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CITY COMMISSION MEETING

CITY OF CORAL GABLES
405 Biltmore Way
Coral Gables, Florida 33134

TUESDAY, MARCH 12, 2019

11:18 A.M. - 1:12 P.M.

AGENDA ITEM I-2, 18-8257

CITY COMMISSION:

Mayor Raul J. Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Patricia Keon
Commissioner Michael Mena
Commissioner Frank C. Quesada

Miriam Soler Ramos, City Attorney
Gustavo J. Ceballos, Assistant City Attorney
Billy Y. Urquia, City Clerk

Reported By: Charlene Hernandez
Transcribed By: Loretta A. Lee, CSR, RPR
Certified Shorthand Reporter
Registered Professional Reporter

1 ALSO PRESENT:

2

3 MIGUEL ANGEL DIAZ DE LA PORTILLA, ESQUIRE
4 Saul, Ewing, Arnstein & Lehr, LLP
5 200 South Biscayne Boulevard
Suite 3600
Miami, Florida 33131

6 On behalf of Islands of Cocoplum,

7

8

9 CHARLES C. KLINE, ESQUIRE
10 Cozen O'Connor, P.C.
11 200 South Biscayne Boulevard
Suite 3000
Miami, Florida 33131

12 On behalf of Cocoplum.

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PROCEEDINGS

MAYOR VALDES-FAULI: Ms. City Attorney?

MS. RAMOS: Yes, sir. I believe you're calling Item I-2, time set for 11:00 a.m.?

MAYOR VALDES-FAULI: Yes.

MS. RAMOS: I-2 is a resolution authorizing encroachments consisting of installation of wing walls and pavers at the intersection of Cocoplum Road and Los Pinos Boulevard and new signage at the Cartagena Circle entrance, subject to the requirements of the Public Works Department.

If you will permit me, Mr. Mayor, I will give some history as to this item, as I have met with both the applicant and counsel for Cocoplum I, who is objecting to the application.

In 2003 this commission was asked to allow an encroachment in the right-of-way by what is known as the Islands of Cocoplum Homeowners Association in order to install a wood sign that read the Islands of Cocoplum. It was this commission's sovereign discretion whether or not to grant an encroachment into the right-of-way. In 2003 the commission chose to do so, as is referenced in Resolution No. 30389-A.

1 Subsequent to that, in 2013, in Resolution
2 2013-06, the same applicant, Islands of Cocoplum
3 Homeowners Association, came to the -- to a
4 commission that sat before you and asked for the
5 wood signs to be replaced with stone signs in the
6 same location with the words Islands of Cocoplum.
7 That was also approved.

8 Certain legal issues have been raised to my
9 office. I would like to address them, as this
10 commission is not equipped to make legal rulings,
11 but rather should look to my office in order to
12 conclude those legal items. Of course, there's
13 other avenues for which those legal items can be
14 brought to fruition and contested.

15 So attorneys for Cocoplum I have stated
16 that the use of the public right-of-way for what
17 they categorize as a commercial purpose is not
18 allowed by case law. I address our argument in
19 city attorney opinion 2018-036. In a
20 correspondence that you received last night, they
21 quote a sentence from the city attorney opinion,
22 from the former city attorney, which is taken out
23 of context, in my opinion, and not applicable to
24 the situation.

25 My opinion concluded that, in fact, case

1 law has found that there is a dual public purpose
2 to these types of signs. One, they are
3 directional signs; and two, they promote
4 neighborhood identity. In either case, it is up
5 to the commission, to any commission, to
6 determine what, in fact, is a public purpose.

7 The second argument that has been brought
8 to my attention is that the -- part of the
9 request that relates to the signs on Cartagena
10 Circle that currently read Cocoplum -- there are
11 two signs, they each read Cocoplum -- that there
12 is a covenant that disallows this without a
13 two-thirds roll.

14 What we have been able to determine, and
15 actually the attorney for Cocoplum I agrees, that
16 the successors in interest to that covenant,
17 which was entered into between the developer and
18 the City of Coral Gables, are the members of
19 Cocoplum II. So if, in fact, that covenant
20 needed to be amended, at worst it would be
21 two-thirds vote of the members of Cocoplum II.

22 That said, I had real estate counsel who
23 was present during that, and we have found that
24 this document that's being referred to, in fact,
25 is not part of the title search. What it is, is

1 an exhibit to the covenant that refers to another
2 agreement, and that is the agreement that they
3 are relying on. So my conclusion is that first
4 it is not a covenant that needs to be amended.
5 But even if it were, it would be -- it would just
6 require two-thirds vote of Cocoplum II, together
7 with the acquiescence should the commission wish
8 to do so.

9 And the third argument relates to
10 restrictive covenants that must be entered into
11 after a commission approves an encroachment to
12 the right-of-way. There may be technical
13 deficiencies where the covenants are entered
14 into. I don't dispel that. That is easily
15 corrected by the execution of a new restricted
16 covenant.

17 So from the city attorney's perspective,
18 that -- those are the legal arguments that have
19 been looked into, and I believe that you can move
20 forward with considering your sovereign authority
21 whether or not you wish to allow this new
22 encroachment into the right-of-way request.

23 With that, because of the amount of people
24 that are here, we expected that this would
25 happen, we went ahead and issued a procedural

1 order, the mayor and I, that states as follows
2 and has been shared with the parties.

3 The applicant will have ten minutes to make
4 their presentation. After that, staff will have
5 five minutes to address and make their
6 presentation. The attorney for Cocoplum I, as an
7 interested party, will then also be given ten
8 minutes to make his presentation. The applicant
9 will be given five minutes for rebuttal. And
10 then members of the public wishing to speak will
11 each be given two minutes to speak.

12 With that, Mr. Applicant?

13 MR. DIAZ DE LA PORTILLA: Good morning,
14 Mr. Mayor, Commissioners, members of the staff,
15 members of the public. My name is Miguel Diaz
16 De la Portilla. I'm an attorney with Saul,
17 Ewing, Arnstein & Lehr, 200 South Biscayne
18 Boulevard, 36th floor, Miami, Florida.

19 I'm also a long-time resident of Coral
20 Gables, living in the City of Coral Gables, and I
21 have the distinct privilege and honor of
22 representing our beautiful city in Tallahassee,
23 with the privilege of representing the Cocoplum
24 Homeowners Association, the Islands of Cocoplum,
25 as they have been known since 1979.

1 Now, what we're doing here today, the
2 Islands of Cocoplum is doing here today is asking
3 you to continue the wonderful partnership that
4 the Islands of Cocoplum have had with the City of
5 Coral Gables dating 40 years. For 40 years the
6 Islands of Cocoplum has had a very special and
7 beneficial relationship with the City of Coral
8 Gables. We are here asking you to let us
9 continue doing what we've been doing for 40
10 years, and that's investing in the enhancement,
11 beautification, and improvement of the Cocoplum
12 community at large, the Islands of Cocoplum, and
13 the City of Coral Gables.

14 Now, the specific request that is before
15 you -- the design, of course, will be discussed
16 at a later proceeding -- but what we're here on
17 today is on the encroachment agreement. But
18 generally speaking, so that you know what is
19 being proposed, what we are proposing is to take
20 the existing stone pillars on Los Pinos
21 Boulevard, and swales and median on Cocoplum
22 Road, which are stone pillars, and add very
23 nicely designed, in keeping with the aesthetics
24 of Coral Gables, winged walls at the bottom.
25 Short wing walls.

1 We are asking also to update the old
2 signage that is on Cartagena Circle. Now, if you
3 look at the signage on Cartagena Circle, that
4 signage has been in place since the early '80s,
5 late '70s, and it looks like it's been in place
6 that long. The signs are needing upgrading, the
7 signs are not evenly matched in terms of
8 material, in terms of font, in terms of
9 lettering.

10 So what we're asking is to upgrade those
11 signs and have the north sign on Cartagena Circle
12 read Cocoplum and them wrapped in light stone to
13 match the guardhouse and to match, quite frankly,
14 the aesthetics of Coral Gables, which is not
15 cement. It's color rock. And the sign on the
16 southern side of Cartagena Circle say Islands of
17 Cocoplum, which is, after all, the community that
18 has been in place since 1979 and has had this
19 very wonderful and special relationship with the
20 city for 40 years.

21 You will note that the Public Works
22 Department, in its memorandum to you, your
23 experts on public works, have no objection to
24 what we're proposing. So their memorandum
25 supports, again, continuing the investments of

1 the Cocoplum community.

2 Now, I want to give you a quick history of
3 how it is that we got here. The Phase I of
4 Cocoplum was developed by a company called Crow,
5 Pope & Carter, developer, in 1976. Shortly
6 thereafter, in 1979, you had the Islands of
7 Cocoplum developed, and its head was Ambassador
8 Charles Cobb at the time. If you look at the
9 history and, indeed, if you look at this very big
10 book, which I promise you is not mine, but is a
11 book that has been prepared by the objectors,
12 every single document here shows one very
13 important thing: that the relationship that has
14 existed has always been between the homeowners
15 association and the City of Coral Gables. Those
16 are the only two parties in all of the
17 improvements agreements, in all the covenants,
18 and all the commitments that have been made to
19 improve these areas. It's between the Islands of
20 Cocoplum or the Cocoplum Homeowners Association,
21 the folks I'm here representing, and the City of
22 Coral Gables. Those are the only two parties.

23 In looking through the documents, and I can
24 get into specifics when I have my five minutes
25 for rebuttal, in looking at every document here

1 what you would see is that after the
2 association -- after the developer developed
3 Phase I in 1976, the developer asked the city for
4 permission to have an information booth right in
5 the median of Cocoplum Road, and the information
6 booth that they asked for was to say Cocoplum
7 Information back then, and temporary parking,
8 because it was 1976 and was being developed. It
9 called for a five-year agreement where the
10 developer would be in that agreement with the
11 city to maintain and operate the information
12 booth.

