

City of Coral Gables City Commission Meeting

Agenda Item E-4

September 23, 2008

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Assistant City Attorney, Maria Jimenez

Public Speakers

Steve Helfman, Cocoplum Resident, Representing Self and Neighbors

Chuck Hartz, Tahiti Beach Resident

Ed Sanchez, President, Cocoplum Civic Association

Roger Serola, President, Cocoplum Phase II Association

Juan Diaz Padron, Represent Cocoplum Yatch Club

Lauren Coll, Resident

Jorge Bou, Resident

Tom Williamson, Marina Tenant

Jose Cancio, Coral Gables Resident

E-4 [Start: 10:08:30 a.m.]

A Resolution confirming the ordering of the Cocoplum Guardhouse Local Improvement District, designated as “CGH-01”, subject to the provisions of City Code, Article II, entitled “Local Improvement Act” setting forth location, proposed improvements, estimated cost and designating properties deemed to be benefiting from the Guardhouse, that will be levied a special assessment for the improvements, located on Cocoplum Road, at the entrance of the Cocoplum Subdivision, Coral Gables, Florida.

City Manager Brown: Ms. Jimenez.

Mayor Slesnick: Before you start, Maria, let me just tell people who may not have been here before, who are not familiar with our...we’ll wait until the doors close. Do we have everybody in here? Alberto, if there are people out there that are waiting for this item, could you pass the word that we have arrived at the Cocoplum item?- so that if there are people out there, I think

there are. Now that we have most everyone in here, I noticed how many people are from Cocoplum, and I would like to explain to you all that if you intend to speak that we do require you to fill out these speaker cards and turn them into the Clerk; I only have two of those, they are available outside in the hallway, is that correct Mr. Clerk?

Mr. Clerk: That is correct Mr. Mayor.

Mayor Slesnick: And not that I am encouraging everyone to speak, you can have other people speak for you, but I do want to give you the opportunity to know how to speak, and we will be calling names from these cards. So we are going to take about a three minute break here to let everyone, if they want to grab a card, and turn it in and then we will start the presentation when everyone is seated to give everyone a fair chance to here and to acknowledge the presentation.

[Note For The Record: At approximately 10:11 a.m., the City Commission recessed. At approximately 10:15 a.m., the City Commission reconvened the City Commission Meeting].

Mayor Slesnick: If we could have everyone's attention, this is Maria Jimenez, she is Assistant City Manager of our City, and the person assigned to give us the report on this petition.

Ms. Jimenez: Thank you Mr. Mayor. Just for those persons who just walked in this is a resolution confirming the ordering of the Cocoplum Guardhouse Local Improvement District, designated as "CGH-01", subject to the provisions of City Code. The Cocoplum entrance guardhouse was originally built by the developer in the 1970's to service the entire Cocoplum area, which is currently being maintained by the Cocoplum Homeowners Association. The Cocoplum Homeowners Association has requested the City to establish a Local Improvement District to provide for the funding for the remodeling of the entrance guardhouse. The City Code Article II, entitled "Local Improvement Act", as well as Florida Statute 170.01, authorizes the City to make local improvements and provide for the cost to be paid by all property owners benefiting from such improvements. At this time the City has determined that properties in the section of Cocoplum I, Cocoplum II, including individual boat slips in the marina and the Tahiti Beach area, as well as a small plat entitled "Gables Biscayne Bay Section", which is located on Cocoplum Road, derive a benefit from the entrance guardhouse. Properties within the subdivision that does not have access to the guardhouse have been excluded from this Local Improvement District, and therefore will not be assessed. The proposed improvements including but not limited to renovations to the interior and exterior of the existing guardhouse building, with new veneer, stone veneer, driveway pavers, fountain, curving, landscaping, irrigation, upgrade, and enhancements to the gate access system, as well as an installation of an emergency generator. The proposed improvements have been estimated at this time, and I say at this time because this project have not gone out for bid, eight hundred thousand dollars (\$800,000), and have been divided among the six hundred and forty-four property owners, which at this time results in a one time assessment of one thousand two hundred and forty-two dollars and twenty-four cents (\$1,242.24). In discussing further the method of assessment, our City as well as the Florida Statutes are very clear, properties benefiting from the improvement are to be assessed. Guardhouses constructed at the entrances of other city subdivisions have proven to deter crime. As such, although there exist two areas in Cocoplum, Tahiti Beach and the Marina, that have additional security in place, it is felt that properties located behind the guardhouse will only

access through the guardhouse and therefore will be benefiting from the guardhouse improvements. This item, however, before you today is for the...I'm sorry...is for confirming the ordering of the District. Although an estimate has been provided, as I mentioned, it has not been bided out, and the objection to the method of assessment...

Mayor Slesnick: Before you proceed, why don't we just handle one issue right now, so there is no confusion as to what we're talking about? Madam City Attorney, are you there? Would you explain to us the two part process that you explained to me, so that everyone here understands that this is a bifurcated process; and that we are today talking about one thing should be move forward, we will talk about another thing later, OK, that will save us some time and effort and confusion.

City Manager Hernandez: Florida Statutes Chapter 170, as well as the City Code and County Codes provides that when a City Commission is determining whether to adopt an assessment district, an improvement district, or a district to provide a benefit to a community as a whole, they will follow multiple steps. The first step is obviously the ordering of the improvement district by resolution and having the Public Works Department and the City Administration bring back plans; what is envisioned to be accomplished, and what will be occurring. At the time that the City Commission adopts or moves forward with that resolution, which is of a temporary nature, they will then evaluate the cost involved, how long the process will take, and bring back to the City Commission an amount that they believe would be the cost that will be assessed to these specially benefited property owners. At that time the City Commission will sit as an Equalization Board, when they will hear any objections to the District; they will hear objections to the amounts that may be assessed against specific properties, they will hear objections to the formula that is being implemented; and at that time the City Commission will adjust those formulas; those numbers and those amounts as they deem in the best interest of the citizens of Coral Gables.

Mayor Slesnick: So explain to us in layman's terms what are we discussing today?

City Attorney Hernandez: As Ms. Jimenez was explaining, basically they are presenting the proposal to you.

Mayor Slesnick: OK, seeing the proposal, but what will our vote be about today?

City Attorney Hernandez: Just to move forward and bring back additional...

