

City of Coral Gables City Commission Meeting
Agenda Item H-1
April 29, 2008
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Public Works Director, Alberto Delgado
Parks and Recreation Director, Fred Couceyro
Police Department, Chief Hammerschmidt
Fire Department, Chief Reed

Public Speaker(s)

Hesham Elbadrawi, Traffic Engineer form Marlin Engineering
George Freeland, President of Hammock Lakes I and II Homeowners Association
Lynne Gelfman, Coral Gables Resident (Kerwood Ct.)
Ofi Fernandez, Coral Gables Resident (Banyan Drive)
Cynthia Trescott, Coral Gables Resident (Banyan Drive)
John Fox, Coral Gables Resident (School House Road)
Bill Ogden, Coral Gables Resident (Hammock Lakes – signed in/did not speak)
Suzanne Brawner, Coral Gables Resident (School House Road)
A. Blackwell Stieglitz, Coral Gables Resident (School House Road)
Joyce Newman, Coral Gables Resident (Santona Street)
Rosemary Stieglitz, Coral Gables Resident (School House Road)
Jeff Bartel, Coral Gables Resident (Mindello Street and Hammock Lake Drive)
Susan Ponzoli, Coral Gables Resident (Banyan Trail)
Debbie Burman, Coral Gables Resident (Banyan Drive)
Daniel Gelfman, Coral Gables Resident (Kerwood Court)
Jeremy Chester, Coral Gables Resident (Banyan Drive)
Richard Namon, Coral Gables Resident (Oakwood Lane)
Margery Seitz, Coral Gables Resident (Kerwood Oaks Drive)
Dr. Steve Halegua, Coral Gables Resident (Oakwood Lane)
Philip Brawner, Coral Gables Resident (School House Road)

H-1 [Start: 10:21:50 a.m.]

Resolution approving creation of a Special Taxing District by Miami-Dade County for Hammock Lakes, Coral Gables, Florida, for purpose of providing for twenty-four hours stationary security guard service subject to compliance with applicable Miami-Dade County requirements, approving construction of a guard house facility, a road closure with an emergency access gate, operation of traffic control devices, and requiring execution of Interlocal Agreement between City and Miami-Dade County.

City Manager Brown: This item came before you several Commission meetings ago, the Commission directed the Public Works Department put on a full blown presentation regarding the possibility of a guard house and taxing district be approved. So Mr. Delgado will be providing that to you now.

Mr. Delgado: Good morning, the Hammock Lakes I and II Homeowners Association submitted a petition to Miami-Dade County to pay a special taxing district to provide a twenty-four hour emergency critical service for the Hammock Lakes II Division. This petition is proposed in three items; one is the installation of a guard house of the entrance of School House Road and Kendall Drive to modification to that intersection so that all drivers entering or exiting the sub-division will pass through the guard house providing two lanes for entering and one exit lane for that area; and three the installation of an unmanned electric gate at the intersection of Hammock Lake Drive and the intersection of Old Cutler Road; this gate only to be opened in case of emergency by Police and Fire Departments or City Departments in case of an emergency. Since the creation of this taxing district requires modification to the access along Kendall Drive and Old Cutler Road, this item was brought before the Traffic Advisory Board on January 15, 2008 in a public hearing, and the Traffic Advisory Board unanimously approved that request. We have here one member of the Traffic Advisory Board which represents that area which is [inaudible]. Other security taxing districts that require street closures were approved previously by the City and I mentioned in the past in 1997 the Snapper Creek Division which required the closure of 101st Street and Cutler Road, and also Gables by the Sea which required the closure of Red Road and Old Cutler Road back in 1996. We have submitted with the application of the Homeowners Association letters of support by the Police Department, the Miami-Dade Public Works and Planning Department from the Miami-Dade County. This board that we have in front of us is showing what are the district boundaries, the taxing district boundaries, and they are bound to the north by Kendall Drive to the south by 94th Street...[inaudible]...to the east by Old Cutler Road, and to the west by 56th Avenue. The area that is fastest to Banyan Drive is not included in this district. You see people accessing Banyan Drive are excluded from that taxing district, so they have no part of this security taxing district. The area in yellow that you see here in this mock is the area that we [inaudible]...for this meeting because this is a public meeting and we have sent an invitation to all the people living along Kendall Drive, all the people living along Old Cutler Road, and beyond, and also the Banyan Drive area also have been notified of this meeting.

Commissioner Anderson: Mr. Delgado, if I might interrupt for a second. For the Traffic Advisory Board meeting of 2008 for the Banyan Drive and Old Cutler folks been noticed?

Mr. Delgado: Yes, the Banyan Drive people were notified and also the people...

Audience: [Noise]

Commissioner Anderson: I've heard to the contrary, I just wanted you to know.

Mr. Delgado: Well, actually the message was sent to all of them.

Audience: [Noise]

Commissioner Anderson: They'll speak to that...

Mayor Slesnick: Wait, everybody will have a chance to speak.

Commissioner Anderson: I just wanted to put that on the record.

Mr. Delgado: The board is to see notice all the areas that have been notified and actually the County only requires that the taxing district be notified, however, the City focusing extended that area to...[inaudible]...as a courtesy as part of that; actually the affected area...[inaudible – off mike]...for accessing through Kendall Drive and School House and also Hammock Lakes and [inaudible]... The next board that I am going to present to you is the one showing the residents of the district that has been voting against or in favor of this petition for the taxing district. The properties that are shown in green are the residents/homeowners in favor; the properties that are shown in red are the opposed residents and the properties that are left in blank or white are the one that have not voted. Out of the sixty-seven (67) residents that are part of the district, fifty-one (51) have voted in favor of the application, which is seventy-six percent (76%) of the totality of the residents or eighty-eight percent (88%) of the voting members, of the people that have voted; ten percent (10%) against, which are the seven properties in red and fourteen percent (14%) did not vote which are nine properties, seven out of those nine properties are vacant properties right now.

Commissioner Cabrera: Of those fourteen you did not take those and count them as no votes, did you?

Mr. Delgado: No, they were omitted.

Commissioner Cabrera: They were omitted.

Mr. Delgado: Omitted, exactly, they were omitted.

Commissioner Cabrera: Ladies and gentlemen, the reason I tell you this is because traffic calming initiatives cause, and we'll be actually talking about this later on today as my item, that in traffic calming initiatives when you don't vote it counts as a no vote, but in this case it's a special taxing district and it's a completely different set of circumstances.

Mr. Delgado: That's right.

Commissioner Cabrera: Thank you sir.

Mr. Delgado: If you were to follow the rule of the County, you know, the no vote seventy-six percent, if you were to follow the rule of voting its eight-eight percent.

Commissioner Cabrera: OK, well it still gets the majority, but we are going to talk about that later, there is a change in that, you are aware of that?

Mr. Delgado: Yes, I know, I know.

Commissioner Cabrera: OK, good, good.

Mr. Delgado: Again, out of the non respondents which are nine residents, seven of those properties are vacant right now, so that's why the association was not able to reach those people in that area. The other map that I'm going to show you shows the proposed modifications to the entrance along Kendall Drive and School House Road. Right now this is an intersection like a "Y", like a fork, and what is being proposed by the applicants is to move actually the road to the [inaudible] to the east, so that you will provide a separate entrance here, and largely in the green area to include the end of the School House Road so that the intersection with School House Road to the north is not going to be aligned to Kendall Drive, so...[inaudible]...Proposing a median along here with two lanes to enter and one lane to exit and still keeping the triangular configuration of people being able to go freely into Kendall Drive....

Commissioner Cabrera: Mr. Delgado...

Commissioner Withers: Can you move that up here Alberto,

Mr. Delgado: Pardon?

Commissioner Withers: Can you move that closer? I don't know if Kerdyk can see that, but I certainly can.

Commissioner Cabrera: That's been approved?

Mr. Delgado: This has been [inaudible]...not the final design.

Commissioner Cabrera: Is it at the County?

Mr. Delgado: The County.

Commissioner Cabrera: No, no, is it at the County?

Mr. Delgado: Yes.

Commissioner Cabrera: It is there now?

Mr. Delgado: Yes...[inaudible]...

Commissioner Cabrera: So what did the County say?

Mr. Delgado: Yes, they approve that....and I will address that point.

Commissioner Cabrera: OK.

Commissioner Withers: Did they close off School House Road on the south side of Kendall, use that green area through the middle?

Mr. Delgado: Yes, exactly. We'll enlarge the green area and shift the entrance or exit to the east side. So it's the same configuration that it presently has but shifted to the east.

Commissioner Withers: So are you vacating that portion of School House Road there?

Mr. Delgado: Yes, that portion will be incorporated into the park land over there, so that will be....

Commissioner Withers: So we can never open it again if we wanted to?

Mr. Delgado: Well, it can be opened because nothing is going to be built over there, its going to be like open land.

Commissioner Withers: Are you giving it to Dade County?

Mr. Delgado: Actually this is right now is the Dade County park according to the public records, but because this area has been incorporated into Coral Gables, you know, is within the City limits/boundaries, but it's a County park.

Commissioner Cabrera: Can we do this, can we turn that around now for the audience to see, unless you all need to look at it.

Vice Mayor Kerdyk: I'd like to ask a question.

Audience Member: [Inaudible – off mike]

Mayor Slesnick: Excuse me, but wait, wait, wait, when we get to that people will have a chance to speak, now, Alberto wait one second; we are going to – there are speaker's cards if you have not filled out one this is your chance, we are going to close these off in a few minutes here, and we are going to go through these, and I'd ask you to look at the guidelines on the back because we are going to stick to those guidelines, we obviously have a lot of people here, but this is your chance to proceed to the Clerk's office because after that we will not be taking additional cards during the hearing.

Commissioner Cabrera: And Mr. Mayor, with all due respect to you, you are extremely kind, ladies and gentlemen I'm going to ask you to behave with civility, respect, and decorum, thank you.

Mr. Delgado: This conceptual design again, have to be – remember this is the beginning of a long process, and that's important to say that the approval of this Commission today resolution will start a long process, which will require two additional public hearings by the County and they usually are held in the schools in the area, plus an election. So the County has to go through a long process, right now which usually takes a year, before we'll come back to this Commission again for designing of an interlocal agreement. So that's important to know that this is a long process that is still open to two public meetings and an election.

Vice Mayor Kerdyk: An election of who?- an election of who?

Mr. Delgado: Of the district, of the taxing district.

Vice Mayor Kerdyk: Alright.

Mr. Delgado: The other thing is that is only a conceptual design, they have not spent the money yet to do a final agreement [inaudible], this is only a conceptual design. At such a time when they have the district approved, you know, follow these steps, they need to submit a complete engineering set of [inaudible], with all the triangular [inaudible] with everything and all the properties, and everything, and then have to be reviewed by both Public Works, Dade County Public Works, and the City of Coral Gables Public Works Department for compliance with everything. So this is only a preliminary conceptual design and it's only an idea which depicts the new configuration in concept. But the details as far as driveways, as far as all the potential properties and everything will be submitted in a plan when they submit the [inaudible] for permit.

Mayor Slesnick: Alberto, can we just go back over, because I want to make sure everybody understands what we are doing; I hope we understand what we are doing. But today's consideration and today's vote starts a lengthy process which will incorporate at least two more public hearings by the County before the County gives its final approval, and then sets it to a vote of the district.

Mr. Delgado: That's correct.

Mayor Slesnick: So make sure everybody understands that, so that if we voted no today there would be no process, if we voted yes today there would still be a lengthy process, the public hearings and so forth, I just want to make sure everybody understands.

Mr. Delgado: That's correct.

Mayor Slesnick: Wait a minute, I also wanted to add too that what you have brought up is something that has never been brought to my attention, and I think David, we need to act on this when Doral incorporated one of the first things they did was they went after the park which is

now named after their Mayor, J.C. Bermudez Park on Galloway to convert that to a City park. I'm not suggesting that we go after Matheson Hammock, but I think this small passive park, I think we need to go after that to convert that from County to City ownership. I think that we should do that. I mean, if Alberto's correct and if it's a County park then there's no need for that, we should have that in our inventory. Thank you.

Mr. Delgado: The City's traffic consultant together with the Miami-Dade Traffic Division has reviewed the application and the new configuration of the entrance, and also the proposed gate at the intersection of Hammock Lakes Road and Old Cutler Drive. The County conducted a traffic study of the area at that time and determined that the closure of Hammock Lakes and Old Cutler Road will only divert thirteen out bound streets during the A.M. peak hours, so you are talking thirteen streets in that high peak hour of the morning, for a combined total of eighty-four trips during the A.M. peak hours a system plus additional. So in other words Hammock Lakes Drive only have, according to our traffic consultant, who is present right now, Dr. _____ is available for any questions, the Hammock Lakes Drive only have a total of five hundred and sixty-four (564) trips per day, in a twenty-four hour count. If you figure out that there are like thirty or more residential households living in that particular street, which according to the table of traffic indicates that every household generates an average of eleven trips per day, you are talking about three hundred and fifty, only will be taken by the local traffic, and we deducted about two hundred per day are going through there as a cut-through traffic....

Commissioner Cabrera: How many?

Mr. Delgado: Two hundred in twenty-four hours.

Commissioner Withers: And what time of day? I'm asking you what time of day will the majority of trips take?

Mr. Delgado: The majority of the trips will go at the 8:00 a.m. peak hour which is a total of twenty-three.

Commissioner Withers: How about from 3:00 to 6:00?

Mr. Delgado: 3:00 to 6:00 you know, is half of that amount, according to the count, OK. So right now you are talking about two hundred cut-through traffic are going through there in that street, which is the equivalent an average per day, about a car every six minutes. If you figure out the bulk of the hours of the day, you know, and passing through there as...