13 A year later the same developer came back
14 and decided to allow for walls at the front,
15 which is what you have now, the walls at the
16 front, if you will, of Cartagena Plaza on the
17 south and north side and for signage there.

18 That agreement, those two agreements, both
19 the 1975 and 1976 agreement, contemplated that
20 after a period of five years the operation of
21 those areas, the two public right-of-way areas on
22 Cartagena Plaza north and south and the
23 information booth in the middle, would be turned
24 over to a homeowners association.

25 So we go to 1979, and in 1979 the Islands

1 of Cocoplum, the homeowners association is
2 created, and the people who were in Phase I
3 were -- had the opportunity to join the
4 association. They chose not to. They didn't
5 want to pay the dues. They chose not to be part
6 of the homeowners association back in 1979.

7 In 1981 the city again entered into yet
8 another agreement, this time with the Islands of
9 Cocoplum Homeowners Association, and this
10 agreement basically allowed the Islands of
11 Cocoplum Homeowners Association to operate
12 basically everything: from the areas where the
13 landscaping is on Cartagena Circle, both north
14 and south, to the signage up front, to what was
15 an information booth and later became the
16 guardhouse, the approximate location for the
17 clubhouse, the medians, the swales, the
18 landscaping, the irrigation, the lighting, the
19 water features, everything basically under that
20 agreement that I'll point to you when I have my
21 rebuttal specifically, gave the Islands of
22 Cocoplum the ability to manage that, and that was
23 an agreement entered into again with the City of
24 Coral Gables.

25 Mind you, there is a pattern here so far,

1 right, in what I'm explaining to you. Nowhere
2 was there a civic -- a Cocoplum civic association
3 involved. Nowhere were anybody, any persons from
4 Phase I involved. It was always the Islands of
5 Cocoplum Homeowners Association and the city as
6 the two parties, and they were the ones entering
7 into these agreements for maintaining and
8 improving and operating all these areas that
9 exist to this day, which are north and south of
10 Cartagena Plaza, the guard gate, median, swales,
11 water features, all of those wonderful
12 improvements you see in the -- the pillars that
13 are on Los Pinos and Cocoplum Road.

14 And by the way, that 1981 agreement that
15 I'll point out the specific language to you when
16 I -- when we get to the second part of my -- of
17 my presentation here, specifically says that the
18 homeowners association, subject to city approval,
19 has the ability to remove or replace any of these
20 features on Cartagena Plaza, the guardhouse, the
21 swales, any of -- any and all of these areas.

22 So for 40 years the Islands of Cocoplum,
23 and only the Islands of Cocoplum, has invested in
24 maintaining the signs, the medians, the
25 guardhouse, irrigation, traffic control poles.

1 In fact, those control poles, whenever somebody
2 knocks them down, no matter who it is, they need
3 to be replaced to the tune of about \$2,000 apiece
4 by the Islands of Cocoplum. And the Islands of
5 Cocoplum are, of course, the homeowners, the 304
6 homeowners of the Phase II of Cocoplum.

7 So in 2002 you heard from your city
8 attorney. The Islands of Cocoplum came to the
9 city and the city approved stone pillars on
10 Los Pinos Boulevard and Cocoplum Road and in
11 three other locations. That was a unanimous
12 decision of this board, again keeping that
13 special relationship between the Islands of
14 Cocoplum and the city.

15 In 2013 those wood pillars -- or two of
16 those wood pillars became -- actually, three, two
17 on two locations -- became stone. Again, to
18 match the architectural aesthetic material, the
19 rock that is -- that Coral Gables is known for.

20 And so today once again, we're here for
21 additional enhancements. We ask for your
22 support. And we're here to tell you that we
23 represent 304 homeowners. We are represented by
24 a duly-elected board of directors.

25 We don't know who the association is or how

1 many people are part of their group, but we know
2 for sure that they don't represent the 150 people
3 in Phase I. And I look forward to my rebuttal.

4 MAYOR VALDES-FAULI: Thank you, sir. Thank
5 you very much. I think we have -- ma'am, do we
6 have --

7 MS. RAMOS: Staff will speak first.

8 MAYOR VALDES-FAULI: Staff, you have five
9 minutes.

10 MR. SANTAMAIRA: Good morning, Mr. Mayor,
11 Commissioners. Ed Santamaira, assistant city
12 manager. We received a complete package from the
13 Islands of Cocoplum regarding this encroachment,
14 and we're here for its technical merits. We have
15 no objections to the package that is before you
16 today at this proceeding.

17 Any questions?

18 MAYOR VALDES-FAULI: Thank you, sir. Thank
19 you very much.

20 MS. RAMOS: Mr. Kline, the floor is yours.

21 MAYOR VALDES-FAULI: Ten minutes. A little
22 more, if you need, but ten minutes.

23 MR. KLINE: Thank you. I'm Chuck Kline,
24 Cozen O'Connor, and I'm representing the civic
25 association. The civic association is a

1 voluntary association, and many members who live
2 in section one are members of this association.

3 Now, the issue before you is encroachments.

4 But before I get to that, I want to just
5 find out how many people here who live in Coral
6 Gables are opposed to the encroachments that are
7 going to be built in section one by the
8 homeowners of section two. Can you raise your
9 hands, please?

10 Now, Cocoplum is composed of at least five
11 or six different constituencies. Section one,
12 which was built first and it's closest to the
13 guardhouse. Beyond that to the southeast is
14 section two. Then you have Tahiti Beach, which
15 opens onto Biscayne Bay. And then you have a
16 Yacht Club and a marina, which is a separate
17 entity. And then you have a clubhouse, private
18 club, that belongs to section two.

19 But this community, although it's made of
20 different constituencies, was conceived by Crow,
21 Pope & Carter as a single community. And when
22 the agreement about the center, the gatehouse,
23 and what walls were going to be put up out there
24 and what signage was going to be put up there in
25 1976, that was done by Crow, Pope & Carter on

1 behalf of the entire tract and it's set forth in
2 the city resolution that approved it.

3 Now, let's talk about these encroachments.
4 They want new signs -- or a new sign at the front
5 gate. Forty years it said Cocoplum in ten-inch
6 letters. That's all it's ever said. And the
7 agreement in 1976 between Crow, Pope & Carter and
8 the city required that that be the only signs out
9 there. And it's been that way.

10 The other thing are wing walls attached to
11 what I call gateposts that were built in 2013 on
12 the approach to the bridge on Cocoplum Road right
13 before it crosses over into section two. It's on
14 section one side of the -- of -- of the waterway,
15 but it advertises Islands of Cocoplum section
16 two, and it pretends to be, by the adding of
17 these wing walls, a constant barrier. It's
18 establishing that it's a separate community, not
19 one. They're trying to advertise that they're
20 separate. They're trying to brand themselves as
21 being Islands of Cocoplum, something separate.
22 They're trying to elevate their value and
23 depreciate the value of section one. That is
24 what they're trying to do.

25 They also want to put pavers there so that,

1 right next to the houses that are in section one,
2 those people have to listen to cars going over
3 pavers all day long and all night long just so
4 they can show that they're separate from people
5 in section one.

6 Now, the principals of law are much more
7 simple, and we don't need to argue or disagree
8 with the city attorney. Lawyers can always
9 disagree about the fine points, but there are a
10 couple simple pronouncements that control
11 everything here.

12 One is, the Supreme Court of Florida said
13 the city can't use public property to advance a
14 private purpose. There's got to be some public
15 purpose to do it.

16 The second thing is, you've got the
17 discretion to deny or grant this privilege of
18 using public property for some kind of public
19 purpose.

20 The first goal I have here is, I want to
21 get you to weigh the public purpose that they've
22 advanced for these monuments against the
23 objections, and let's see which way your
24 discretion should go, okay? Do they have a
25 genuine public purpose? You heard what the city

1 attorney said. They're trying to justify them as
2 directional or that they create a sense of pride
3 in their community, not ours.

4 Creating a sense of pride in their
5 community isn't going to benefit the public at
6 large. It doesn't benefit Coral Gables, it
7 doesn't benefit the public at large.

8 Directional makes no sense at all. The
9 words Islands of Cocoplum don't help anybody find
10 anyone in Cocoplum. The Islands of Cocoplum is
11 not a legal name for the homeowners association,
12 it's not a legal name for the plat where it was
13 platted. It's not on any map of Coral Gables.
14 It's not on any plat map. All the public needs
15 to know is, when they turn right into the gates,
16 they're going into Cocoplum. And there's a sign
17 there that says Cocoplum on both sides for 40
18 years. All they need to know is the street
19 address and the number. The number and the
20 street, and they can find anything in Cocoplum.
21 They are going to be confused by the term
22 Cocoplum, Islands of Cocoplum. You mean that's
23 different from Cocoplum?

24 Now, let's talk about the objections. We
25 know what their purpose is. They want to brand

1 themselves, but they're giving you what I call a
2 faux purpose, that it's directional or it helps
3 the public find. Think about the value of the
4 term Islands of Cocoplum and how it serves a
5 public purpose and now let's think about the
6 objections. The 1976 signage agreement that was
7 signed by Crow, Pope & Carter with the City of
8 Coral Gables has never been changed, and it was
9 recorded in the public records. Everybody who
10 bought property in there took title, knowing that
11 there was an agreement between the original
12 developer who presented that agreement to the
13 commission on behalf of the entire 400 and some
14 odd acres, not just section one.

15 Number two, that signage agreement is
16 incorporated by reference into a maintenance
17 agreement. And you heard counsel for section two
18 talk about the maintenance agreement. The
19 maintenance agreement was approved by this city
20 with the understanding that it conveyed
21 absolutely no title, and that the title to the
22 property remained with the city.

