

**City of Coral Gables City Commission Meeting
Agenda Item E-1
November 15, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

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

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias**

Public Speaker(s)

**Jeffrey Bass
Standford Birnholz
Janet Gavarrete
Stephen Pearson
Maria Cruz**

Agenda Items E-1 [0:00:00 a.m.]

An Ordinance of the City Commission of Coral Gables amending the City of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on 09.28.10, pursuant to Zoning Code Article 3, Division 19, entitled “Development Agreements”, for the University of Miami, City of Coral Gables Campus, amending Paragraph 19 of the Development Agreement (“Internal Road and Access”) that governs internal circulation on the Coral

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Agenda Item E-1 – Ordinance of the City Commission of Coral Gables, Florida amending the City of Coral Gables and University of Miami Development Agreement, that governs internal circulation on the Coral Gables Campus, modifying the scope and schedule of Phase II of the Internal Road.

Gables Campus, modifying the scope and schedule of Phase II of the Internal Road; providing for conditions of approval, providing for enforcement, providing a repealer provision, severability clause, and providing for an effective date. (legal description on file)

Mayor Cason: Okay, so we'll pick up E-1 now. After that, we'll have lunch, executive session, come back and continue this discussion. If you're not ready, we'll do some other items, but sometime this afternoon, we'll get around to this.

Commissioner Keon: We'll get there.

City Attorney Leen: Thank you, Mr. Mayor.

Commissioner Keon: Okay.

City Attorney Leen: Item E-1 is an ordinance on second reading, an amendment to development agreement. It's an ordinance of the City Commission of Coral Gables amending the City of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on September 28, 2010, pursuant to Zoning Code Article 3, Division 19, entitled "Development Agreements", for the University of Miami, City of Coral Gables Campus, amending Paragraph 19 of the Development Agreement ("Internal Road and Access") that governs internal circulation on the Coral Gables Campus, modifying the scope and schedule of Phase II of the Internal Road; providing for conditions of approval, providing for enforcement, providing a repealer provision, severability clause, and providing for an effective date. The legal description is on file. This is an ordinance on second reading. It's a public hearing item. I'd like to make one correction in the record. There was an ordinance that was provided to the Commission. There was a correct -- there needs to be a correction to the ordinance. I provided you the corrected version of the ordinance, which I believe has also been put in the record with the City Clerk. The proffer of the University of Miami related to the arboretum, I will read into the record to make it clear so that there's no confusion. The University is proffering that the

University shall expand the arboretum to include a portion of that land previously occupied by the University's wood art studio. Expansion of the arboretum shall follow the Internal Road deadlines, outlined in Section 19 of the development agreement, dated September 28, 2010, between the City of Coral Gables and the University of Miami, and as modified by the development agreement amendment request. There have been discussions related to the parking lot on the other side. But I want to be clear, the City Commission has to be very mindful of property rights in these instances. And the City Commission cannot impose what's called an exaction on the University of Miami. Something like that has to be proffered by the University of Miami. It can be discussed today, but that has to be proffered. There was language in here that was imposing it as a condition. That cannot be done.

Mayor Cason: Okay, who will be speaking? University first?

City Manager Swanson-Rivenbark: We have an item that the City is presenting on the Internal Road...

Mayor Cason: You want to present?

City Manager Swanson-Rivenbark: So, I'd look for staff to put an opening comment and then refer to the applicant.

Mayor Cason: Okay.

Commissioner Keon: Who from staff?

Mayor Cason: So, who will be on from staff?

Commissioner Keon: Could staff go with...

City Manager Swanson-Rivenbark: That's a very good question.

Mayor Cason: Is staff...

City Manager Swanson-Rivenbark: I think it's Ramon.

Mayor Cason: Ready?

Planning and Zoning Director Trias: Mayor and Commissioners, I don't have a long presentation. We already discussed this issue. The item before you, the amendment and also the ordinance is what the University of Miami has agreed in terms of the financial commitment and in terms of the design issue related to the connection that they're proposing through the arboretum and also the expansion of the arboretum. So, the arboretum's going to be larger. There's going to be a connection between both sides of the road, and there's going to be a contribution and also a commitment to enhancing the open spaces around the edge of the University. So, those are the issues. I'll be happy to explain any -- answer any questions. And of course, the University will be able to give a presentation.

Mayor Cason: Okay. University, Mr. Bass.

Jeffrey Bass: Mr. Mayor, members of the Commission. Jeffrey Bass is my name; 46 Southwest 1st Street is my address. It's wonderful to be back before you all. It's been a little while. I'm going to be extraordinarily brief. And I'd just like to, for your benefit, as well as for the members of the public, who may be watching, give you a little bit of context to let you know where we've been and what we've done since we were before you in April on first reading. In total, we have held four neighborhood meetings. Two of those meetings were held before first reading; two of those were held after. We come before you with a recommendation of approval, 5-0, from your Planning Board. We appeared before them. We had a long hearing. They recommended approval. Your Planning staff is recommending approval, and you all voted to