Vice Mayor Kerdyk: So Al, you're talking about coming off Old Cutler and turning on to Hammock Lakes Drive...

Mr. Delgado: Or vice versa.

Vice Mayor Kerdyk: Or coming through Kendall Drive and coming back. So that's all the traffic they are generating.

Mr. Delgado: That's right, exactly.

Vice Mayor Kerdyk: Let me just ask you a follow up question. I find it interesting that the County is allowing this to proceed, and the County has already taken a look at this and is OK with this street modification as I would put it.

Mr. Delgado: The County is considering this not as a traffic closure, a procedure per say, but as a taxing district, which is [inaudible]...that is being secure through the taxing district by providing a security guard house, and doing the necessary arrangement to secure the area.

Vice Mayor Kerdyk: And this is the same thing that you point out that Snapper Creek and Gables by the Sea did at one time.

Mr. Delgado: The same process they went through; they were considered separate not as a procedure of traffic calming, but separate, you know, consideration.

Commissioner Cabrera: Mr. Delgado, what time of the year was this study conducted?

Mr. Delgado: Well, the one for the County it was done last year, but the one for Marley Engineering was done recently, in the last two-three weeks.

Commissioner Cabrera: In the month of...March or April?

Mr. Delgado: Of actually March and April...March and April, correct. OK, so they were done recently, actually they were doing [inaudible] last week. The other information is these cars which are the ones that are cutting through that street, two hundred cars per day that are cutting through that street that don't belong there, let's put it that way, the way that those cars should go is following Old Cutler and taking Kendall Drive because eventually they are going to exit Kendall Drive no matter what, they are not going to be disappearing through there, they are going to be coming back through Kendall Drive. The level of service of the intersection of Kendall Drive and Old Cutler is B, level of service is B, which is a very good level of service because they allow the left turn movement over there to be easily done over there for those two hundred cars a day, they can make a left.

Commissioner Cabrera: Why don't you tell the public what this means, because to a lot of people they don't know what traffic engineering is all about and when you say "B" it really doesn't mean anything to them, so could you explain that further.

Mr. Delgado: The intersections are measured on the level of service, it means how quick you can go to a traffic light change, and they are actually categorized from "A" to "F" using the letters A, B, C, D, E, F, and F is failure, actually they use this as the intersection that is failing that needs improvement; A, B, and C are very good rating for an intersection, B of course is better than C, and it's a very good rating, its an intersection but its operating as far as the movements concerned, you know, in a good level of service; so the cars that are making a left turn, and this is the case of the cars that are coming northbound from Old Cutler to make a left turn in Kendall Drive, they have to position time in the light change to be able to make that movement over

there, and not having to – actually intrude into the neighborhood in a very narrow and winding, really very, very....

Mayor Slesnick: So, wait a minute, the point is that negotiating the turn from Old Cutler to Kendall there is no problem statistically by the engineers.

Mr. Delgado: Exactly.

Mayor Slesnick: And negotiating the turn onto Red Road from Kendall, the same people who exit from Hammock Lakes will be on the same road anyway.

Mr. Delgado: Exactly. Kendall Drive doesn't gain anything by that, the only intersection that will be suffering, let's say, the additional two hundred cars, is the intersection of Kendall and Old Cutler; but Kendall Drive is not going to improve no matter what they do. The other point and this is important to bring in the traffic study is that because of that close – that gate at Hammock Lakes Road, because you are using those two hundred cars that are coming through the neighborhood, the end result at the gate, now we are talking about the gate guard house, is that they will have ten trips less per hour over there, so there's going to be a reduction in traffic crossing in front of the guard house everyday, which is about two hundred you know. So the balance is that those will be safe because those people don't belong to the sub-division, the rest of the people are going to be exiting through there, so you are going to be saving a total of about ten cars in the peak hour, a little bit less in the rest of the hours, that are not going to be coming to the guard house; so they are going to have the people living next to the guard house are going to see a reduction in traffic through the guard house because of that, and the numbers are here and the traffic engineer can testify to that and present that information. What we are here today again is for Section 18.2, and 18.3 of Chapter 18 of the Miami-Dade County Charter, it is required that the municipality, in this case Coral Gables, pass a resolution of support for the creation of a special taxing district as submitted by the Hammock Lakes sub-division before proceeding with the next steps in this process, which I mentioned requires two additional public hearings, and an election, and also the signing of an interlocal agreement between the City of Coral Gables and Dade County which will be also brought back to this Commission at a future time. That concludes my presentation, if you have any questions.

Vice Mayor Kerdyk: I have a very minor question, but a couple of people have mentioned to me and I will admit that I've done the same thing, biking – people bike down Old Cutler and then they cut through there and then go back to the park, is the gate they erect on Old Cutler going to prevent people from biking or walking through that intersection there?

Mr. Delgado: No public access, no access will be prevented....the guard house does not stop anyone from coming...

Vice Mayor Kerdyk: Not the guard house, not the guard house, the electrical gate or whatever that's going to go on the Old Cutler...

Commissioner Withers: Not the one on School House Road.

Mr. Delgado: The one on Old Cutler is going to be two columns with a gate and will have a gap for pedestrians or people with bicycles to be able...

Commissioner Cabrera: And is that gap going to be grass or is it going to be some sort of asphalt?

Mr. Delgado: We don't know yet, but that's something that we can....

Vice Mayor Kerdyk: We can make it what we want.

Commissioner Cabrera: It needs to be some sort of concrete or asphalt if we go forward with this.

Mr. Delgado: Remember there is a lot of conditions that the City has placed on our letter that that gate has to be actually reviewed and approved the plans, not only for aesthetics, have to be aesthetically pleasant; the gate have to be operated with back up power electric and back up power, so that in case any moment it can be opened by the Fire Department and Police, and also the access to pedestrians and bicycles.

Vice Mayor Kerdyk: So what the Commissioner is saying is one of the criteria you are going to put in is that they have asphalt allowing pedestrians and biking to access that.

Commissioner Cabrera: That's because of 57th exist, but that's because there are sidewalks on 57th.

Vice Mayor Kerdyk: So that's a good thing.

Mr. Delgado: It might be that they have to do some controls so that cars can go through there, you know like a ball or something, bicycles will be able to...

Commissioner Cabrera: Or pedestrians.

Mr. Delgado: Pedestrians will be able to...

Vice Mayor Kerdyk: Another issue that you just answered but I'd like to expound upon it, is I think there was an issue on Old Cutler and people backed up and people took of course the route going in through Hammock Lake Drive and then weaving their way to Kendall Drive there. In a situation where there was an emergency, you just said that the gate would open up, that we would control it from the who – Public Works Department, the Police Department, the Fire Department, would open up the gate to allow the ingress and egress to happen to accommodate whatever issue there was.

Mr. Delgado: That's correct.

Commissioner Withers: Alberto, at the last meeting I asked that the neighbors from the Hammock Lakes group meet with the folks from the Banyan Drive area, do you know if that was done?

Mr. Delgado: I don't know, I don't know. The Banyan Drive as you can see from the map here are not affected at all by this district as far as the guard house or access concerns, because they have a complete separate road to access those properties. So if you see physically they are isolated from the rest, you know that application – traffic-wise again you know, the impact of Kendall Drive in that particular location as I mentioned, is not significant, so the new configuration is not significant for Kendall Drive, then you have the access to Kendall Drive, which actually still remain as it is, and they will be able to access the property in the same way that they have done it before, even if that thing is approved.

Commissioner Withers: Is that the only way that the Banyan folks get to their property?

Mr. Delgado: According to our information, yes, there is no other access, there is no other connection, physical streets, they might be walking or I don't know, that's another thing, I don't know, there is any walking path, but as far as traffic, yes, that's the only way they can access the property.

Commissioner Withers: As I understood the two concerns that the Banyan folks had were number one, putting more traffic on Kendall would keep them queued up waiting to make the turn there by the Church.

Mr. Delgado: Which is not the case, according to the traffic engineers, you know, Kendall is not going to have any more traffic because no matter what you do, if you take that route and come here, or take that route and come here, the traffic going to go through Kendall Drive no matter what. So Kendall Drive will not suffer any change in traffic with that closure.

Commissioner Withers: For westbound at 5:00 p.m.

Mr. Delgado: Yes, exactly.

Commissioner Withers: And then the other issue I think was economics whereas the roving patrol that they had would now be given up by Banyan...by the Hammocks.

Mr. Delgado: It's our understanding, and that's something that the Homeowners Association should speak, that the roving patrol would remain in effect as it is right, they are going to keep the roving patrol, and its not going to be affected whatsoever, so they would be able to keep the roving patrol as they have it right now; they have the roving patrol right now, of course when they have the taxing district approved in the future, if its approved, then they will incorporate that into the guard house operations, but the roving patrol for that area remains as it is according to the information that I received from the association, but...

Commissioner Withers: One last time, can you put the map up with the people that we objecting for a second? So the folks on Old Cutler where the emergency closure is going to be, they weren't objecting to that at all then?

Mr. Delgado: No, here they[inaudible]...which is adjacent to that property which is vacant.

Commissioner Cabrera: That was a no vote, that was a non vote, a non vote.

Mr. Delgado: Exactly. In that particular intersection, if you want to mention that, all the people were in favor all the way, actually all this area was in favor; then ...[inaudible]...is a vacant property and then the rest which are in the neighborhood of the guard house.

Commissioner Withers: Thank you.

Mayor Slesnick: Thank you Alberto.

Commissioner Cabrera: I have some questions.

Mayor Slesnick: OK.

Commissioner Cabrera: Mr. Delgado, tell me what happened between October 19, 2004 and January 15, 2008 as it relates to the Citywide Traffic Advisory Board's position, because as I read the history, and for the sake of the public, on October 19, 2004 a community meeting was held with the participation of the affected property owners, and at that time the Traffic Advisory Board voted against the proposed closure. Then subsequently studies were done and other meetings were discussed and other alternatives were also contemplated, and then on January 15, 2008 the Traffic Board met again, reheard the petition from the homeowners, and the Board unanimously approved the petition. Now I happen to know a little bit about that Board as you know, and the composition of the Board has not really changed all that much since we created you all, so I'm just curious what happened.

Mr. Delgado: OK, the main difference was when they came back, when they came the first time before the Traffic Advisory Board in 2004, they were coming as an application for a street closure. Absolutely, they wanted to close Hammock Lakes with no other reason that closing it for the fact of closing. So when you are proposing or presenting before the Traffic Advisory Board or before the City, a proposal for a closure, you need to follow the guidelines of traffic calming which means you need to get the approval of two-thirds of the affected property owners that are going to be affected by that closure. Not only is the district but also include...[inaudible]...and people that use the road. At that particular time the Traffic Advisory Board said no, we don't want you to close the street because you don't have any other reason to close the street and this is the only purpose of that, you have to go through a lengthy process, you have to go to another public hearing and the Traffic Advisory Board denied that application at that time. Since then they went back to the County and they looked at the possibility of creating a taxing district, and they said what the County would need in order to pay a taxing district, and the County said in order for you to do that you need then to create a taxing district with a guard house which that would be like a different way to consider this, and then you need to submit this

to all the traffic studies that the County is going to do for a taxing district. The County performed all of this, the Planning Department and the County also looked into that and they considered this to be an enclave in which you can actually by doing that modification do that. However, the Traffic Advisory Board still put a condition, and the condition was that this closure have to be a gate, not the closure that happen at Old Cutler and ...[inaudible]...Snapper Creek or in Gables by the Sea its just a wall, they said you need to gate that entrance so that in case of an emergency still would be access, and with that caveat, that condition, the Traffic Advisory Board unanimously approved that application in that light.

Commissioner Cabrera: OK. Now take me to the practicality of the gate that our public safety departments will have access to, let's say there is a, I think Mr. Kerdyk made a comment about traffic being diverted because of, say a force main problem, which happens in that area, and you are well aware of those, what is the actual practical approach to reopening that gate?

Mr. Delgado: We will notify the guard house, the guard, the security guard that go to the station right there which is a company, they use a company...

Commissioner Cabrera: Right.

Mr. Delgado:...and notify that we are going to be opening the gate; they will have to make provisions at that time to bring a guard to that location, you know, most likely the taxing district will have to bear the cost of that, bring a guard to that location and keep the door open, or the gate open until the emergency is taken care of, that's the procedure that is followed on that. So the gate will be wide open, the guard will be stationed right there, keeping track of people coming in and out, and allow for the emergency to be resolved.

Commissioner Cabrera: My last question is as far as the public safety department, I've read e-mails from folks and I've never seen everybody get so excited over something like this, but this and metal roofs are the driving forces of our City these days, forget pension reform, forget the Country Club, this is it man. Having said that, what do our public safety departments say about this proposal because I've read e-mails where people say of Police and Fire Departments are against it. So I want to hear it from a public official, a City official.

Mr. Delgado: I have in the package here a letter from the Police Department, and actually I will read it to you here, and that was a letter that was submitted when we had that public meeting in front of the Traffic Advisory Board, and this was signed by Chief Hammerschmidt, Police Chief of the City of Coral Gables...

Commissioner Cabrera: I want both from Fire and Police.

Mr. Delgado: He is talking also on behalf of the Fire Department, looks like he was the one who sent the letter representing both departments, both Fire and Police, and here is the letter. It says, "pursuant to your request the Police Department has reviewed the proposal by the Hammock Lakes Homeowners Association for installation of an unmanned security guard gate at the intersection of Hammock Lakes Drive and Old Cutler Road. At this time the Police Department does not object in principle to the installation of an unmanned security gate, however our

position on this matter is subject to the following provisions, that all Police and Fire department personnel be provided with the necessary means to remotely open the gate for emergency response purposes, and two, that the ability to remotely open the gate be restricted to emergency personnel and not be provided to residents of the neighborhood. If you have any further concerns in this matter please contact my office” and signed by the Chief of Police Hammerschmidt.

