

City of Coral Gables City Commission Meeting
Agenda Item F-1
February 27, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Assistant City Attorney, Gustavo Ceballos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant Public Works Director, Jessica Keller

Public Speaker(s)

Tim Plummer
Maria Cruz
Laura Russo

Agenda Item F-1 [11:34:57 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida, requiring Traffic Studies for certain new developments; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date. (Sponsored by Commissioner Mena and Commissioner Lago)

Mayor Valdes-Fauli: Let's take the -- I think somebody wanted to leave or somebody had to take something before 12.

City Manager Swanson-Rivenbark: You already did, sir. That was the...

Mayor Valdes-Fauli: The traffic...

City Manager Swanson-Rivenbark: Parking garage items.

Mayor Valdes-Fauli: No, no...

City Manager Swanson-Rivenbark: (INAUDIBLE)

Mayor Valdes-Fauli: Traffic -- oh, okay. Okay, the traffic studies, F-1, because we have Mr. Plummer here or something.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Okay, F-1, Commissioner Lago, Commissioner Mena.

Commissioner Mena: So, this -- just to give it a very quick history, and then I'll let -- Miriam, I'll let you sort of present the details or Mr. Ceballos. If you guys recall several -- a few months ago, we had a discussion and this came from the Traffic Board about restructuring the way we do traffic studies for our larger projects and sort of making it so that the original analysis and report was done by a traffic engineer who was chosen by the City out of a pool of pre-approved traffic engineers. We had a discussion with it at that time, and we asked Miriam to proceed with preparing a first draft of the ordinance. And so, this is now that draft. I'll let the City Attorney's Office present the details, and I know there are some comments, at least, from Mr. Plummer and from some others in the audience, as well.

City Attorney Ramos: Very well. I'm asking the Assistant City Attorney, Mr. Ceballos, to present the nuts and bolts of the ordinance. It's on for first reading and it's a public hearing item.

Assistant City Attorney Ceballos: Good morning, Commissioners, Vice Mayor. Basically, just building on what Commissioner Mena already has said. Basically, this is a new ordinance that's going to require independent traffic studies for certain new developments, the trigger being 100 trips being generated -- new trips being generated would trigger this requirement. In addition to it, certain developments generating less than 100 trips may require a limited traffic study to address special considerations. The areas for these studies will be determined by the Public Works director, as well as the list of available traffic study providers would also be designated by the Public Works director. The pool will be established through a competitive process and will include pricing and shall be renewed every three years. One of the main topics that have gone back and forth is the conflict of interest. Originally, it was a bit more restrictive. It limited any applicant in the previous 12 months that's worked on any actual application with the same provider or same developer could be exempt and would not be allowed to participate. The current reading of that language is any provider that has materially participated in the development of the application or is currently working for the applicant on any application is prohibited from conducting the independent traffic study for that application, so it's a much less restrictive requirement, but that is basically the ordinance in a nutshell. Do you have any questions?

Commissioner Mena: There's two points that I just want to highlight and we can discuss it after we've had an opportunity for public comment. But I know there was some concern about the 100 new trips threshold and whether or not that's low enough to capture our bigger projects. And then the second one was there's a provision called option on delay at the bottom of page 2 that provides nine -- that after 90 days, if the traffic impact study is not completed, then the applicant can move on. And there was some concern that that was maybe too long of a period of

time and would cause delay for some of the projects and maybe we should consider tightening up that time, but we can discuss that, obviously.

Vice Mayor Keon: Did this -- this came through the Traffic Advisory Board? Is that what you said is where...

Mayor Valdes-Fauli: Also...

Commissioner Mena: At the outset, that's correct. But it's been...

Commissioner Lago: Going on for...

Commissioner Mena: It's been going on for a while, and then, obviously, we've now worked with the City Attorney's Office. We even spoke to Mr. Plummer on some of the issues and he has some additional comments about it, but yeah, I think the nexus of it was from the Traffic board. And again, the goal was there's some logistical challenges that this will present. It's a change in how we do things. I don't dispute that. But I think that one of the concerns that we were trying to address was the optics of a developer providing a traffic study from a traffic engineer who he has hired -- he or she -- or it has hired.

Mayor Valdes-Fauli: Can we hear from...

Commissioner Mena: And the concern we get regularly from residents about that.

City Manager Swanson-Rivenbark: And Commissioner Mena...

Mayor Valdes-Fauli: Can we hear from Mr. Plummer, who's here to...

City Manager Swanson-Rivenbark: I'm sorry, sir. You might also want Jessica Keller, Assistant Director...

Mayor Valdes-Fauli: Please, yes.

City Manager Swanson-Rivenbark: For Public Works, who's staffed to the Traffic Advisory Board -- or the Transportation Advisory Board.

Mayor Valdes-Fauli: Mr. Plummer.