Ms. Jimenez: To move forward and try to get the bids for the actual construction; and then what we will do is come back with what's called the preliminary assessment roll, which at that time the method of assessment would be discussed.

Mayor Slesnick: So people that are here today that are proponents of this plan are looking for us to approve, so that the plan can move forward and more planning can be done.

Ms. Jimenez: That's correct sir.

Mayor Slesnick: The people here who are opposed to it, for whatever reason they may, and I've noticed that there are some people who have marked opponent. So I haven't heard their argument yet, but they today may oppose the entire idea, but they should go away, if we do vote yes knowing that we are going to be coming back talking about the details, and about the assessments, and all those things. So I just want to make sure everyone understands exactly what may or may not happen today.

Ms. Jimenez: That's correct sir.

City Attorney Hernandez: And they may be asking you to change the plans, add to the plans, remove from the plans, that's what today is about; the amounts to be assessed on individual property owners or individuals affected, is at a later public hearing.

Commissioner Withers: And I have a question about that. Normally, we deal with a single entity in a taxing district. We normally don't deal with four, five different components within a taxing district.

City Attorney Hernandez: Well, we deal always with properties, but it's known as...

Commissioner Withers: As a single tax...and this is a little different in that there are four-five?- I think you mentioned, how much do we have to say on how they assess themselves within those five different groups?

City Attorney Hernandez: Well, you are going to have a say as to how much is assessed per individual...an individual within a group can come to you and say I am being unfairly assessed...

Commissioner Withers: I understand that.

City Attorney Hernandez:...and you can adjust that.

Commissioner Withers: I understand, but if they sign an agreement with an association, that gives the association the right to determine the assessment...

City Attorney Hernandez: Again, that is not binding on the City Commission.

Commissioner Withers: So even though an association says you pay one percent, we can say to that person, you pay nothing?

City Attorney Hernandez: Yes, yes; you sit as the Equalization Board. You will sit and listen to objections and complaints, and whatever agreements third parties make amongst themselves, that's wonderful, but you are not bound by that; you are not a party to that agreement.

Ms. Jimenez: Our requirement is to basically determine who is benefiting from these improvements. Preliminarily, we feel that everyone who has access and is behind that guardhouse, that has property behind that guardhouse is benefiting from the improvements to the

guardhouse. Now today's meeting is to hear any objections to this preliminary method, although the final preliminary assessment roll will bring us to say, this is what we are recommending as the administration the form of method of assessment, but preliminarily each of our individual property owners have been sent a courtesy notice from the City, advising them of the public hearing today; and they do have a figure before them, which is the one thousand two and forty-two twenty-four (\$1,242.24), which is our preliminary thought process on who should in fact be assessed with this figure, not to say after hearing the objections or the arguments for it, that at the Preliminary Assessment Roll, which is outlined in the process there, we will come back with saying we basically feel....

Commissioner Withers: I understand. So my final question would be if we're working as an Equalization Board, and we determine that one group is not to pay what the associations feel they should pay, that means others of the other side will be paying more.

City Attorney Hernandez: Exactly.

Commissioner Withers: Now, do they then have a chance to come back, once those numbers have been recalculated and say I accept or I don't accept?

City Attorney Hernandez: The City Commission at the Equalization Hearing...

Ms. Jimenez: Which is a Preliminary Assessment Roll.

City Attorney Hernandez:...Is going to make the final determination, so all interested parties should be present at that time.

Commissioner Withers: And are we going to be able to be prepared to tell each person at that time, how much their assessment increases, if we make the...

City Attorney Hernandez: I can only tell you that the City Commission would be prepared to say, we are not going to assess homeowner A "X" amount, and if the Finance Department is able to perform that recalculation while we are sitting here...

Commissioner Withers: Well, I think its important Liz.

City Attorney Hernandez: I agree with you.

Commissioner Withers: Because if I'm a homeowner and I'm expecting something, and then we do something that reduces someone else but increases someone else, that other person might say that point.

City Attorney Hernandez: And the City Commission, as you know Commissioner Withers, can make a determination and then continue the hearing to a later date, so that we have firm and final numbers, and that's always an option that you have at your disposal. In the event that you make many changes and many, you know, in the past I think in other assessments, you've made one or

two changes which are easily calculated, but I have no idea what you may or may not do vie-a-vie this particular project.

Ms. Jimenez: And to help answer that question, the Preliminary Assessment Roll will have each individual property owner listed with that amount, and also the method of assessment will be provided for your consideration.

Vice Mayor Kerdyk: Let me ask you another question. In other improvement districts, there is a vote of the population one way or another, is there going to be any type of vote from the people that are affected by this once we determine what exactly we are doing?- or is it solely going to be put with the City Commission?

Ms. Jimenez: There is no vote requirement for such assessments; the voting that I think that we are all thinking of is the Special Taxing District, which is established through Miami-Dade County, but local improvements acts do not require a vote. It provides though the public to....at these public hearings, to express their concerns and interests.

Commissioner Cabrera: Madam Manager, did you mention the names of all the homeowner associations that are affected by this?

Ms. Jimenez: Well, we only have one homeowner association, which is the Cocoplum Homeowner Association, which primarily represents Section II; then we have the Marina, which is the individual boat owners, matter of fact I have the numbers here.

Commissioner Cabrera: I don't need to necessarily need to know the numbers as much as I need to know the names.

Ms. Jimenez: OK. We have the Marina, we have Cocoplum Section II, and we have Cocoplum Section I, and then within Cocoplum Section II is the Tahiti Beach area, which also has another access guardhouse.

Commissioner Cabrera: And is Cocoplum Section I, the Cocoplum Homeowners Association that's before us?

Ms. Jimenez: No, Cocoplum Section II; although my understanding is some residents in Cocoplum I, are also form part of that association voluntarily.

Commissioner Cabrera: I count three.

Audience Member: [Inaudible – off mike].

Ms. Jimenez: I'm sorry, I stand corrected.

Commissioner Cabrera: So there are four groups that are affected by this, that benefit from this improved trillion dollar guardhouse.

LAUGHTER

Mayor Slesnick: Going back to Commissioner Withers, excuse me. If we could take conversations outside please, excuse me sir, if we could take your conversations outside I'd respect -- that if you'd respect the rest of the people in the room, thank you. Going back to Commissioner Withers, I would think certainly though is a consideration Liz, for us to think about what people have signed and agreed to in their private agreements.