Commissioner Cabrera: Thank you sir, that’s it for me.

Commissioner Withers: Can I ask him one last question, just philosophically. And I’m not promoting this idea, but let’s say the people on Pinta Court wanted to close off the entrance that they have on Bird Road, and put up a guard house where Santa Maria and Pinta Court are; usually we’ve closed, we’ve gated communities when there is the bay on one side and we really never really gated communities that are in the middle of a geographical area, unless I’m wrong...

Vice Mayor Kerdyk: Snapper Creek would be it.

Mr. Delgado: No, there is no difference; people in Pinta Court, let’s say the five or six residents that live there, I don’t know how many, few residents decide to get a taxing district and put a guard house at the entrance of Pinta Court so that when they come back to Bird Road...

Commissioner Withers: And they close Pinta...

Mr. Delgado: If they go to the taxing district, if the County analyze that and the traffic is not a problem...

Commissioner Withers: Would staff support that?

Mr. Delgado: Well that is something that we need to first look at the consideration of the County first, what the County has to say...

Commissioner Withers: The County said it was OK.

Mr. Delgado: The Fire Department and the Police Department...

Commissioner Withers: The Fire Department and the Police Department said it was OK.

Commissioner Cabrera: Well you’ve got traffic studies though, you’ve got...

Mr. Delgado: Yes, staff will probably be recommending favor of that, so the fact that no public will be denied access, everybody can go there, the public can still go there.

Commissioner Withers: How about input from the Planning Department.

Mr. Delgado: Yes, the County Planning Department...

Commissioner Withers: No, no, our Planning Department.

Mr. Delgado: Sure we will get input from our Planning Department.

Commissioner Withers: And if our Planning Department said they disagreed with that because it was not in the vision or the feel of the City.

Mr. Delgado: That's an objection that would be brought before this Commission to be considered, yes, absolutely.

Commissioner Cabrera: Chip, you know what?- I mean, that's an excellent point you've brought up, I'll give you another example that's right across the street, Mariola Court, this is more like Mariola Court than Pinta Court because Pinta Court still continues to face cut-through traffic.

Commissioner Withers: Yes, but there is no guard gate on Mariola Court.

Commissioner Cabrera: I know it.

Commissioner Withers: There is just the street closure on Bird Road there.

Commissioner Cabrera: Right, but my point to you is it's very similar in terms of that "U"; you go into Mariola Court thinking you're going to beat people on Bird Road westbound and you find yourself back on Bird Road, that probably is more suited, I don't know, maybe I'm wrong; what I find on Pinta Court and Santa Maria that you have lots and lots of cut-through drivers, not necessarily going on Pinta Court, but using that street to then go on Santa Maria and go southbound to Blue Road or Mendavia anyone of those streets...

Commissioner Withers: That's your neighborhood.

Commissioner Cabrera: Right, right, that's what I see.

Commissioner Anderson: May I just a comment if I might; but one street does that or an area does that, another area does that, and another area does that, what moral high ground do we have to stop that from happening, that's my biggest concern.

[Audience Applause]

Commissioner Anderson: I'm not making a judgment on this one as far as people, I'm doing stuff on principle and I wanted to kind of be devil's advocate, you know, what's to stop us having guard gates in many other places, I'm not saying this would become like a wild fire locust, but you know, what moral high ground would we have and what judgments, and what process, and what guidelines would we follow in order to do that. I'm just trying to fathom that, and I can't come up with that.

Commissioner Cabrera: And I think your point is well taken, but the way I would handle it is, is on a case by case basis because not every single one of these will be exactly the same, that's the way I would – just the same way the Board of Adjustment handles variances on a case by case basis.

Commissioner Anderson: But its OK, we have a philosophical difference of opinion, not a problem.

Commissioner Cabrera: No, I was telling you how I would handle it.

Mr. Delgado: One thing to consider is the economics of this, because the motive for the taxing district to be affordable has to be a volume of people living in that particular area, so there is a number, you know. Actually the cost of operating a guard house per year is exceeding one hundred and fifty thousand per year, and plus the cost for the initial capital improvement that have to be placed over there, which right now guard house in the four hundred thousand dollars; the construction of the guard house and the site improvement you need to do. So you are talking about of an initial investment of more than a half a million dollars plus continuously every year you have to invest; so economically you have the voting of people that are in the area to be able to afford, really that type of....

Vice Mayor Kerdyk: I got to say, I see a distinct difference between an enclave of Hammock Lakes or Snapper Creek compared to the middle of the City, Santa Maria. Now, I don't know what the County would do in this situation, but I see a distinct difference between the two. But however, I wanted to ask you one last question – the five hundred trips, which three hundred are residents, two hundred are people outside, what is...just for my own knowledge, what would be a street, a residential street in the Gables that may have some traffic, give me some comparisons as what five hundred would be.

Mr. Delgado: We tried to keep the local streets below twelve hundred trips per day; we are talking east, west, north, and south in either direction in twenty-four hours. Any street that starts getting more than twelve hundred trips per day starts loosing its residential characteristics, however we have streets like Obispo three thousand (3,000); Cadiz, they have about three thousand per day, you know, and even more...

Commissioner Cabrera: Milan.

Mr. Delgado: Milan, exactly. So those streets are hitting the three thousand...

Vice Mayor Kerdyk: I just wanted to see what the comparison was.

Mr. Delgado: ...five hundred-six hundred, you know, range is let me tell you, low compared to an important street because Hammock Lakes Drive is an important street because it serves the entire community over there. It's a low volume compared to other streets that we have in our City.

Vice Mayor Kerdyk: Thank you.

Mayor Slesnick: OK at that point we are going to give the petitioner a chance to make a presentation, somebody speaking for the petitioner?

Mr. Freeland: My name is George Freeland; I am President of Hammock Lakes I and II Homeowners Association. As you know we've been before you before, so I'm sure you are well aware of this issue. From the homeowners perspective it's a very simple issue; it's an issue of the right of the vast majority to determine an agreed upon election. By way of background, about four years ago when I moved to Hammock Lakes there was a big debate over how many of the residents were in favor of guard gate and how many were against it; and there was a very strong vocal group that claimed that the vast majority of the people were against the guard gate. So in order to settle this dispute, an honest dispute among neighbors we decided to take a petition. This petition was circulated to all the homeowners in the community; there are approximately seventy homes in this community, of those seventy homes, fifty-five signed the petition in favor of the guard gate and six signed against it. Today you have before you many of the people who are in favor of the guard gate, and I believe two or three members of the taxing district that are against it. This hearing today is a product of the minority not agreeing to go along with what the vast majority of the residents want. Eight-eight percent (88%) of the residents which if you count any election in an election year like you have today is an enormous number of people voting in favor of the proposition. There is probably no greater accord in favor of this than any other issue before the election. In the context of writing this petition there were several homes that we were unable to get a hold of. Some people were – there was one house in foreclosure, there were a couple houses owned by developers that were vacant, and there was one house that I met with who gave me oral assurances that they are in favor of it, but we never got their petition back. Now, as a product of this – as a result of our last hearing some of our members of the taxing district went out and met with other people who are not in the taxing district, member of the Banyan Homeowners Association, and they claim that our efforts were to eliminate the roving patrol, and can tell you this is the farthest thing from our agenda. In fact, as President of the Homeowners Association, I can give you my word that as long as I'm President we are not eliminating the roving patrol, in fact, we had a joint meeting of both Homeowners Associations and there was not one attendee at that meeting who voted against the roving patrol. So the concept that we are seeking to affect the Banyan Homeowners in any way is sheer fabrication. Now, today you are going to hear all sorts of objections; you are going to hear that people are claiming that they didn't get noticed of the Traffic Advisory Committee, I can tell you the people that attended – the people that are objecting today attended the Traffic Advisory Committee, those that are members of the taxing district. You are going to hear that some of these drawings are not drawn to scale and things like that, but I can assure you that everyone here today understands exactly the size and the dimension of the proposed guard gate. So there is no confusion, there is no due process issues; everybody understands what we are talking about, and the issue before you is whether the vocal minority of three or four houses that feel strong enough about it that are here today, should prevail, whether the fifty-five houses that signed a petition in favor of it, the fifty-one votes that were counted officially for it should be given the right to determine the safety and welfare of their families. That is the very simple issue. Thank you for your time.

Commissioner Anderson: Thank you. May I have a quick question to Liz?

Mayor Slesnick: Yes.

Commissioner Anderson: Liz, do we have the right to impose conditions on this approval of this taxing district?

City Attorney Hernandez: Yes.

Commissioner Anderson: Like Mr. Freeland said they are going to keep the roving patrol that could potentially be a condition of approval that the Commission could ask?

City Attorney Hernandez: Yes.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you. Here's what – we are going to go into the public hearing, we have over an hour worth if we stick to the time limitations, which we are going to do. We do try to be a very – this is a home town to all of us, we like you live here, we try to be friendly and neighborly, but we do need to move so we are going to stick to the three minute time limit. You probably will win great favor with the Commission if you go shorter than that. If someone else has said exactly what you are going to say, we would urge you to adopt their remarks and remind us that you are in favor of what they said and we'll move on. This is not because we are not concerned about your opinion, it's because we'd like to have an orderly process to get through this.

Commissioner Cabrera: Before we do that, may I just stay with what Ms. Anderson asked?

Mayor Slesnick: Yes.

Commissioner Cabrera: Since the City Attorney agreed with Ms. Anderson in terms of making a condition as part of this agreement to keep the roving patrol available to the community; Mr. Freeland you on behalf of the Homeowners Association, are you in agreement if that condition should be discussed today to make it part of the agreement.

Mr. Freeland: [Inaudible – off mike]

Commissioner Cabrera: Would you come back to the microphone. Here's what you said, you said as long as I am President.

Mr. Freeland: Yes, absolutely and from my personal perspective, and I'm a firm believer in democracy; I think it needs to be put before a vote at the Homeowners Association. I suspect that the strong feeling of the Homeowners Association will be to approve such a condition, but we have not brought it before the Commission because, particularly because the primary objections of the dissenters is that they think the cost of the gate is too high, so we've tried to retain some flexibility and not mandating both costs.

Commissioner Cabrera: Well let me warn you that may come up today. I haven't made a decision, I'm listening to all sides today so I have no philosophical position thus far, I want to hear both sides, but I want you to know that maybe at some point in time that condition may be

asked of you, and what I'm hearing from you is that you really would then need to take a vote of the community at large before you can make that commitment, but you made that commitment already to us.

Mr. Freeland: I've made that personal commitment.

Commissioner Cabrera: I know, but then what happens to you tomorrow when you get tired of all this stuff and you go on to bigger and better things, you're not there anymore, and then the next person that takes your place they don't have to make the same commitments you made.

Mr. Freeland: Understood. I think that if that condition is brought before us, we certainly would consider it.

Commissioner Cabrera: OK.

Commissioner Anderson: I think – correct me if I'm wrong – if we impose a condition you have to follow it.

Commissioner Cabrera: Yeah, I mean...

Mr. Freeland: Understood, but we still have the option of pursuing the additional legislative agenda right, in other words, if my job as President of the Homeowners Association is to follow the will of the residents...

Commissioner Cabrera: Right.

Mr. Freeland: ...right, if the residents determine that's something they didn't want to pursue, we wouldn't continue it with the County, but what I'm saying is my gut feeling is that people would not be opposed to that.

Commissioner Cabrera: But if Ms. Anderson is correct, we could come up with that decision today, and if that is the decision then you'll either have to abide by it or literally...

Mayor Slesnick: And Jorge said that, he said that the fact of the matter is that they could drop the petition.

Commissioner Cabrera: Drop the petition.

Mr. Freeland: In other words if you put that condition on and you feel as though you want to legislate with the homeowners not ask for, that your opinions are more important than...

Commissioner Cabrera: We do that all the time, we do that all the time.

[Laughter/Applause]

Mr. Freeland: Then certainly, I mean, I think the important thing is to get this approved.

Commissioner Cabrera: OK.

Mayor Slesnick: Thank you very much. David, before our next large public hearing I would really like you and the Clerk to work on having some kind of system of timing and lights and things like that which are at most sophisticated meetings so that people know, and the Mayor doesn't have to look down and read his watch and try to keep up with it, I'm tired of that, and it makes me the center of time-keeping which is unhappy circumstances. We'll continue on now with that unhappy circumstance. Our first speaker is Lynne Gelfman, 9401 Kerwood. Excuse me, you need to come forward.

Ms. Gelfman: I am very concerned about the two lines to enter and the one line to exit at the gate.

Commissioner Anderson: Ms. Gelfman, you need to give your address too.

Mayor Slesnick: I've got their names; I'm announcing their names and addresses if I can read them.

Ms. Gelfman: Because I know there is a proposed plan for a park and where would the trucks be able to have access to the park, and it seems like Banyan Drive would be that access.

Mayor Slesnick: OK. So your concern is with the design of the guard house and the accessibility.

Ms. Gelfman: There should be two – trucks should be able to access both ways.

Mayor Slesnick: Thank you. Alberto, we're taking notes right? OK. Ofi Fernandez, 5441 Banyan Drive.

Ms. Fernandez: My concern – I'm on Banyan Drive, I'm on Banyan Drive.

Commissioner Cabrera: Can you show us exactly where you are.