Commissioner Lago: And I also wanted to just bring up a few points where maybe you could have Peter come up because I had a conversation with him in regards to the peer review process...

Commissioner Mena: Sure.

Commissioner Lago: And how that can be impactful here. I think, just like you said about optics. I mean, I get several residents always come up to me and talk to me. Listen, the developer's paying for the traffic study. It's going to swing in the favor of the developer. And again, that's not the case, and we need to be very...

Vice Mayor Keon: That's not true.

Commissioner Lago: We need to make sure we clearly and emphatically put that on the record. And again, like we talked about it, there are different ways to do this, best practice, and we'll get into it. But this has been going on, and I know Debbie Swain (phonetic) is not here today. I talked to her earlier this morning with Commissioner Quesada, who has been working on this for six years, or I don't even know how long you've been talking about this for. So, it's good that it's finally comes up so...

Commissioner Mena: I think if we could hear maybe from...

Mayor Valdes-Fauli: Yes, hi.

Commissioner Mena: Jessica first before Mr. Plummer.

Mayor Valdes-Fauli: Jessica.

Commissioner Mena: And then...

Assistant Public Works Director Keller: Good morning, Commission. Jessica Keller, Assistant Public Works Director. I just want go over a couple of things. The Transportation Advisory Board did initiate this change in our policy, the way that we conduct the traffic impact studies, as Commissioner Mena has already mentioned. Today's procedure is that a developer hires the consultants and we provide peer review. The developer pays for both the initial traffic impact study and also the peer review. And this is fairly common in cities across the country. What this does change is that now the City will be providing that traffic impact study, and it addresses the concerns of the Transportation Advisory Board as far as the optics go, as you've already mentioned. The one other thing I did want to point out is that this particular procedure is helpful to smaller businesses because the smaller businesses can opt out of the peer review process. Because what would happen is a developer can choose whether or not they want to have the traffic impact study reviewed. If you have any other questions?

Mayor Valdes-Fauli: I was very intrigued when I found out that Sports 77, the sports bar at the corner of Giralda and Ponce, that a traffic study was required from them when Giralda's a closed street. And I was very intrigued. Mr. Plummer, you want to say something? I think that was bureaucracy berserk.

Tim Plummer: I think it's still morning. Good morning, everyone.

Commissioner Lago: Morning.

Mr. Plummer: Tim Plummer, President of David Plummer & Associates, with offices at 1750 Ponce, here in the City Beautiful. I'm glad we're mentioning optics because I think one of the things we need to discuss a little bit is the current program of peer review and how that can be improved. I work in many cities in South Florida and we go through a peer review process. What we do a little bit differently in the City of Coral Gables is we don't use our peer reviewer necessarily from the start to the finish. What -- as Ms. Keller mentioned, the peer reviewer does review the traffic studies. What the peer reviewer should be doing and does in many other cities, is starts at the very beginning of the process -- and we do this occasionally in the City -- and I did this for Mediterranean Village and I do this for University of Miami, representing the City -- starts with the methodology and make sure the peer reviewer is there to approve and go through the methodology to make sure it's appropriate and meets all applicable standards. Then, the peer reviewer does his or her work, provides the comments to the City, works with the traffic engineer, and comes to a conclusion on what mitigation is needed, what level of service standards are met, et cetera. Then the peer reviewer -- which we don't do in Coral Gables necessarily -- should be at all the public meetings; the Planning and Zoning Board meeting, the City Commission meeting, as your representative, much like I did for you on Mediterranean Village because that was a major project. You should have -- after the Planning Director makes the presentation, your independent peer reviewer should be making a presentation on the finding of facts that they found throughout the process in the report that was submitted by the developer. Now, I can tell you, when I peer review, these are my competitors. I don't cut them any breaks. They certainly don't cut me any breaks when they're peer reviewing my work. So, there's a very good system in place that's held throughout the country and throughout South Florida. But I think the step we're missing is bringing the peer reviewer out into the daylight. I don't think the public knows that this process is going on, and your peer reviewer should be at all your public meetings and should be answering questions. Commissioner Quesada used to call me up.

Commissioner Keon, for Mediterranean Village, I was your person. You'd call me up and I answered all the questions. The applicant's traffic consultant doesn't even need to answer any questions unless he or she wants to rebut. So, that's the process, in my opinion, that should be in place, and we can make it better. It's in place. It's just not as good as it could be, like it is in other municipalities. And that brings everything out to the forefront. Now, regarding the ordinance, there's a couple of things in there, language that are very awkward. A hundred peak directional new trips is referenced throughout the ordinance, and then, sometimes, it's just a hundred peak trips. Very, very big difference. Hundred peak new directional trips -- projects like Paseo de la Riviera wouldn't have to go through this process. Venera wouldn't have to go through this process. Aloft Hotel wouldn't have to go through this process. So, I think we need to be very careful on where that number is, but you have a process in place already. The ordinance also states that approved projects may have to go through this process. Why would an approved project have to go through this process? So, I think there's things that we've got to make sure that we do. I think the City's done an excellent job with requiring the post opening of projects to do a traffic study. That's your safety net. These are planning level exercises that meet all professional standards and criteria. We have a peer reviewer already. Bring the peer reviewer out to the public so the public knows, and then you have an excellent safety net with the post opening of the traffic studies. So, I'm here to answer any questions you might have.