23 Number two, when it came to maintaining the
24 swales, it allowed them to maintain the swale
25 from the guard gate to Los Pinos Boulevard and

1 not beyond. And these monuments are beyond
2 there. But more importantly, maintenance doesn't
3 mean change. And that maintenance agreement
4 incorporated by reference the '76 agreement with
5 the developer that said the only signs that are
6 going to be at the entrance are Cocoplum. Buyers
7 who bought in here, knowing that that document
8 was in the record, should be entitled to rely
9 upon them.

10 Putting the Islands of Cocoplum on the
11 entrance with their private crest invites every
12 other constituency behind that gatehouse to want
13 to do the same thing. Islands of Cocoplum,
14 section one. Maybe they're going to call
15 themselves Highlands of Cocoplum. I don't know.
16 Section Tahiti Beach, the Yacht Club, the marina,
17 the section two clubhouse. The next thing you
18 know, the signage out front looks like the
19 entrance to a shopping mall somewhere that --
20 that --

21 The gatepost. And I want to address them
22 for a minute. The new wing walls, when you look
23 at them, they're designed to come out from the
24 posts, which are only a few inches from the
25 pavement, these big posts. Then the wing walls

1 go back. And the concept behind that is to
2 create what looks like a wall so that when you
3 drive up there and then you see in the center the
4 sign -- and they have it -- if you take a look at
5 Tab 13, the third page from the back of Tab 13 is
6 a photograph of what they expect to do there.
7 And you can see that you couldn't walk up the
8 swale without stepping out into the pavement to
9 go around these monuments that have been built
10 there. And the sign that's going to be on there
11 is going to say Islands of Cocoplum and Club.
12 They're advertising a private club, a community
13 with a separate name in the middle of public
14 property. And what benefit does it do for the
15 public at large?

16 One more point, next to my last point. The
17 gateposts were the product of a document that was
18 filed called a covenant by the homeowners
19 association of section two in order to satisfy
20 the city's encroachment requirements. I submit,
21 the city attorney doesn't agree with me, that
22 your encroachment law was designed to let an
23 abutting property owner who had private property
24 encroach into the public property if it was
25 necessary.

1 MAYOR VALDES-FAULI: Sir, you have three
2 minutes to finish.

3 MR. KLINE: Thank you very much.

4 There's no encroachment here. They're
5 parachuting it. The homeowners association of
6 section two owns no property in section one, and
7 certainly not the property adjacent to any of
8 these signs, the one next to the bridge or the
9 ones out of the circle.

10 So they went ahead and filled out a
11 document, a covenant, that was a condition of
12 granting their original so-called encroachments
13 that recites that they're the owner of the center
14 median. The attorney has already told you, your
15 attorney, that that's false. That's not true.
16 And, number two, that they're the adjacent
17 property owner. It's right on the first page of
18 these covenants. And they are recorded in the
19 public record. And they were a condition of
20 allowing these improvements to begin with, just
21 the gatepost and the sign in the median. Now
22 they want to add the wing walls to it.

23 I think this is a golden opportunity for
24 this commission to say the original gateposts
25 that were done in 2013 and that center sign were

1 improvidently approved and they should be taken
2 back, that approval should be canceled, and for
3 sure the wing walls should not be allowed, and
4 the pavers. Think about the noise to the -- that
5 the property owners are going to hear every time
6 a car goes over those pavers just so section two
7 owners can advertise that they're separate and
8 apart from section one.

9 The last point I need to make, and to me
10 this is kind of simple. Your attorney has told
11 you, you have the discretion to grant or deny
12 these requests.

13 Discretion is something that needs to be
14 exercised with prudence and care. The only
15 reason for allowing it is if there's some public
16 purpose to use public property, to help the
17 public find an address in case they get lost or
18 whatever.

19 Now, you weigh that so-called public
20 purpose against poking a sharp stick in the eye
21 of every single resident of Cocoplum. And when
22 you weigh it, is that really something -- should
23 you go out and you weigh to let these signs on
24 the public property, these walls, should you
25 allow that when you know it offends all these

1 owners? Because what's happening, if you get
2 right to the bottom of it. And some of these
3 owners have attended HOA meetings in section two,
4 and they've heard it, section two wants to brand
5 itself as being better than section one. And the
6 irony is, they're asking the city to let them use
7 public property to do it, number one; and number
8 two, public property that's located in section
9 one.

10 Is that the kind of justification that you,
11 as members of the commission, would want to have?
12 I mean, would you really want to exercise your
13 discretion for something as valuable as this?

14 Thanks.

15 (Audience clapping.)

16 MAYOR VALDES-FAULI: The next time we have
17 clapping, I'm going to clear the room. Is that
18 clear? Thank you very much.

19 Yes, sir. Five minutes rebuttal.

20 MR. DIAZ DE LA PORTILLA: Thank you. Thank
21 you, Mr. Mayor, and thank you, Commissioners.

22 And, again, let me just quickly, show of
23 hands of the people in favor of investing in the
24 community and continuing to invest in the
25 community, please raise your hands.

1 Now, you've heard from the objectors, this
2 civic association -- which, by the way, again,
3 they themselves admit that they don't represent
4 150 people in -- 150 homes in Phase I. We don't
5 know how many they represent. Maybe they
6 represent the 10 people or so who are here in the
7 room, maybe it's 12, maybe it's 15. But it's a
8 voluntary association that does not speak for the
9 entirety of Phase I or the 150 owners in Phase I.

10 On the other hand, you have a homeowners
11 association duly organized under the law for 40
12 years representing 100%, all 304 homeowners in
13 Cocoplum Phase II.

14 And you have one that hasn't paid a dime
15 toward the improvements toward the betterment of
16 the community, not for the signs out front, not
17 for the landscaping, not for the lighting, not
18 for the irrigation, not for the water features,
19 not for any of the improvements that exist in the
20 community.

21 And so they're here, whatever group they
22 represent -- five, ten, fifteen people, who knows
23 how many, we really don't know, that hasn't been
24 disclosed -- we know that they don't represent
25 the whole group.

1 Now, they tried to put together this book
2 with a number of covenants, documents, and what
3 have you. They tried to convince your city
4 attorney that somehow they have the legal
5 argument to make. That they have a legal case.

6 But your city attorney rejected them. In
7 fact, in a memorandum of law prepared by your
8 city attorney, who is board certified in local
9 government law, she says very, very clearly that
10 their legal arguments have no merit. That's all
11 the three prompt legal argument -- I should call
12 it the legalistic argument, because legal, again,
13 doesn't have any merit. And that's what your
14 esteemed board certified attorney has said.

15 What's more, your outside, Greg Pauly
16 [phonetic], who served in the county for many,
17 many years and is also an expert in local
18 government law, says none of their legal
19 arguments carry any weight.

20 And so I'll ask my partner and associate,
21 Elinette Ruiz, actually partner and wife,
22 Elinette Ruiz, to have a copy of the opinion by
23 your city attorney in consultation with your
24 outside expert that clearly says -- and I point
25 you to about the middle of the page there --

1 actually, third paragraph from the top where it
2 says, it is the opinion of this office that
3 Cocoplum I's position is without merit.

4 So after they failed in trying to make
5 those legal arguments, or legalistic arguments,
6 then they tried to scare the community. And
7 that's some people here from Phase I who think
8 somehow that misinformation that they've given
9 the community that -- that Cocoplum, the Islands
10 of Cocoplum is trying to change the community is
11 true. And that's not true either, because very
12 clearly what Islands of Cocoplum wants is really
13 what every community in Coral Gables has:
14 something along that road that identifies its
15 community. Every single one going out two miles,
16 every single community, has their name somewhere
17 and it is directional. It does let people know
18 that Islands of Cocoplum is inside past that
19 guard gate.

20 Now, they mention Tahiti Beach. Well,
21 Tahiti Beach has issued a letter in support of
22 Islands of Cocoplum and what Islands of Cocoplum
23 wants to do for the community. I'll ask my
24 partner to introduce those as well. And we have
25 not only Tahiti Beach supporting us, but the

1 Yacht Club also has issued a letter of support.
2 And both those letters explain that both the
3 Yacht Club and Tahiti Beach support and stand in
4 unison with the 304 property owners of Islands of
5 Cocoplum who want these enhancements and these
6 improvements and the special relationship with
7 Coral Gables to continue.

8 I have a chart that summarizes --

9 COMMISSIONER QUESADA: I have a question
10 for you as you're bringing up the chart.

11 MR. DIAZ DE LA PORTILLA: Yes.

12 COMMISSIONER QUESADA: The directional in
13 nature. I'm just thinking about other
14 communities that we have. You know, my parents
15 are in the Gables by the Sea community, and
16 that's actually, I think, somewhat analogous
17 here, but tell me why I'm correct or incorrect.

18 When you go into Gables by the Sea, the
19 front entrance says Gables by the Sea, and
20 there's a guard gate. But actually if you hug
21 57th Avenue that actually runs into Gables by the
22 Sea, to the south if you go right it's actually
23 Pinecrest -- and you'll get more time, don't
24 worry, I've eaten through your time -- but the
25 rest of it is Gables by the Sea. There's no sign

1 indicating once you get into the property that
2 it's Pinecrest one way and it's Gables by the Sea
3 another way. You just figure it out, because if
4 you've been in the area a lot, you figure it out
5 over time.

6 I guess the one thing that has been
7 highlighted to me going through the affidavit and
8 going through their -- their presentation, and
9 I've spoken with people on both sides prior to
10 today, you know, the one thing that Mr. Kline
11 is -- it's really ringing with me, and I'm going
12 to reread the city opinion because -- the legal
13 opinion, and I'm going to ask our city attorney
14 also to verbalize the opinion that's been
15 provided to us in writing -- is if it's
16 directional in nature why -- why even say a
17 private community?