approve us at your April meeting. I'm quite pleased to report to you that you asked us to meet with our neighbors; we did. You asked us to build a service road connecting Internal Road Phase I to Internal Road Phase II, while preserving the arboretum so that we can get our maintenance and service vehicles off the road. You asked us to do that; we did it. You asked us to expand the arboretum; we did it. You asked us, before we were to come before you to make this request, to justify with empirical evidence that we no longer needed to build the connections that were previously proposed, and we did that. You have a justification report. It was before you on first reading. I'm not going to get into the details of it again now. But I would like to emphasize some of the facts again for your benefit, for the benefit of the record and for the benefit of anybody in the public who is watching. We have reduced traffic along the northern portion of the campus in excess of 30 percent. That is a fact. That is an indisputable fact. Since 1990, we have built on the campus approximately 1.5 million square feet of development, and during that same interval of time, traffic has remained the same. In fact, it has only gone up by 0.4 percent, not even a full half percent, which is an astonishing fact. There are a few other quick facts I'd like to highlight. On Miller Drive -- , because I expect we'll hear some comment about traffic on Miller Drive -- on Miller Drive, since 1990, traffic volumes have been reduced by 41 percent in the AM and 40 percent in the PM. That's a fact. It's an evidentiary fact established by the professional traffic engineers who have prepared the report. On San Amaro, we have reduced traffic by 37 percent and 45 percent in the AM/PM peaks. And on Campo Sano, we have reduced traffic by 46 percent in the morning; 11 percent in the evening. We have done everything that you have asked. We have worked with your staff. We have worked with our neighbors. This application has three pieces. They're very simple. I'll just state them so everybody knows what we're asking you to do. We're asking you to approve a modification to the development agreement that allows us to build this service road connection through the arboretum. We're asking that you allow us not to build an engineered crossing over the waterway down by the business school. And we are asking that you allow us to replace parking lost through the construction of the Internal Road north of the lake to be able to rebuild that parking south of the lake. Those are the asks that we have before you. And respectfully, I ask for your approval on them. In addition, we'd just like to highlight we are doing a wide range of

improvements to the edge of the campus. Importantly, our side of Pisano -- Pisano is a road that fronts the other hospital there with the emergency room. It reads like a swale. There are no sidewalks. It's not lovely. It's undifferentiated. We are going to be improving that edge to make it read like the edge of the campus that it deserves to look like. Additionally, we are proposing to give to you -- voluntarily proffering to give to the City \$250,000 for the City, in its discretion to use, for public realm improvements that bear a nexus to the campus. So, for example, I suspect you might hear about the need for crosswalks. If, in the City's wisdom, it would like to use some of that money to fund a warrant study to determine whether or if a crosswalk in this area would be necessary, that would be perfectly acceptable from the University's perspective as an expenditure of that money. We're giving that money to you for you and your staff to determine how best to use it, with input from the neighbors. So, I said I'd be brief; I'm brief. We have our team here. We're able to answer any questions that you may have. We would ask for your approval. Thank you.

Mayor Cason: So, basically, you are completing an internal road, which will -- for service vehicles, you're going to have gates -- so, you're not going to have students -- there's no reason students will be driving. They won't be able to, because they won't have the required electronic device to open the gates.

Mr. Bass: It will be an access controlled service road that would connect Phase I to Phase II, while sparing the arboretum, but it is not a road open to the general public, nor is it open to the student population, access controlled.

Commissioner Keon: Right. It also includes not only service, but construction also.

Mayor Cason: Which was the original requirement...

Commissioner Keon: Which is what was the original...

Mayor Cason: Was to try to keep that traffic inside rather than driving out in the neighborhood, so that will do it. It's two lanes, right? So you can come and go?

Commissioner Keon: Twenty feet.

Mr. Bass: We're specifying it now. The latest is it will be a twenty-foot drive is the latest specification that we're working off of. So that, yes, Mayor, we could have two directions.

Mayor Cason: And there's -- in terms of the bridge, there's -- emergency vehicles can go across it, so there's no reason to...

Mr. Bass: The existing bridge would serve emergency vehicles in that precinct of the campus.

Mayor Cason: Alright. And those were the only things that you were required to do under the development agreement. We're discussing the development -- modifications to the development agreement. The arboretum and all that is a separate issue, I think.

Mr. Bass: The arboretum is a separate issue. It has become entwined with these conversations.

Mayor Cason: Right.

Mr. Bass: But it is a separate issue from the development agreement obligation.

Mayor Cason: Okay.

Commissioner Keon: And the parking lot issue, it should not be an issue either. You're just replacing parking that will be disrupted from the Internal Road within your campus.

Mr. Bass: Correct. Now, previously, by condition of a prior ordinance and then carried forward, there was a mandate that if the building of this road was to displace a parking space, we had to replace that parking space...

Mayor Cason: Somewhere else.

Mr. Bass: Near where we lost it, more near the residential part of the campus. What we're saying is based on everything we've done since, we realized that we can control traffic by controlling parking, and that it would be antithetical to everything that we've accomplished in terms of our traffic reductions to be recapturing and adding parking north.

Commissioner Keon: In that area.

Mr. Bass: North. So we're saying -- which is part of this request -- to the extent that we were obligated to replace that parking north of the lake, we're being asked to relieve -- to be relieved of that obligation so we can replace that lost parking spot south of the lake.

Commissioner Keon: Where you need it.

Mr. Bass: Closer to Ponce.

Commissioner Keon: Okay, yeah.

Mr. Bass: Thank you.

Commissioner Keon: It's a public hearing?

Mayor Cason: Yeah. We're going to -- I have three...

Commissioner Keon: I think it...

Mayor Cason: Cards, but I just wanted to see...

Commissioner Keon: I think what they have done -- I know, for me, they have done everything they were asked to do. And I said I -- you know, I can remember from -- I was on the Planning and Zoning Board when we passed the development agreement, and that was the request from the '90s. I mean, that many years ago was this internal road for this purpose, and it's gone -- seems to have been going back and forth ever since. They have done what was asked of them at that time from the Planning and Zoning Board and then from the Commission. Going forward, they've done what they were asked to do.

Mayor Cason: Okay, well, we have three speaker cards. Let me start with the order that I've got them. Stephen Pearson.

Commissioner Slesnick: Steve Pearson. Steve.

(COMMENTS MADE OFF THE RECORD)

Mayor Cason: Okay, so you might not want -- if you want to speak, you can come at the end. Stan Birnholz. Could you state where you live?

