

City of Coral Gables City Commission Meeting
Agenda Item 2-1
May 31, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Senior Transportation Engineer, Melissa DeZayas

Public Speaker(s)

Sue Kawalerski

Agenda Item 2-1 [Start: 12:09 p.m.]

A Resolution of the Transportation Advisory Board requesting that the City Commission adopt a resolution amending Resolution No. 2015-101, passed and adopted on June 16, 2015, to incorporate the Transportation Advisory Board in the site plan review process for proposed and existing development project applications and in the review of any proposed new or changes to current legislation including the City's Zoning Codes, land-use designations, comprehensive plan and development overlays, which could impact transportation modalities, mobility options, or infrastructure. Any recommendations after reviews will be effectively considered by other City Boards, City Administration, and the City Commission.

Mayor Lago: Moving onto time certain 11:30, agenda item 2-1.

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Ms. DeZayas: Melissa DeZayas, Senior Transportation Engineer. We have Sue Kawalerski, the Chair of the Transportation Advisory Board and she would like to present this resolution on behalf of the board.

Ms. Kawalerski: Good afternoon. I am Sue Kawalerski, I reside at 6830 Grecian Street, and I am the Chairman of the Transportation Advisory Board for the City of Coral Gables. And we bring forward a resolution that was passed by the Transportation Advisory Board. I can read the entire thing. I can give you a synopsis or I can answer questions. It's all up to you. It's a rather long resolution, adding to the existing purpose of the Transportation Advisory Board. There is an addendum to it and that's why we have this resolution.

Mayor Lago: How about you give us a synopsis and then we'll discuss.

Ms. Kawalerski: I'll give you the synopsis. The Transportation Advisory Board realizes that with development that's been happening in the City of Coral Gables, many times there are opportunities for developers to contribute to the multi-mobility plan of this city and also to the general transportation flow in this city; and therefore, we would like the opportunity to be involved in the design development review process, and that means, the way that this would work is that when an applicant, developer, submits an application it goes above and beyond the current zoning code and all the other codes, like Comp Plan, that the Transportation Advisory Board gets to review how that is going to affect any kind of mobility. And at that point in time, we would proffer after the board agrees to either an agreement that this is good and in line with our transportation plan, or there are some things that could be improved upon that we would then submit that to the DRC, at which point they would have a chance to ask the developer questions as it pertains to our suggestions. That's one of the elements to this. Also, when the city goes through any kind of zoning code changes, Comp Plan changes, etc., anything that affects mobility would come before the Transportation Board for us to have an ability to comment. And also, just a minor thing that was in the original purpose on, we actually have five transportation traffic zones, not seven, as it is currently stated. So, we would like that amended and that is in Section 2, number 5, under Membership. That's just a little minor housekeeping.

Mayor Lago: Any comments?

Commissioner Anderson: My experience of projects going before the DRC is there is no traffic study available yet for your review, so I find that to be a necessary missing element at that stage to be really able to evaluate how the project is going to impact traffic.

Ms. Kawalerski: Well, if I could comment on that. That's a good point, by the way, and we would love that ability once the traffic study is mandated and we have access to it for the board to also be able to evaluate that, but that is a post process. We would like to be involved in a pre-process,

and what I mean by that is, for example, you have seen projects come before this board where developers are asking to take away a public right-of-way. That public right-of-way usually involves a street. It could involve a travel lane, as we've seen with the Codina Project. They are proposing to take a travel lane in order to build their project. These are public access mobility points that we would like to weigh in on before they actually go through the DRC process, or consideration.

Commissioner Anderson: Understand, but you still need a traffic study to evaluate it. You need to know the volume, now many people are making a right-hand turn, how many are going straight, and what the traffic flows are that are existing there.

Ms. Kawalerski: Well, like I said, I think that's a great addendum that we could add to this resolution at some point, that a post transportation study review also come before the TAB.

Commissioner Anderson: Okay. Does the TAB currently make comments to DRC with the existing system?

Ms. Kawalerski: Absolutely not. We oftentimes do not even know developments are coming up before the DRC. We get basically when some projects are coming up, at our meetings we are told a project is coming up, but there is absolutely no detail that's provided to us.

Commissioner Anderson: And on the development projects button, on the website, does that not give you the date for the upcoming meetings?

Ms. Kawalerski: Well, you know that would involve our volunteers to actually spend their time outside of TAB duties to go on their own to click a button. That should be provided to us, not where we have to search if there is anything coming up.

Commissioner Anderson: Okay. Have you added that to your agenda upcoming projects?