Ms. Fernandez: Sure – I'm right here (pointing to map). So my house backs up to Kendall Drive and the front of it is on Banyan Drive, so I am very concerned with traffic on Kendall Drive backing up; traffic on Kendall Drive is already bad and getting worse, it's not getting any better, it's very bad. If you close off School House Road on the south side of Kendall Drive and you close off Hammock Lake Drive people can't come up Hammock Lake Drive to School House Road and cut across Kendall to School House Road headed north so that they can access some of the other schools in the area, since we have five schools in the area, it's a low density area as far as homeowners go, but it's a high density area as far as schools go; there are five schools in that area and traffic is very bad in the morning and between 3:00 and 6:00. I'm also concerned about accessibility to the Dade County nursery if you close off that part of School House Road. There is a park area back there which will basically be closed off virtually to all residents and of course on the third point is that I'm just opposed to closing streets in general because as Commissioner

Anderson said, where do you draw the line, where do you stop closing streets, all of a sudden the City becomes un-navigable.

Commissioner Cabrera: Before you sit down Ma'am. So you oppose not only the Old Cutler gate, but you oppose the guard gate as well.

Ms. Fernandez: Oh yes.

Commissioner Cabrera: You call it a closing even though the guard gate provides complete access to motorists, cyclists and pedestrians.

Ms. Fernandez: Yes, you can say that, but somebody in that area may know that they can get through, but people that are not familiar with the area that are coming to that parkland, to that park area will see it as a barrier and not go.

Commissioner Cabrera: And how does that affect you on Banyan, how does that affect you adversely?

Ms. Fernandez: The Park?

Commissioner Cabrera: No, how does that affect you that someone may not know and have to go elsewhere, how are you adversely affected by that?

Ms. Fernandez: Well...

Commissioner Cabrera: I'm really interested in knowing.

Ms. Fernandez: A park is a park, and it should be available to all residents of the City, so does it adversely affect me personally adversely – no, but in general it lowers the quality of life in the City as residents cannot reach a park.

Commissioner Cabrera: OK. I appreciate your answer.

Ms. Fernandez: Thank you.

Mayor Slesnick: Cynthia Trescott, 5351 Banyan Drive and/or 5350 S.W. 88th Street.

Ms. Trescott: However you want it; you guys call me two different addresses so I wanted to make sure I was clear. You know, the last time I was here was to get annexed into Coral Gables and the community was a whole at that time, and the community was a whole as a taxing district for our roving patrol. Since that time there seems to have been a movement to, what I would call by lack of better terms, cherry picking of neighbors. We have split Hammock Lake II in half if you look at this. Those Hammock Lake residents that are on Banyan Drive that are on the lake are eliminated from this, so they have the same interest in their property value, but they have been excluded. We have also been excluded from any traffic hearings. When they use the term "all members" of the community agree at eighty-eight percent they are using that in a loose term;

they are using it as eight-eight percent of how they divided Hammock Lake I and Hammock Lake II and excluding the residents on Banyan Drive. I feel this would be a kin to splitting Snapper Creek in half from a property, form integrity of how we started the annexation; it just does not make sense to me. I agree with wanting to gate, but I think if you want to gate and if you want to close off roads you need to do it as a full community, and take the full community's interest in mind, because although they will tell you those two hundred cars will not make an impact, I will ask each one of you to come there between the hours of 5 and 6 o'clock and also look at the amount of traffic accidents that have occurred between 5 and 6 o'clock at Banyan Drive. When the question came up about the park, how will affect if its closed?- I can tell you when I go out to my mail, I must have to direct people traffic, I don't know how many times because when they can't get in to one entrance they come down Banyan Drive even though it says no outlet and they are going to try to get through the park that way; they are going to try to find addresses that way, so now we are diverting confused traffic onto Banyan Drive and we are taking the brunt of that. We are also taking the brunt of – one minute OK – anyway, I feel that this has been a cherry picking; it has put a cumbersome burden on the remaining resident who may want a gate, and now we have to do it with fewer residents and fewer facilities to make it happen. We have not been included in these discussions, there has never been a global plan addressed; I believe it's been a ram-rod.

Commissioner Withers: So would you be in favor of putting a gate up on Hammock Lake Drive or Banyan Drive...?

Ms. Trescott: If it was included as an overall plan. I do not believe in doing one side of the development and not the other at the same time to preserve the integrity of what is known as the Hammock Lake Community.

Commissioner Withers: So, yes, you would agree...

Ms. Trescott: It goes out in front of my...

Commissioner Withers: Philosophically you don't have a problem with the gate.

Ms. Trescott: I'm the one who has to steer at it; I have no problems steering at it.

Commissioner Withers: It's in front of your house.

Mayor Slesnick: In looking through this we did have someone who took the time to note that he had to leave at 11:30, John Fox, is John still here? John Fox of 8845 School House Road.

Mr. Fox: Thanks for letting me speak; I was getting a little worried. My name is John Fox; I live inside the proposed tax district. I was that big red blotch, right inside the proposed gate on the east side of School House Road. I'm concerned because of the proximity of the proposed gate and guard house location being so close to my property, right now this conceptual drawing shows the feature right in the middle of my neighbors property on my north side, but what's adding to my anxiety is the fact that this is a conceptual drawing, nobody is making any promises that this is going to be as it would be built. So right now I really have no way of knowing where

it's going to be built and if you are going to assume the worst it could end up right in front of my house which – who would want that. I don't mind looking at it so much as the person before me said, but the people slowing down hitting their breaks, acceleration, the congestion that it will cause, its not going to enhance my quality of life there and certainly when I bought my home eight years ago I never considered the possibility that this could happen. The only other thing I'll say is that I've been to a few of the meetings for this process, and I'm not clear in my mind what is the compelling reason to gate our community. I've heard some, what seem to be vague references, crime. It could just be I didn't understand it, but it seem vague to me, and other than that it's a beautiful neighborhood, high property values, its been a lovely neighborhood for many years, always coveted it, and finally got to buy a home there and loved it, and I just don't understand why we might be trying to fix something that is not broken. Thank you for your time.

Mayor Slesnick: Thank you Mr. Fox.

[Audience Applause]

Mayor Slesnick: Applauding will just extend this and isn't really helpful to us. We have lots of opinions in the room and we know they are all closely held, so we respect them all. Bill Ogden, 5590 Hammock Lakes. He has signed as a proponent. Suzanne Brawner, 9100 School House.

Ms. Brawner: Mr. Mayor and Honored Commissioners and fellow neighbors, I am one of the yokels who live in a red blotch also. We've lived there for an infinite number of years, and I would just wish that you all would wait until we died before you did this.

(Laughter)

Ms. Brawner: The purpose of this project is not for traffic abatement, it is not for security, it is for the enhancement of the properties of the individuals who are in the majority. To refer to us as a vocal minority is interesting, it's almost said like a slur. Well, the majority is also vocal and I'll say that like a slur. There are many traffic issues that are negative here; one of which the lines of traffic when St. Thomas School gets out or people are taking their children over to team sports or over to Danny Purcell Park, the line from Red Road goes far past School House Road many, many times during the day. If you are attempting to travel south on School House to cross North Kendall, if this impediment, this barrier goes up, someone will have to immediately make a left on to North Kendall and then stop dead to make a right to go into the gate. I'm very curious about liability issues; I don't know if those lie with the taxing district, with the City, but this is a traffic disaster waiting to happen. On its face I think this is an elitist, undemocratic issue that is before you now. I recommend that those people who would like to live in a gated community move to one, the whole majority of you. Thank you.

Mayor Slesnick: A. Blackwell Stieglitz, Blacky Stieglitz, 8820 School House Road. Good morning Blacky.

Mr. Stieglitz: Good morning. I am not going to belabor many of the things that have been said, but I would just say to you Gertrude Stein rule, "A rose is a rose is a rose", and we are wordsmithing here if we are going to say this is not a street closure. This is a street closure and it was turned down in 2004 and these people, the agitators have done nothing beyond trying to

work around that, and it is a street closure. Now, I take issue with you Elizabeth (City Attorney), I am probably the only one in the room who've been downtown and looked at the file at the Special Taxing District Office, and I will tell you a) that's part of the agenda of the proponents was, and I see no evidence on the basis of Mr. Freeland's remarks, does not continue to be to fracture this Special Taxing District supporting the roving patrol; but if you go down there and read that four inch file, and I've done it, the Taxing District Office told the proponents you cannot have a petition based on two issues; if you want closure ask for closure; if you want to get rid of the roving patrol that can't be part of it; and you can't put that condition on it because the County won't let you, the Special Taxing District said they couldn't do it, and therefore you are not in a position to do it either, and I suspect Elizabeth you've not been down there and looked at that file either.

City Attorney Hernandez: No, I have, but thank you.

Mr. Stieglitz: You said you have?

City Attorney Hernandez: Yes, I have.

Mr. Stieglitz: OK, then you are not in a position to dispute what I said because that's what's there, and in any event process – this has been a travesty of process. The matter was brought before the Traffic Advisory Board in 2004, came back in January of 2008, in the middle by the way there was an attempt to bring it to the City of Coral Gables, and the Chairman of that Board, which Commissioner Cabrera you were instrumental in putting in place to deal with situations just like this because of the problems that have been created in the wider community ten years ago. Nevertheless it was determined that that process was a failure because the appropriate people weren't notified, and I've met with the City Manager and the City Attorney and with Commissioner Anderson, and there seems to be a consensus that we need to have the process correct. Well, an inquiry was made and a decision was made, I gather, not by the Commission because I never heard anything about it, but it was made by staff, you're not going back properly back to the Traffic Advisory Board as you should as you should and give notice to everybody you are going to come to the Commission, and I say to you process must be observed, and I say to you this is road closure, the Commission has turned it down, and you should turn it again.

Mayor Slesnick: Thank you. Joyce Newman, 1212 Santona Street.

Ms. Newman: Good morning.

Mayor Slesnick: Good morning.

Ms. Newman: I am here representing the Riviera Neighborhood Association of which I am the current President. We currently have nearly two hundred dues paying members in an area east to U.S.-1 and north of Sunset Drive. Our By-Laws permit any homeowner residing in Coral Gables to join. We communicate with about eight hundred (800) homes. In view of that fact, I am going to ask if I can have a few extra minutes because we have told our members that they did not need to come to this meeting. OK, well I'll notify our members of that. Thank you.

Mayor Slesnick: I think that you are expressing the view of the Neighborhood Association, which you did on the card.

Ms. Newman: I did.

Commissioner Cabrera: And you've also expressed in writing...

Ms. Newman: I said the Riviera Neighborhood Association.

Commissioner Cabrera: And you've also expressed in writing your position to the five of us.

Ms. Newman: No, I just had some questions, those were questions.

Commissioner Cabrera: No ma'am, you may have thought of them as questions, but I thought they were statements.

Ms. Newman: I said there were questions that might be helpful that they were answered by the discussion before.

Commissioner Cabrera: Well, I reviewed them and read them and felt they were rhetorical.

Ms. Newman: Anyway, I don't have those questions.

Mayor Slesnick: OK Joyce, I tell you what, as a courtesy to the Neighborhood Association your three minutes starts now.

Ms. Newman: OK thank you. Many of our members including myself use these roads as an alternate route primarily to Old Cutler and for walking, jogging and exercising their dogs. Automobile use of these roads is mainly because Old Cutler and Kendall are not infrequently blocked by tree-trimming or trash pick up vehicles. I can honestly say that in thirty years my husband and I could not remember this morning encountering a single car on Hammock Lake Drive perhaps because we travel it on Saturday morning, and I would suspect that many of the two hundred extra cars in a neighborhood of this wealth could be occupied by people who are maids and other providers, contractors for construction included. We feel that we would at least be able to use the streets as an alternate route, and that they would still be somewhat available for public automobile use if there was a man guard house at Old Cutler and Hammock Lake Drive as well as at the intersection with Kendall. We would also expect a marked pedestrian and bike entry and path throughout to acknowledge public use. As a nurse and with regards to the emergency issues, I will tell a story; the emergency room nurse at South Miami Hospital insisted that there were two entrances to the emergency room. She was told don't worry; the main entrance will never be blocked. As a boat owner at Matheson Hammock, I can foresee an instance where people would be injured and people would attempt to take them in a private car and would be obstructed by traffic at Kendall and unable to use an alternate route. The South Miami emergency exit was blocked by a ninety year old that I happen to know who drove through it, so things like that can happen, and emergency access is important to the community. Two guard houses and pedestrian and bike entries would not satisfy my constituents or me in regards to other issues. The major other issue relates to the fact that the School House Road ends

at a large portion of Matheson Hammock Park. I have learned that Dade County does in fact plan to develop that portion of Matheson Hammock Park for appropriate and sensitive public use. If these streets are less accessible your citizens from other areas, the Gables, would lose an important, direct and unobstructive route to public park land. The only aspect of these street changes that we would view positively would be that the swale parking of those visiting the park would have to be accepted by the area homeowners. As traffic would be monitored by a guard the need for concerns about unsavory characters would end and parking on public swales would be expected just as it is in other parts of the City. Ultimately however, the Riviera Neighborhood Association feels that that road closure and a change of a previously ungated community to one that is a gated community is a use of public land for private profit. The community at issue would have a public park for their back yard undoubtedly raising property values, while other Coral Gables residents and neighbors would have more difficulty accessing public streets and a public park, which their taxes are paying for. I'll close.

Mayor Slesnick: Thank you Joyce.

Ms. Newman: OK, the rest...fine...I'll turn in the rest of it.

Mayor Slesnick: Well thank you and I also feel like Commissioner Cabrera, I know that you put them in question form, but I can assure you we all read your e-mail. As you know I responded to you.