Commissioner Mena: A couple of things. I think, number one -- and thank you for your insight, as well.

Mr. Plummer: Absolutely.

Commissioner Mena: But there's no hiding in the fact this is intended to be somewhat disruptive of the way it's currently done and to try a new approach. I really value your insight on this. And if we have support here for it today, my recommendation would be to have Mr. Plummer work with Miriam to tweak the language appropriately...

Mayor Valdes-Fauli: But what I hear is that we're not following our current procedure.

Commissioner Mena: Right. Correct.

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: That's absolutely the case.

Vice Mayor Keon: So, we could take our current practice...

Mr. Plummer: Absolutely.

Vice Mayor Keon: It's not a policy -- and put it into a resolution.

Mr. Plummer: Correct.

Commissioner Lago: Yeah.

Mr. Plummer: Like the rest of South Florida.

Vice Mayor Keon: Reflecting what has been said.

Mayor Valdes-Fauli: Will you make the motion?

Commissioner Mena: I'm not understanding what you're saying, sorry.

Vice Mayor Keon: Well, I don't think that -- I think that the process that we use is a practice not necessarily embodied in policy that has been passed through resolution of the City. Is that right?

Assistant City Manager Iglesias: We can implement -- the peer review process is something that has been done in engineering for quite some time.

Vice Mayor Keon: Right, so it's a practice...

Assistant City Manager Iglesias: It's only done on complex projects and done on...

Vice Mayor Keon: Right.

Assistant City Manager Iglesias: It's a very thorough way of...

Vice Mayor Keon: Right.

Assistant City Manager Iglesias: Making sure that there's no loss of life and similar issues, so...

Vice Mayor Keon: Right.

Assistant City Manager Iglesias: We can certainly implement those...

Vice Mayor Keon: So, I think sometimes...

Assistant City Manager Iglesias: Procedures.

Vice Mayor Keon: In government or, particularly, municipal government, we have a lot of practices. They are not -- they don't flow from policy. They just are practices. But I think what you're saying is this other component of the peer review should probably be a policy issue and should be brought forward as a resolution...

Commissioner Mena: Well, I think...

Vice Mayor Keon: And then the practice will come from it. So, I think to continue to -- yes -- to maybe work with this policy and to continue -- and to bring the peer review process that -- practice that is not in effect in our City should probably be reflected in a resolution.

Commissioner Mena: That's not what I'm saying.

Vice Mayor Keon: Okay.

Commissioner Mena: Let me be clear. This is a different process, fair to say. Now, I think part of the goal of this is that rather than what we do now or are supposed to do now, I think Mr. Plummer thinks there's ways we could do it better. This brings it to the forefront in that the person being hired from the outside is going to be selected by the City.

Vice Mayor Keon: But the peer is selected by...

Mr. Plummer: The peer review is...

Vice Mayor Keon: The City now.

Mr. Plummer: Selected by the...

Commissioner Mena: Correct, but that's...

Mr. Plummer: City now.

Commissioner Mena: After they review the traffic study first prepared by the developer's traffic engineer, correct?

Vice Mayor Keon: No.

Mr. Plummer: So, how the method -- how it works is an applicant comes in, starts the process. The applicant hires a traffic engineer. The traffic engineer hands in a methodology, which sets out how the study's going to go to the City. The City engineer reviews it and she makes comments on it; a lot of times, expands the study area and makes sure that everything that's written is under acceptable practices and standards, then the process moves forward. Then the applicant's traffic consultant collects the data, does the analysis, turns it in to the City. The City hires a peer reviewer at that point...

Vice Mayor Keon: Right.

Mr. Plummer: To review and provide comment. What I'm saying is, like I did for Mediterranean Village and I do for University of Miami for the City, the peer reviewer should start at the very beginning with the methodology development...

Vice Mayor Keon: Yeah.

Mr. Plummer: And be on the same team with the City from the get-go; go all the way through the process, and then be the representative for the City at all of the public hearings.

Commissioner Mena: No. The difference is this will have the person hired at the outset to establish that methodology who will have been selected by the City.

Vice Mayor Keon: Okay. But, so what I...

Mr. Plummer: And...

Commissioner Mena: And that's the important distinction.

Mr. Plummer: As it is today.

Assistant City Manager Iglesias: It just...