18 MR. DIAZ DE LA PORTILLA: I'm going to
19 address that. So let me just address that
20 part.

21 COMMISSIONER QUESADA: Because that -- that
22 line, I'm being completely blunt here, coming
23 into this I was in favor of it. And now you see
24 this -- when you read that line that was
25 amplified by Mr. Kline, which was well taken by

1 me, makes it feel like it's more than just
2 directional in nature. Explain to me why.

3 MR. DIAZ DE LA PORTILLA: Okay. Well,
4 first of all, let me start by saying that in the
5 plans that are -- that you're going to be seeing
6 on the 26th and what we're presenting to the
7 city, it's not going to say a private community.
8 So that's not part of what we're proposing and
9 what you will see when you have our architect on
10 the -- who, by the way, has worked on more homes
11 in both Phase I and Phase II than any other
12 architect anywhere. So that's not part of what
13 is ultimately being proposed. So I'll start with
14 that.

15 But secondly, secondly, the reason it
16 originally was -- was said, was because unlike
17 Phase I -- Phase I does not have a \$35,000
18 initiation fee to be part of the association. It
19 doesn't have association fees, it doesn't have
20 world-class amenities: pool, volleyball, beach
21 volleyball court, basketball courts, gym, all the
22 amenities that -- the children's playground,
23 etc., etc., etc., and it doesn't have a
24 clubhouse. And so the clubhouse is a private
25 clubhouse because, again, there's a \$35,000

1 initiation fee, and you have to be a member of
2 the association.

3 So that's why originally it was there. But
4 in order to placate the other side, we decided
5 that we were going to take that out and not say a
6 private club anywhere. So that's not the final
7 plan. That's to address your question.

8 MAYOR VALDES-FAULI: Please finish. You
9 have two minutes.

10 MR. DIAZ DE LA PORTILLA: Okay. Thank you.
11 And so --

12 Where did my chart go? Oh, it's in front.

13 May I approach?

14 MAYOR VALDES-FAULI: We have it here. You
15 don't have to.

16 MR. DIAZ DE LA PORTILLA: So as you all can
17 see -- let me just keep it in front so there's a
18 bigger version.

19 Again, now, the argument, since you have
20 the chart in front of you, the argument that in
21 1976 it only said Cocoplum out front and that's
22 what the original developers of Phase I -- Crow,
23 Pope & Carter -- intended is almost a silly
24 argument. It's almost as silly as pavers making
25 noise and sounds and what have you. Because if

1 they make so much noise and sounds, the city
2 wouldn't have pavers all over the city, as you
3 all do. But that's a silly argument, and I'll
4 tell you why it is. And I hate to say it this
5 way.

6 Because in 1976, Phase I was built, there
7 was no Islands of Cocoplum until 1979. By the
8 way, in 1976 they also called for an information
9 booth to say temporary parking and Cocoplum
10 information. None of that is there any longer,
11 either, because that was in 1976.

12 But going back to when the homeowners
13 association becomes a successor in interest and
14 the agreement of 1981, which is found in Tab 6 of
15 their book, it very, very clearly says that it's
16 the homeowners association that is responsible
17 for the signage on Cartagena Circle, the swales,
18 the median, the irrigation, the pillars that you
19 have now and that you approved in 2002 and in
20 2013 unanimously, the whole shebang, in essence.

21 And specifically that Tab No. 6, that 1981
22 agreement, if you go to page -- and I'm referring
23 to Exhibit F, Maintenance Agreement, it's between
24 the Cocoplum Homeowners Association, Islands of
25 Cocoplum, and the City of Coral Gables. There's

1 no civic association involved in this.

2 It says in Tab 2, the association further
3 reserves the right in the -- to remove, at its
4 cost and expense of the association, all or any
5 part of the improvements specified in paragraph
6 one above where the entrance walls, where the
7 information booth, and replace the same with sod
8 or other material acceptable to the city. The
9 reference that it makes to the 1976 agreement is
10 specifically saying that it's an association that
11 is to run this whole thing.

12 So as the only association here, I'm asking
13 you -- so as the only association here, as the
14 only folks who have made this investment and have
15 this beautiful partnership here with you, we ask
16 you to continue the good public policy, supported
17 by your city attorney, supported by your Public
18 Works Department, and supported by 40 years of
19 history, of allowing the Islands of Cocoplum
20 community to continue investing in the community,
21 as they've done for 40 years in beautifying and
22 enhancing the property values for everyone.

23 Thank you.

24 MAYOR VALDES-FAULI: Thank you very much.

25 Madam city attorney --

1 MS. RAMOS: We'll begin the --

2 MAYOR VALDES-FAULI: We will give -- the
3 representatives have spoken, very adequately
4 spoken, eloquently spoken, and we will now hear
5 from the members of the public who wish to speak.
6 You have two minutes.

7 Before I call the first one, I have several
8 cards here of people who do not wish to speak,
9 but wish to express an opinion.

10 Carla Isaias, proponent.

11 Martine Stern. It doesn't say what it is,
12 proponent or --

13 Manuel Abdallah. It doesn't say whether
14 he's a proponent or not.

15 Lisa Martinez, proponent.

16 Suzanna Cancio, proponent.

17 Lisette DiGasbarro, proponent.

18 Robert Stewart, opponent.

19 Now I will call the first member of the
20 public to speak: Esber Andiroglu. Esber?

21 Yes, sir, come up here. You have two
22 minutes.

23 MR. ANDIROGLU: Good afternoon. Yes, I'm a
24 resident at 155 Cocoplum, which is immediately
25 before the proposed signage location. We've been

1 a resident of Cocoplum since 1994. We are
2 homeowners of the home, which is designated as
3 the historic property of Cocoplum.

4 Our property, as well as the property
5 immediately east of us, right before the bridge,
6 are the original to 1920s constructed homes.
7 And, in fact, they were used as the sales offices
8 during the development of the original historic
9 home of the community.

10 So just looking back from an historic
11 perspective of what Cocoplum means for the
12 community and those of us that have been living
13 there for many years, this is in complete
14 violation of the concept of historically what
15 Cocoplum has established there as a part of the
16 Coral Gables community.

17 So in this I agree with the rest of my
18 neighbors, that this is definitely not the right
19 way. It excludes Phase I residents. It does not
20 really integrate us as a community, other than
21 segregates us. That's not the direction we
22 should be taking at the moment.

23 And we've heard several arguments, but
24 whether it's the association fees or partnerships
25 or engagement of the residents, there are various

1 other possible solutions that can come out of
2 this discussion in the two sections, and so this
3 doesn't have to happen or end up in segregation.

4 It's already resulting in division among
5 our residents, really. People have already
6 started identifying themselves as Phase I, Phase
7 II, which is not the right thing.

8 MAYOR VALDES-FAULI: Thank you very much.

9 MR. ANDIROGLU: Thank you.

10 MAYOR VALDES-FAULI: Maria Dolores Canas.
11 She says, I oppose the gate proposal presented by
12 Islands of Cocoplum.

13 Juan Carlos Pinilla, do you wish to speak?
14 All right.

15 Juan Franco? You wish to speak?

16 MR. FRANCO: Good morning. Thank you
17 for -- for the time. I live in Cocoplum for the
18 last four years on 295 Vistalmar Street. I'm a
19 resident of Coral Gables, my office is in Coral
20 Gables, most of my time, my -- my daughters go to
21 school in Coral Gables. So I'm a resident of
22 Coral Gables.

23 I live in Cocoplum Phase I. I have friends
24 in Phase II. I have very good friends in Phase
25 II. But the reality is that all the plans that

1 the Islands of Cocoplum are doing is basically
2 they are dividing the community. They are trying
3 to position themselves in a different position
4 than Phase I. And that's why, you know, I -- I
5 decided to do that, and that's why I'm here
6 supporting our community, be sure that our right,
7 I suspect it, the city. So thank you for your
8 time.

9 MAYOR VALDES-FAULI: Thank you, sir.

10 Daniel Lopez does not wish to speak, but is
11 an opponent. Okay.

12 Eduardo Stern, who wishes to speak.

13 MR. STERN: I have lived in -- I am
14 probably one of the few people who have lived in
15 Phase II and Phase I. And I have been living in
16 Cocoplum since 1977. I've owned properties in
17 section one and in section two.

18 I do -- I like this expression. I think
19 that these walls that were -- has been suggested
20 is like a flu shot, painful and necessary.

21 MAYOR VALDES-FAULI: It's like what?

22 MR. STERN: It's like a flu shot. It's
23 painful and necessary. I think that it should be
24 more concentrated on creating one community, than
25 trying to divide the two for the wrong business,

1 because clearly the reasons are not there to have
2 the community find something or create for
3 directional or as public benefit. They're simply
4 there to create a division between that and the
5 one community and the other, which is really one.
6 Thank you.

7 MAYOR VALDES-FAULI: Thank you, sir. Thank
8 you.

9 Charles Kline has already spoken, I guess.
10 Juan Galan, Jr.?

11 MR. GALAN: Good afternoon, I guess.

12 MAYOR VALDES-FAULI: Good afternoon, sir.

13 MR. GALAN: Thank you, city officials, and
14 the city management for your services and
15 dedication to our city beautiful. I know it's
16 always a challenge, but we do have a city
17 beautiful.

18 I'm a 42-year resident of Coral Gables, 18
19 on Coral Way, 24 on Gable Court Way. I am soon
20 to reach what I consider to be the value
21 proposition of living in Coral Gables, which is I
22 am pretty soon to have paid a million dollars in
23 property taxes as a Coral Gables resident. I ask
24 myself the question is it worth it, and the
25 answer is I'm still here, so it's obviously worth

1 it. I'm not trying to brag, but I'm just telling
2 you that I've been around this area for a long
3 time. I value what you do for us. And yes, we
4 pay a lot of property taxes, but we get value
5 from it.