Ms. Newman: Well, I'll be happy if you can assure me that you'll read the rest of my statement today, and...

Mayor Slesnick: Yes.

Ms. Newman: Thank you for your time.

Mayor Slesnick: No, thank you.

Ms. Newman: And I did want to say that I did ask for notification to our Neighborhood Association and to people who lived on School House Road, and our neighborhood was told we could not have that.

Commissioner Cabrera: I need to ask a question.

Mayor Slesnick: Let me ask a question, Joyce, do we have any kind of official action by the Neighborhood Association suggestion that this is the Association's position because Joyce, since you've put the word out I've gotten a number of e-mails from your members and some do not agree with the position you are stating.

Ms. Newman: Well, let me say...

Mayor Slesnick: Has there been an official action taken?

Ms. Newman: We had a vote by the Board, and that our neighbors had been notified but not as much as...I did not have as much knowledge as I did today. I did not know that the public park was already planned for development of some sort, and I did not know about the situation with the gate on Old Cutler, so many people, they told me they didn't mind this until I explained to them that it was essentially be an area where we could make a circular route. Most of the people did not realize that you could not exit or entry at Old Cutler.

Mayor Slesnick: So in other words this was a vote of the Board.

Ms. Newman: Yes, but again, the members did not understand, they've told me that the Old Cutler entrance would not be accessible.

Mayor Slesnick: Because in a correspondence I had with Mr. Juley, who I believe is a member of your Board, he recanted...

Ms. Newman: He is not a member of the Board.

Mayor Slesnick: Oh, he is not a member of the Board, OK.

Ms. Newman: He is the Chairman of our Traffic Advisory Committee, and he is an affected member, and I can speak to him, and he was the one who did not understand.

Mayor Slesnick: Well, he, this morning he e-mailed me recanting his position of last night.

Ms. Newman: I think he asked you to postpone because he didn't understand the situation that the entry would not be allowed on Old Cutler.

Mayor Slesnick: OK, thank you. By the way, Mr. Manager, are you there?

City Manager Brown: Yes sir.

Mayor Slesnick: We have no notice of the any development of the park down there, I don't know who has put this word out, but I'd like to know. Dan, do we have notice of the County's development of the park and their nursery area? OK, the answer is no. OK, the answer is no, so that's news to us.

Commissioner Anderson: Is the answer no or I don't know?

Mr. Dan Keys: I don't know.

Mayor Slesnick: Well, I mean, the City has not been informed of any such...

Commissioner Anderson: Actually a few years ago, I did have a meeting regarding that park, there are plans at some point whether they happen sooner or later, there are plans by the County, but I'd leave that to others to find out.

City Manager Brown: Fred, do you know anything about the park down there?

Mr. Fred Couceyro: We have had some leads with the County in the past and it centered mostly on the area to the east of Old Cutler. They were going to have some development on that nursery property, but from my knowledge is that it was more of a trail type development...

Mayor Slesnick: From Old Cutler?

Mr. Couceyro: Yes, where the parking – the parking right now for the access to the park is at Old Cutler and there are trails that go in, and that's the only development that I've heard of in discussions so far.

Mayor Slesnick: So, in other words people have access from Old Cutler that's where they park and that's where they can take the trail.

Mr. Couceyro: Yes, they have trail access.

Vice Mayor Kerdyk: Actually that's where I go; I always park at Old Cutler and walk through there.

Mr. Couceyro: Currently the entrance to the park from the neighborhood has a sign that says no access.

Mayor Slesnick: If we are all not going to be confused I want to make sure we have the right information. Thank you. Rosemary Steiglitz, Mimi Steiglitz, 8820 School House Road.

Ms. Steiglitz: Good morning, I'm not a public speaker, and I did not sign up to speak, but I will say that our home is right where – we are opposite the home where John Fox lives, so we are here (pointing to the map). That conceptual drawing is an amazing concept because there is not room for three lanes, if you have two lanes anyway, would be right outside our driveway. There is not a separate island of greenery there as depicted, it's just a fanciful picture, of course this would be right outside our driveway. We would be hearing the construction; it is being forced down our throats to pay a lot of money to have a structure built out there; we would get to hear all the noise, and not only of the construction but of all the traffic backing up when the guard is right on the [inaudible], taking a bathroom break sometime, who's going to put the gate up at one in the morning after a big party down the street, and the horns are going to be honking. Anyway, it is as many people have said, it is a street closure because you want the people at the other end want a wall; you know what we'll take a wall, put the gate over by Old Cutler, that's fine, let them have it in front of their house, but no, they just decided that to improve their lot we are going to help pay to have this in front of our driveway. So that's the conceptual design. I would like to go back to the January meeting when the Fire Rescue, the head of Fire Rescue, not the head of the Police Department said that the closure represented, the wall at Old Cutler represents serious delays; key pads and activators go bad, sometimes citizens puts locks, their own locks, on a gate, and it is very time sensitive with cardiac arrests are involved, it is not – we are talking about serious issues as far as safety goes, we are not talking about a high crime area, there is also, I'm sorry I'm just good at public speaking, but...

Mayor Slesnick: You are doing very well.

Ms. Steiglitz: ...if we loose our roving patrol – we cannot – people seem to think with the gate house we are going to be safer somehow, well we are not. All cars are allowed through and the unarmed man in the gate can't run down the street and protect the way the roving patrol is, and regardless of what people say this is – what's prevalent is that once this is up everyone is going to check out, the other people are going to check out of wanting to have the roving patrol. I would like to question this recent traffic study that's done within the last week or two, was that not during spring break when most people were out of town with their young students from all the schools, the five schools that are in our area who use that street. What about the safety factor again, anyone can apparently, anybody can get through, as a pedestrian or bicyclist can get through the wall which is now being planned for Old Cutler. You know when we moved there thirty years ago to our address, it was quiet, it was peaceful, and that's what we wanted. People now move there and they say, well we really want to be in a gated area, as Susan Brawner said, then fine, move to a gated area, no one's forcing you to live here, but you are trying to force us to have this imposed on us, have us pay for it because you want it, and have our quality of life, the noise the traffic outside our house just ruin our quality of life. I just will never get over it. Sorry to carry on, but please do at least look at the conceptual drawing and realize that it is totally out of wack...you would need to take away part of our swale and part of John Fox swale to even put that in there. Thank you.

Mayor Slesnick: Mimi, thank you, and by the way you were very good at public speaking. Jeff Bartel, 6909 Mindello Street.

Mr. Bartel: Thank you Mr. Mayor, also property owner at 4995 Hammock Lake Drive; very quickly four issues: process, parks, and politics and ultimately your professionals. Process: the process that was gone through for this was very clean, this is the second time we have come in front of this Commission; I think you were absolutely correct at the last meeting to seek in full, Commissioner Anderson, I know you had great concerns; those were addressed by your professionals. The process brought for you today shows that every single fact before you, by every technical expert, by the County experts, by the independent traffic study, by a super majority of the neighborhood represents support for this application. As far as the parks issue, one was brought up; access to the park that's located in Matheson, there is no parking with the Hammock Lake area; the entrance for that park area is off Old Cutler Road, so the concern that somehow folks are not going to have access there, quite frankly they shouldn't be parking inside the Hammock Lake neighborhood, and also a question was brought up by one of the neighbors concerning not being able to get to a park; bear in mind that Gables by the Sea has a park within its confines and no one will argue that there is not access to that park. The last thing is in respect to the professionals, they've done a superb job; your Public Works, your Police, your Fire and your City Manager's Office to bring this before you today. They brought you a package that shows you every fact before you. And lastly, the political: An issue was brought up about whether or not you could condition the approval of the possibility of having the roving patrol continue. That is obviously within your purview and may very well be the wise and solomonic issue, as long as you reserve the right at some later date to potentially change that based on circumstances, but as long as this Commission, not the neighbors, as long as this Commission

reserves that right then you have the right to make sure that the ability for folks to address their grievances to you is secured. I don't wish to stand in City Attorney's light at all, but that might be a solomonic way to deal with that issue. There are no traffic issues, there are no representation re-enforcement issues, and your political issues can be dealt with respect to the roving patrol. Thank you Mr. Mayor, members of the Commission.

Mayor Slesnick: Thank you Mr. Bartel. Susan Ponzoli, 5505 Banyan Trail. Hello Susan.

Ms. Ponzoli: It would be my luck to follow such an eloquent speaker. I do differ with him however; there is a fatal flaw in the process here, and what happened, Commissioner Cabrera, between 2004 and 2008 with the Traffic Advisory Board, which is a wonderful fact-finding body, we weren't noticed, it's simply inaccurate, and I don't mean that he mislead you deliberately, just was mistaken; we were not notified over here that Traffic Advisory Board, we had a profound interest as you have heard from multiple people in what happened. I don't know about this traffic study so I really can't address it. I can tell you I've lived there twenty nine years; the traffic on North Kendall gets worse every single year, there are four rush hours on North Kendall in part because of St. Thomas Episcopal School. Old Cutler – I have to tell you Vice Mayor Kerdyk, I'm in my second life despite the best efforts of my hair dresser; I need Fire Rescue and I need them fast; I have lived there twenty nine years; I have lived through six weeks of no power after "Andrew"; I have live through two weeks of no power after "Wilma", if I need someone to get to me fast or my little five year old hellion of a grandchild, I need it fast. I don't need all these little back-up systems to come into play, I need that wonderful man who was here and got an award this morning, I need it. I think you have a problem in that we were not there when the fact-finding body did this, and honestly I'm a lawyer, I know, Mayor, you can say we are going to have process from this point on. I pick up the Miami Herald this weekend and I have to be honest, it sounds like it's a done deal; a lot of us came this morning and kind of felt like it was a done deal. There will be more hearings, we are coming from behind today because the Traffic Advisory Board that we were not at, approved this; you approved this and we go on to the County. Do you think anyone there is going to listen to us, I don't, I think it's pretty much all over but the shouting. I think that we need to at a minimum go back, have that fact-finding; let us have our opportunity to look at their traffic whatever it is; let us here from the Fire Department; let the Fire Department tell me straight eye to eye, I'm going to be at your house in the same amount of time Ms. Ponzoli, I know Dr. _____ who is your cardiologist and I have to answer to him. The elephant in the room quite honestly is this park, this giant forty-five acre park; it has been on the books for ten years, here's the 2000 General Plan Report for Matheson Hammock Park. I can show you representations of what they are going to do in the area. I live on 9 Lake Terrace, I live right here; I can show you what they are going to do, they're proposals for what they are going to do with that park. There are only three ways in; there is Old Cutler, there is a ancient hardwood Hammock, there is a little dirt road, you go on it...

Vice Mayor Kerdyk: All the time.

Ms. Ponzoli: ...they are on a set; you aren't going to make it too large because that's an ancient hardwood Hammock – one minute.

Mayor Slesnick: No, its over.

[Laughter]

Ms. Ponzoli: It's over, oh dear – I'm going to depend upon you being a gentleman and I'll give you my conclusion on it. We have a long tradition in the Gables of doing things right; we are really the best they have to offer in Florida in the United States; quite honestly this hasn't been because it didn't start right at the Traffic Advisory Board, it doesn't come here right. I thank you for your politeness in letting me finish.

Commissioner Cabrera: I'd like to make a comment. Your commentary about it being a done deal really to me...

Ms. Ponzoli:...Is wrong – I don't mean to be insulting.

Commissioner Cabrera: Well, you know, it's personally offensive.

Ms. Ponzoli: I apologize.

Commissioner Cabrera: Because this is not the best job I'm never going to have, and I do it because I love doing it.

Ms. Ponzoli: I know, I know. I apologize.

Commissioner Cabrera: But let me – and your apology is certainly accepted, you didn't need to give me one, but you know, let me tell you why its not a done deal because the first time we heard this it was under Consent Agenda, and a couple of us or several, more than a couple kind of got excited over it, and we shared with the Manager our disappointment that this was such an important issue that it should not be part of Consent and for those of you who don't know what Consent Agenda is, essentially its part of the early part of our agenda that if we don't question it, it gets approved, unless we pull it. So that's why it's not a done deal, now that's not to say I'm not going...

Ms. Ponzoli: I do apologize.

Commissioner Cabrera: ...you don't have to, I work for you, I just want you to know that, personally I'm just trying to make the best decision for the taxpayers, not for the homeowner group, the one that was left out, the one in the Riviera Neighborhood Association, all of you, so I have to stand up and say these things because I feel very strongly about the work I do here, it's a tour of duty, its not a career. So forgive me if I, you know, come across strongly.

Ms. Ponzoli: I can well appreciate it a lot of days.

Commissioner Cabrera: OK, alright. Thank you ma'am.

Ms. Ponzoli: But no, I thank you, and I do apologize.

Commissioner Cabrera: Alright, thank you ma'am.

Mayor Slesnick: I have a question too Susan.

Ms. Ponzoli: Oh, I'm sorry.

Mayor Slesnick: It's OK. I was just trying to figure out how does this change affect emergency vehicles to your home?

Ms. Ponzoli: Because they can skip part of Old Cutler – you are very smart – you can skip Old Cutler and come down North Kendall Drive, you won't come that distance, you will go right through and come out closer to my entrance than you would have otherwise.

Mayor Slesnick: Can you show me.

Ms. Ponzoli: If Old Cutler jams up, if North Kendall is jammed up to School House, you've now cut out a good portion of the traffic.

Mayor Slesnick: But the emergency vehicle can get through the gate on Old Cutler and take the same route.

Ms. Ponzoli: Well, you are assuming the electric system works that was not in my assumption.