Ms. Kawalerski: Well, we always ask if there are any upcoming projects and what the details are, and we are not provided the details. We are told go look someplace else. Those should be provided to us. It should be an active form given to us rather than a passive just sitting there with us holding the responsibility to go figure out if there is anything coming up on the DRC.

Commissioner Anderson: Anybody else have any comments? We had a similar type of agenda item for the property when it was an advisory board member, just for them to be notified of what's upcoming.

Vice Mayor Mena: I think this goes a little further than that.

Commissioner Anderson: That does, but I mean as far as having a discussion.

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Vice Mayor Mena: I'm not in favor of this. I think it effectively makes it like a quasi-judicial board. We already have a very robust process for traffic as it relates to developments with traffic engineers and additional traffic engineers that check the work, staff, police sits on the DRC to discuss traffic issues.

Ms. Kawalerski: Then why do you have a Transportation Advisory Board if they are not included in the process?

Vice Mayor Mena: I think we have a Transportation Advisory Board for all the reasons that are outlined when you joined the board, but you joined the board without it having this authority. So, I'm not really sure if I understand your question.

Ms. Kawalerski: Well, we recognize the need now with more projects coming and asking for public rights-of-way it might interfere with mobility in this city. That's why we are asking now to be part of the process.

Vice Mayor Mena: I think if we were having an honest conversation, like you also have an agenda, you are pretty open about what that agenda is in the city, and everybody understands it.

Ms. Kawalerski: Excuse me.

Vice Mayor Mena: I'm being very direct with you.

Ms. Kawalerski: Are you talking to me on a personal level or as the Chairman of the Transportation Advisory Board?

Vice Mayor Mena: Chairman. You can't take off one hat and put on another. As Chairman of the Transportation Advisory Board, I understand your position on development projects, but to try to enhance the authority of the Transportation Advisory Board so that it can do more to derail development projects, I think it's pretty obvious what's going on here.

Ms. Kawalerski: You know there are some pretty serious allegations that you are presenting here. First of all, you're crossing personal with a board position, absolutely, that's what you're stating.

Vice Mayor Mena: I don't think you get to remove one hat and then put on another one. I think this is a very clear attempt to expand the authority as it currently sits of the Transportation Advisory Board and to basically make it a quasi-judicial board that gets to opine on development projects that is the power that does not currently exist and, if I may finish, if I may finish, and is a role that we already have staff, traffic engineers, police and other experts in the area involved in to make sure that we properly mitigate traffic. I'm opposed to this. I don't think it's appropriate, to be honest with you.

Ms. Kawalerski: Well, I don't think it's appropriate that you're crossing a personal with a professional, in this case a professional member of a city staff. I think it's very inappropriate. Your comments are extremely inappropriate.

Vice Mayor Mena: I think the act is inappropriate. I don't think my comments about it are inappropriate. I'm just pointing it out. I think if there is a conflict, there's a conflict.

Ms. Kawalerski: I have board members that voted on this. This is not a personal resolution.

Vice Mayor Mena: I understand, you're the Chair.

Ms. Kawalerski: This is a vote by numbers of people on a city board.

Vice Mayor Mena: Understood. I think everybody understands what's going on. Regardless of that, I think for the substantive reasons already outlined, I don't believe this is appropriate or necessary. We already have protocols in place to deal with traffic calming. We've enhanced those over the years. We've switched the burden on doing traffic engineering studies already so that we have wheel of traffic engineers and we also have required developers to hire traffic engineers, we have police sit on the board, who obviously has significant expertise in this area, as well as staff members who have significant expertise in this area. So again, I think this is just creating a lot more bureaucracy and expanding the role of a board that already has a very clearly defined role.

Ms. Kawalerski: Well, I think the person that cannot separate hats is you, Vice Mayor, because I certainly am representing the board and not a personal interest.

Vice Mayor Mena: Understood, but I literally just stepped out of the room a moment ago for another item. Commissioner Fors had to step out of the room for another item. Sometimes there's a conflict there and you have to recuse yourself.

Ms. Kawalerski: Yes, because there might be a personal benefit on your part. There is no personal benefit on my part and I'm not here to represent my personal situation. I'm here to represent a city board.

Vice Mayor Mena: It's not just a personal situation. You're the Chair or one of the chairs of a Neighborhood Association that actively participates in development projects throughout the city. I'm not critiquing your position on those development projects. I respect them, but to expand the role of the other board you sit on, to be able to be involved in the development process in the city, I think there is pretty clearly a tug-of-war there of interest there that I think is problematic, but regardless of that, regardless of that, you can set that aside for the substantive reasons I've already outlined, I don't think it's necessary and I think it's an over expansion of the role of this board and I think it's appropriate.