6 I really prefer not to be here today, as I
7 really do not like to criticize operations of the
8 city in public, and I really prefer not to do it
9 on television, but unfortunately I have to. It's
10 a very simple thing.

11 The Board of Architects, I have been told
12 by some, is responsible for aesthetics only.
13 That's not correct. They also look at content.
14 Content means that if I have, when I remodel my
15 house, if I had put in four columns and a picture
16 of Fidel Raul Che on the 24th of July, the 26th
17 of July, the Board of Architects would have
18 rejected it out of hand. They would have not
19 even considered it, okay, because it's obscene or
20 objectionable, each one of the columns, okay?

21 What's the relevance to this case? The
22 Board of Architects probably doesn't know that
23 they don't have the authority to change it. So
24 they accepted this architect, which is a famous
25 architect, and a number of the members here --

1 and they didn't fail -- they failed to realize
2 that there were -- to process that application,
3 because that application is in the name of -- a
4 change of name. That's not valid.

5 MAYOR VALDES-FAULI: So you're opposed?

6 MR. GALAN: Yes.

7 MAYOR VALDES-FAULI: Thank you. Thank you,
8 Mr. Galan. Thank you very much.

9 Maria Nicklaus wishes to speak. Good
10 afternoon.

11 MS. NICKLAUS: Good afternoon. My name is
12 Maria Nicklaus. My husband, Edward, and I have
13 lived in Cocoplum for 30 years.

14 MAYOR VALDES-FAULI: Could you get closer
15 to the microphone and pull it down a little bit?

16 MS. NICKLAUS: We have lived in Cocoplum
17 for 30 years in Phase II. We believe that we
18 should keep our neighborhood identity because of
19 all the facilities and everything that we
20 provide. And Phase I benefits from all these
21 things, including the guard at the guardhouse and
22 everything else that has -- that Mr. De la
23 Portilla has mentioned. So that is my position.

24 We have owned property there since 1985,
25 and we built our home in 1989. And as a matter

1 of fact, my husband was president when you were
2 first mayor of Coral Gables and he filed a
3 petition for the stop signs and the gates at the
4 guardhouse. Thank you.

5 MAYOR VALDES-FAULI: Thank you very much,
6 ma'am. Thank you.

7 Alfredo Piedra? Good afternoon,
8 Mr. Piedra.

9 MR. PIEDRA: Good afternoon. Thank you
10 very much for the opportunity. I am going to be
11 short and sweet.

12 You have a community that for 40 years has
13 been investing in the community for 40 years, and
14 you have a community that for 40 years has
15 maintained all the common areas, 40 years. You
16 have a community that allegedly is divisive, but
17 we are investing in their sign, to update it, to
18 improve it, to be consistent, to provide value to
19 both communities.

20 I have a hard time understanding how -- I'm
21 going to do the metaphor of my neighbor. I want
22 my neighbor to have the biggest home, the most
23 expensive home, the nicest home, the best
24 improvements, because that raises my property
25 value. That's what I want. That's -- that's

1 what real estate is all about. We're about,
2 believe it or not, increasing your property value
3 and our property value. And anything we can do
4 to help do that, we will, because we realize that
5 high tide rises all boats. And that's what we're
6 here about.

7 You saw the other two surrounding
8 communities, Tahiti Beach and the Yacht Club,
9 they have no objection to this. On the contrary,
10 they recognize that this is going to enhance
11 everybody's value. It's going to enhance the
12 city's value, it's going to enhance the Islands
13 of Cocoplum value, it's going to enhance
14 Cocoplum's value. Allow us the opportunity and
15 the right to invest in our community and increase
16 the property values.

17 MAYOR VALDES-FAULI: Thank you, sir.

18 Ines Lorenzo Gomez.

19 MS. GOMEZ: Hi. Good morning. Ines
20 Lorenzo Gomez. I just want to follow up on --
21 thank you so much for your time. I just want to
22 follow up on what Freddy had to say, so I'm not
23 going to talk about the property values.

24 I'm going to give an example of something
25 that happened to my husband and I. Initially we

1 bought a house on Phase I, and I had no idea.
2 You know, the explanation there as a Phase I and
3 a Phase II was not given to us by the Realtor. I
4 went one day and I tried to use the facility and
5 I was told that I was not able to use the
6 facility because it was a completely different
7 community. I lived in that house for four years,
8 we sold the house, and we bought a house in Phase
9 II.

10 Right now I am a member of the board, and
11 I'm very involved with what happens in the
12 community. And as a member of the board I feel
13 like we have a responsibility to all the new
14 homeowners that might be looking into buying into
15 our community because Realtors don't really make
16 the distinction.

17 Our property values will go up, and Phase I
18 property values will go up as well. That's why
19 I'm so much in favor of, you know, moving ahead
20 with the signs. It's not a matter of dividing
21 the community. It's making it clear that the --
22 they are differences between the communities.
23 And it would be an improvement for all of us.
24 Thank you.

25 MAYOR VALDES-FAULI: Thank you, ma'am.

1 Thank you very much.

2 Matt Martinez?

3 MR. MARTINEZ: Good afternoon. My name is
4 Matt Martinez. I'm the president of the HOA for
5 the Islands of Cocoplum. I've been a board
6 member for 11 years and president for two years.

7 As the elected representatives of Islands
8 of Cocoplum, a 304 community, we want to express
9 our unwavering support for the two projects
10 currently being proposed. We are united in our
11 steadfast conviction and commitment to
12 continuously upgrade and improve our community.

13 For the past 40 years we have -- we have
14 had a long-standing and mutually beneficial
15 agreement with the City of Coral Gables to
16 maintain, manage, and upgrade the entrance along
17 Cartagena Plaza, as well as the median along
18 Cocoplum Road. During these four decades we have
19 never wavered in our resolve to fulfill our
20 obligations, nor have we ever neglected to
21 provide the requisite funds to sufficiently
22 provide for these areas.

23 We're asking our elected officials to
24 support the aforementioned two projects, as we
25 feel strongly they will -- that they will benefit

1 our residents, the surrounding community, and the
2 City of Coral Gables.

3 As the president of the HOA, we're
4 representing all 304 homeowners. We've discussed
5 these projects ad nauseam at open board meetings.
6 Unanimously, there's not one individual, not one
7 homeowner that rejects these projects. We've
8 been a sovereign community for 40 years. We
9 raise all the fees through HOA association dues
10 and membership fees to pay for all the
11 landscaping, to pay for the maintenance of -- of
12 the guardhouse, to pay for the security. It's
13 our community that pays 100% of all the cost
14 associated with managing our community.

15 And do you think that perhaps we feel very
16 strongly that we should have a sign indicating
17 that we are a community. We are the Islands of
18 Cocoplum, and we have since 1979.

19 Thank you very much.

20 MAYOR VALDES-FAULI: Thank you, sir. Thank
21 you very much.

22 Jose Cancio?

23 MR. CANCIO: Mayor, Commissioners, good
24 afternoon. I own two properties at Phase II,
25 thankfully, because otherwise I probably wouldn't

1 be able to use the tennis court and the gym.

2 198 Caoba and 440 Costanera.

3 I think it's ridiculous for us to have to
4 come here and discuss something that is improving
5 our community, and their community as well.

6 Sometimes I'm a little frustrated to drive
7 down Cocoplum and realize that we're the only
8 ones that pay to maintain that beautiful -- that
9 beautiful road, the guardhouse and so on. I
10 would think they would be very nice, our
11 neighbors, to help us improve our community and
12 theirs. I think if their -- if their values go
13 up, our values will go up. If our values go up,
14 theirs will go up. It's very simple. I hope
15 that you use a little common sense and help us
16 get this done. Thank you.

17 MAYOR VALDES-FAULI: Thank you, sir.

18 Bob Garner? Good afternoon.

19 MR. GARNER: Good afternoon, Mayor,
20 Commissioners. I'm going to take a slightly
21 different take. I live at 157 Paloma Drive, and
22 before that I lived at 700 Sunset. So I've been
23 a resident of the Gables for 15 years, raised my
24 two sons here, and I've been a resident of
25 Miami-Dade County for 45 years. And I want to

1 tell you, you do a fabulous job on this
2 commission, and I love Coral Gables. And I
3 regret that we have to come here and take your
4 time when you have lots of matters other than
5 putting up a sign to talk about this issue, quite
6 frankly. Because as a taxpayer, and we
7 contribute well as taxpayers, this has been
8 pointed out. That is not really what I think
9 that you really should be doing for this --
10 for -- as -- as -- as an elected official.

11 But I might say to you, I look for one
12 thing in our homeowners association. And I
13 joined the board a year ago, was elected to the
14 board a year ago in Islands of Cocoplum, and I
15 look for security, which we have excellent
16 security. The chief visited us recently and
17 commented on how good security we have.
18 Therefore, we don't have to have quite as much
19 from the City of Coral Gables.

20 Number two, beautification. We have a
21 beautiful community. It's already been pointed
22 out what we do to maintain that community. This
23 is just a continuation of maintaining that.

24 And finally, that sign. Even the chair of
25 the architects, Board of Architects, when she was

1 reviewing the application, looked at it and said,
2 this sign needs updating. It's a circa 1970's
3 sign. And we simply want to follow the
4 beautification that we have in Coral Gables with
5 the stone look and simply put our name out there.

6 I won't even address the other component,
7 because we're talking about identify. It's
8 simply a matter of identity, and I think we've
9 earned it.