Standford Birnholz: 1450 Baracoa Avenue, Coral Gables. The University is not doing what was...

Mayor Cason: Could you speak up so we can hear?

Commissioner Keon: Into the thing -- yeah.

Mr. Birnholz: Can you hear me now?

Mayor Cason: Yeah.

Unidentified Speaker: That's better.

Mr. Birnholz: The University is not doing what is in the law, in the development agreement. And internal road was supposed to be constructed. That's a two-way road within the University. It was supposed to be a perimeter road to alleviate -- to put traffic inside the University as opposed to on the outside of the University. It's part of the UMCAT. What the University's doing is trying to change the existing law. This has been a commitment of the University, verbally first with Dr. Pearson, going back to the 1950s. I came here in 1957, and I cross the street every day and I drive there every day. Now, the notice that was given to the residents, the first one, I couldn't make, but it says build the phase -- the University proposes to build Phase II of the Internal Road, beginning at Phase I, west of the Gifford Arboretum, for the north side Knight Physics building and immediately south of the arboretum, connecting all internal parking lots east of the arboretum through to University Drive. Okay, and then they're talking about the segment along the north side of Physics will be a service road connection, okay. It sounds like the road is going to go through. Then -- and I said, great. Then I went to the second meeting, they're talking about a service road. A service road -- Mr. Bass said, what 15 or 20 feet both ways. That's going to be a road blocked and only for small service vehicles, like the golf carts. I prepared in March -- for the first hearing, we had a letter to Mr. Leen to be distributed to the Commission with about 17 pages of exhibits that have accumulated over the years, and especially the 2010 Commission meeting, when the -- Mr. -- a lawyer who spent four years redoing the Zoning Code here. Does the Commission have my letter? Mr. Leen...

City Attorney Leen: Your letter was placed in the record. Remember, I sent you an email and I copied Walter Foeman, so it should be in the record.

Mr. Birnholz: Yeah, but the record -- I happen to have five copies of it with me. I could give it to the...

City Attorney Leen: It's in the record, so you can give it to the Commission now. I didn't realize you wanted me to give it to them again. I did email it when you told me to...

Mr. Birnholz: Did any of the Commissioners read it?

City Attorney Leen: It was in the record.

Commissioner Lago: I read it.

Mayor Cason: Yeah.

Commissioner Lago: I'll have another copy, if you'd like.

Commissioner Slesnick: We'll take another copy.

Commissioner Lago: I'll take another copy.

Mr. Birnholz: I'll be glad to give it to you. Okay, I'll comment on it. Okay, the -- I made a copy of the last Commission notes when the hearing was deferred to this day. I put in the empirical evidence, as Mr. Bass stated was done by the University and have a big objection to that. And I put my letter with the exhibit, so you've got two other items on top.

City Attorney Leen: The letter is on page 3.

Mr. Birnholz: Okay.

Mayor Cason: Okay.

Mr. Birnholz: Now...

(COMMENTS MADE OFF THE RECORD)

Mr. Birnholz: Not going to be able to read it. It's too detailed, and I would ask you to defer decision on this until you read this and digest it first. Okay, now, Mr. Bass presented at the meeting a month ago at UM his empirical evidence. And basically, what it says is campus traffic reduction from 1990 to 2015.

Mayor Cason: If you could -- we've given you five or six minutes. If you could quickly...

Mr. Birnholz: Okay.

Mayor Cason: Get to the essence of what you're...

Mr. Birnholz: It says there were reductions. Now, at that meeting, Dr. Shouraseni Roy at 1455 Baracoa, one of my neighbors, a professor versed in statistics, questioned the planner for the University of Miami on the record and questioned how she arrived at these statistics over 15 years. Ms. Gavarrete, the planner, said the traffic numbers were done in the largest month of traffic at the University, which is October. And the doctor asked, well, how big was the sample? Ms. Gavarrete says, well, we did three days in October. I don't know how many years that was, but that is a very, very small sample. And with statistics, you can doctor them any way you want. These are the University's statistics, and I remember reading the book when I start -- studied statistics, How to Lie with Statistics, how you could sway it any way you want. You can do it with expert witnesses. So, I challenge the empirical evidence.

Mayor Cason: Okay.

Mr. Birnholz: I also, last week, took a tape measure and measured where this road was supposed to be. Now, the first phase of this internal road was to begin at Memorial, where there's a big parking lot. I measured that parking lot, and it's a two-way road. It's 123 feet wide to the sidewalk. Then I -- and there are two sets of parking cars and two one-way streets in that parking lot, which is part of the perimeter road. Then I measured San Amaro Drive -- San Amaro Court with the tape measure in the street going north, at 15 feet wide, the road. Going south, it's 13 feet wide. The median is 7.5 feet wide. It's very narrow. You got three and a half to four times as much room in the University. What the University is doing over the years since they got their planner as opposed to their architect -- their architect in 2000 had this whole road laid out. It was a two-way road inside the University connecting the parking lots. Now, after measuring this one parking lot which is open for Memorial, the next parking lot is the same size -- it might be 15 feet less in width, and it's gated. There were 44 spaces there when I was there. There were 11 cars. So, that's my empirical evidence. But that is gated and it's -- you can't get through. After that, same size, this parking lot ends and the arboretum begins. The arboretum is a lot bigger. It goes way, way, way to the right. That I measured at 486 feet, and it goes right to the parking lot. There's a huge parking lot at the back of the University. All they have to do and what was contemplated was putting this two-way road right through to the back parking lot through the arboretum, and the arboretum wasn't an issue until the last two years. I've been doing this since 1957.

Mayor Cason: But I think it's -- I think the City -- the Commission decided we agree with the University. We didn't want to affect the arboretum. That was the decision made at the Commission.