Vice Mayor Keon: Okay, but that's what he -- but he's saying that also. What he's saying is to expand the role of the peer review person that is hired by the City to bring them in at the very beginning and maintain them and have them testify before this Commission when it is presented to the Commission so that that peer reviewer is there from the very beginning to the very end, instead of the practice now is they're kind of in the middle.

Mayor Valdes-Fauli: But...

Vice Mayor Keon: So, I think what he's saying is bring them in at the beginning, keep them through to the end, which is -- you're saying that in this, but you're talking about a traffic engineer when they have a practice that is, it is a traffic engineer, but it is a peer review process. So, if the ordinance was tweaked to refer to it instead of as a traffic engineer -- I mean, I'm just giving you an idea of what -- how I'm understanding it is that that peer review -- that traffic engineer should be brought in -- and it should be in the form of an ordinance -- at the very beginning and go through the very end...

Commissioner Mena: But we're talking about...

Vice Mayor Keon: Which is essentially what you're saying.

Commissioner Mena: Two different processes right now.

Mr. Plummer: And should be required to make a presentation.

Commissioner Mena: We're talking about two completely different processes right now.

Assistant City Manager Iglesias: May I say...

Vice Mayor Keon: Yeah, but...

Assistant City Manager Iglesias: Something?

Vice Mayor Keon: Okay.

Assistant City Manager Iglesias: May I say something? Because there -- it looks like our system is broken. Our system is not broken, and I want to just clarify that. We have the traffic engineer selected by the developer provides the methodology to the traffic department at Public Works. The Public Works Department accepts that methodology. The traffic study is done, then it's peer reviewed. The peer reviewer at that time can change the methodology, cannot accept it and can do whatever they want at that point. They have -- there is no -- they have -- they can provide whatever comments the peer reviewer wants, as Mr. Plummer has done himself. So, there's nothing wrong with the peer review process. I think what we have is it's not visible enough.

Mr. Plummer: Right, the optics.

Assistant City Manager Iglesias: And I think you need to increase the visibility...

Commissioner Mena: Well, but time out...

Assistant City Manager Iglesias: Of...

Commissioner Mena: Time out, Peter.

Assistant City Manager Iglesias: That process.

Commissioner Mena: Peter, I think the word broken is a little too absolute for my taste. I don't think anybody's saying it's broken, but there are issues. And Mr. Plummer has just identified -- he's -- who is the traffic engineer that I see here on every project. So, I mean, he's -- this is the -- our go-to person on traffic engineering in the City, and he's telling us that there are some issues with it, and it's not just visibility. It's that the peer reviewer is not involved in establishing the methodology from the outset and is not attending all the meetings, including the Planning and Zoning meetings, on every project. Is that a fair summary of what you said?

Mr. Plummer: That's correct.

Assistant City Manager Iglesias: That's a fair summary of...

Mr. Plummer: Except on major projects, like I've done for you...

Commissioner Mena: Right.

Mr. Plummer: For University of Miami for years and Mediterranean Village; major projects, that generally happens.

Assistant City Manager Iglesias: Mr. Plummer, would you approve a peer review where you don't agree with the methodology?

Mr. Plummer: No, absolutely not.

Assistant City Manager Iglesias: So, that is checked. That's what I'm trying to say.

Mr. Plummer: Yes.

Commissioner Lago: Peter, and I have just a few questions. Like what would be the cost implications for, let's say, like a smaller business, if we adopt this? I mean, are we seeing significant increases? Are we going to see -- is this going to be a burden for smaller projects, for...

Mr. Plummer: It's the same process that's been going on in the City. I think one of the things the City should consider as well, some discretion on when they require traffic impact studies. For instance, I got contacted by a major...

Commissioner Lago: Like he said, the bar...

Mr. Plummer: Yeah, the bar...

Commissioner Lago: But that's...

Mr. Plummer: I got contacted by...

Commissioner Lago: But that's...

Mr. Plummer: A major ALF that wants to come and do an ALF in an office building.

Commissioner Lago: There's no parking.

Mr. Plummer: That's going to generate significantly less traffic than...

Commissioner Lago: Of course.

Mr. Plummer: The existing use. There really is no reason. And that occasionally happens. The City engineer -- traffic engineer will say give me a trip generation study to show me it's a big decrease in traffic, and then no traffic study is needed. So, for -- I mean, that should not have happened for the sports bar.

Vice Mayor Keon: I also understand someone had called me that owned a building that was replacing the air conditioning in the building, and they had to bring in a crane to lift it to put it in, and they were told they had to have a traffic study in order to bring a crane in.

Assistant City Manager Iglesias: No, no traffic study, just maintenance of traffic...

Mr. Plummer: How are they going to close...

Assistant City Manager Iglesias: Blocking the street.

Mr. Plummer: How are they going to close the street down.

Assistant City Manager Iglesias: How they're going to close the street.

Vice Mayor Keon: Alright, they were told they had to have a traffic study, and they showed me the paper that said you're required to have a traffic study.