10 And if you take a look at what -- there was
11 a choice 40 years ago. The value of that choice,
12 if you do the math, based on what we pay and our
13 fees, and 40 years, it's about \$25 million if the
14 Phase I had chose to join the homeowners
15 association over a period of 40 years. That's
16 the difference.

17 So we just would like to have our identity,
18 and we would like to be recognized for what we
19 do.

20 Thank you very much for the time.

21 MAYOR VALDES-FAULI: Thank you, sir. Thank
22 you.

23 Ira Jacobson?

24 MR. JACOBSON: Hello, Mr. Mayor, members of
25 the commission. My name is Ira Jacobson. I've

1 been a resident of Cocoplum for 20 years and a
2 resident of Miami for 50 years.

3 When we bought in Cocoplum, it was a
4 beautiful community. We knew it was Phase I,
5 Phase II, but it was Cocoplum. Then a few years
6 ago I see the signs come up Islands of Cocoplum.
7 So what does that make me? I live in the
8 barriers for Cocoplum? I mean, it's all supposed
9 to be Cocoplum.

10 Now, the people in Phase II want the signs.
11 People in Phase I don't want the signs. The
12 question is, are they legal and proper according
13 to the codes? They're private advertising signs
14 on public property. They serve no purpose for
15 direction and structural or anything else to the
16 community. They're purely just private
17 advertisement, advertises the private community,
18 which it is not. So they shouldn't be there,
19 pure and simple. If they're not proper, they
20 don't need to be there.

21 We have Cocoplum, a wonderful community.
22 Phase II pays a little more. They have more
23 amenities. That's true. We're all happy. We're
24 all one happy community. But we don't like to be
25 singled out as being on the wrong side of the

1 tracks.

2 And the signs, I believe, are improper.

3 They don't belong there according to code and

4 law. That's my comment.

5 Thank you very much.

6 MAYOR VALDES-FAULI: Thank you.

7 Ramon Pacheco?

8 MR. PACHECO: Good afternoon. My name is
9 Ramon Pacheco. I do not live in Cocoplum,
10 neither one of them, but I have had the honor to
11 have the first house that I designed was in
12 Cocoplum I, and today I have the honor to
13 represent Islands of Cocoplum as the Board of
14 Architect. I was the one that designed the
15 structures --

16 COMMISSIONER KEON: I'm sorry to interrupt.
17 Are you a member of the Board of Architects?

18 MR. PACHECO: I'm the Board of Architect,
19 Islands of Cocoplum.

20 COMMISSIONER KEON: In Islands of Cocoplum,
21 not the --

22 MR. PACHECO: That is correct. I'm allowed
23 to speak? Okay.

24 I have designed over 80 homes between the
25 two Cocoplums and Tahiti Beach. I hate these

1 discrepancies between the two Cocoplum. All
2 we're trying to do is improve the Cocoplum I for
3 the design, to enhance that design, and to
4 improve the monuments for the Islands of
5 Cocoplum.

6 As an architect I try to do my best with
7 anyone. I have friends in both sides. I love
8 that these two communities shake their hands and
9 finish these, and -- and keep the progress of the
10 two communities. Thank you.

11 MAYOR VALDES-FAULI: Thank you, sir. Thank
12 you very much.

13 Guillermo Diego? I'm sorry, he does not
14 wish to speak, but he's an opponent. I'm sorry.

15 Then we have Evelyn Villanueva, who does
16 not wish to speak, and they are opponents.

17 I would like to call on Ramon Cacicedo.
18 What?

19 COMMISSIONER QUESADA: The opponent does
20 not wish to speak.

21 MAYOR VALDES-FAULI: I'm sorry, yes. And
22 Natalia Cacicedo does not wish to speak, and she
23 is opposed.

24 Isabelle Andiroglu does not wish to speak,
25 opponent.

1 Lawrence Shubert or Shoeman [phonetic]? Go
2 ahead, sir.

3 MR. SUCHMAN: Good morning, Mayor,
4 Commissioners. Larry Suchman.

5 MAYOR VALDES-FAULI: Sorry.

6 MR. SUCHMAN: No problem. I'm here
7 representing my mother, who lives at 185 Cocoplum
8 Road. She bought the old sales office, which was
9 the very first home of Cocoplum in this entirety.

10 She is objecting to the proposed changes,
11 most of which were done without notice to her.
12 We believe that, one, that her property is not
13 part of the plat and that those -- part of the
14 structures are on her private land, maybe subject
15 to some easements, but on private land.

16 And also, you know, this is a good -- it's
17 how you spin things. And so Cocoplum -- Cocoplum
18 is spinning this like we're the deadbeats. The
19 truth is, Cocoplum I has enjoyed the relationship
20 with Coral Gables for more than 40 years.

21 And it was the bargain that Arvida made
22 with Pope in buying section two, that they had
23 the right of easements and improvements and make
24 it so that they could be recognized and have
25 entrance to enjoy access to the rest of the world

1 and to develop the special property. And part of
2 that bargain was that they would spend their
3 money to improve and maintain over time. And
4 that happens all the time in real estate. But
5 they forget that.

6 So we're not the deadbeats. We're just --
7 everyone's living up to their -- to their piece
8 of the agreement and the bargain and everyone's
9 enjoying that. And so now to try to divide the
10 community I don't think is in everyone's best
11 interest.

12 My mother does not like the problems that
13 she has to see every day. The pavers are a
14 concern with respect to noise and clip-clap all
15 night and all day and all through the night. My
16 son fishes the bridge and now has to maneuver
17 through in a more dangerous way. I'm sure this
18 is a precursor to adding gates.

19 MAYOR VALDES-FAULI: Thank you, sir.

20 MR. SUCHMAN: We're objecting to this.

21 MAYOR VALDES-FAULI: Thank you very much.

22 MR. SUCHMAN: Thank you.

23 MAYOR VALDES-FAULI: David Serviansky?

24 MR. SERVIANSKY: Good afternoon, everybody.

25 I'm here opposing the gates. And also to mention

1 that even though they have Phase II as a very
2 well-run homeowners association, one thing that
3 they have failed to do is to establish
4 communication, proper communication, and listen
5 to what Phase I has to offer or what our concerns
6 are.

7 And let me give you one example. The --
8 the Board of Architects heard and reviewed the
9 gates, and they almost unanimously voted them
10 down, except for one commissioner. After that
11 the Phase II went to appeal and establish a
12 settlement agreement, which was carried out in
13 the dark. Phase I was never brought into the
14 picture. We were not consulted, and suddenly
15 there's an agreement that settles the issue
16 without even us being invited. So I think that
17 you should take a look at the system. Maybe it
18 was done legally, maybe -- however, it wasn't
19 done properly. And we feel that we have been
20 kept in the dark. And I think that you all
21 should be kind of insulted for being either kept
22 in the dark or for allowing the citizens and the
23 staff just to be in situation that's totally --

24 So anyway, I'm looking forward hopefully in
25 the future we can talk our neighbors, but in the

1 meantime that conversation has to go both ways.

2 And we oppose this.

3 MAYOR VALDES-FAULI: Thank you.

4 COMMISSIONER QUESADA: So the next two were
5 Margaret and Mauricio Brener and Dr. Maria Conde.
6 Both are opponents and do not wish to speak.

7 The next speaker was Hector Fortun.

8 MR. FORTUN: Good afternoon, Mayor,
9 Commissioners. Thank you for your time in the
10 hearing.

11 I just would like to point out a couple of
12 statements that need clarification and have some
13 misrepresentation. Phase I pays annually over
14 \$450,000 a year to protect all of Cocoplum. We
15 pay Coral Gables police officers for 16 hours.
16 We're trying to get that up to 24 hours. So we
17 provide the key protection for Cocoplum.

18 Also on the gates, when we spent -- all
19 Cocoplum Phase I and Phase II and everyone else
20 in the community, remodeled the guard gates, we
21 were tasked under a special agreement to pay for
22 that million dollars. So we all paid for that.

23 The other thing is, we've all invested
24 millions of dollars in our homes. And it's not
25 about making -- just making our property values

1 more. It's about the sense of community that
2 we're losing with this division.

3 And the guard gate actually is in Phase I.
4 It's part of Phase I. That whole area and the
5 main drive that they maintain is part of Phase I.

6 With the agreement that was made way before
7 most of us ever bought a home there 40 years ago,
8 I believe it was Arvida made the deal that they
9 would maintain the front gates and the entrance
10 so they would have access. Otherwise, Phase II
11 would have been stuck in the back and they would
12 not have had any rights. So they agreed back
13 then by the people that were there that that was
14 the deal. And under that basis we have all
15 bought homes and we have been paying taxes and
16 we've had one united Cocoplum.

17 So you know, imagine if we all did a
18 business deal and 40 years afterwards they want
19 to come back and change it and say, hey, we're
20 not Cocoplum anymore, you guys are -- I don't
21 know what you are, but we're Cocoplum.

22 MAYOR VALDES-FAULI: Thank you, Mr. Fortun.

23 MR. FORTUN: And the other thing is, there
24 is no value to putting Cocoplum. So they're
25 saying they're trying to do improvements. That

1 sign is not going to help us in any way.

2 MAYOR VALDES-FAULI: Thank you, sir.

3 MR. FORTUN: Thank you.

4 MAYOR VALDES-FAULI: Christian

5 Giannakopoulos?

6 MR. GIANNAKOPOULOS: Mr. Mayor and
7 Commissioners. I've lived in Cocoplum since
8 1997. My parents have a home in Phase II, I have
9 a home in Phase I. All that I can remember,
10 we've always been one community.

11 And someone mentioned before the word
12 segregation. There's no reason -- we might not
13 have a homeowners association or an ability to
14 tie up theirs, but if the city has any
15 recommendation of how special taxing might pay
16 police officers, the city thinks that we should
17 contribute to their signs, we just -- their --
18 their operations, their one sign together,
19 putting the communities together, we just want to
20 know as a community to stop this argument.