City Attorney Hernandez: Absolutely.

Mayor Slesnick: It may not be controlling, but it certainly is something we need to know.

City Attorney Hernandez: All of it is persuasive to the City Commission, and you will see that each of the groups have certain like elements, certain elements that they share in common. That may be something you consider when doing the Equalization; but again at the end of the day this Commission serves as the determining body with regard to any assessment.

Commissioner Withers: What's going to make a great deal of importance to me is the original agreement when the guardhouse was built; and what the original agreements were with these different groups; and if there had been situations that have caused it to change, why did it change. You know, if the Marina group, you know I received some e-mails as you did about they have their own security. If that was a component, that if they agreed to do that then it would relieve some of their responsibility on the main guard gate then that has to be taken into consideration. So I'm going to weigh heavily on the history and the evolution.

City Attorney Hernandez: On the elements and the facts. I will tell you I received only one e-mail, so I don't know what everybody else received.

Mayor Slesnick: With that, Maria will you complete.

Ms. Jimenez: I'm sorry; I thought you were opening it up for public hearing.

Mayor Slesnick: No, I asked if you would complete what you were...

Ms. Jimenez: Forgive me.

Mayor Slesnick: No, that's OK.

Ms. Jimenez: Actually, I was just going to summarize by saying that it is recommended that this resolution confirming the ordering, exclusively the ordering of the Cocoplum Guardhouse Local Improvement District designated as CGH-01, be adopted, and I thank you for your consideration.

Mayor Slesnick: Here's how we are going to do our input on this is that, I have the cards from those of you who want to speak, but I'm going to ask that the first presenters, instead of just in order, be the people who are the elected or appointed leadership of the different groups have their say, and then citizens will certainly have their say, if you signed up; I just ask that, we are

going to ask you to commit to following the little rules here. We try to be courteous to everyone here in Coral Gables, and also whether we agree or disagree, and also three minute time limits; on the other hand for the leadership of your different associations we are going to give them a little more time, you think five minutes? – OK. So we heard these four groups; we have four leaders here, I see what I know to be maybe three – four – OK. We are going to start with Steve Helfman.

Mr. Helfman: Good morning Mayor, members of the Commission, it's a pleasure to be before you again. My name is Steve Helfman, my address is 300 Cocoplum Road; I'm actually here representing myself, as well as my neighbors, many of whom are here today. I have been involved in this process since the initiation; and Commissioner Withers, I think that your comments are very relevant to why we are here today; and I will tell you briefly that in 1975, the developer of Cocoplum received the right to place a guardhouse and entry feature at the entrance of Cocoplum; and for five years there was a deal that, that developer would maintain that guardhouse and use it as an entry post for the sales center and for the development of Cocoplum. After the five years, the developer had a right granted by the City Commission to assign that right, the use of the guardhouse and the entry feature, to a homeowners association. Well, the developer didn't do this well, and what he did was assign that right and obligation to maintain it upon the Phase II homeowners. You've heard that there are Phase I, where I happen to live, which is a voluntary association; Phase II, where Roger lives; there is Tahiti Beach, another group within Phase II; and then there is the Marina. But the developer decided that he was going to put the obligation of the guardhouse on Phase II, and Phase II has paid for, OK, for thirty years, the cost of maintaining and operating that guardhouse for the benefit of all of the people in here including myself; I have had the benefit of their pains. They have come to us for years and said, this is not fair, it's not fair that you guys don't pay, the Marina doesn't pay, it's not fair, can we come up with a way to make this fair? So we sat with them and we came up with a method, which was that the improvements, the physical improvements, which needs to be done there, that haven't been upgraded in thirty years would be shared by all of us; and we would ask the City to help us do that; and how do you do that?- you order up a district, and when that district is complete and the numbers are in, you then assess the beneficiaries from a City's perspective accordingly, to what their benefit is; and as the Mayor suggested that process is not why we are here today; that process is the assessment process; the assessment rolls and the equalization process, where people can come and say, hey, I'm OK with the district, but I don't think I'm paying my fair share, OK?- I only have a dock, OK, and this guys got a house, why should I pay the same thing?- well I can tell you why you should pay the same thing, but you need to hear that from them, but that's not why we are here today because we'll be here all day long if you start doing an equalization hearing, OK? This is simply to say, yes community, we will try to help you; we will go out put these plans out to bid, when the bids come back we'll prepare an assessment roll; the staff hears the objections, they will relook at this and come up with an equalized assessment roll, and we will have public hearings and notices on how its paid for. That's a separate hearing from today, which is just come with us, help us, we need to make this fair. There's an improvement that needs to be done there; I don't want to be the beneficiary and not pay. I've actually written checks for my part and I'm not even in their district because I don't think its fair that they are paying for this. They have to improve it; the developer dumped it on them; some of us voluntarily want to pay, a lot of us are cheap frankly and don't want to pay; and you may hear from the cheap ones, OK?- that's what this is going to be all about, OK? They

all love the guardhouse, it's going to be beautiful, this is fabulous, they just don't want to pay, OK. Well, we'll hear from them, but not today, when they get their bill and their assessment roll, we'll find out who the cheap ones are, and who doesn't want to pay for the past thirty years of benefit that they have, OK? So, in any event we urge you, please, let us continue with this process, Phase I Homeowners; Phase II Homeowners the Boards are here. They voted on this; we've been going through this process, the equalization process will come. Yes Commissioner.

Commissioner Withers: Just because of the historical perspective, is there a guard service within Cocoplum that everyone shares?

Mr. Helfman: There is a guard service at the guardhouse, which Phase II also pays for. You can't fix that. We're going to deal with that, that's not your problem. We are going to go to County and try to make that fair also, but they pay for that too, so this is...we're trying to only deal with one piece of it.

Commissioner Withers: OK, so the personnel side we are not dealing with?

Mr. Helfman: You don't deal with personnel at all.

Commissioner Withers: Are there other check points within Cocoplum that...?