Assistant City Manager Iglesias: No, that should not be.

Mayor Valdes-Fauli: Alright, so what's our pleasure?

Commissioner Mena: So, again...

Mayor Valdes-Fauli: Commissioner Mena.

Commissioner Mena: What I'm proposing is...

Mayor Valdes-Fauli: Commissioner Lago.

Commissioner Mena: What is currently in the ordinance, which again, shifts things a bit because the traffic engineer hired at the outset is selected by a pool of traffic engineers who are preapproved by the City and is selected by the City, but obviously, there are adjustments that need to be made to this, with respect to how we describe the number of trips that will be the threshold for who has to go through this process, as well as the number of days for the option on delay. Miriam -- and bottom line, to work with Mr. Plummer and anybody else in the industry who might have some insight into how to tweak the language here so that it's not only effectively but that it's pragmatic.

Vice Mayor Keon: It's not redundant.

Mayor Valdes-Fauli: Okay.

Commissioner Quesada: I agree with that.

Mayor Valdes-Fauli: Are you making that motion?

Commissioner Mena: Did you have anything else to say...

Commissioner Quesada: I just want to make sure that Miriam meets with, at a minimum, with Tim...

Mr. Plummer: Absolutely.

Commissioner Quesada: Prior to second reading and make any revisions or suggested revisions for us to consider.

Mr. Plummer: And any of you that would like to meet...

Commissioner Lago: My only comments were -- and Mr. Plummer didn't answer it -- was the issue of the cost for like smaller businesses, you know. I don't want it to be an impact on that.

Mr. Plummer: Sure.

Commissioner Lago: I want to make sure we put that -- I asked him a question and he...

Mr. Plummer: On smaller businesses with smaller projects, what I said is the City should have the discretion to not require a traffic study and to have...

Commissioner Lago: Yeah, but...

Mr. Plummer: A trip generation study.

Commissioner Lago: Do you feel the direction that we're headed in right now could have some cost implications for the smaller businesses right now?

Mr. Plummer: No, not at all. It's the process that's in place today.

City Attorney Ramos: And the threshold is high enough that it should not capture the smaller businesses.

Commissioner Lago: I just want to make sure.

Mr. Plummer: Well -- yeah, yeah, the process is in place today. The threshold's so high, like I mentioned, projects like Paseo de la Riviera wouldn't have to go through this.

City Attorney Ramos: Right.

Mr. Plummer: Venera wouldn't have to go through this.

City Attorney Ramos: So, it definitely would not include...

Mr. Plummer: But the process in place now is that everyone's required a traffic study unless you can prove that your trip generation is so small that the City traffic engineer and the Public Works director can say no traffic study needed, like for the sports bar.

Mayor Valdes-Fauli: Which it was required...

Mr. Plummer: So, you document...

Mayor Valdes-Fauli: And needed and then they came...

Commissioner Lago: I mean, that's common sense. We should use some common sense.

Mr. Plummer: Absolutely.

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: That should be included.

Mr. Plummer: We call it engineering judgment.

Vice Mayor Keon: But you could include that in the ordinance.

Mr. Plummer: We call it engineering judgment.

Commissioner Lago: Let's use some common sense. I mean, obviously, the City can put, like the Vice Mayor mentioned, whatever verbiage they want to in reference to that issue, but let's be a little bit more meticulous on that.

Mayor Valdes-Fauli: In conclusion. Somebody make a motion.

Vice Mayor Keon: Well, do you want...

Commissioner Lago: Mena.

Vice Mayor Keon: Are you asking to pass this on first reading, or you're asking to have it go back for...

Commissioner Mena: No. I'm asking to pass...

Vice Mayor Keon: To be rewritten?

Commissioner Mena: It on first reading and to have adjustments made to the number of trips threshold, to the number of days on the option on delay, and to incorporate Commissioner Lago's suggestion just now that -- about how it impacts smaller projects and the fact that we have the option to waive the process based on that direction.

Vice Mayor Keon: Okay, I want to be clear also because I'm not sure. You -- when -- what you're asking is not -- you're not asking to expand the peer review process. You're asking for an entirely different process.

Commissioner Mena: That's correct.

Vice Mayor Keon: Is that what you're asking for? Okay. I don't understand why you're asking for a different process when it's going to yield you the same result as the expanded peer review process, so that's what I'm having trouble understanding.

Commissioner Mena: I understand.

Vice Mayor Keon: I keep asking you the same question.

Commissioner Mena: No, no, no. I -- you're...

Vice Mayor Keon: Because I'm not understanding.

Commissioner Mena: That is the issue here, and that's what I was trying to explain.

Vice Mayor Keon: But so why do you want a different process than a peer when the process that is in place will...

Commissioner Mena: I think we can achieve...