Mayor Slesnick: OK.

Ms. Ponzoli: That was not in my assumption; I'm the one who lived through six weeks of no power, two weeks of no power, and every time there was a heavy rain the power went out. I have no assumption of electrical power where I live; I only recently got water.

Commissioner Cabrera: Got to get a generator.

Mayor Slesnick: Recently got water?

Ms. Ponzoli: City water, yes.

Mayor Slesnick: Does Ron go without water that long?

Ms. Ponzoli: I have to tell you [inaudible – off mike]...he went off to the Third District or he would have been here today.

Mayor Slesnick: Tell him we thank him for his service by the way. Debbie Burman has to leave, and so if we take her quickly, 9131 Banyan Drive.

Ms. Burman: Hi, I've been at my house for eighteen years, and Lauren [inaudible] and her husband is here, sixteen years ago; we went door to door and started the Homeowners Association in our neighborhood, and for the sheer purpose for the roving patrol, for security.

Traffic was never ever, ever an issue in that, so we went door to door, we have approximately forty something homes, we realized at that point not everybody would give so therefore we needed the other Banyan Drive to do that. So along with Michael Male, who is no longer in our neighborhood at that time, we then started the two districts; I even believe Mr. Ogden was on that, Mr. Ogden was on that committee at the time. So we had the two districts for the sheer purpose of security and the rover, never traffic. After that we then had to go down and create this Special Taxing District, and so what I'm really concerned about if people come and go, Commissioners come and go, homeowners come and go, we have the same number of homes as we did eighteen years ago, the same number of homes on the other side eighteen years ago; they've got more homes than we do and that's why we had to bind together, and my concern is, and its been said twice already from the other side is they will look to see about the rover, they can't tell us what's going to happen four, five, six years down the road, and that is my major concern is that we are going to loose our rover. Thank you.

Mayor Slesnick: Thank you. Daniel Gelfman of 9401 Kerwood Court. Are you going to disagree with your wife?

Mr. Gelfman: We do disagree on a lot of things but not in public hearings. I will try to be very brief, but I think a lot of people have eloquently made a number of point, but it seems to me, and I'm not going – I want to refer to this lack of “Sunshine” and due process to be at this traffic hearing which I think was instrumental in bringing this discussion here today; I think it was really egregious and I won't say any more about that, but it was wrong. What we are talking about is giving an enormous to fifty-five homeowners in a very small enclave to the possible grave detriment of thousands of families that traverse the area Old Cutler Road, North Kendall Drive, and north of there; they are not here at this hearing, but in terms of cost and benefit, I don't see the public good in closing that street, there is really no need for it, there is no public need for it, so why do it? I have no objection if a group of people want to live in a gated community and the community has turned over and there are now people of a different view than the people that originally moved in, fine, that's their prerogative, but I don't think you have to subsidize this enclave by closing off the street. If they wanted to have a safe enclave let them invest in putting in two gate houses. I think you are subsidizing – if you approve this thing, you are subsidizing their effort to put up gate houses; whether you are philosophically in favor or against it, I think closing streets is not good for the community, there are emergency traffic issues, there are dozens of issues, I don't think Mr. Delgado gave an objective presentation, he overlooked a number of critical details; I find it offensive that he gave this conceptual drawing that's something anyone could possibly believe would end up being executed, and he is totally ignoring street access from the north of Kendall Drive. I go early in the morning to South Miami to a gym, I come back and in order to avoid the traffic on Red Road I come down Southwest 80th Street, and then try to come through 53rd Court, and I cannot get across Kendall Drive because the cars are backed up in both directions. When I come home at night at quarter to six in the evening, I come back that same route working my way over from the Palmetto Expressway, and I take my life in my hands to cross Kendall Drive; people don't respect the intersections, and even if they do you have to inch out, inch, inch, inch because you are liable to get absolutely wiped out by a car coming eastbound on North Kendall Drive. This is an unsafe thing, its creating all kinds of potential risks and potential law suits. The roving patrol is going to go –

let's not be disingenuous in saying that we are all in favor of it, and that's going to put an extra burden on the City for providing adequate Police protection in other areas. I'll stop.

Mayor Slesnick: Thank you very much Dan. Jeremy Chester, 9401 Banyan Drive.

Mr. Chester: Jeremy Chester, 9401 Banyan Drive. I was really taken aback at the results of the traffic study; they are throwing out numbers that didn't seem to be supportive on any case, I don't know if they took the identities of the drivers going through the area or how they managed to split up the numbers and draw the line so fine. If I may, I took some photographs the other day, and what Dan was talking about – they are labeled on the back the direction the photograph was taken, and you can see from there the typical situation we have where the traffic backs up during the morning, during the school hours, the school hours three-four o'clock...

Mayor Slesnick: You are talking about Kendall Drive.

Mr. Chester: Kendall, sorry.

Mayor Slesnick: I think the point was, I'm not trying to argue the point, I'm just saying I think the point was is that the intersection at Kendall and Red Road is an "F" intersection, it fails, it fails now, but the same number of cars that come north on Old Cutler that would cut through end up on Kendall Drive whether they do that or go up to the light and turn left. So the point was that is no additional cars because of this particular action because the same cars end up on Kendall one way or another, and they end up at that failing intersection, that horrible intersection. I think that was the point that was being made.

Mr. Chester: I understand what you are saying, but as was pointed out previously, I shouldn't repeat it, the simple zig zag of getting from School House south into the School House area we are talking about, that's going to be something by itself; people will line up at the gate during difficult times, they will block traffic there, you can see from the photographs there is a lot of that going on right now, so that's my major point. The secondary point has already been made as well and that is we are very concerned about being isolated down the road and becoming a Special Taxing District on our own with only forty five homes there. Thank you very much.

Mayor Slesnick: Thank you very much. The last time I spoke to the scout troops at St. Thomas, I did not time it very well because it's after school; I sat there a long time. Mr. Richard Namon, 5555 Oakwood Lane.

Mr. Namon: I was in the unaffected area or affected area some people think; I'm here mainly to – I looked very carefully at this because I'm affected indirectly...[inaudible]...I was over at this property here that is not part of thing, some wanted to know what would happen, I've done a little bit of checking. As far as Hammock Lake Drive goes, the reason why it doesn't go through is it was closed when it was still part of the County, its since now easement for water and electricity, it will never be open, so there is no communication, there is one way in and one way out street; we have a one way in and one way out street. I've talked with the park people recently and I've been assured that again there is no parking for a park projected either on the end of School House Road or further down on Banyan, that any projections they have for the future

which they say are very distant are going to be off of Old Cutler has been spoken that's space that's across Fairchild Botanical Gardens. I can find – the traffic as you say on Kendall is terrible and I cannot envision it getting any better or any worse than it already is by closure. This looks like a nice street, this purple line, if you drive that you wouldn't want to drive it very fast because either you'll catch somebody coming out of their driveway; there are a lot of those homes that do not meet the cone of visibility on their driveways, that is a dangerous place for the inhabitants, it's a substandard street, very simply. So I can sympathize and the fact that you don't have people at the Old Cutler entrance complaining about the blocking off of the street tells very well that nobody wants extra traffic. I told my neighbor, Bill Ogden, that I come here and say I was basically for it and the only thing that was brought up which is a caveat is that originally we were a single taxing district, and we remain a single taxing district for the roving guard. We actually joined Coral Gables for your better Police service was the argument given, I thought we'd get rid of the roving guard immediately thereafter, but that hasn't happened. Some of my neighbors are concerned about keeping the roving guard and they do fear – I was at the joint meeting of both Associations about a year ago, and the roving guard made a presentation that crime is not reduced by guard houses, and everybody that was there present said that they wanted the roving guard continued that were in the affected area. The only thing I heard by rumor, not by fact, is that when some of the people heard the cost of this guard house when the real numbers came in, some of them bawled and said well, maybe we don't want that roving guard, that's the only question that would affect – as far as I'm concerned anybody who lives on Banyan is not going to be affected by the opening or closing of that road and whether or not they put a guard house there. I think the people who live within the district are the ones who have to be concerned with the ramifications, the cost, and everything else, and I do say that the people – one final comments is we had talked on Banyan, some of us, about putting a guard up over here at the beginning of Banyan Drive, and the people who live right by where the guard house would be balked instantly, and we new there would be legal suits and we just said, well we'll forget about it, and that of course is the remedy that the people who object do have.

Mayor Slesnick: Thank you sir. Margery Seitz, 5530 Kerwood Oaks Drive.

Ms. Seitz: I'll be very brief. My house is off of Banyan Drive on Kerwood Oaks; I only have a few things to say and they might be a little repetitive, but I want to make the point. I did not receive notification of the 2008 Traffic Advisory Board meeting on this issue, so that's not a made up fact, I didn't see that too many of us didn't receive it. I walk my dogs constantly through both Hammock Lakes neighborhoods and that's why I recognize most of my neighbors, and there is almost no traffic in either neighborhood which is none of the beauties of living back there, so I don't know if that will impact your decision. The other thing is, I'd like to see a letter from the Fire Department; I think its interesting that the Police Department, the Police Chief has a letter in his file on this issue and there is nothing from the Fire Department and there was previously recommending against the closure. The third point I have is that I went down and met with the Miami-Dade Parks Department, and saw the plans for the park, and I think making any kind of road closure decisions before that issue is settled and before we know what's going on, would be a mistake. And lastly, I also have an issue with gated communities, one of the things that I love about my neighborhood is that its not gated, and I just hope that the vision of the City of Coral Gables is not to become a series of gated communities, and furthermore I think the best

decision for the major of Coral Gables taxpayers, not for the Hammock Lake Homeowners Association is not to have closure. Thank you.

Commissioner Cabrera: Mr. Mayor, may I just ask the Manager a quick question?

Mayor Slesnick: Do we have a letter from the Fire Department?

Commissioner Cabrera: Yes, do we have a letter from the Fire Department?

City Manager Brown: The letter on behalf of Chief Hammerschmidt represented both the Fire Department and the Police Department, but I can tell you in a conversation with staff I asked the Fire Department directly and they had no problems as long as they had access.

Commissioner Cabrera: And I'm not saying that you don't know about fires.

Chief Hammerschmidt: I will tell you, and I want to make sure the Commission understands; the Police Department is not taking a position either way; our position is if they do it, we don't object as long as those conditions are met. At the time the letter was written, I was asked to write the letter for both departments, I conferred with Chief Cook; Chief Cook basically made the same statements and conditions as we did.

Commissioner Cabrera: Very politically correct. Well done.

Mayor Slesnick: Chief, do you have anything to add to that?

Chief Reed: I met with Chief Cook, we did put that in writing to the Police Chief and he did represent both our departments, we concurred with the Police Department's recommendation on that.

Commissioner Cabrera: And no positions on metal roofs from either one of you?

[Laughter]

Mayor Slesnick: Dr. Steve Halegua, 5520 Oakwood Lane, Doctor?

Dr. Halegua: How are you?

Mayor Slesnick: Good, and you?

Dr. Halegua: I've been a physician for thirty-one years living in Coral Gables, practicing in Coral Gables; closing that Old Cutler entrance is a big mistake. There are too many situations where there is back-up where Old Cutler and Kendall, wherever that is here, where they meet there have been accidents there, you need to get through that access to Old Cutler into Kendall, when that backs up and there are cars south on Old Cutler, south of Kendall, but by the time these people come to open that game up, who knows there could be a hundred cars lined up, if there is an emergency going on, 911, and someone has to go that way and gets stuck, a person

could die, its ridiculous; you cannot – its an injustice to close that street, it makes no sense at all. If they want to have a guard house, give them a guard house, but that street has to stay open, OK, if you go there you'll see what I mean. Put yourself on Old Cutler and there is a back-up on Kendall and Old Cutler, those cars will back-up, they'll be a hundred cars there, and if there is an emergency situation, OK, and that emergency will never, and they try to go that route to get to South Miami Hospital, they'll never get through, and all the cars – a hundred cars – someone will die, its just an injustice. We formed a joint Board for security, I was on that Board about ten years ago for the roving guard, and the two neighborhoods agreed that we would be together on all security issues, and we formed a taxing district, now they want to break that up, they want to do something different, it's not right, OK. My obligation as a doctor, I'm to treat patients and do my best to get them better, and that's what I do everyday. Your guy's obligation as the Board members is to listen to the people and work for the people, correct?

Commissioners: Um-huh.

Dr. Halegua: You have enough people here complaining that that closing off is not right, you need to listen to them. It's not a good thing to do; they want the guard house, put it there, but you've got to leave that road open; that road has to be accessible. You cannot wait for someone to come and open up the gate, you'll think it will be five minutes, it could take two hours, it could take an hour, what can happen in that time, you need to think about that.

Mayor Slesnick: Thank you, thank you very much doctor.

Commissioner Cabrera: Thank you doctor.

Mayor Slesnick: Philip Brawner, 9100 School House Road.

Mr. Brawner: Commissioners, Mayor, thank you very much for letting me speak. What I was planning to say, I noted that a whole lot of it has already been said by other people, I'm going to try to omit that. I submit that access to this park from Old Cutler Road and any time that there's been a rain storm within three days you can't get there, that rock road which they can't fix for ecological reasons has large, deep mud puddles in it, and you can't get around it. Now, there is a path, and I walk there regularly, I live right at the edge of the park, I wouldn't let my daughter walk through that path alone; it is a small path through heavy woods. I submit that if you can't get to the park this way kids cannot really get to the park from Old Cutler most of the time, on the bicycle you got to go ten or fifteen, I don't know how the mud puddles manage to develop; but you can't use that road and I've been told by the park people they can't fix it because the ecologist say that it can't be fixed by pulling it up. I submit that there is another way in that I'm surprised the people on Banyan Drive haven't mentioned. The other way in the park is driving down Banyan Drive on the west side of the park although its blocked off by some boulders, there indeed the path is through, and anybody who has motorcycles or such can come down Banyan, no decent parking, but you can come down Banyan and get into the park from its west side. If you close off the School House Road, I submit that is where people will be forced to go.