Mr. Helfman: There are other check points within Cocoplum at Tahiti Beach, which is the more exclusive community and there are a couple people, I believe this gentleman lives there; and there is the Marina, and those people have their own...they have their own guardhouse in addition to the one that's out front; and they have within their own community whatever they pay amongst themselves, having nothing to do with you. I know you are asking the questions about what's our involvement?- each of these associations have assessments for their own purposes, this has nothing to do with that. We're not involved in their communities or their assessments. This is an improvement out on the street on the public street that is owned by the City, and we are asking you because you control that area to help us improve it, fix it up, and we'll get here and talk about who should pay for it, and how it should be paid for, OK? Thank you. Appreciate it.

Mr. Chuck Hartz: Mr. Mayor, Commissioners, my name is Chuck Hartz; I live at Tahiti Beach...

Mayor Slesnick: By the way Chuck, since we don't see you often, and we don't see many of you often, I know there is some emotion, but I'd like to welcome you all to your City Hall.

Mr. Chuck Hartz: Thank you very much. I've done the Board of Tahiti Beach for about nineteen years; I've done the Board of the Marina for about nineteen years. I am presently on the Board of the Marina, and to be honest with you my only grip today is this, there has not been an adequate notice of this; there is a very significant problem with the notice that went out on this hearing, which many people only got yesterday, that's inadequate notice; and I think if we had, had adequate notice, number one, they never told us that the Marina, which has one hundred and seventy-seven slip. They said they voted on it, and they made decisions on it, we've never been advised of this to point where we can bring it up, know that they are proposing, know what the

plans are, talk about it, discuss it, at a Board or even a member level at the Marina; there's one hundred and seventy-seven slip, never even brought to our attention. We get in the mail over the weekend, Victor Clark, Manny Diaz, all on the Board with me, e-mailed me saying I can't be there, I just saw this, please go down object about the notice requirement that we got because I'd like to see what's going on, I'd like to be involved in the process. We may or may not object depending upon what can be resolved, but we don't even know what the plans are; we don't have any idea how they are justifying this type of a cost, and/or what they are planning on doing out there. So, I think my first point is that we have inadequate notice to be able to understand or appreciate and to agree or not agree on this; I could go into all the merits of it because the fact that we use public streets, we have our own security system, our assessments are one fourth or one fifth the amount of the average home in Cocoplum, but I won't go into that. The problem today is, this is not adequately noticed. I got my notice over the weekend on Saturday or Sunday, I know some people got it yesterday, that's just not adequate; and we need to have adequate notice so that we can be put into a situation so we can review these plans, go over it with the powers that be, I guess Cocoplum II is really pushing this, and decide whether or not we are going to be opposed to it or we'll agree with it or hopefully negotiate, but that's the main issue right now.

Mayor Slesnick: Well let's do two things: one is, let's talk about notice.

Ms. Jimenez: As part of the requirements, the City is not required to provide notice to individual property owners; we do it as a courtesy to our residents, but at this level the individual notice is not required. When we did the ordering of the district, a public notice was placed, and at that time plans and specifications were filed with the Clerk's office for public review. This is the process that exist in our City Charter. Now the next step is confirmation of the ordering requires another public notice in the paper, but again its not an individual notice is not required, however, we did send it to our property owners, just to let them know that in fact we were contemplating the ordering of the district. The method of assessment, the actual assessment to the property owners, that is individually noticed with the amount, the method of assessment, and proper notice will be provided; I say proper notice was provided this time around, unfortunately sometimes we don't get to our mailings as early as we should, but at the time when the assessment...

Mayor Slesnick: That was a courtesy mailing though.

Ms. Jimenez: It is a courtesy mailing, Mr. Mayor.

City Attorney Hernandez: And those were in the package, it shows that it was sent out September 15th, which is what is required by the Code.

Audience Member: [Inaudible – off mike].

Mayor Slesnick: Excuse me, excuse me.

Mr. Hartz: Let me respond quickly.

Commissioner Withers: I just want to ask a quick question Maria. There are four different groups...?

Ms. Jimenez: Four different groups.

Commissioner Withers: And each one has their own secretary of the group?

Commissioner Cabrera: Have their own Boards.

Commissioner Withers: Their own Boards, so I mean, to me the most logical thing would be to communicate if we are afraid we are missing some of the individual residents for the courtesy notice, I would think that early notification to the different Secretaries, so they can umbrella it out.

Ms. Jimenez: I think that's a good suggestion.

Commissioner Withers: To me, and that kind of puts the onus on their Boards to communicate to their...

Ms. Jimenez: We certainly should do that in the future and we'll definitely do it.

Commissioner Withers: At least for the next phase.

Mayor Slesnick: Chuck let me ask you this; does it give you any comfort to know what you've heard that whatever we do today is not, number one, final; number two, its not determining the assessments even if it were to go forward; and number three, its just to keep the plans moving and to keep the planning process going, in fact from what I heard from both our Assistant City Manager and from Mr. Helfman that the next steps of this process really do make it a public process of participation and discussion, and debate, and bidding plans, and reviewing plans, and getting costs and so forth. So, I mean...

Mr. Hartz: I think I understand what you are saying; it does give me some comfort because I live on Tahiti Beach, even though Tahiti Beach was never advised of this; Cocoplum was never advised of this. I think you said you put it in the paper, that's one thing, but I think there is an obligation by the Boards of the people and Cocoplum that are promoting this to at least bring it to the other associations so we can talk about it, that was never done; that's what I think is a primary [inaudible]. But what I'm concerned about listening to what's happened here today, is that there is going to be put in process an approval of this entire project by the establishing of the tax district; and I think that's what concerns me personally is that we don't even know what is being really proposed; we haven't had it discussed; we haven't had it proposed to us or presented to us, so we are actually sort of consenting if we do, the fact that there is going to be all this stuff done.

Mayor Slesnick: Madam City Attorney, let's just respond to Mr. Hartz. If we vote...let's just say we vote yes today, what have we in effect done at that point, I mean, let's explain that because we need to know that as well as the citizens need to know that.

City Attorney Hernandez: What the Commission is doing is telling the administration go forward and put out bids. This process provides, our Charter and our Code provides and our State Statute provides that the Commission can kill this at any point, up until the final decision of the Commission as the amounts as they are assessed.

Mr. Hartz: So whether or not there is going to be an improvement, the degree that it is improved, the amount that would be spent, the degree that the project would be small or large is all going to be debated whether or not its even necessary, would be debated at another time.