Vice Mayor Keon: What you're saying is that it's optics. So, it's not that -- it's how people see things. And so, the answer to optics is education. That's the answer to optics. If it's a process that's broken, then you change the process. I do think that there is a problem with the process. I do think it should be expanded on both ends, and I think that that achieves what you are looking for because then that peer reviewer is here to speak to the traffic study. I mean, this one is still -- because I think you're having -- you're asking the City to hire an additional traffic engineer to do a traffic study and...

Commissioner Mena: The principal traffic engineer had to do the traffic study.

Vice Mayor Keon: Okay, the principal -- the traffic engineer that is hired by the developer, right...

Commissioner Mena: Will instead be hired by the City and selected by the City.

Vice Mayor Keon: Well, I think that -- I don't know what that does for the rights of the people that are developing. I mean, they usually...

Commissioner Mena: They will still have an opportunity -- and it's in here -- to hire -- if they have any issues with the results of that traffic study, to hire somebody to...

City Attorney Ramos: To counter it.

Commissioner Mena: Review it. So, there's a process in here...

City Attorney Ramos: Counter it.

Commissioner Mena: For that.

Mr. Plummer: So, that's pay for two traffic studies.

Vice Mayor Keon: So, it would be up to the City...

Commissioner Lago: But I think that's great.

Vice Mayor Keon: To determine...

Commissioner Mena: Yeah.

Vice Mayor Keon: That...

Commissioner Lago: I think that's great.

Commissioner Mena: Right, because there's...

Vice Mayor Keon: So, instead of developers hiring a traffic engineer, the City would hire a traffic engineer.

Commissioner Mena: Paid for by the developer.

Vice Mayor Keon: Paid for by the developer.

Commissioner Lago: Which...

Vice Mayor Keon: Can you do that?

Commissioner Lago: I'd love to take credit for that (INAUDIBLE)

Mayor Valdes-Fauli: Why don't we get on...

Commissioner Mena: But to answer your principal question, I think we can achieve equally effective results, but also be able to tell people when they say that traffic engineer was hired by the developer; of course, the results fit their needs. We will be able to say -- and I'm not saying that's true or fair. But we will be able to say, no, they weren't. They were selected by the City through an independent process.

Commissioner Lago: We're building trust.

Commissioner Mena: Yes.

Commissioner Lago: I think we're building trust in this process.

Vice Mayor Keon: Okay, do we...

Commissioner Lago: Because right now...

Vice Mayor Keon: Okay, but do we tell them...

Commissioner Quesada: It's a great point.

Vice Mayor Keon: Who the traffic engineer is, or do we say these are our preselected traffic engineers and you...

Commissioner Lago: A pool.

Vice Mayor Keon: The developer can pick from this pool of traffic engineers.

Commissioner Lago: If I...

City Attorney Ramos: We will have a pool of traffic engineers.

Commissioner Lago: I know you're gearing it towards Commissioner Mena, but I think that we should have control...

Commissioner Mena: Yes.

Commissioner Lago: About if we're going to select...

Vice Mayor Keon: Okay.

Commissioner Lago: For example, if I want to select Mr. Plummer and Mr. Plummer has not been engaged by the developer in reference to this project and I want to engage him because I have the utmost trust in him, I want to use Mr. Plummer for this project.

Vice Mayor Keon: Okay. I'm not comfortable with us telling them who -- which one of that pool they have to use. I am very comfortable with saying, these -- this is a pool -- or these are three or four traffic engineers that we have preapproved that we will submit your work. But for us to hire somebody...

City Attorney Ramos: But they will be permitted to...

Vice Mayor Keon: No.

Commissioner Lago: I think you're confusing this on one point, and correct me, if I'm wrong. The developer will have their own opportunity to have their own outside study done. What we're talking about here is the City will request -- on behalf of the project -- an individual, like Mr. Plummer, who will be accountable and will be responsible for providing a traffic study or an analysis of what's going on in reference to the impacts of this project -- of this proposed project, and they will be answering to the City. But they will -- but their study will be paid for by the developer.

Vice Mayor Keon: But that is the role of peer review.

Commissioner Lago: I understand that.

Mr. Plummer: Correct.

Vice Mayor Keon: That's the role of peer review.

Commissioner Lago: I deal with peer review every single day. That's part of my business.

Vice Mayor Keon: Right, but that's the role...

Commissioner Lago: Every single day.

Vice Mayor Keon: That's what peer review...

Mayor Valdes-Fauli: That is the role.

Vice Mayor Keon: Does.

Commissioner Lago: Right. I understand that.

Vice Mayor Keon: I mean, it's in the medical field when someone is doing a research study...

Commissioner Lago: But that role...

Vice Mayor Keon: You peer...

Commissioner Mena: That will still occur.

Commissioner Lago: Yeah.

Commissioner Mena: That will still occur.

Mr. Plummer: Can I add...

Commissioner Mena: The difference is -- again, I think -- I was trying to just answer the question. Again...