Ms. Kawalerski: Well, why would a transportation board not be involved in issues that affect transportation?

Vice Mayor Mena: I think the Transportation Advisory Board is already involved in issues that affect transportation.

Ms. Kawalerski: And as I stated, those issues are increasing as more developers are coming in and taking public right-of-ways or asking to take public right-of-ways and therefore takes away the ability of a pedestrian, a cyclist, a scooter user, to actually access transportation right-of-ways in this city.

Vice Mayor Mena: And I think your board is more than entitled to and has when they see situations like that to bring them to the attention of this Commission, so that this Commission in making its decision on the issue can weigh those factors and I encourage you to continue to do so. But there is a difference between that, there is a difference between that and changing the city's protocols and expanding the role of a board to make it a quasi-judicial board on development issues, which are not transportation issues, they are development issues, and they already have a process in place to deal with the transportation issues that relate to those development projects. So again, I more than welcome any input from the Transportation Board on these issues, but there is a big difference between that and in making it basically a quasi-judicial board that is ingrained in and part of the process for development projects. I think it's unnecessary. I think we already address those issues with professional staff that have significant expertise in this area, and I think your board has an opportunity to address any concerns to this Commission which will make the ultimate decision on whether a given project is approved. If it's a mixed-use or something that comes to this board, if it's not, you are certainly welcome to bring it to the City Manager and his staff.

Ms. Kawalerski: Well, that's exactly what our intention is, to bring it to the board before a project gets built. After the fact isn't going to do residents any good. They can't walk a sidewalk because you're allowed a developer to take the sidewalk.

Vice Mayor Mena: I welcome any situations where we are asking for less sidewalks, as opposed to more.

Mayor Lago: I'm all about a robust discussion and I think it's important to obviously, have it on the dais in the Sunshine. We were talking about the app, and we are talking about open-door Fridays, then we are talking about Town Hall meeting, and we are talking about public comment in the Commission meeting, we allow everybody here to speak as much as possible, and I think it's important, but one thing that we are not doing is we are not having a discussion about taking away sidewalks. I'm actually writing an e-mail on a sidewalk right now, that's the worst part about

it. So, we are here advocating for sidewalks, traffic calming, at every opportunity that we get. I think we need to...

City Manager Iglesias: I would like to clarify something Mayor. We do not allow right-of-way to go.

Mayor Lago: When was the last time we allowed a right-of-way?

City Manager Iglesias: The only two times is Merrick Park and Agave where we modified a right-of-way, but we don't allow right-of-way to go, because there is a big difference between an alley and a right-of-way. An alley is a service corridor.

Mayor Lago: An alley is not a right-of-way.

City Manager Iglesias: Alley is not a right-of-way, and so we share our right-of-way, we maintain our right-of way, we are stewards of the right-of-way. So, to say that we allow right-of-way to go to developers, I don't think that's a correct statement.

Ms. Kawalerski: Well, have you not had applications from the developers who did want to take public right-of-way like slip lanes, have you not had those applications?

Commissioner Fors: We did. I always like to make clear that there's been applications that we ultimately reject.

Ms. Kawalerski: Wisely so.

Commissioner Fors: And what actually gets approved at the end of the day. I'm not opposed, I've had this discussion before, to looking at some things in terms of what information is given to the Transportation Advisory Board, very similar to the measure that Vice Mayor proposed with the Property Advisory Board in order to put the Transportation Board in a better position from an information and timing of information perspective, to give a more informed and timely opinion on some of these things. I'm more than happy to look at that. I've looked and discussed that before going back more than a year ago, specifically with respect to TAB, but in having those conversations, again just to be clear, draw a line, I'm open to that and let's look at that. But in having those conversations going back a year or two ago, it was clear that there is just not an appetite to create another quasi-judicial board and add to the bureaucracy of getting an application submitted in Coral Gables our process in Coral Gables which, you go out there we hear all the time, we hear about it all the time with respect to projects from a single-family home to a larger development, is very bureaucratic, has a lot more steps than other municipalities have, included a Board of Architects, and for that reason I was convinced then and remain convinced that we are not interested in adding an additional quasi-judicial board or an additional level of bureaucracy, but I am 100 percent open to looking at things like what we did with the Property Advisory Board

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and addressing some of what you describe which was perhaps only hearing that a certain project coming up without any real substantive detail behind it, so that you are in a better position to come up here in your capacity as Chair of TAB or whoever is Chair of TAB later, whoever you designate, to share your opinion with us on certain developments before they are, I guess too far along the road, but again, as an advisory expression of your opinion, or the board's consensus opinion and not an added level of bureaucracy, much less for sure not a quasi-judicial board.