Mr. Birnholz: But you're not. What they're doing is reallocating some of the trees to another part of the University. That's not going to affect...

Mayor Cason: Alright. What is -- so, obviously, you're opposed -- what -- to summarize, what is it that...

Mr. Birnholz: Okay, the point. Okay, all these parking lots have been closed, making them one way, all along San Amaro, all along Hurricane Drive, all along Campo Sano. You have to go in one way and come out the same way. When big food trucks come down Miller that go into the University, feed all the service places, have to go out the same way. If this road was connected, you could go from one end of the University to the other.

Mayor Cason: So, you're saying you want the road to be not a service road, but open to everybody?

Mr. Birnholz: Absolutely. That was the...

Mayor Cason: That's your point. Okay, anything else...

Mr. Birnholz: Yes.

Mayor Cason: That you want to -- and we've got two points you've made.

Mr. Birnholz: Okay.

Mayor Cason: Then I want to ask the University to address, and then I'll ask Maria Cruz.

Mr. Birnholz: Okay. Okay, yes, I have some points.

Mayor Cason: One minute.

Mr. Birnholz: The University is giving you \$250,000. Maybe get more out of them. By the library, by Richter, they have lights now with the one student crosswalk as you go down Memorial, similar to the lights they have by the Youth Center. At the Youth Center coming over here, there were four signs, and the lights at night or whenever somebody's walking. That should be all down San Amaro Drive. If you read my letter, there's an article from the Hurricane, where the kids were talking about somebody died there in a car accident. There's been a few of them. And they have trouble crossing the street and they've got all these new student facilities. All these crosswalks should be lighted. There's tons of signs. That's what the money should be used for if you, you know, go the University's side. The traffic -- and what's happened -- the University has pushed it traffic out. And now, I got one other thing I want to tell you. The -- if you read my letter, I have an excerpt from the 2010 Commission meeting when they talked about the perimeter road and changing the zoning. The gentleman who -- Mr. Siemens was a lawyer, spent four years changing the zoning here at the University and he testified. And he said I believe -- in this hearing -- I believe that the best opportunity for the long-term to accommodate the University growth, to internalize the impact of both traffic and other activities. And then he mentioned in the same paragraph then to build the internal perimeter road. It was not to be a service road ever. It was supposed to be a road to take -- to alleviate the traffic on the perimeter city streets. I'm a witness to that for 60 years. And the University says traffic has gone down. They just built a huge medical facility, you know, great facility in the front of the University. They've taken over the parking garage in the front. The University doesn't have enough parking. What they should have is probably three parking garages by Doctor's Hospital. What connecting the internal roads will do will give access to US-1, to Blue Road, to Miller, to Bird Road, rather than, like Mrs. Cruz will say, block her house going -- when University goes out at four or five or three, she can't get out of her house on Miller. Everybody goes to the expressway.

Mayor Cason: Okay, so I think we've got...

Mr. Birnholz: There's a lot of ways to do it.

Mayor Cason: I think we've gotten...

Mr. Birnholz: You got the gist.

Mayor Cason: Four or five points.

Mr. Birnholz: You got the gist.

Mayor Cason: I got them, I got them. Let me ask the University to...

Commissioner Lago: Thank you, sir.

Mayor Cason: Respond to those, and then I'll ask Maria, and then we'll continue our discussion. Have a seat.

Commissioner Slesnick: I would just like to ask Mr. Birnholz something. Have you noticed more traffic in your neighborhood because of the -- I mean, I just feel -- I have listings down on your street, and I've been around the University a lot to the alumni center. And I just feel traffic is less now, because the University has limited the freshmen using the -- using cars on campus, and also by having exact parking lots where they have to come in and park versus driving around the whole campus looking for parking spots or moving from one to another.

Mr. Birnholz: That's a mess, I think.

Commissioner Slesnick: But I mean, have you noticed a lot more traffic on your street in the last two or three years? Have you noticed more? Because I feel there's less. I mean...

Mr. Birnholz: I live there.

Commissioner Slesnick: Yeah.

Mr. Birnholz: And anybody who lives there will tell you it's all over the place.

Commissioner Slesnick: I mean, but could it be that there's so much other building in South Miami and along Red Road...

Mr. Birnholz: Everything, yes.

Commissioner Slesnick: Yeah, not just...

Mr. Birnholz: (INAUDIBLE) do a study.

Commissioner Slesnick: The University.

Mr. Birnholz: Yes, but...

Mayor Cason: Well, I think we're going to...

Mr. Birnholz: This will help.

Mayor Cason: Okay.

Mr. Birnholz: Your husband said...

Mayor Cason: You're right. I mean, there's more traffic. We have almost a million cars that come in on just 19 of our streets coming in to Gables and leaving Gables, just on 19 of our 180, so there's massive traffic for many reasons. But let me -- let's get to the University. I'd like to

ask you to address any of his points before we go to Maria Cruz. And Maria, you can have a seat, please.

Mr. Bass: Just briefly, before I let Ms. Gavarrete -- the neighbors with whom we met do not want this to be a full-service road with full, unlimited access as a cut-through for people to use from US-1. So, what we have heard and what we have proposed is precisely the opposite of what Mr. Birnholz is asking. We believe that we've satisfied the principle ask of the people who live there in that regard. The road is designed to be two ways, 20 feet. Just by way of context, a lane on 95 can be as narrow as nine feet. So, for Mr. Birnholz to suggest that this was going to be two 20-foot lanes is inaccurate. It's one road that's 20 feet, with two lanes within it.

Mayor Cason: And I think you want to add to the discussion?

Commissioner Keon: Can I ask, when you talk about service...

Janet Gavarrete: Yes.