Vice Mayor Keon: But I think...

Commissioner Mena: The difference is we will have been the ones to select the principal traffic engineer at the outset. And when people say, of course, the traffic study supports what the developer wants because they hired them. We're going to be able to say, no, ma'am or no, sir, that's not the case.

Vice Mayor Keon: Okay, but point...

Commissioner Mena: There's credibility in this process because we selected independently who the person was.

Commissioner Lago: And there's two...

Vice Mayor Keon: There's credibility...

Commissioner Lago: And there's...

Vice Mayor Keon: In this process because you're hiring people that are licensed, that are -- that have gone through experience, that are -- what you would hope in your mind -- are honest and

ethical and whatever else. In every one of these studies that we see, they all come up with the same numbers. They all come up with the same numbers.

Commissioner Mena: But...

Mayor Valdes-Fauli: Okay, we...

Commissioner Mena: Commissioner Keon, that's true of any profession. That's true of any profession.

Mayor Valdes-Fauli: Let's move on.

Commissioner Mena: I'm a licensed attorney. He's a licensed attorney. But guess what, when my client hires me...

Vice Mayor Keon: Right.

Commissioner Mena: I'm advocating...

Commissioner Lago: On behalf...

Commissioner Mena: For them within the confines of the law. I'm not a neutral arbiter. I'm not the judge. I'm their attorney. And I'm not questioning the integrity of Mr. Plummer or any traffic engineer. I understand he has a license and he's going to operate within the confines of his professional practice and license. But he is hired by the developer, and there's a perception out there -- fair or unfair -- that because he's hired by the developer, that presents an issue, and this enables us to be able to address that head-on and say, again, no, ma'am, no, sir. This traffic engineer who did the principal study on this project was selected by us, the City, from a pool of preapproved traffic engineers. That's really the main objective of this.

Vice Mayor Keon: Okay, but that's what I just said to you. It is from -- you selected them from a preapproved -- that we're going to -- we will select the person...

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Vice Mayor Keon: From a preapproved pool.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Okay. Let's make a motion, please.

Vice Mayor Keon: Go ahead.

City Attorney Ramos: I'm sorry, sir. This is a public hearing item.

Mayor Valdes-Fauli: Huh?

City Attorney Ramos: It's a...

Commissioner Lago: It's a public hearing.

City Attorney Ramos: Public hearing item.

Mayor Valdes-Fauli: Oh, it's a public hearing. Ms. Cruz, you wanted to say a few words?

Commissioner Mena: So -- sorry.

Assistant City Attorney Ceballos: Also, if I can add one quick comment, just in terms of the...

Mayor Valdes-Fauli: Yeah.

Assistant City Attorney Ceballos: Selection process. The pool is created by our staff...

Vice Mayor Keon: Right.

Assistant City Attorney Ceballos: So, let's say we have three or eight, it doesn't matter.

Vice Mayor Keon: Right.

Assistant City Attorney Ceballos: So, let's say we have four. It's not selected on a case by case basis. Per the way that the language reads right now, it's on a rotating basis.

Commissioner Mena: Right.

Assistant City Attorney Ceballos: So, basically one (INAUDIBLE)...

Commissioner Mena: It's a wheel.

Assistant City Attorney Ceballos: It's a wheel. So, the next opportunity, the next presentation or the next project that comes up...

City Attorney Ramos: Yeah.

Assistant City Attorney Ceballos: The next available candidate will be selected.

City Attorney Ramos: Assuming they meet the conflict provision.

Commissioner Quesada: You know...

Assistant City Attorney Ceballos: Correct.

Vice Mayor Keon: And that's fine.

Commissioner Quesada: I don't know if...

Vice Mayor Keon: I don't have a problem with that.

Commissioner Quesada: I like that.

Commissioner Lago: By the way, that wheel...

Vice Mayor Keon: As long as it's...

Commissioner Lago: That wheel...

Vice Mayor Keon: You know, it's a...

Commissioner Lago: Works throughout Miami-Dade County.

Vice Mayor Keon: Moving thing.

City Manager Swanson-Rivenbark: Excuse me, Mayor. This is a very important conversation.

Vice Mayor Keon: Yes.

City Manager Swanson-Rivenbark: That's going to be very hard to dissect minutes after.

Vice Mayor Keon: Okay.

City Manager Swanson-Rivenbark: So, if everyone can talk at -- singly.

Commissioner Lago: Go ahead, Commissioner Quesada.

Mayor Valdes-Fauli: Ms. Cruz.

Commissioner Lago: Oh, I'm sorry.

Commissioner Quesada: What I was going to say is...

Mayor Valdes-Fauli: I'm sorry, go ahead.