21 As they said, they have a homeowners. They
22 can tax, they can increase their fee to pay for
23 attorneys to come and do this stuff. We're doing
24 this as a community and often door to door to try
25 to get our neighbors to assist us in this

1 process. And we just want to create one
2 community and one Cocoplum. It's always kind of
3 been known and remembered. Thank you very much.

4 MAYOR VALDES-FAULI: Thank you, sir.

5 Gustavo Pocha [phonetic]?

6 Maria and Alvedo Botty, opponents. It
7 doesn't say whether they're for or against. Oh,
8 they're opponents.

9 And the last one I have here is Rodolfo
10 Paiz, who wishes to speak, to provide
11 information.

12 MR. PAIZ: Good afternoon, Mayor,
13 Commissioners. My name is Rodolfo Paiz. I'm a
14 recent immigrant to Coral Gables and to Cocoplum.
15 I've lived on 330 Cocoplum Road for approximately
16 two years now. As the old saying goes, I wasn't
17 born here, but I got here as fast as I could.

18 You know what? I will neither support nor
19 oppose this measure, because I don't have a habit
20 of having opinions on things of which I am
21 ignorant, and I recently learned of this less
22 than a week ago.

23 What I would like to say, though, is that,
24 A, I learned about this a week ago. A lot of
25 people in Phase I have not been consulted because

1 somebody 40 years ago made the decision not to
2 form an HOA. There will always be lazy people,
3 there will be parasites who don't want to pay,
4 who don't want to join. I'm sure there is always
5 somebody in Phase II who is late and the
6 community has to bring them in.

7 What I would like to know, because
8 everybody here is my neighbor, everyone on both
9 sides, is there a way that all of Cocoplum can
10 legally be obligated to pay for their fair share
11 of security? I know something that's taken off
12 my taxes. I don't know exactly what. How do we
13 set this up, all of us, so it works?

14 I don't -- I don't care if Phase II has a
15 clubhouse and extra facilities. God bless them.
16 But those of us who have arrived recently or less
17 than 40 years ago should not be also punished for
18 not having been around 40 years ago when the
19 developer chose not to create an HOA.

20 So to me it's not about the signs. But can
21 the members of the commission, can the city help
22 the rest of us increase or improve our
23 organization? Thank you.

24 MAYOR VALDES-FAULI: Thank you, sir.

25 I have no other members of the public cards

1 that wish to speak. Therefore, I'll close the
2 public section of the meeting.

3 MS. RAMOS: Mr. Mayor, if I might just make
4 two comments that I want to correct for the
5 record.

6 COMMISSIONER QUESADA: Madam city attorney,
7 if you could make more than two comments? If you
8 can address for me, in addition to comments,
9 there's been quite a bit of conversation on the
10 encroachment issue. And I know we have an
11 opinion from you, but not everyone's aware of it.
12 So if you can summarize that verbally for us.

13 And also I believe it was Mr. Galan that
14 discussed the authority of the Board of
15 Architects, based on the content of the sign with
16 approval, if you can address that from a legal
17 perspective as well, in addition to whatever
18 comments you were anticipating making.

19 MS. RAMOS: Of course, I will make it four.

20 So one is, there was a point brought up --
21 I believe it was Mr. Kline, but I'm not
22 certain -- about the adjacent property owner,
23 that is not a requirement in our probe. While
24 admittedly most encroachment requests come from
25 the adjacent property owner, it's not required.

1 I just wanted to put that out there.

2 The second thing is, there was a comment
3 made by a resident that they were kept in the
4 dark on an agreement that was reached. First of
5 all, it was a Board of Architects appeal, which
6 is not before you today. It's at the next
7 meeting. What occurred was, the Board of
8 Architects approved certain plans -- I apologize,
9 denied certain plans that were presented to them.
10 The applicant at that time appealed that
11 decision. And as the rule set forth, there was a
12 conflict resolution meeting between the applicant
13 and the city. Cocoplum I had no place at the
14 table at that point. In other words, they had --
15 they were not the appellant, so there was no
16 reason for them to be invited.

17 How do we pick and choose who we invite?
18 It's simply the people, the parties at that time.
19 The parties at that time were Cocoplum II and the
20 city.

21 Now, once that agreement was reached,
22 Cocoplum I has now appealed that agreement, which
23 is their right, and it will be coming before this
24 commission. So there will absolutely be a public
25 process. It just hasn't happened yet.

1 MAYOR VALDES-FAULI: F.1 will be deferred?

2 MS. RAMOS: Correct, sir.

3 As to the opinion, essentially I have
4 concluded that there is -- the commission has the
5 sovereign authority to determine what is a public
6 purpose. A public purpose does not need to
7 benefit every single resident of the city. It
8 just needs to benefit some of the public. So I
9 disagree with Mr. Kline's conclusion. It's borne
10 out in opinion 2018-36.

11 And essentially there have been a number of
12 cases that found specifically that directional
13 signs do have a public purpose. Two of those
14 purposes could be directional signs, as well as
15 promoting neighborhood identity, although I
16 suppose there may be others that the commission
17 might find.

18 And, in fact, in Miami-Dade County there
19 are signs in rights-of-way that advertise the
20 name of communities everywhere, as one might know
21 just from driving around. Miami-Dade County's
22 code, the county's code, has provisions for these
23 types of signs.

24 So I -- I differ in my opinion from
25 Mr. Kline's that these are not permitted or that

1 this is for commercial purposes.

2 COMMISSIONER QUESADA: So you're saying the
3 public purpose by the commission can be a litany
4 of different items?

5 MS. RAMOS: Right.

6 COMMISSIONER QUESADA: However, one that's
7 previously established is directional.

8 MS. RAMOS: Correct, and -- and
9 establishing a neighborhood community.

10 Now, a commercial sign that an
11 establishment, Burger King might be able to put
12 their commercial sign up with that. That's a
13 different conversation. But that's how it's
14 happening.

15 COMMISSIONER QUESADA: But that's not
16 before us today.

17 MS. RAMOS: Correct.

18 MAYOR VALDES-FAULI: What's before us today
19 is a resolution authorizing encroachments
20 consist --

21 MS. RAMOS: And --

22 MAYOR VALDES-FAULI: -- wing walls and
23 pavers at the intersection of Cocoplum Road and
24 Los Pinos Boulevard and new signage at the
25 Cartagena Circle entrance. That's what's before

1 us today.

2 MS. RAMOS: Correct.

3 And the last point of Commissioner Quesada
4 regarding the covenant, I had just kind of at the
5 beginning in my opinion, the opinion of
6 real estate counsel, that particular document
7 does not attach to the property. It is mentioned
8 in an exhibit to a covenant.

9 But even if one were to determine that it
10 did, all that is required is a two-thirds vote of
11 the members of Cocoplum II or the successors in
12 interest to the original developer.

13 Any other questions I'm happy to answer.

14 COMMISSIONER QUESADA: What about the
15 legality of --

16 MAYOR VALDES-FAULI: No, no, we already --

17 MS. RAMOS: No, but he makes a good point.
18 I forgot about that. You asked about the Board
19 of Architects and the name. So, again, I remind
20 you --

21 COMMISSIONER QUESADA: The way the issue
22 was phrased was the Board of Architects has the
23 authority to make content-based decisions about
24 what --

25 MS. RAMOS: So, again, I remind you, we're

1 not here on the Board of Architects decision.

2 We're here on the encroachment.

3 But in either event, this isn't an official
4 community name change. They continue to be
5 Cocoplum I and II. And depending on, you know,
6 the circumstance there -- we're not supposed to
7 look at content, okay? The Supreme Court has
8 come down very clearly a couple of years ago and
9 said, cities can't look at content.

10 So, you know, there's some real first
11 amendment considerations there as to whether the
12 Board of Architects can look at the content of a
13 sign. I don't think we need to reach it. This
14 is about a name. They're not putting any
15 other --

16 MAYOR VALDES-FAULI: No, this is about
17 encroachment.

18 MS. RAMOS: Right. But even as to the --
19 the -- the name on the front, they are just
20 talking about a name. They're not talking about
21 a political statement or anything of that nature.
22 So I won't reach the question as far as the first
23 amendment, but we are not supposed to look at the
24 content.

25 MAYOR VALDES-FAULI: Can we do an order?

1 Ms. Keon, do you want to start?

2 COMMISSIONER KEON: Yeah, I -- I'm
3 interested in listening to what everyone has to
4 say because at first blush it seems to me the
5 information that has been provided to us over a
6 long period of time and a lot of discussion here
7 is that when Arvida came in and finished
8 Cocoplum, you know, there was a decision made by
9 the existing Cocoplum community to not join that
10 planned community that was -- was Arvida.
11 That's -- that's my understanding, that they did
12 not want to become part of one homeowners
13 association, they didn't want to join into the
14 amenities that were provided in that -- that
15 section of the city or that -- that development
16 at the time, and so they chose to be separate
17 from them.

18 And so, you know, I think they are -- you
19 know, they -- they operate as somewhat distinct
20 communities by that -- by that nature.
21 They're -- you know, it's -- although there --
22 they are separate taxing districts for their
23 roving patrols, therefore there are other things,
24 so they -- they have existed separately,
25 although -- I mean, apparently there was not a

1 specific name change.

2 Now, if, you know, by two-thirds vote of
3 the residents of the second phase they can become
4 Islands of Cocoplum? Is that what you're saying?
5 Or they just have to approve?