Mayor Slesnick: But if you have access to the same bikes and pedestrians and so forth that can go down either street to get there.

Mr. Brawner: They can get there through Banyan, there is no parking.

Mayor Slesnick: No, I know that; I'm saying they can go through Banyan or they can go through School House, I don't think anyone has suggested closing off access to bikes and/or pedestrians, plus you can still come down School House if you go through the guard gate. So a person could come down, drop their children off and go back out the guard gate.

Mr. Brawner: The question I have there is whether the implied cut-off by having a guard gate will in fact impede people from really using it in real life. Now, the other thing that nobody's mentioned that I think should be mentioned is that the water and sewer, - the water system servicing this area goes down to School House, we are going to be building a gate, a wall across the water main. I don't whether anybody who would be responsible for that as part of the approval for building a wall over the top of the right-of-way. My third point is that I was in days gone by the President of Hammock Lake number Two Homeowners Association, which was always Hammock Lakes. What we are doing now is putting up a sign here saying Hammock Lakes is access by School House, which includes a number of the houses back here which have never been the Hammock Lakes plat, and omit all the houses along here that have always been in the Hammock Lakes plat. So essentially we are going to appropriate it, I assign the name Hammock Lakes, the exclusive gated community for a group of people who are not in it and leave out people who are in it.

Mayor Slesnick: Thank you. Mr. Delgado, if there is a water main, I don't know of any other examples that we've had of questioning whether you can build a wall on top of the ground where the water main goes through, so I'm sure whether you are prepared to answer this, but first we would need to find out is there in fact as Mr. Brawner suggested a water main that goes there; secondly, does the Dade County Water and Sewer Department have any objections to a wall being built over.

Mr. Delgado: You remember, if it's a water main it's something that is done by WASA.

Mayor Slesnick: That's what I just said.

Mr. Delgado: So we'll check with them to see what is the plan over there. We actually did one water line on 98th Street because those people didn't have drinking water, and we worked with WASA to install that line over there on 98th Street. This is maybe a plan of WASA to increase the size of the line to bring it to the park...

Mayor Slesnick: The question is – Mr. Brawner has raised a question as to whether or not a wall is allowed to be built over the location where there is a water line.

Mr. Delgado: No, it shouldn't be built on top of the water line, it can be off-setting, might be off-setting, might be that is of close proximity, but at least you have to have room for a machine to be able to excavate it.

Mayor Slesnick: Well, could you look into that, figure out how that affects this petition, and if WASA has been notified and how they respond.

Mr. Delgado: Sure.

Mayor Slesnick: OK. We have Nathan Diamond, 5465 Banyan.

Ms. Ponzoli: Mayor, I'm sorry, Mr. Diamond left, I apologize...

Mayor Slesnick: That's OK. Marilyn Smalley, 1020 Obispo. Carolyn Davenport from 5440 Hammock Drive. Darryl Robinson, 4900 or 4908 Hammock Park Drive – you are in support, OK. Mr. Robinson said he is in support. So that closes the public hearing. We have by the way a number of e-mails that I think have all been submitted to the Clerk, and if they have not I would ask that the Commissioners if they checked their e-mails, files and submit them. We have an e-mail from Maria Valez that will be submitted at this time.

Commissioner Cabrera: You want to let the folks know about Ms. Valez position?

Mayor Slesnick: She was opposed. OK, with that...

City Attorney Hernandez: Mr. Mayor, there are some petitions.

Mayor Slesnick: OK, we'll accept these petitions from Banyan, Kerwood, Banyan, Oakwood, Oakwood, Oakwood, Kerwood, Kerwood, Kerwood, Kerwood, Kerwood, OK. These will go on the record too.

Commissioner Cabrera: OK, Mr. Mayor before we even contemplate a motion, can I ask a few more questions of staff?

Mayor Slesnick: Yes,

Commissioner Cabrera: Thank you.

Mayor Slesnick: Would you be offended if I walk out quickly....

Commissioner Cabrera: I would not be offended because we have Vice Mayor Kerdyk here.

Commissioner Withers: If I let Bill...[inaudible]...would you have a problem?

Commissioner Cabrera: I would not be offended if you did that either because we have former Vice Mayor Anderson here. Thank you sir. Mr. Delgado, come on down. I need to get some sort of a bearing on this issue that keeps popping up with regards to one end of the community knowing what's going on and the other end of the community kind of being left out in the cold, and incidentally since we have our Board member here for the area, Mr. Goldsmith, if you feel you want to say something with regards to your experiences because you've been a member since the early – since the beginning of the Board which was created in 2001, you are welcome

to do so Mr. Goldsmith, I just want you to know you are certainly invited to be part of the answer that I'm asking him for. So expand on that for me.

Mr. Delgado: Sure.

Commissioner Cabrera: Thank you sir.

Mr. Delgado: In reality, you are referring to the meeting of the Traffic Advisory Board in January?

Commissioner Cabrera: Yes sir.

Mr. Delgado: We sent notification and we have records that we sent notifications to the area that I show in my map over there, however, since then we have received, you know, after that meeting people that said they never got notification mostly in the streets which are the furthest away from Banyan Drive. We checked it and those notifications were sent as far as we are, we didn't receive any letters back. So we have records that they were notified, not only that area but also people along Old Cutler, and in the meeting there was a couple of people present in the meeting from those areas which tells me, you know, that they knew that the meeting was going on, and this is reflected in the minutes over there. So, as far as our record is concerned, remember for the Traffic Advisory Board the only area that the County really wanted us to notify was the district that was affected by that particular [inaudible]. We feel that Banyan Drive, even though they were notified, as a matter of fact they were not affected by that closing, because they were not part of the question of the traffic situation in that area. People in Old Cutler, yes, they were affected because they may take that route. People in Banyan Drive don't usually take that route, they don't need it; they exit to Kendall Drive and they are on Kendall Drive. The people that live in Old Cutler south that maybe taking this as an option, and this is what the Traffic Advisory Board really wanted to know, if people that live along Kendall Drive and mostly on the east side of Kendall Drive were concerned about the fact that they cutting through there.

Vice Mayor Kerdyk: But the answer to the Commissioner's question, just so I know is yes, everybody was noticed.

Mr. Delgado: As far as you know – we sent them, we have proof in our records that those things were sent; the fact that some people didn't get it sometimes that happens, sometimes for some reason.

Commissioner Cabrera: I got the answers; my second question relates back to the discussion that I asked as to when did the traffic studies take place?- and I specifically was curious because of something someone said before and that was they may have been taken place during the Spring Break of many of those schools that are within proximity of this neighborhood. Can you shed some light on that?

Mr. Delgado: We verified that with our traffic consultant who is present here, and he didn't take anything when it was Spring Break; I know that there was about two or three weeks of Spring Break...

Vice Mayor Kerdyk: Could you ask the traffic consultant to come up here please, he's over here.

Traffic Consultant: We did a volume and a speed study at three locations within the community on February 19th and February 20th. On April 24th and 25th we did turning counts a.m. and p.m. at the intersection of Old Cutler Road and Kendall Drive, and we did license plate survey recording the last three digits of the cars entering the community from Old Cutler Road and from School House Road.

Vice Mayor Kerdyk: So that's how you determine if they are residents or not?

Traffic Consultant: Yes, we determine traffic...we have everything implemented and the City has a copy of that, if you want to go through that we go...

Commissioner Cabrera: Incidentally ladies and gentlemen, the gentleman that is speaking to us is a traffic engineer that is hired by the City of Coral Gables; he doesn't work for the Homeowners Association, he works for our Public Works Department under a contract and his firm's contract is reviewed every so many years, so you in fact are doing this on behalf of the City of Coral Gables.

Traffic Consultant: Yes.

Commissioner Cabrera: OK.

Traffic Consultant: And the results are the same results that Miami-Dade County came up with.

Mayor Slesnick: Can I also address an issue that was brought to my attention by Susie Brawner, that I felt was a good point; everybody watching this proceeding and is here, our Traffic Engineer and our Public Works Director, and our staff are not proponents or opposers to any proposal; they do the analysis and the investigation that we require them to do, that the law requires them to do, and we do ask them to then give us their position based on that, so its not a matter of whether its politically correct or whether the philosophy is, Maria has discussed, is right or wrong, all they are doing is analyzing the technicalities and then proposing to us whether it can work or not work based on their analysis. So I just want to make sure everybody understands that. So if you think Mr. Delgado is pushing this application, he is not, but after reviewing it he is giving us his opinion about it, which we require him to do.

Commissioner Cabrera: My last question and then I'll turn the floor over to whomever wants to go next is the process was conceptualized, was there discussion and contemplation to have two guard houses at both locations.

Commissioner Withers: Which two?- on Old Cutler or on Banyan and Hammock Lakes?

Commissioner Cabrera: On both, on both.

Commissioner Withers: You are talking about another guard house on Hammock Lakes....?

Commissioner Cabrera: Kendall and one on...the one that is now proposed to have the gate, the electrical gate to have that as a guard house.

Mr. Delgado: That was actually brought in 2004 and then brought back in 2008, somebody asked that question, why not have two guard houses, and the answer was two reasons; first for economic, you are talking indications of efforts over there, and secondly the stories that the County did and everything consider that was a good design to close one entrance because it was not important or significant, the one by Hammock Lakes; for different reasons, the fact that the volume was very low over there to have a guard house, it was five hundred and sixty-four (564) cars going through there in a twenty-four hour count, in addition to that that road was not conducive to have all the traffic going through there or inviting people to go through there because it's a very substandard road as far as disabilities, driveways coming out in the road, and thirdly they felt that the taxing district they have done that type of arrangement, of closing one entrance and opening the other one, and it still is open to the public. So those were the criteria considered for that.

Traffic Consultant: If I may comment on that?

Commissioner Cabrera: Yes, and then I thought of another question for you.

Traffic Consultant: If we looked at the amount of the daily traffic on North Kendall Drive, its eight thousand (8,000) vehicles a day...

Commissioner Cabrera: That's high.

Traffic Consultant: OK, if this is high on Old Cutler its nineteen thousand (19,000) a day, if we are going to stop traffic to make a right turns or left turns, north bound left turns, from Old Cutler into the community, with the guard house there is a better chance for back-ups and it is a very dangerous situation.

Commissioner Cabrera: And it plays right into my next question; when you did the traffic studies, did you also account for stacking problems?

Traffic Consultant: We are going to work if this one pass through we have some constraints where we need to locate the guard house. We did several studies before for City of Miami Beach and we determined the stacking. What we need to do is go to similar communities within the City of Coral Gables that have a guard house and I think we have Gables by the Sea, we have Gables Estates, and we see how long it will takes a car getting in as a guest or as a resident, the same thing cars getting out, we simulate that and we determine that we need the guard house to be at least one hundred feet, two hundred feet. Another thing that we were looking for to work with the designer for that to make sure that cars getting out, if this is a fault, that we don't have any side distance that we must meet the County standards, beauty standards, and City standards for safe operations of that location.

Commissioner Cabrera: Thank you sir, I appreciate your answers.

Vice Mayor Kerdyk: I have a question for you too also. You heard the numbers that Mr. Delgado gave us regarding the two hundred trips a day and the approximately three hundred trips per resident per day, is that correct?

Traffic Consultant: Yes, based on the national average published by the Institute of Transportation Engineers, we have a household of three residents plus, plus two-plus vehicles, on average they generate eleven trips per day including the service trucks, the mail, the maids.

Vice Mayor Kerdyk: So basically you extrapolated the numbers out from the number of trips that were basically made, and then you came up with the number of non residents that were coming through.

Traffic Consultant: What we do is calculate what we have, fifty houses this translates to five hundred and fifty vehicles a day. We add to those because we allow local [inaudible] an additional twenty-five percent of cut-through traffic, and this is within our traffic calming criteria that we have. Add above that we have the cut-through traffic and in this situation we have a cut-through percentage of about forty percent, which this represents the two hundred vehicles additional to what we allow on the cut-through, but if you want to have absolute cut-through its about forty percent, not only twenty-five, its about four hundred vehicles a day.

Vice Mayor Kerdyk: So if you don't have the cut-through traffic, if you go ahead and put the gate there, then it's going to substantially impact-non-impact Old Cutler and Kendall Drive.

Traffic Consultant: It will not go and impact it?

Vice Mayor Kerdyk: It's not going to impact it minimally.

Traffic Consultant: It will not cause a major impact, it will not deteriorate the level of service at that intersection, it will be operating within the same level of service...

Vice Mayor Kerdyk: So it's not material is what you are saying. Mr. Delgado, Commissioner Cabrera asked a question about putting a guard gate on Old Cutler; when we are talking about Hammock Lakes a lot of us look at Hammock Lakes as one subdivision even though we know there are two subdivisions in there. Did we ever look at the guard gate going down on Banyan Drive similar to what Ms. Trescott discussed, and look at it and encapsulate the whole community together as opposed to taking one out?

Mr. Delgado: In order to do that and keep only one guard house, really for example in School House Road, then you need to make a communication, tele-communication of Banyan Drive to the back of there to see if there is any way that you can connect those streets. I don't know if physically you have the property to do it. So most likely you will need another guard house on Banyan Drive, but again that community is very small, the Banyan Drive community of houses, residences is very small, I don't know the number but its probably twenty-thirty residences living in that area.