Commissioner Quesada: I had -- and I say this all the time when Tim is up here. I feel like he knows traffic better than anyone else in this city, so I don't know if I love the wheel idea. I guess, I'm okay with it now for first reading, but I want to think about it next time because -- and maybe I shouldn't be this way, but since I've cross-examined him so many times when he comes up here, I prefer dealing with him than anyone else. That's probably not the right thing for me to say, but I'm telling you how I feel because I feel like he knows the areas really well. And you know, it's always very logical and rational, at least, my conversations with him on the dais here. So, I don't love the wheel idea because are we forcing ourselves to have a lesser person or a lesser team that doesn't know the City as well? Again, for the first reading, it doesn't bother me. I'm going to...

Vice Mayor Keon: No.

Commissioner Quesada: Be supportive of it. I just -- I want to think about it by next time.

Mayor Valdes-Fauli: Okay, Ms. Cruz.

Maria Cruz: I am Maria Cruz. I am very happy that this conversation is happening today. Thank you, the two that brought it up, because perception is reality for people. And I'm going to tell you, this has come up many times. We, most of us, when we've dealt with development and issues that affect our purview, our homes, we've always end up saying, of course, the result is because he who pays gets whatever he wants, okay, so this is very important. And I think -- I'm very happy that you brought it up. And you know what, it adds the idea so we, the rest of us, the rest of the people that pay taxes in the City feel that, yes, we're getting an objective result, as opposed to he who hires me deserves me to fight for them. Thank you.

Mayor Valdes-Fauli: Thank you, Ms. Cruz. Alright, anybody else? Please, make it brief.

Laura Russo: Good morning -- or good afternoon, as the case may be. Laura Russo. I'm here, just speaking on behalf of someone who for more years than most people here have been representing developers, schools and a lot of different applicants who've had to avail themselves of the system. And I just add two cautions, please, from a timing standpoint. If you can keep it tight, just so that if there's so many days that -- to pick it because that does end up hurting a project, whether it be a school being able to start on time or a project of time sensitivity. So, developers will pay based on whatever rules you make, but I just remind you that the City already has a reputation for being -- having obstacles. And so, I would just remind you of that. And then, I would also second that having been someone who's been involved with the peer review process on numerous projects, I think the biggest failing and the failing that has caused the perception is that the peer reviewer has not come to public hearings. Because I have been in a room where I've had Tim on my side and a peer reviewer and we've been in a room and the planning and we've discussed and had issues, but the public is not made aware of that. And the

public doesn't hear the objective person make the comments. So, I think whether you do it this way or whether you do it the old way, it's important that that other peer reviewer or the initial principal, however, you know, it ends up working out, be present at the meeting and be able to state that what is being presented is objective.

Mayor Valdes-Fauli: Thank you.

Ms. Russo: You're welcome.

Mayor Valdes-Fauli: Thank you, Ms. Russo.

Commissioner Quesada: Thank you.

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

City Clerk Foeman: Need a seconder, Mr. Mayor.

Commissioner Quesada: I'm sorry?

Mayor Valdes-Fauli: Commissioner Mena made the motion.

Commissioner Mena: Yeah.

Commissioner Quesada: Second.

City Clerk Foeman: Commissioner Lago?

Commissioner Lago: Yes. But I have a -- well, I'll wait until the end. Go ahead.

City Attorney Ramos: Actually, no, sir. If you have comments, it should be done before the vote.

Commissioner Lago: Okay, my comment's real brief.

Commissioner Mena: Come on amendments.

Commissioner Lago: I'm sorry. I apologize, but I -- thank you for reminding me, Miriam.

Commissioner Quesada: Unfriendly amendment?

Commissioner Lago: Friendly.

Mayor Valdes-Fauli: Please, please go ahead. It's late.

Commissioner Lago: I spoke with Peter and I had a conversation with Ed also in regards to this. I just want to make sure that we clarify when we move forward to second reading -- that we clarify and we frame what are the qualifications when these studies are performed, how many days. Is it one day? Is it two days? Is it three days? Are they performed on a holiday? Are they performed when school is in session? I know that there are national standards, as we discussed this past week, but I want to make it so that when we have these studies and when these individuals come before the Commission and are representing the residents of the City of Coral Gables, not the developers, that we make it very clear that certain standards and protocols have been followed. I know that there are national standards that are in place. But, for example, the last project that came before us at the last Commission meeting, my understanding was that the traffic study had occurred during one day. You know, and I want to make sure that everybody is aware that we're going to follow these standards. And if we increase it from one day to three days, if we make sure that there's no holidays, I just want to squash any rumors or, you know, any misconceptions that are out there.

Vice Mayor Keon: They also said that they would provide -- that they would date every traffic study when it comes to us, which they don't do now.

Commissioner Lago: That's an important point.

Vice Mayor Keon: So, they've...

Commissioner Lago: Great point.

Mayor Valdes-Fauli: Okay. Let's...

Vice Mayor Keon: Said that they -- that will be the practice.

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

Commissioner Lago: Best practices.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

[End: 12:08:16 p.m.]