Ms. Kawalerski: We never suggested we wanted to be a quasi-judicial board. This is for comments, not decision-making.

Commissioner Fors: Okay.

Commissioner Anderson: And I'm not opposed to having the board informed to what's coming in the pipeline. I would certainly hope that that would not be a problem going forward. When I was on the Planning and Zoning, I appreciated the comments I received because it helps to get a better-informed decision.

City Manager Iglesias: Commissioner, our DRC projects are on the website. Concurrency is something that does not deal with transportation, that was taken out of concurrency, it deals with water, sewer, power, etc. We have an outside consultant, traffic consultant paid by the city, look at the traffic issues. We also don't look at projects because of the grid and the problems with concurrency will stop construction completely and it was dealt with many, many, many years ago. We looked at it from a project specific perspective; what can we do with ingress and egress; what are the best locations; what can we do to tune the intersection, etc., but that is not a transportation concurrency issue. That was removed many, many years ago, because it would literally stop development. So, we do look at water, we do look at sewer, we do look at power, those are the concurrency issues.

Commissioner Anderson: I don't think that's the issue here. We are just talking about adding it as an agenda item for staff to let the board know when something is coming before the DRC, so they can write some comments, if they have some thoughtful comments to add for the board to consider.

Ms. Kawalerski: And that's exactly what we are asking, and we would like the detail, not that there's a project X coming online with no detail. We need the details, so we know how to comment.

Commissioner Anderson: There is only so much detail available at that time, because the project as they are presented are not really flushed out yet. It might be coming in for conceptual still and it might get total pushback from the DRC board, because there's too much of this. I looked at a project recently; FPL wanted the bulk for the entire block put inside the building. These are types of comments for coming in front of the DRC. Thoughtful comments are important because we are

looking at traffic closed around schools, the need for traffic calming, the need for sidewalks, connectivity, all the things that we would like to see in our city.

Ms. Kawalerski: What I say about detail. When an application is submitted, there is some detail of the project, that's what we'd like access to before it goes to the DRC, so the TAB can comment, not make a decision, but comment.

Commissioner Anderson: The same detail that the DRC receives, is that what you're looking for?

Ms. Kawalerski: Yes.

Commissioner Anderson: Alright.

Vice Mayor Mena: The distinction is, and we talked about this, I'm the sponsor of the item for the Property Advisory Board that required this transparency, so I'm perfectly fine to have the same transparency here.

Mayor Lago: If I may Mr. Vice Mayor, and something you forgot to mention. You forgot to mention also that you were the sponsor for the item that required developers to hire a traffic consultant and that we had our own traffic consultant, so it was another layer of oversight in regard to traffic count. You should take credit for that. That is something that you came up with and its paid dividends.

Vice Mayor Mena: But my point is, this is very different than that, because this is requiring that certain information – For the Property Advisory Board is, whatever information there is, as of that meeting and it was related to unsolicited bids specifically, they just wanted to have it. It's basically a baked in FOIA request for their meetings. This is different because this is saying, before you go to DRC, this board must have X information and it's making it an ingrained part of the process for a development project. I have no problem with them having whatever information is available at the time that they are having a meeting, they should have it, absolutely, no problem. But the process shouldn't be held up because we are adding an addition layer of review by another board.

Commissioner Anderson: That's not what I think they are looking for.

Vice Mayor Mena: That's what this is.

Commissioner Anderson: As written.

Vice Mayor Mena: As written, correct.

Commissioner Anderson: Question, City Manager. How many days before a DRC meeting is the package available that could be produced electronically to the public?

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City Manager Iglesias: The package is sent to all the departments. The DRC meeting is designed to review projects from an overall perspective. In other words, do you need a sanitary sewer, you have to go 3,000 feet to connect to a sanitary sewer. These are very important for that project, that's why we charge – it's not a small charge, and that is what we are charging the developers for, is to make sure that issues that can affect that project are brought out initially. Other issues such as transportation and so forth, are looked at by our consultant and then our transportation manager, so it's looked at twice.

Commissioner Anderson: I understand, but I'm just asking...

City Manager Iglesias: So, I feel that we can provide them that same package that is provided.

Commissioner Anderson: How long ahead of time is it available? I'm just trying to get this timing to their meeting and the other one's meeting.

City Manager Iglesias: Generally, about two weeks.