Mayor Slesnick: I think somebody said forty.

Audience Member: [Inaudible – off mike]

Mr. Delgado: So they will have to come back, fifty residents, willing to do that.

Vice Mayor Kerdyk: But there is not that many more on the other side of it either.

Mr. Delgado: The other is sixty-seven.

Vice Mayor Kerdyk: Very similar. So the answer is no, you didn't really pursue that as one application.

Mr. Delgado: I didn't see any internal connection, unless that we can provide some internal connection then you can lead with one guard house on School House Road, and then close Banyan Drive, that would be a possibility; but they need to look for the internal connection.

Mayor Slesnick: Any other questions for...

Commissioner Withers: I have one for Alberto. Alberto, I don't think any of my colleagues lived through the street closing wars that we had along University; I think we had one maybe on Arduna that we might have voted on together...

Commissioner Cabrera: How'd you vote on those?

Commissioner Withers: I voted for some and I voted against some.

Commissioner Cabrera: Because you took them on a case by case or you looked at it holistically?

Commissioner Withers: That's what I'm going to ask Alberto right now because I don't remember the criteria, and the gates that are along UM there, and we closed those in anticipation of the Village and all that, are those considered closures or those are considered...

Mr. Delgado: They are closures, traffic-wise they are closures, they can only be opened in case of emergencies.

Commissioner Withers: So why is this one not a closure?

Mr. Delgado: This one is also considered a closure; the only difference with that one is that it is in a taxing district...

Commissioner Withers: So it is a closure.

Mr. Delgado: ...it is associated with a community that has – that has been considered a taxing district.

Commissioner Withers: OK, you don't have to explain; so my question is if it's a closure the process before was the whole Planning and Zoning Board review and how it impacted, we had

specific criteria, and we struggled with Police action and crime, which I understand from the Chief we've had none in this area, at least we've had very little, like ten issues, I don't know if any were even within the taxing district area, and traffic cut-through doesn't seem to be an overriding factor. So I guess my question is, if this is a closure and we actually had criteria established by Planning and Zoning Board, and we actually had the whole Planning and Zoning Board process, why aren't we doing it on this one?

Mr. Delgado: Actually it went to the Planning Board of the County.

Commissioner Withers: No, I know that; I'm talking about our City of Coral Gables; it's our City of Coral Gables issue, why didn't we run this through if it is a closure, and we had the process before for street closures, why didn't we run it through the process this time?

Mr. Delgado: Right now we don't have any process established with the Planning and Zoning Board to do that; the only Board we have is the Traffic Advisory Board, it's the only one we actually have; we don't have the Planning and Zoning Board incorporated into that process.

Commissioner Withers: And that's my question, why?

Mr. Delgado: Because remember that was taken care of by the Street and Alley Vacation Committee, remember that. The Street and Alley Committee was the one that looked at all the applications for the traffic closures at that time in 1994. The Street and Alley Vacation Committee was composed of Planning, by Public Works, by Building Department, there was Fire and Police of course, all of these Public Service, all of these departments formed a part of the traffic – say we don't have the Street and Alley Vacation Committee...

Commissioner Withers: So you are telling me that none of those previous street closings before went through the Planning and Zoning process?

Mr. Delgado: They went to the Planning Department because one of the members of the Street and Alley Vacation Committee, actually the Chairman of that Committee was the Planning Director, the Chairman of the Street and Alley Vacation Committee that was the way we established it in the City. When that Committee was eliminated, now we don't have a process to handle, but now we have the Traffic Board.

Commissioner Delgado: But we had specified criteria.

Mr. Delgado: Well, actually the criteria mostly is traffic more than [inaudible].

Commissioner Withers: Why did we abandon that on this one; I'm just...

Mr. Delgado: That is something that a decision that happened and now we have the benefit of the Traffic Advisory Board we didn't have before.

Commissioner Withers: But the City is a planned City, I mean, it's a planning, it's not just – I don't know, I think...

City Manager Brown: Commissioner, I think what happened is in the early days when you had the Street and Alley Vacation Committee that Committee was, I guess, merged into the DRC, but in between the Traffic Advisory Board was constituted and since that had to do with everything that had traffic, the Traffic Advisory Board replaced the Alley Vacation Committee, as its review process.

City Manager Brown: But a very important component of that original that dealt with dozens of street closings had a very important component in it, and that was Planning and Zoning, and this doesn't seem to have, unless I'm wrong...

City Manager Brown: You're correct.

Commissioner Withers: ...a Coral Gables Planning initiative or input or communication whatsoever, and that concerns me very much because the City was founded on that grid system and the City was founded on – and that was a huge argument against street closings, was just the way the City was set up with entrances and accesses, you know.

Vice Mayor Kerdyk: Yeah, but this wasn't even a part of the City when it was part of the grid center, can I answer your question?- because what happen was and what Alberto doesn't answer is that when we had the street closings, and you're right, I missed most of those, it was completely different because basically you had to send a petition to the County and the County came up with criteria, and if you didn't meet that criteria you couldn't get a street closing. In this particular case they did go to the County, and the County said yes, this is OK to do a street closing. If I want to close a street in Serolo or another street, I would first have to start off with the County, the County would have to come up with a list of criteria that I would have to meet, and I would have to go forward from that standpoint. But the County said no, this is not a huge impact, whatever they said, this is OK to proceed forward, and I'll tell you the County has been so aggressive with street closings, so so aggressive that they never approve any of these street closings going forward, am I correct gentlemen?

Commissioner Cabrera: No.

Vice Mayor Kerdyk: So this they must be looking at totally different because there is such a lack of people coming ingress and egress that it's tough to equate this to a street that has three thousand vehicles going up and down it, and I really have big difference between the two of them, so that's...

Mr. Delgado: I didn't bring with me the chart that represents all of this, when you go to traffic calming...[inaudible]...when you are coming down on a made application for any street closure, the first thing you have to do is that you have to hire a consultant, a traffic consultant to prepare a very, very big [inaudible], which you cannot really afford.

Commissioner Cabrera: I have a copy of it, I have a copy, its in excess of fifty pages, but you know the one thing I have to tell you, the criteria continually changes, so the criteria has become

more and more difficult, Mr. Kerdyk's support of his commentary, today than it was in the years that you were dealing with street closures, which by the way was a knee-jerk reaction to a crime.

Mr. Delgado: Because actually they can identify for now that there is some minor traffic calming that don't require as much as...

Mayor Slesnick: Maria, do you have a question?

Commissioner Anderson: No, I don't have a question; I have a couple of things I'd like to say.

Mayor Slesnick: No, no, but I want to make sure – can we excuse. Thank you all.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: Don't go too far though. No, you can go. Thank you Alberto. Ms. Anderson.

Commissioner Anderson: The statements I'm about to make I don't even attach names to them, so I talk about issues, I don't talk about people, I don't talk about sides, you all know each other, and have to live with one another. I try to look at it objectively and also philosophically. I shared with Mr. Ogden and with members of the other side as well that I am philosophically opposed to street closures, period. I think there has been a lack of process for the other side, for the side that does not want it, and I think they should be allowed a chance at the Traffic Advisory Board; they are a community and Ms. Trescott you were right on, it's a community at large, and what we are creating here is a bit of a division, and that happens when you give certain things to one side and you don't give it to the other, or have access whether to process or to things. I think about other areas of our City that wouldn't have the economic clout to close it if they want to that also have traffic issues, there are real serious traffic issues, so I'd like to treat everybody equally. Hopefully you'll go to your Traffic Board to be heard and whatever shape or form I will not be supportive of the special taxing district.

Mayor Slesnick: Any other comments? Do we have a motion?

Commissioner Cabrera: I'll make a motion for discussion, I'll move for discussion purposes, but I would also add if this motion continues through it would have the condition of maintaining the roaming guard, so I would be...

Mayor Slesnick: Mr. Cabrera moves the adoption of the resolution that is our legislative file ID 08-0302 and he adds a condition in his motion that a raving guard program would be continued as part of our concurrence with this.

Commissioner Cabrera: And would then further, Mr. Mayor, I would then further direct our City Attorney to work with the County Attorneys office to draft the appropriate language with regards to the amendment or the condition excuse me, is that appropriate Madam City Attorney?

City Attorney Hernandez: Yes sir, it is.

Commissioner Cabrera: Thank you.

Mayor Slesnick: Mr. Kerdyk seconds the motion is made. Let me also if I may ask the mover of the motion and the seconder to consider two other conditions.

Commissioner Cabrera: Fire away.

Mayor Slesnick: That there be specific provisions for unabated access to pedestrians and bike traffic.

Vice Mayor Kerdyk: Good point.

Mayor Slesnick: Accepted, OK. Also, one other thought that is addressing the doctor's point, Mr. Brownish point, I think too is that I know that the provisions as we've heard them described were to have electronically controlled gate on Old Cutler for emergency purposes, I would also add to that, that that electronically controlled gate by our own traffic division for unexpected occurrences on Old Cutler Road such as the accidents that were described or construction at the intersection of Kendall and Old Cutler because I think that was a valid point that was raised about having to get through and if there is no access there is no access, would you accept that?

Commissioner Cabrera: I would indeed.

Vice Mayor Kerdyk: Yes.

Mayor Slesnick: OK, so we have a motion on the floor that is to approve the application with the conditions as you've heard read. I also would ask again, because I want to make sure before we vote that we understand this, you don't need to get up Mr. Delgado but just leap up if I'm wrong. If we vote in favor of this motion this then goes to the County, first of all Mr. Cabrera has asked our City Attorney to confer with the County Attorney to make sure that the conditions that we have assigned are proper, appropriate, and that they are formed correctly; but this goes to the County for two more public hearings where everyone will be heard and everyone will then see the specific analysis of the guard gate construction and so forth, what happens at the end of the County process?- do we see the guard gate construction again or is that – are we through with this?

Mr. Delgado: After the two public hearings and then the formal election, then the City has to sign an interlocal agreement; we need to negotiate that with the County, how much the construction of the guard house is going to be and the City would like to have a say in the construction of the guard house, actually participation so we would sign an interlocal agreement brought to the Commission.

Mayor Slesnick: Will the interlocal come to the Commission?

Mr. Delgado: Yes sir.

Mayor Slesnick: And as part of the interlocal, will we get to see the design and the placing of the guard house and at that time would it be and could it be possible for the City to withdraw its support if it cannot accept what has been proposed.

Mr. Delgado: Sure. The City has the option of not signing the interlocal agreement at that time; the interlocal agreement will include two things actually the cost of the construction and also the design that we agree to do; then after that the City Commission will see that again when we receive the bids from the bidders, the contractors to bid, and the City still has the right to reject those bids or not, if its something that is not going in line with what was expected. So the opportunities before the Commission are multiple.

Vice Mayor Kerdyk: So this is just the start of the process. Let me ask you a process too, what happens, Mr. Stieglitz brought that up, what happens if the County prohibits us from attaching the raving guard to this application, then what happens? Does this application not move forward?

Mayor Slesnick: Our vote is nullified and....

Commissioner Cabrera: I was going to suggest that my motion would then be nullified and the vote...

Vice Mayor Slesnick: Our vote will be nullified and...

City Attorney Hernandez: The consent of the City is revoked.

Vice Mayor Kerdyk: Alright, very good.

Mr. Stieglitz: What was the answer?

City Attorney Hernandez: That the consent of the City would be revoked that's what they are conditioning.

Vice Mayor Kerdyk: Right, we are conditioning on this, the raving guard.

Mayor Slesnick: Also, Mr. Delgado, if this motion were to pass and this comes back to us after the procedure, at that time I think that the City staff needs to be prepared as you address the County's concurrence, because that's the reason it would come back, with two things; specific answers on the parks issue as to the timing or the improvements that are to be made, and what they are, and where they would be made, and what parking would be provided and how people would achieve access; and secondly, the point that was brought up about the water main, and the design of the wall, or a wall, or if there is no wall, but a design that incorporates Miami-Dade Water and Sewer Authority input.

Mr. Delgado: We will look into that.

Commissioner Anderson: I have one more additional comment to the public, I'm glad, although I won't be voting for it, I'm glad that the condition was made for the raving patrol, because it was a great concern for many of the neighbors, it's important.

Mayor Slesnick: Well, I haven't said anything about some of the comments, but I would say that I continue to be very concerned about the – well I'm concerned about everyone's opinion, and I'm concerned especially about the people who live near the guard gate, and I know that we all have to be satisfied with the placement and the construction of that guard gate before we enter into an interlocal agreement. Any other comments?

Commissioner Withers: Can I just make a comment?- and I speaking to both the residents and my colleagues; I'm going to have to agree with Commissioner Anderson on this...

Commissioner Anderson: Tough one.

Commissioner Withers:...well, it is; my head tells me it's the sensible thing to do, but you know, and I think the tipping point for me was stressed out when she basically brought out the fact that there was a concern about community and neighborhood, and without any overriding factors such as traffic intrusion or crime or whatever, you know, I never felt it was correct to close communities, and we don't know where annexation is, we don't know where High Pines is, we don't know where School House Road is, we don't know what issue....but to me it's a little enclave in the middle of Coral Gables and philosophically I have an issue with that.

Mayor Slesnick: OK, any other comments? Mr. Clerk on the motion.

Commissioner Anderson: No

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: No

Mayor Slesnick: Yes

(Vote: 3-2)

Mayor Slesnick: So we will proceed on with the procedure.

[AUDIENCE APPLAUSE]

Mayor Slesnick: We are going to take a ten minute break and proceed on at 1:00 p.m.

[End: 12:49:17 p.m.]