City Attorney Hernandez: Right. It continues...this is merely letting staff go forward with their...

Mr. Hartz: I appreciate that clarification.

City Attorney Hernandez: I will e-mail you the Code provisions so that you have them as well.

Mr. Hartz: Well, for my personal purpose I understand, and I would have no objection with it going forward, but for the Marina, and as a Board member of the Marina, I am directed from the people that I have on the Board to object the process of record, so that you know the other members of the Board are not in agreement and there are many substantive and meritorious arguments that need to be made beyond this point.

Commissioner Cabrera: You know Don, I'm sorry; you have more testimony to make?

Mr. Hartz: No, but to respond.

Commissioner Cabrera: I would have to ask you to respond.

Mr. Hartz: Does that mean sit down?

Commissioner Cabrera: Yes. Thank you sir. I have...the concern that I have over this process is, there are people, whether they are cheap or they are not cheap that simply have not been communicated, and I don't blame the City, I'm not looking to blame the City, because after all the City extended themselves as a courtesy to these various homeowners associations, but I'm really fearful of moving the process forward in spite of the City Attorney's response to you because after seven and-a-half years up here, I see how things evolve; and I see projects that we just said, OK go ahead and go forward, for whatever purpose; whether it was to gain further approval, or whether it was to obtain estimates, or to analyze it and determine feasibility, but then I see these projects get legs from under them and then the next thing you know they get approved, and I would not want to give that perception to these groups in spite of the fact they come here when it affects their little area and not the City as a whole.

Mayor Slesnick: The only thing I'm thinking, and I don't disagree, but I'm thinking isn't part of the process that all these people want to muddle through, the bidding of the process, so we actually know what we are doing.

Commissioner Cabrera: Yeah, but look at this; I hear what you are saying and I made not a very funny comment, but I made a sarcastic comment about this thing costing a trillion dollars. Well, you know, I look at the budget estimate and I see this thing is estimated at eight hundred thousand dollars, and I shake my head and I say, what's wrong with this picture?- and yes, I know they want to make it very beautiful, but gee, you demolish a three thousand square foot house, and you can build a new one first class for much less than eight hundred thousand dollars. So here we're talking about a ten by twenty guardhouse, and yeah, we're talking about pavers, and we're talking about irrigation, and landscaping, and making it beautiful...

Mayor Slesnick: [Inaudible]

Commissioner Cabrera:...But think about that for a minute; if I was a homeowner or a slip owner in this community and somebody came to me and said, you know the budget estimate is at eight hundred thousand dollars, and all we want to do now is go forward to get further estimates, I put a stop to this thing; I say there's something wrong with this process; and if I haven't been communicated properly, I say timeout here, I need more information before I can give you my support. That's my thought process.

Mayor Slesnick: I'm just saying again, not disagreeing, but getting a really valid bid or estimate that's really valid and solid, wouldn't that help the discussion, is what I'm saying.

Commissioner Cabrera: It would, and they could do that before, even coming before, I mean, I don't understand why they couldn't go to a general contractor and receive a budget or a bid that could not be held to until the process is finalized; and you know what?- I shouldn't even be talking about this eight hundred thousand dollars because quite frankly that would be their cross to bear. I think I really want to hone in on the fact that there has been a lack of communication along the way. So, I'm not going to support this.

Mr. Ed Sanchez: Good evening Mr. Mayor, thank you very much. Let me introduce myself; my name is Ed Sanchez and I'm the...I have the glorious title to be President of the Cocoplum Civic Association, it's a volunteer organization in which many of the residents in Cocoplum I, do not pay six hundred dollar a year to participate in the association; many do and we do have a Board of Directors, and many of Board is behind me as I speak. I do enjoy a strong relationship with Roger; we've had parties together, both groups, so I don't want to give the impression that there is this feud between Cocoplum I and Cocoplum II and this and that, because that's at least not the case with me anyway. I have tried to communicate with Cocoplum I residents through stuffing of mailboxes, through e-mails, that there would be this hearing coming up and that there was going to be an upgrade of the guardhouse, and that this was in the future to be done. So, I think my best efforts have been put forth to try to advise the residents of Cocoplum I, whether they are here or not, I don't know. And I do appreciate the fact that there was an individual per neighbor mailing sent out. You know, I think in general the guardhouse does need to be upgraded, it is quite old, and we do love our community; if you can compare that down Old Cutler you will see that many of them have done the same thing, and I think we want to try and do that as well. Mr. Commissioner, I agree with you; I think the eight hundred thousand dollar price tag is a bit excessive, very unreasonable, and I realize this is not the place to discuss that;

but I understand it is kind of a cap and individual works will be done and its going to come in less than that, and that's a future date sort of thing; but it did shock me, it shocked many of us, I think, in Cocoplum I when I saw that amount; I think, you know, I'd like to tear down my house and take the offer, but you know, I think independent of the size of the home many of us here are representing that, is that we all as Steven said, we all do benefit from that guardhouse, and I'm just one, I work for Citigroup, we try to keep things simple. I would like to see it that everybody pay their fair share; Cocoplum I residents, do not on the maintenance side, in this particular case I will explain to you, we want to try and participate in that process, and the only way to have done this was through this special agreement with the Taxing Authority. Because I'm afraid that if residents in Cocoplum I don't pay six hundred dollars a year, imagine them having to pay on a volunteer basis for this, they probably wouldn't, so even though they enjoy the benefit for that. So this was a way to equalize and get everybody assessed properly based on the right price of course. So in summary, I'm in all favor of upgrading the guardhouse; I think this is very important for our neighborhood and for our community, and I propose that we go forward with this.

Mayor Slesnick: Thank you very much. I appreciate that Ed. Roger Serola.

Mr. Serola: Good morning Mr. Mayor, members of the Commission, my name is Roger Serola, I live at 7166 Lago Drive East, Cocoplum. I am the President of the Cocoplum Phase II Association, which comprises Tahiti Beach as well, which means that I represent Tahiti Beach as well as Phase II.

Commissioner Withers: Say that again Roger, I'm sorry.

Mr. Serola: Tahiti Beach homeowners are also a member of our association. We represent them, although they have their own separate association, they are governed by our Bylaws.

Commissioner Withers: OK, I was going to ask you if there was one or two different organizations, OK.