Commissioner Keon: The service is -- it's construction, it's maintenance from the University. Will it also be deliveries to -- or of whatever -- I mean, will people be able to come in one entrance and if you have deliveries of food or whatever to your cafeterias, are they -- I mean, those types of things are -- can all be connected?

Ms. Gavarrete: It will connect all of the parking lots from the west side of the University to the east side of the University north of the lake. So, it will be easy to navigate if you -- everyone can navigate except for a commuter that's using the lots to park.

Commissioner Keon: No, because they're...

Ms. Gavarrete: So...

Commissioner Keon: Already assigned parking anyway.

Ms. Gavarrete: Right.

Commissioner Keon: Okay, thank you.

Commissioner Lago: Let me ask you another quick question. The property that you're proffering to extend the arboretum, it's going to be in perpetuity, right? There's no change that that property will ever be, you know...

Commissioner Slesnick: Made into parking?

Commissioner Lago: Reclaimed?

Ms. Gavarrete: The area where the arboretum resides is in the zone of the buffer for the University, which is highly regulated by your Zoning Code. It's also partially in the transition area, which is also highly regulated in terms of uses and whatnot in the Zoning Code. So, the University is not free to alter that area in terms of its use or development without coming back to the City and having a thorough discussion, justification and a public hearing. So, there's no reason to think that the arboretum is in any jeopardy whatsoever.

Commissioner Slesnick: Janet...

Commissioner Lago: That wasn't my question. My question was, the piece of property that we're discussing today which is being proffered by the University -- I think Mr. Bass wants to jump in -- the piece of property that you're proffering to, you know, extend and make the arboretum larger, is that property going to potentially ever in the future be, you know, developed? Is that going to be -- remain sanctuary, just like the arboretum is? I know the

arboretum cannot be developed, because if it is potentially developed, the property will revert back to its owner, is my understanding, and the University of Miami of Miami would -- that's the rumor, and correct me if I'm wrong.

Mr. Bass: I'm not a merchant of rumors, so I'm not going to address the rumor. I'll address your question as directly as I can. The property, the 13,000-square foot addition that was previously the footprint will become part of the arboretum for all intents and purposes. So...

Ms. Gavarrete: It'll be a garden in the arboretum.

Mr. Bass: So, it's part of the arboretum.

Commissioner Lago: For how long?

Mr. Bass: The -- if what you're asking is are we going to voluntarily restrict in perpetuity, the answer is no. We're not. It's going to be part of the arboretum for as long as we have an arboretum.

Commissioner Lago: So, what is your plan for that piece of property? What type of trees are you going to plant?

Ms. Gavarrete: The arboretum director, Steve Pearson is here.

Mr. Bass: I'd defer to...

Ms. Gavarrete: And that would be under his purview; we would not. Because that's an academic function and -- so, he's here. He could answer questions about how he sees the development of that additional land working as part of an extended arboretum with a garden.

Stephen Pearson: Good morning, Mayor.

Mayor Cason: Good morning.

Mr. Pearson: Commission. I'm Stephen Pearson, 9050 Southwest 69th Court, Miami, Florida. I have the privilege and pleasure of serving as the director of the Gifford Arboretum at University of Miami. I think the empirical evidence speaks for itself, despite subjective feelings of other people. I can also tell you from personal experience I park in the purple lot. That lot is all connected with an internal road. There's no reason to go back out on the streets. You know, you come to one lot where you're assigned and that's it. And I appreciate the interest of the Commission to preserve and expand the Gifford Arboretum. Thank you.

Mayor Cason: And what kind of tree -- are you going to put some different types of trees? I think I read in the -- some of the minutes of some of the discussions, you were thinking...

Mr. Pearson: Yes.

Mayor Cason: Of a different kind of a...

Mr. Pearson: We have 14 exhibit areas right now; 3 of them are thematic. The other 11 are botanical groupings. And we will be doing a new different kind of a grouping, probably a botanical grouping is the way I'm envisioning it now. We have a Gifford Arboretum committee that I'll be consulting with to make the final decision about what will be planted in that area.

Mayor Cason: With what you have in mind, will you be able to see the parking lot? Is this going to add even more foliage so you sort of isolate that area from the streets?

Commissioner Lago: You can't see it already.

Mayor Cason: Right, but I mean...

Mr. Pearson: Are you talking about the little lot inside the Gifford Arboretum?

Commissioner Lago: Yeah.

Mr. Pearson: Yeah, we're doing a planting there this Saturday. We're going to fill that in, the whole section...

Commissioner Lago: The proposed...

Mr. Pearson: Along San Amaro. You won't be able to see that lot.

Mayor Cason: That's the point I wanted because I think somebody...

Commissioner Lago: Just so you know, the proposed 13,000 square foot lot -- I've walked this lot many, many times over the last 25 years. The proposed 13,000 square foot lot is not visible from San Amaro currently right now. I'm going to go back to my question, okay. Who owns the Gifford Arboretum?

Mr. Pearson: I'm sorry?

Commissioner Lago: Do you know who owns the Gifford Arboretum?

Mr. Pearson: The University of Miami.

Commissioner Lago: I think maybe Mr. Bass wants to stand up here, too. Mr. Bass, can you come up here one second? Because we don't want to deal in rumors. We want to deal in fact. So, my question to you is, is there any type of clause in the agreement when the Gifford

Arboretum was bequeathed to the University of Miami -- it wasn't sold, it was given, correct?
How was it?

Mr. Bass: That I -- I have no knowledge about that. I'll ask Ms. Gavarrete. I've always treated that as part of University of Miami campus. I'm unaware of any contingent vested carry term with respect to that property.

Mr. Pearson: The arboretum was created in 1947, and it's been continuously operated as an arboretum ever since that time.

