on traffic

calming. We used pavers two blocks away. I just can't remember. I drive in the street almost every other day when I drive to City Hall. There are paver intersections that are being done throughout. So, again, it doesn't have -- these are not -- this is not going to be as fragile as Miracle Mile. These are going to be pavers that are probably going to be made out of concrete, like Commission Keon mentioned my driveway, which do not have issues and are a lot more resilient...

Mayor Valdes-Fauli: Yeah, but don't keep using your house and your driveway.

Vice Mayor Lago: And along with...

Mayor Valdes-Fauli: It has...

Vice Mayor Lago: Because it's a good example. It's a good example. So, at the end of the day, if you want to vote in favor of this, it's perfectly fine. But I'm a believer in, if you make a commitment to a community, I think you should uphold it.

Commissioner Mena: What other improvements have been made to the public right-of-way as relating to this project?

Planning and Zoning Director Trias: Well, there's the sidewalk and there's also landscape and the trees.

Mayor Valdes-Fauli: There's a lot of landscaping and a lot of trees.

Planning and Zoning Director Trias: They are yet to be finished, but that's the commitment, yes.

Commissioner Keon: They also...

Mayor Valdes-Fauli: I will -- let's vote on this. Mr. City Clerk...

Commissioner Keon: But I think the one big benefit was there were I don't know how many septic tanks throughout that whole area, and I think there is one remaining and they've all moved everything onto sewer. So, it's -- they've done -- which is a very good thing for our city is that...

Mayor Valdes-Fauli: Alright. Let's take a vote. Mr. City Clerk, will you call the roll, please?

Commissioner Fors: I'd like to move to defer it.

Mayor Valdes-Fauli: No, no. But you have to vote yes or no. The motion has been made and seconded.

Commissioner Fors: Well, I'll vote no.

Mayor Valdes-Fauli: Okay.

Commissioner Fors: No.

Commissioner Keon: Yes.

Vice Mayor Lago: No.

Commissioner Mena: No.

Mayor Valdes-Fauli: Yes.

(Vote: 2-3)

Mayor Valdes-Fauli: Alright, it fails.

Commissioner Mena: Alright.

Mayor Valdes-Fauli: F-12.

Commissioner Mena: Can we now discuss...

Vice Mayor Lago: And I think it's great.

Commissioner Mena: You know, alternatives?

Commissioner Keon: I think you should just go there and look. They can show you the plans.

Commissioner Mena: Listen...

Commissioner Keon: Just go there and look and decide.

Commissioner Mena: It's not about going and looking.

Commissioner Keon: It's not a big deal.

Commissioner Mena: For some reason, we get to this agitated point where we have to...

Commissioner Keon: No.

Commissioner Mena: Rush the vote.

Commissioner Keon: I...

Commissioner Mena: Then we get to a no vote. That's what happens when you rush to the vote.

Commissioner Keon: No.

Commissioner Mena: I was trying to have a discussion...

Mayor Valdes-Fauli: Okay.

Commissioner Mena: And the only point...

Mayor Valdes-Fauli: Well, make a motion.

Commissioner Keon: Go ahead.

Commissioner Mena: The only point...

Mayor Valdes-Fauli: Make a motion.

Commissioner Mena: If you'd let me get the sentence out of my mouth, I'd be happy to. The only point I'm trying to make is that I'm not trying to hold them to some unfair draconian standard. I'm willing to work with them. Is there something else we can do as a trade-off to make this work? That's it.

Commissioner Keon: Okay. How would you...

Commissioner Mena: I don't think that's an unreasonable ask. They've come...

Commissioner Keon: No.

Commissioner Mena: With this request.

Commissioner Keon: I don't either.

Commissioner Mena: Yeah.

Commissioner Keon: How do you...

Commissioner Mena: So...

Commissioner Keon: How do you -- how would you suggest that we get there?

Commissioner Mena: I -- that's why I had suggested deferring so that we could speak to them and maybe understand what other options there are so that they get to deliver on a public benefit that was promised maybe in some other form, and then I would personally get to the point that I'm comfortable approving it. But if it's just taking...

Mayor Valdes-Fauli: Make a motion that we defer.

Commissioner Mena: Yeah, I made that motion previously.

Mayor Valdes-Fauli: Alright, second?

Commissioner Keon: I'll second it.

Commissioner Fors: Second.

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Fors: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

City Attorney Ramos: May I make a suggestion? I believe that they sent mail notice so that it doesn't have to be sent again. We should defer to the date certain of March 23rd.

Mayor Valdes-Fauli: Right.

Commissioner Mena: That's fine.

Mayor Valdes-Fauli: Date certain, March 23rd.

Commissioner Mena: Is the undergrounding, was it -- is this part of what's before us now or not? Because I understood Mr. Lucas as saying...

Planning and Zoning Director Trias: No, sir.

Commissioner Mena: It's not.

Planning and Zoning Director Trias: It's not.

Mayor Valdes-Fauli: Alright. The next item is...

Commissioner Keon: I think there was...

Mayor Valdes-Fauli: F-12.

Commissioner Keon: Are you sure it's not part of it? I thought it was because of the sidewalk. Because the first sidewalk that was presented was the very -- had like all kinds of markers and everything in it. I thought that the sidewalk...

City Manager Iglesias: The 10-foot sidewalk...

Commissioner Keon: They included the sidewalk also.

Planning and Zoning Director Trias: The undergrounding...

Commissioner Keon: That that were...

Planning and Zoning Director Trias: Improves the design of the sidewalk, but the actual undergrounding is not part of the request.

Commissioner Keon: No, but the design of the sidewalk is. And you'll have to approve the design of the sidewalk so they can underground.

Commissioner Fors: And just for...

Planning and Zoning Director Trias: And also, the landscaping. It approves the landscape (INAUDIBLE).

Commissioner Keon: And it's...

Mayor Valdes-Fauli: Okay.

Commissioner Keon: So, they can landscape because they can't do it the way it is.

Commissioner Fors: And for...

Mayor Valdes-Fauli: F-12.

Commissioner Fors: For the applicant who's listening, just a final word on it. I'd like to hear more on the next time around regarding helping -- something that helps me get a better understanding of exactly how much more burdensome it would be for them to continue on the path of pavers. That's it.

Mayor Valdes-Fauli: Alright.

Planning and Zoning Director Trias: Thank you.