Audience Member: I beg to differ on that issue.

Mr. Serola: We are asking to go forward with this issue, to establish a vehicle, to put this guardhouse together and prorate the cost out amongst those that are going to benefit from it. We don't know yet the exact cost, it hasn't been bid, but we went in with an absolute maximum that it could possibly cost. We don't know yet whether if it's fair to assess a marina slip owner, which by the way these slips are now four hundred-eight hundred thousand dollars, the same that you would assess a home that's worth a million or two million. We'll figure that out. All we want to do is get your approval, to get to the point that we can do that. Mr. Hartz has said that we didn't notify everybody in a timely manner. However, we sent an e-mail blast to everybody that we have in our association, or anybody's e-mail that we have from Phase I. If his neighbors at Tahiti Beach do not come to the meetings that we schedule and notice and do not wish to be on our Board, and do not wish to take any representation or be involved in anything, I can't help if they don't know what's going on. It's available for their knowledge or whatever they wish we have an open book. Presently, I don't think this thing is going to cost us much money, but we are talking

about twelve hundred hours on homes that are worth five to ten million dollars, where Mr. Hartz lives. Is it fair that we don't have this vehicle that three hundred and one people should be paying two thousand dollars a year for this guardhouse over the past thirty years, and everybody else that benefits from it and their property values have tremendously increased pay zero, I don't think that's fair. But we'll get into the discussions as to who will benefit the most and a prorata share of this at a later date. All we are asking for today is to be able to get to that point and approve where we are now. Answer any questions.

Vice Mayor Kerdyk: Roger, I just wanted to mention one thing, since you keep on bringing it up. I see the argument for Phase I – Phase II; what you have to convince me at sometime is the marina slips; I don't quite understand the equal taxing for those slips as I do homes; and that to me is bothersome and disconcerting.

Mr. Serola: We'll have to bring that up at a later time, but I didn't come up with the prorata share. I agree, and I also agree that the eight hundred thousand seems to be too much.

Commissioner Anderson: How was that number derived?- just preliminary contract, costing out?

Mr. Serola: We got cost estimates from Ramon Pacheco, the architect; there have been no bids, and then we just doubled some of them just in case; because I believe we were told in the meeting is that this is a cap, once this is approved they can never go more than this. So we started out at three hundred, got to five hundred, got to eight hundred, but that will be discussed at a later meeting, and I'm sure it will not approach that.

Commissioner Cabrera: Mr. Mayor, may I ask the Manager? Mr. Manager...

City Manager Brown: Yes sir.

Commissioner Cabrera:...working with your staff, could you come back to us with a very concise description and listing of everyone of these homeowner associations because quite frankly, this seems to me to be an Abbott and Costello skit of who's on first. I can't keep tabs; I hear this organization is supported by this organization; this organization is under this organization, there is representation from that organization; I just like to better understand who are the players here, because I'm trying to keep the list alive and you know, I hear Phase I, Phase II, Tahiti Beach, Marina, Cocoplum Homeowners Association, so maybe staff can come back to us.

City Manager Brown: Before tomorrow, I'll have e-mailed to all of the Commission the associations, the names, the phone numbers, the addresses, and also the areas that we know they represent.

Commissioner Cabrera: You know, what would also be interesting to know, if you can give us this, is what is the support level if they in fact have taken a vote, if they understand the issue, and if they have finalized their position on this project, because see that's the reason why I'm not going to move to support this today, because I really don't know who is in support of it and who

isn't; and so I can't make an intelligent decision based upon the package that's been given to me; and its no attack on you all, but there seems to be multiple groups here.

Commissioner Anderson: I have a couple comments; I don't know if the public hearing is done?

Mayor Slesnick: No, we have more public hearing.

Commissioner Anderson: I'll let the public hearing continue and then I'll make some comments.

Mayor Slesnick: I think that the people representing the associations have sort of put forth the arguments and we are noted that we are not discussing assessments today, but we will give everybody a chance to introduce themselves, and say what they wish to say if you'll please keep it short, we'd appreciate it. Ed Henkin.

Mr. Ed Henkin: I don't need to come up; my two issues were the two issues that will be taken care of at a later date.

Mayor Slesnick: Well, thank you Ed; your card and name are on file. John Blake.

Audience Member: Had to leave.

Mayor Slesnick: OK. We'll keep his card as part. Juan Diaz Padron. Welcome back Juan.

Mr. Padron: Yes sir, Mayor.

Mayor Slesnick: This is our former Chair of our Youth Advisory Board.

Mr. Padron: Thank you for giving me the opportunity to speak. I'm here representing my father, Juan M. Diaz Padron, of 1528 Cantoria Avenue, that is my address as well. I did some research yesterday, and I spoke to the Assistant City Manager and really what I've come up with is, basically this is a question of benefit from the marina standpoint. I am opposed from the marina standpoint, and one of the main benefits that the Assistant City Manager had discussed with me over a long period of conversation was crime insurance; and I have a little bit of a problem with that because at Star Island, it doesn't matter how much the property is worth as Cocoplum, nobody can really ask you why you are entering into Cocoplum; no one is going to respond, I come to steal, I come to scrape your car, take something off your lawn, versus at my establishment, at Cocoplum Yacht Club, they do ask you, and they do have the right to ask you, and they do have the right to look up if you are granted access into this facility; and we have hourly checks, and we have our own security system in place; and I believe that these two guardhouses operate at two different levels. We have no residents and it is illegal to be a resident of a vessel in Cocoplum Yacht Club. So when it comes to the matter of benefit that's what I believe is in question here. We receive no benefit from that front guardhouse. I as a member of Cocoplum Yacht Club have to go into through the guest lane every time I enter the guardhouse; and I might have to wait five minutes to enter the public road versus a resident who whether pays or does not pay voluntarily for this guardhouse, goes in with preference. I don't see what benefit

I have gotten in the past years; and I don't think giving me a benefit now qualifies me for paying, and I represent Cocoplum Yacht Club.

Mayor Slesnick: Thank you very much. We appreciate it.

Commissioner Anderson: Very well represented.

Mayor Slesnick: Lauren Coll.