Commissioner Lago: So, my understanding was -- and correct me if I'm wrong -- was that if for any -- and this was brought up, I think, a few months ago when we had started having discussions about the Gifford Arboretum was that if there was any consideration by the University of Miami of potentially developing the Gifford Arboretum for any form or shape, that it would revert back to its owners, similar to the agreement that supposedly exists in Key Biscayne with the owners of the tennis center, correct? They have a similar clause in their agreement, and that's why they're in that stalemate right now whether the tennis center can be redeveloped into a much larger and multiuse facility. Is that the similar situation here or is that not the case?

Ms. Gavarrete: No. The Gifford Arboretum is an area that's described as the Gifford Arboretum. And -- but it is not owned or dedicated to another entity that's associated with the University at all. It's just -- it's a named area with a defined boundary, where the gardens currently exist.

Commissioner Lago: So, if the University of Miami decided tomorrow that they wanted to redevelop the Gifford Arboretum, they're completely within their capacity to do that?

Ms. Gavarrete: No, sir. We would have to come back to the City Commission with those plans for any development in that area. That area has, from a zoning perspective, it has a buffer which is 75 feet from the property line, and then there's a transition zone, which is another 225 feet from the property line, and any changes in that area in terms of use, number of buildings or square footage, would be a required public hearing item before this Commission with neighbor input.

Commissioner Lago: So, with that, you...

Ms. Gavarrete: And there's no reason in any of our plans -- we have -- our master plan is a 20-year plan, and we go back to 1947. So, from 1947 to present, we've done nothing but support and make sure that the arboretum exists for an outdoor classroom and for the community's use and enjoyment. And this expansion will certainly continue that. That's the University's commitment. But we don't have any legal instruments on ourselves.

Commissioner Keon: No, I think he's asking if there's a reverter clause. Is there a reverter clause for that piece of property?

Mr. Bass: As best as we know, there is -- there's no deed restriction. The reverter clause would be in a deed, you know, and there is no covenant.

Commissioner Lago: Madam City Manager -- excuse me, Mr. Bass.

Mr. Bass: But we'll research that.

Commissioner Lago: Give me one second.

Commissioner Keon: Thank you.

Commissioner Lago: Did we not have a discussion about this or am I maybe...

City Manager Swanson-Rivenbark: You may have had it with the City Attorney, but you did not have one with me.

Commissioner Lago: I thought we had like a discussion amongst ourselves a few months ago or maybe a year in reference to that. I don't know.

City Manager Swanson-Rivenbark: I don't recall, sir.

Commissioner Keon: We know that West Lab has a reverter clause.

Commissioner Lago: I know that, yeah.

Commissioner Keon: The arboretum, I don't know.

Mayor Cason: I don't recall any such discussion.

Commissioner Lago: Okay. So, if this piece of property, this 13,000 square feet gets rolled into the Gifford Arboretum, if there -- once those trees are planted, if there is any discussion of potentially redeveloping that lot, which will become now part of the Gifford Arboretum, it will have to go through the same legal parameters to fall under consideration to development?

Mr. Bass: The answer is yes. But just to be clear, right now we're standing in a development agreement process. So, this process hopefully concludes, and the development -- if any development were to take place there, it would go through the normal development process, which means it would be subject to the existing regulations. And those regulations, as Ms. Gavarrete just highlighted for you, have a very onerous set of restrictions along the campus perimeter, buffer and transition.

Mayor Cason: Okay. Any other questions? Maria Cruz.

Maria Cruz: Maria Cruz, 1447 Miller Road. Let me tell you, the more I hear, the more I listen, the more I believe that some people think that the neighbors are so stupid they cannot see through the smoke and mirrors. I just heard this morning that we had four neighborhood meetings. Well -- and that the arboretum was not part; it was a separate issue. The first meeting, the University brought in the arboretum as the argument not to build the road because the arboretum was going to be destroyed, and they had a hundred some people there versus three neighbors, because it was advertised as Save the Arboretum meeting. So, they brought it into the mix, we didn't. It was brought in by the University; number one. That was the first meeting that was a farce. Then the City requested a separate meeting, and the neighbors were there. And the only big thing that we requested was to extend the arboretum to Robbia because we wanted the buffer closer to the neighborhood. Building this extension inside does not serve the purpose of what we wanted. Then we had two more meetings. Well, the first meeting, we got the information on a Friday afternoon for a Tuesday meeting. That was not enough for some of us to make it there. And besides, there were six people invited. Out of the six, there were only four neighbors. The other two were people that had nothing to do with our neighborhood, okay. I mean, we play games, but you know what, the games -- some of us see through the games. This is ridiculous. I'm going to tell you. It borders on silly. We were here in April. This Commission said the University and the neighbors get together and come up with a plan. Months went by. I kept calling the City Manager. I kept calling Mr. Leen. I kept calling Mr. Trias, anything going on? No, everything was very quiet. Not true. The University met with elected officials. The University met with the City. Then when they called the second set of meetings, it was not to discuss with the neighbors. It was not to see what we wanted. It was, this is what we're going to do. This is the plan. It was already presented to the City. This is what is going to happen. That's not discussing it with the neighbors. That's telling us this is it. We -- and not only me because the first meeting that I didn't make, somebody else was there that brought up the extension to Robbia. We have kept that request all along, even though they