Commissioner Fors: And I don't think it's that critical for TAB to go to the direction...information as a matter of course, I don't think it's that critical that they necessarily get it before the DRC or right after, as we know when projects go to the DRC as early as it gets in the process, and I think there is still months and months of opportunity, even if the timing is such that a package is received after its already gone to the DRC, your particular application.

City Manager Iglesias: The DRC is really designed to bring out potential large pitfalls on these projects, such as for instance, I just mentioned sanitary sewer, you need to go ten blocks for sanitary sewer where you have water issues. So, I think the DRC is very good at that, but that's what its designed for.

Commissioner Anderson: I understand. In the spirit of transparency, they should have access to the package. I'm certain that they would want to look at it again later when the traffic study is actually prepared, Planning and Zoning Board will see those then and they can make comments as the process goes along.

Commissioner Menendez: I want to comment. Since I was the Chair of the Parks and Rec Advisory Board and obviously seeing a lot of the board's work diligently for the community for the city. I think the one concern everybody has, I think, after discussing it enough, we can avoid it and I think Commissioner Anderson hit the nail on the head, what folks want to avoid is that the DRC can't have its meeting because the Transportation Advisory Board hasn't had a meeting to discuss the issue. You could have the package and if for one reason or the other you don't have quorum or something happens, then the DRC meeting gets pushed back down. I think that's the overall concern. Its not a matter of getting projects approved, not approved, but we just need to keep things

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on schedule. I think that's the biggest concern and I think, correct me if I'm wrong, that the advice of your board can be taken up pretty much anywhere along the line of the process once its heading towards the Commission. So, I guess what's important if for you all to have all the information necessary to give advice so that the city can take that into consideration, but we also want to avoid messing up with the schedule, because as you saw with Covid and everything else, we got tied up and a lot of things that needed to happen just didn't happen. I think we can find a common ground to move forward.

Ms. Kawalerski: Yes. I think you stated that correctly, as well as Commissioner Anderson. We are not here to hold things up. We are here to be helpful.

Mayor Lago: Moving on. What is the will of the Commission?

Commissioner Anderson: I think the resolution, I'd like you to take it back to the Transportation Advisory Board and look for language that's consistent with our discussion here.

Commissioner Fors: That's a good idea. I mean, I think its pretty clear that the Commission would not approve something as written right now, don't see a reason to do it on the fly. I think what we are willing to do is take a look at the flow of information, the timing of information, so consistent with that, I would tweak it and see what we come up with.

Ms. Kawalerski: Alright. Because this is written – it doesn't say we must have this information before DRC or any other board. It basically says, if you are reading, to properly address and provide recommendations to the City Commission as outlined in the resolution, that there is a need to incorporate the Transportation Advisory Board in the review, and to provide recommendations to any changes. That's what it says. It doesn't say, we must have it before this board meets or else. This is generally speaking. If you read the resolution, I think the wording at this point in time is correct. The City Attorney is the one that put this together. If it wasn't correct, I'm sure the City Attorney would have pointed this out to us.

Vice Mayor Mena: Its correct to reflect the will of the board that you serve on, but that doesn't mean the City Attorney is opining on whether its appropriate measure or not. That's not her role. Her role is just to draft a resolution that is consistent with what you are asking for.

City Attorney Ramos: Unless Ms. Throckmorton was present at that meeting and after we prepare it, we don't normally prepare them, but I'll find out. Regardless, that's correct, it's a policy decision.

Commissioner Anderson: I, frankly, would like to pass this to the next meeting and have a better opportunity to review it with staff.

Mayor Lago: I think that's the will of the Commission. I think that's the overall consensus. So, we'll bring it back on the June 28th meeting.

Vice Mayor Mena: Let's just not waste time in the sense of, it needs to be something different than this, because I'm a no vote on this. If its providing information that's available at the time of their meeting, absolutely, but that's different of being part of the site plan review process, because a process that we already have. Again, if this board or any other board wants to provide advice on any ongoing project, they are certainly equipped to do so, and we should always be transparent and provide them whatever information is existing at the time.

City Attorney Ramos: I'm being told that our office reviewed it and made some edits to make clear that they were asking the Commission to do this and that it wasn't a resolution of the Commission.

Vice Mayor Mena: Right.

Mayor Lago: So, I think there is consensus on that point made by the Vice Mayor, and we move on.

Ms. Kawalerski: Okay. At our next meeting we will revise some of this language, but most of this language will continue to exist because that's exactly what the purpose is. Thank you.

Mayor Lago: We will review it on June 28th, and we'll take a vote on that day or not. Thank you.