Ms. Coll: He said a lot of what I was about to say. My name is Lauren Coll; I'm the owner of [inaudible]; everything he said I won't repeat, he's absolutely correct that we don't receive the same benefits, we have a guardhouse that is a lot more sophisticated. I think that as a taxing district the marina should be removed, because we really are not receiving any of the benefits; I think the issues really go to Phase I and Phase II, and basically, and I think, Mr. Hartz left, and I remember this issue being posed to the marina owners once before, and it was tried as, would we be willing to go ahead and subsidize basically Phase I and Phase II, and it was turned down; and wish somebody else were here from the marina who could confirm this, because I remember this coming up to the marina owners, and we turned it down flatly; and the only way is that they've been able to do this is by coming to the City of Coral Gables, and asking the City to please go ahead and have us subsidize them; and I don't think its fair; and if they think we are one of the cheap ones, well there is a difference between being cheap and subsidizing someone else's property. Our values are not the same; our interests are not the same; and really we should be eliminated from that taxing district.

Mayor Slesnick: Thank you. Jorge Bou.

Mr. Bou: Good morning; my name is Jorge Bou, I live at 60 Edgewater Drive, and I'm going to reiterate everything that she just said. Basically I have two real issues; one was regardless of what the City Attorney said, the notice was not sent out on the 15th, the notice was sent out on the 17th that's the postage on it, and we did not get it until yesterday; we had no time to even think about this. Second, in fact this was presented to us about a year ago by the Cocoplum Association and I think it was presented to them as, this is what we want to do, this is how much we are going to spend, it's going to be a million and a half dollars, we are going to have this beautiful guardhouse, and I think it was not only turned down certainly by us on a voluntary basis, but I'm not too sure that even the Cocoplum members actually voted for it. So, I think that's a very big reason as to whether they in fact support it or not. Lastly, I think that we in fact get no benefits from this guardhouse. As far as I'm concerned it's a hindrance. I have to wait to get in there, and we have our own security; this security is absolutely not necessary for us, and I'm totally opposed to this taxing district. Thank you very much.

Mayor Slesnick: Thank you. Tom Williamson.

Mr. Williamson: Mr. Mayor, Commissioners. I'm a marina tenant; I own no property in Coral Gables, Florida; I live at 9444 S.W. 142nd Street in South Miami, Dade. I gain access to the marina through the guess line, means I have to wait, no problem. We have our own security; we get there by public roads, once we are in the marina we are totally locked in; we have great

security; we pay for it ourselves. I do not own any property in Cocoplum; I don't even own anything in the marina; I own repairian rights to control, I guess, the slip I'm in. I pay for maintenance of pilings I don't own; I pay for all that because that's the way the system works. I'm not getting the benefits that a Cocoplum resident would get. Thank you very much.

Mayor Slesnick: Thank you Tom. Jose Cancio.

Mr. Cancio: Good morning Mr. Mayor, Commissioners; Jose Cancio, 198 Caoba Court, Coral Gables. I agree with most people here, except the cheapos, and I also agree with that part. I think everyone that passes through the guardhouse benefits; the percentage, maybe one percent from the slip, that's another question for another day, but I think it takes common sense to get things done here, and as Mr. Cabrera said, I think its lacking some; things need to get done and things are not getting done, because of all the "red tape" and everybody fighting about it. That's why we need your help; we need your help because we can't see eye-to-eye with everybody. The only problem here is just the benefit part of it and its going to be settled some other time. So I would appreciate it if this would go forward; and I also agree that eight hundred thousand dollars its an incredible amount of money, but its also unrealistic to say that GC can't give a price and guarantee it; it doesn't happen in this world, OK?- prices change, and unless I can get a GC to guarantee that, but they are going to tell me a million and a half. So we are just asking for the eight hundred thousand; and I support the Board, and I appreciate their work; I enjoy living in Cocoplum, I think it's a beautiful place, and I think its ridiculous for anybody to take an hour or two hours of their time to come over here and argue about twelve hundred dollars; and I'm in the construction business, or I guess you can compare me to an investment banker, we are all hurting, but it is ridiculous to see people arguing about something that benefits everybody.

Mayor Slesnick: We're closing the public hearing; Ms. Anderson.

Commissioner Anderson: I don't know how the rest of the Commission would feel, but could be put as part of the resolution a cap on the dollars that can be spent?- is that a realistic thing that we can do?

Mayor Slesnick: But I think the cap is...

Commissioner Anderson: Well it says here an estimate; I was reading over the resolution.

Mayor Slesnick: That would be the cap.

Commissioner Anderson: That would be the cap; can we make sure that's the language?

Mayor Slesnick: Everybody sounds like they agree that whatever happens it's going to bring the figure down.

Commissioner Anderson: OK, it would give me a level of comfort that it wouldn't go past it, but if we are going to assure it...Here's my issue, I believe there should be some type of price cap; it looks like there is, I would just like it to be more solid, if that's possible. I would like from here on out for us as a City to have a better uniform process by which to communicate with entities.

We've got a whole place...it looks like there are five, I've lost count of how many people and how many groups, but its incumbent upon us to make sure that we do our best to communicate with them. I don't have any problem going forward, as long as we have some type of assurance that it's capped, and that we communicate better, and that we resolve some of the issues that seem to be between here and between issues of the marina, things like that.

Mayor Slesnick: Maria, correct me if I'm wrong, Madam City Attorney, but one thing that Maria said that I think needs...Maria was concerned about the cap, but also we can pull the plug at any time.

City Attorney Hernandez: Yes sir.

Mayor Slesnick: So in other words it can be stopped, and I understand Commissioner Cabrera's comments that he has seen things gain momentum and not get stopped. Mr. Withers.

Commissioner Withers: You know it seems like it's a philosophical difference here; it seems that there are two groups that want this, and there are two groups that feel they have their own security; is that what it sounds like to you?

Commissioner Anderson: Yeah, sure.

Commissioner Withers: Well, I don't know how Tahiti Beach weighs in; and it seems that the boat owners and the slip owners at Tahiti Beach feel that the public road extends all the way to their entrance of their guard facility, and whereas the City is looking at the entrance to the public road where the guard facility is. I don't know if there is anyway the City can come back with what is the public benefit from the guard gate at the entrance, is there any measurables? I don't know. Is there any way to convince these folks at the marina and at Tahiti Beach that it really does benefit them from having the guard gate at Cocoplum circle?

Commissioner Anderson: No.