choose not to hear it. If, in fact, they would like to extend the arboretum, the appropriate place will be along San Amaro to block so the neighbors can see the trees, as opposed to in the middle of the place where none of us will get to see it. It's enough, okay. We are getting -- I mean, this is smoke and mirrors. Some of you have drank the Kool-Aid. We haven't, okay. When tell you that traffic is better, I ask you all, come and visit me between 4 and 6 PM. Tell me how I get out of my house. It's absolutely ridiculous. The traffic is better? Maybe in somebody's daydream. And you know what? I'm tired of, you know, studies. Yeah, he who pays the study gets the result he wants, and that has been proven several times. There will be normal traffic with University Village. Those students will not park in your neighborhood. Who are the people that park on Miller that I see with the backpacks walking to the University? Must be ghosts. It must be the elves. Maybe Santa Claus is here already. You know what, they will never accept the fact that they do infringe on us, that they're bothering -- they're messing up our neighborhood, because, you know what? They're doing such a wonderful -- if, in fact, there's less traffic, that parking lot on San Amaro, okay, there's 40 spaces. Well, we wanted the extension of the arboretum. If they have less traffic, they don't need that parking lot. What's wrong with the picture? But we went one step further. We convinced the City there's 50 spots near the museum that are metered, and the City was willing to -- okay, you can take those 50, just give up the 40. Oh, no, that's got to be considered. At that second meeting where I was, I want you to know that I walked out of the meeting, because when I go to a meeting to be told what's going to happen and when we -- I said, what about our proposal? It's not to be considered. Then what was I doing there? What was the purpose of talking to us? It's ridiculous. And if you want to choose to believe it, that is fine. Let me tell you, absolutely nothing what the neighbors wanted was considered. They came to you all, they talked...

Mayor Cason: Let me ask you, how many neighbors showed up at that second -- at the last meeting?

Ms. Cruz: There were only six people invited; two were not neighbors. You know, they chose who to invite. They chose who to invite. The meeting that the City hosted, we had a whole

bunch of people, and that's where that proposal came from. Okay, we're playing games, absolutely games. I'm going to tell you, this business of the extension to Robbia is a logical extension. What is the problem? You know what the problem is according to most of my neighbors? Eventually, that parking lot is going to be something else. That's why we don't want to give it up. Because, obviously, if there's no reason not to give 40 in exchange for 50, what's the problem? You know, they stood here in front of you and they come up with all these wonderful things. The traffic is better. The kids don't drive on the street. What he said is absolutely right. We were told -- and I've only lived in my house 48 years. We were told that perimeter road -- it was not called anything else. It was a perimeter road -- was meant to keep people, once they went into the University, to stay in and not have to drive on our side of the streets, okay. When you look at the trolley -- you know what, if you happen to be on San Amaro when the trolley's here, you have to stop, because the trolley has several stops, so you have to stop behind them so you can go, okay. This is not -- the picture that they want to give you is not reality. Whether you want to believe it or not, if traffic is better, if they don't need the parking, tell us to extend that arboretum. And I'm tired of this business of they talked to the neighbors; they met with the neighbors. Yeah, they met with the neighbors to tell us what is going to happen; the same thing that they presented to you. It is ridiculous. I think it's time for the University to accept the fact that they are not good neighbors. They're not interested in being good neighbors. It's their way or the highway. They're going to get it their way, and our elected officials are going to allow it to happen.

Mayor Cason: Okay, thank you.

Commissioner Slesnick: Ms. Cruz.

Ms. Cruz: Yes.

Commissioner Slesnick: If more trees were planted between the parking lot and San Amaro, would that suffice?

Ms. Cruz: There's no space to plant more trees.

Commissioner Slesnick: I mean, you know, you can always plant trees by making the parking spots less deep and so forth.

Ms. Cruz: Listen, they have 40 spaces there. Instead of building the arboretum over there where nobody sees it, they could do it this way and use that other space for parking. What's the problem?

Commissioner Slesnick: Well, it's 40 parking spaces, but I mean...

Ms. Cruz: Yeah, but there's enough room on the other side, but they're going to...

Commissioner Slesnick: But I mean, you go to shopping centers and they take out a parking spot here or there and put big trees. So, I was just wondering are more shrubbery or...

Ms. Cruz: Listen, as far as I'm concerned, this is a done deal. Our elected officials have failed us again and again and again, because you know what, you heard it from Gavarrete right here. You know what, there is no perpetuity on this. If they decide that they want to do something, they'll come back. And you know what, this is what has happened with this development agreement. They say, oh, we're going to do it. Oh, no, we didn't mean to do it. We want to change it. And they keep changing it and changing it. And unless there's people to fight, it happens, and that's the bottom line. The arboretum should be in perpetuity, no way to change it. Oh, no, they're not willing to do that, because you know what? Twenty years from now, oh, my god. We need another building. Let's see, oh, you know, well, nobody comes to visit the arboretum anymore. We can put it there. That is the bottom line. Every agreement that the City has made has been changed. All these deals with the perimeter road, they drag their feet, they drag their feet, they drag their feet, because they saw a weak link and now we're going to do it a

different way. Those trucks are still going on my street. This weekend, okay, at 7:39 PM, a sidewalk was being built, okay, without a permit. Why? Because the University can do whatever they want. Had I not gone to Publix, they would have gotten away with it. Is it my job or shouldn't they be honest and do the right thing? No, because you know what? Most of the people that come here to talk to you get paid. This is a job. Ours is not a job. We do it because we love our neighborhood, okay. We don't get a penny out of this. They're employees. They come here to defend what the University wants. And you know what, they don't care about the neighbors. If they did, they would be good neighbors. And you know what, extending the arboretum to Robbia is the reasonable thing to do. And if they really want to keep it nice and if they really wanted to show you that they mean it, they will agree to it.

Mayor Cason: University want to have anything else to say before we close?

Mr. Bass: Just a minute to correct the record. On the notice issue, as your staff report notes, there were three occasions where notice was mailed to all of those that own within 1,000 feet of the University's campus. So, there were three sets of mailed notices. The last meeting was a meeting that was directed by the City to be held with just a few of the neighborhood representatives who have appeared at these hearings. And as you can see, we have mailed notice repeatedly. We've held a number of these meetings, and we see the same few people show up. So, those same few people who showed up were the people who were invited to the fourth of these meetings that we sat down.