Commissioner Withers: I don't know; that's seems to be what it boils down to. I'm not going anywhere with that, I'm just making that observation, that's what I'll be struggling with over the next...when does it come back Liz?- two or three months from now.

City Attorney Hernandez: That would be fine. I don't think that that would be inappropriate at that time.

Ms. Jimenez: If you allow us to move forward today, we would then come back with the Preliminary Assessment Roll, at which time we would have a bided project, and we would also have the method of assessment that we would be recommending to you; and at that time all of the property owners affected by the assessment would be noticed properly, as well as the associations of course.

City Manager Brown: Maria, do you have an idea how long that'd be?

Ms. Jimenez: Ernesto, how long is the process of bidding and coming back? We would like based on the comments today is to sit down again with the association, all of the associations, and perhaps look at the work scope, scope of work and basically decide exactly what they want as part of the improvements and that of course would affect the bid.

Commissioner Withers: When they say irrigation, are they irrigating the entire median all the way to the bridge?- or is it just...

Mr. Delgado: Actually it's not only the guardhouse, it's the entrance. You are talking about two hundred feet of improvements times seventy feet wide.

Commissioner Withers: How many feet?

Mr. Delgado: Two hundred feet of improvements that extends...

Commissioner Anderson: Just the area of improvement?

Mr. Delgado: The area, so from the intersection all the way to the guardhouse and then past the guardhouse another hundred. So we are talking an area, it's a site work, that not only include the guardhouse. If you look at the estimate the guardhouse improvements are not the big ticket items.

Commissioner Withers: How much is the guardhouse?

Mr. Delgado: The guardhouse improvement if you look at the estimate here, and this is something that is in your package over there; and that is something that we received from the architect, however, we had our Assistant Director, Mr. Pino, which is an architect with thirty years experience as a general contractor; we've reviewed all the estimates, and let me tell you, we have gone in the last two-three years, through an experience with the Kings Bay Guardhouse.

Commissioner Anderson: I remember that.

Mr. Delgado: And the Kings Bay Guardhouse is a Volkswagen compared to this; this is more area and this is bigger, you know, because its more...[inaudible]...and we went through that process and you are familiar with that, and we were bidding it for two-three years, and we couldn't get a bid less than five hundred thousand dollars; and finally the City decided to do it in-house, to do it with our people and our contractors, and that's why we came with the three hundred and twenty thousand dollars. However, what happened with the guardhouse is that the combination of side work plus the construction work needs all trades, also security access, irrigation, landscaping, you are talking about a lot of trades involved in one project. Its not only guardhouse, its site work.

Commissioner Withers: I understand that.

Mr. Delgado: And if you look at the estimate here that have been verified, there is a contingency, I understand that, and it might be that we will better this price; the price will be probably lower,

this is a cap, the problem is the Code says that in no way the City can exceed this amount. This is a cap. If we will come back later on when we do the Preliminary Assessment Roll, and that amount is more, the City would have to eat that cost, so that is why we are conservative in this price; but if you look at the items here the guardhouse *per se* is no more than two hundred thousand dollars.

Commissioner Withers: So two hundred of the eight hundred thousand dollars is the guardhouse, the other six hundred thousand....

Mr. Delgado: The other six hundred thousand dollars is for the contingency, the engineering, the architectural fees, the site work; for example, a big ticket item landscape and irrigation sixty-five thousand. So you are talking major ticket items in that particular entrance. It's not only a guardhouse, it's a beautiful entrance.

Commissioner Withers: I understand.

Mr. Delgado: The plans are already approved right now by the Board of Architects, and everybody has already gone to that. Some revisions have to be made because of this. We will do the revisions, but hopefully we expect by the end of this year to start the bidding process, and that's what we are planning to do. We would meet again with all the people, with all the associations; we will brief all the plans again and come back.

Commissioner Withers: So of the eight hundred thousand, if six hundred thousand is infrastructure improvements, road improvements...

Mr. Delgado: Architectural fees...

Commissioner Withers:...beautification, landscaping, and whatever, then that's a benefit other than just the security itself, is what you're saying?

Mr. Delgado: Yes. And this is the plan; if we can get an agreement within by the end of this week, we will be able to start bidding this process by the end of this year, let's say in January, we can start working that.

Commissioner Withers: And this is just a suggestion to the different homeowners groups, maybe you remove the security component and allocate only the street improvements, the architectural improvements, or whatever, if there are issues with security that the different organizations just don't want to...don't feel they benefit from, I don't know, just an observation.

Vice Mayor Kerdyk: I'm willing to push forward with this at this point, because I think its prudent for us to move forward in that direction, but again I'm going to have an issue with the marina, if not they are somewhat compensated, because I do not see them getting the same benefit as the homeowners association.

Commissioner Withers: That's why I said if its not a security benefit, but its an improvement, you know, do you feel that they should therefore be...maybe we should not be having this discussion.

Vice Mayor Kerdyk: Yeah, I think we should just look, but I think we should push forward with it right now.

Audience Member: [Off mike]...Sir, I need clarification...

Mayor Slesnick: Well, wait, Tom we don't take...you'll have to ask for clarification afterwards; I can't start letting...

Audience Member: Before you vote; what you are going to vote on is the taxing district...[inaudible]...

Commissioner Anderson: No, its not.

Vice Mayor Kerdyk: No, its not.

Audience Member:...[Inaudible]....taxing district.

Vice Mayor Kerdyk: No.

Mayor Slesnick: Do I have a motion?

Commissioner Anderson: I'll move that.

Commissioner Withers: I'll second.

Mayor Slesnick: OK, Mrs. Anderson has moved to approve the item and its seconded by Mr. Withers; this is item E-4, its confirming the ordering of the Cocoplum guard gate Local Improvement District; and it is to move forward in the process for bidding for further conversation, debate; and moving toward a time when we will discuss the actual setting of a Taxing District and the assessments therein; further discussion?

Mr. Clerk

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: No

Vice Mayor Kerdyk: Yes

Mayor Slesnick: Yes

(Vote: 4-1)

Mayor Slesnick: We hope that everyone in the essence of getting along with their neighbors will try to work on this and see if we can't come to a solution that's amenable.

Mr. Helfman: We will do that. Thank you very much.

[End: 11:18:22 a.m.]