Mayor Cason: Is there anybody here who wasn't at those meetings that you know?

Mr. Bass: No.

Mayor Cason: Okay.

City Attorney Leen: Mr. Mayor, one other thing. The -- I just -- for the record, the arboretum is in the Code. It's in the master plan. They would have to come to the Commission to change that. Plus, it's being proffered -- in order to -- it's proffered in a sense -- and this is not typical contract rights, but in a sense, as consideration for the Commission to, in a regulatory sense, to grant the approval requested. So they would have to come to the Commission if they wanted to amend that. They can't just build on the arboretum. I just want to make that very clear. They can't do that. They would need to come to the Commission for that.

Mayor Cason: So, that's a matter of fact?

City Attorney Leen: Yes, that's in the law. It's a matter of law.

Mayor Cason: Okay.

Ms. Cruz: Let me tell you.

City Attorney Leen: But that's a matter of law.

Ms. Cruz: Some of you have not been here long enough to know what happens when they proffer and they guarantee and they promise and they swear with blood, they sign with blood and then, lo and behold, something happens. The University of Miami requested to build a convocation center. It was a convocation center like they have in many universities for official stuff. They were supposed to have only so many seats. Guess what? When they built it, they made a mistake and they settled for extra seating. It was not supposed to be used. Guess what happened? Then they came back and the Commission said, oh, let's agree to it, and they gave them permission to do it. It has nothing to do with the University anymore. We have conventions. We have home show. We have anybody who can pay can use that center. And you know who gets affected? The neighbors, because we are the ones that suffer. So, don't trust

-- when you trust that it's written and it has to come back, they can come back tomorrow and say we don't want the arboretum anymore and some of our public officials will agree to it.

Commissioner Slesnick: The seats were tied to parking available at the time that it was approved, not to the...

Ms. Cruz: But they weren't supposed to be there. It was -- they were built, the extra specialty seating was built...

Commissioner Slesnick: For new...

Ms. Cruz: Without permit.

Commissioner Slesnick: No.

Ms. Cruz: It was built...

Commissioner Slesnick: It was built -- I mean, I was around at that time. It was built to have extra seats down the line if more parking facilities were provided.

Ms. Cruz: And for conventions and for home shows and for orchid...

City Attorney Leen: Mr...

Ms. Cruz: Shows and for (INAUDIBLE). No, it was supposed to be for University use.

City Attorney Leen: Mr. Mayor, I have great respect for Ms. Cruz, but we are not the owner of this property. We are the regulator. We are the regulator, and regulations have to change with time sometimes. But all I could tell you is the law right now says that has to be an arboretum.

They would have to come to you and they have to demonstrate a sufficient reason to change that, and it's hard to imagine that, because the arboretum is so important as being proffered. So, I mean, that's all we can say, but we can't -- we still have to respect their property rights.

Mayor Cason: Yeah.

Ms. Cruz: Okay.

Mayor Cason: Okay.

Ms. Cruz: And once again, I'm telling you, if they really meant to be good neighbors, regardless of what you all say, they could agree to what we're asking. That's my point. My point is they go the extent of the line, because they come to the City and the City will allow them to change...

Mayor Cason: But Maria...

Ms. Cruz: Their thoughts and their will.

Mayor Cason: With all respect, you say we, the neighbors. Who are those people? Why aren't they here?

Ms. Cruz: Okay, all the people that went to the...

Mayor Cason: Why aren't they here?

Ms. Cruz: Because believe it or not, people in Coral Gables, not everybody's retired and can sit at home. Most of the people -- and this is why City Commission should agree to have some meetings in the evening so people, for things like this, could be here. Ask Ramon Trias how

many people showed up at the meeting that the City hosted. It was a full house. But you know, not everybody can.

Mayor Cason: Okay.

Ms. Cruz: And that's the issue.

Mayor Cason: Alright. I think -- anybody else wanted to speak? And we'll close the public hearing. Any more discussion? Alright, we have before us E-1, which is an ordinance on second reading. Somebody want to make a motion one way or another?

Commissioner Keon: Can I ask one question before? Prior to this extension to the Internal Road, in order for you to service the University and in order for you to move construction materials and construction trucks around the University, you would have to -- if you were on the -- is it the north side and the south side you are connecting? What do you call those two sides of your university? Everything sits where I can't figure out if it's north or south or east or west.

Ms. Gavarrete: We'd like to say anything north of the lake...

Commissioner Keon: Okay.

Ms. Gavarrete: We're connecting via this service...

Commissioner Keon: So, you are connecting -- right, otherwise, they would have had to exit the University property, go around -- is it either San Amaro or Campo Sano to get to the other side of the University, and then come back in?

Ms. Gavarrete: That's correct.

Commissioner Keon: That was what was previously or...

Ms. Gavarrete: That's what's there today.

Commissioner Keon: Or until this is done...

Ms. Gavarrete: That's...

Commissioner Keon: That is what's there...

Ms. Gavarrete: Its state today...

Commissioner Keon: Is today...

Ms. Gavarrete: And then this...

Commissioner Keon: Okay.

Ms. Gavarrete: Will change that.

Commissioner Keon: And so, the purpose -- I remember sitting on the Planning and Zoning Board at the time and also coming before the Commission at the time -- this connection allows you to enter into the University and circulate through the entire university north of the lake without having to go out to the residential streets?

Ms. Gavarrete: That is correct.

Commissioner Keon: Thank you. I would move this item.

Mayor Cason: Alright. So, we have a motion from Commissioner Keon. Vice Mayor seconds it. City Clerk.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: No.

Vice Mayor Quesada: Yes.

Mayor Cason: Yes.

(Vote: 4-1)