6 MS. RAMOS: No, that's just as to the
7 language in the document that's referred to in
8 the exhibit to the covenant.

9 COMMISSIONER KEON: Okay.

10 MS. RAMOS: And what that says is that the
11 signs will read Cocoplum as attached.

12 COMMISSIONER KEON: All right. So, you
13 know, I -- at this moment, you know, before
14 hearing any other discussion about it, I, you
15 know, I don't -- I would not have a problem with
16 them being identified on the entrance as Cocoplum
17 and Islands of Cocoplum because they operate
18 separately within -- within that space. I mean,
19 they operate as a different --

20 COMMISSIONER QUESADA: Do you think there
21 will be a negative impact on the property values
22 of the homes of Phase I?

23 COMMISSIONER KEON: I don't know. We can
24 talk -- that's why I want to listen to you. As
25 far as putting, you know, different, you know,

1 the signage in the encroachment, I mean, I
2 certainly don't think that if you're going to
3 operate as different -- you know, if you're going
4 to change your name and have a different name and
5 you're going to operate differently, you
6 certainly shouldn't be encroaching in Phase I to
7 put your signage, you know. And whether your
8 signage is necessary at all the -- the name at
9 the entrance should be sufficient to
10 differentiate or to tell the public that there
11 are two communities here.

12 You know, Tahiti Beach has said that they
13 have no -- they have no desire to participate in
14 any of this. They don't want to be listed in
15 there.

16 You know, the Yacht Club is -- it's a Yacht
17 Club. It's -- you know, I don't -- it's a Yacht
18 Club. It's not a residential area, and I'm not
19 particularly concerned about it.

20 But, you know, you -- I mean, even when we
21 have the discussion about the -- the roving
22 patrols with these taxing districts and asked
23 that -- why you wouldn't utilize the same people
24 to do your roving patrol, you said no, because
25 they were different, and you have Coral Gables

1 off-duty officers that do Phase I, and Phase II
2 has a separate roving patrol.

3 I mean, the location of the guard gate is
4 there because that's just where it belongs and,
5 you know, there isn't a space to move it. It was
6 done a very long time ago, so --

7 But if you exist as separate communities
8 and you want to be identified as separate
9 communities, I think you can -- you know, do --
10 do they -- they want to do it because they
11 believe -- I'm sure that they believe they have a
12 higher level of service and they have amenities
13 and they have things that serve them and they,
14 you know, deserve to be identified for those
15 things. So, I mean, that's fine.

16 MAYOR VALDES-FAULI: Mr. Quesada?

17 COMMISSIONER QUESADA: So I have to tell
18 you, I'm going back and forth on this. So I just
19 want to talk about the pros and cons, the way I
20 see it right now. Obviously my biggest concern
21 here is, I want it to have no negative impact on
22 the property values of Phase I. And I hear
23 that's an overwhelming concern, and it's
24 justifiable.

25 From the legal aspects, you know, I saw the

1 Supreme Court case law that our city attorney
2 cited, so I don't have a concern on the legal
3 issues that are presently before us.

4 I understand, and I've actually heard this
5 concern quite a bit. Ma'am, I'm sorry, I forgot
6 your name. You're on the board of Phase II. But
7 I have heard from people when they're looking at
8 homes in Cocoplum that they don't realize that
9 they're not going to have access to some and not
10 others. I've heard that quite a few times. So
11 you're not the first one I ever heard it from.
12 And sometimes were upset about it.

13 Obviously I think that's absolutely a
14 consideration for me. Whenever we are receiving
15 any kind of money or benefit to improve a
16 neighborhood in the city, it's hard to turn that
17 away and say no when we know it's going to --
18 it's going to be nicer and it's going to help the
19 community.

20 You know, the signage issue here, the
21 public purpose, you know, I -- I -- I really
22 dislike the word the private aspect. And
23 actually before today -- I didn't realize this,
24 so until Mr. Kline really pointed it out, and it
25 really makes me think of -- you know, it

1 immediately makes me think that Phase II was
2 trying to do this in order to have their property
3 stick out over Phase I. So it's very
4 understandable. I mean, it's undeniable.

5 Mr. Fortun, your affidavit, this binder,
6 was fantastic. So thank you for that as well.

7 It's a little bit of a quagmire of the
8 facts going back 40 years. The last speaker
9 brought up a very good point. That was actually
10 the first question I asked of Phase II when they
11 came to see me before today, maybe about a month
12 ago. I go, well, hold on a second, why can't
13 there be an opting in that would allow people of
14 Phase I to opt in if they wanted to and maybe it
15 brings everyone together? But from what I
16 understand it's not -- it's not feasible at this
17 time. I don't know if it's feasible in the
18 future.

19 Look, I'm -- I'm right down the line on
20 this, but I'm more in favor of allowing it than
21 against it. I don't -- I don't think it's going
22 to -- I don't think it's going to negatively
23 impact. Taking out the private aspect of it, it
24 is benefiting it, it is fixing it up. And again,
25 I do hear it quite a bit. I don't think I'm the

1 only elected official that's heard it when new
2 residents are coming in. So that was impactful
3 in my thoughts. That's where I'm at right now.
4 But again, I can be convinced.

5 COMMISSIONER KEON: How do you feel about
6 the encroachments in the right-of-way?

7 COMMISSIONER QUESADA: Honestly, I think
8 it's a -- it's a -- it's a trivial point because
9 I think if we said no based on that point, Phase
10 II would come back to us, bring it in a different
11 location a little bit further down the line --

12 COMMISSIONER KEON: Right, but that's all
13 I'm asking you.

14 COMMISSIONER QUESADA: My focus isn't on
15 exactly where it's going to be. I'm trying to
16 avoid --

17 COMMISSIONER MENA: But I think that fact
18 is important.

19 COMMISSIONER QUESADA: Okay. But then what
20 are they going to do? They're going to come back
21 in two weeks and say, all right, we'll move it
22 ten feet.

23 VICE MAYOR LAGO: Some of the residents
24 I've spoken to in Phase I have told me, hey,
25 listen, if they decide to move the monument

1 behind the bridge on Phase II, you know, they're
2 not that concerned with it.

3 I wasn't here -- I wasn't here in 2013 when
4 the encroachment agreement was signed.

5 COMMISSIONER QUESADA: I was.

6 VICE MAYOR LAGO: I'm just saying, I
7 wasn't. You're the only one so -- I mean, again,
8 I didn't see who voted or didn't. That's not the
9 issue. The issue is that I would not have signed
10 this encroachment agreement. I think, again, I
11 would have -- I sat down with the residents, I
12 spoke with them, and I visited the location.

13 I just think that if you want a monument
14 sign, which I think Phase II is entitled to, they
15 should have it in the Phase II area. That's the
16 first thing. So to me, I would move the monument
17 over, and you appease Phase II.

18 Let's talk about the others. Shall we talk
19 about the encroachment agreement, the location of
20 the monument, should we move it to Phase II,
21 across the bridge, on the other side of the
22 bridge?

23 There was these private community labels
24 that was put on the monuments. I've been told by
25 the city attorney they've got to go. That was a

1 push by Phase II. They knew better than that.
2 That wasn't allowed. It's got to be taken off.
3 And I think that that's -- that's one of the
4 problems that we're having here and why
5 it's become a very divisive discussion between
6 Phase I and Phase II. And I think that several
7 people have brought it up, we've got to bring
8 this community together, because Phase I doesn't
9 have an HOA.

10 Everybody that owns there -- and I grew up
11 in Cocoplum. So did all of us. We knew a bunch
12 of people that lived there, and now the kids live
13 there. People who are living there today did not
14 have a choice to become part of that HOA.

15 Everybody that I've spoken to has told me, if we
16 could join Phase II HOA and become one community,
17 we would. We want to use the clubhouse. We want
18 to have better amenities. We want to have better
19 landscaping. We want to have better lighting.
20 But we just can't do it. There's no mechanism.
21 There's no mechanism.

22 MAYOR VALDES-FAULI: They don't, because I
23 don't think the majority of people in Phase I
24 would vote to be taxed.

25 VICE MAYOR LAGO: It's not even the

1 majority. It's 100%; am I correct?

2 MS. RAMOS: Yeah.

3 VICE MAYOR LAGO: It's virtually impossible
4 because you have certain people that don't want
5 it. And I understand that. It doesn't matter
6 how long they've been in Cocoplum Phase I; they
7 just do not want to be part of the association.
8 They don't want to pay the money. The last
9 gentleman that spoke --

10 MAYOR VALDES-FAULI: Because they're
11 getting it for free.

12 VICE MAYOR LAGO: Yeah, they're getting it
13 for free, you know, and that's a problem. And
14 also in that -- in that point, I feel Phase II's
15 pain about the issue because they are taking care
16 of certain things. For example, the maintenance
17 for the guardhouse.

18 I think they only mentioned it one time,
19 was that guardhouse was paid by everyone by
20 special assessment. And I think that's key,
21 because -- you know, they want to paint a picture
22 that Phase I doesn't carry the water. Maybe not
23 on the maintenance issue, but they spent a
24 significant amount of money on the guardhouse.
25 So I think fair is fair.

1 I don't want -- I don't want -- I don't
2 want to limit Phase II's ability to have a
3 monument, but I want to do it correctly within
4 the taste and the realm of what I think is in the
5 best interest of the city on Phase II's property.
6 That's number three.

7 Number four, in regards to the refresh
8 issue in front of Cocoplum, the signage. I'm
9 torn with that, because every time you go into
10 those guard -- those gates, it's Cocoplum. It's
11 not Islands of Cocoplum. It's Cocoplum. I've
12 been going through those gates for 35 years. And
13 to me, I just find it a little bit of an issue,
14 even though --

15 MAYOR VALDES-FAULI: Why?

16 VICE MAYOR LAGO: This is me. My
17 personal -- I just don't see it as Islands of
18 Cocoplum. I see it as one community.

19 MAYOR VALDES-FAULI: I think if you go out
20 in the community, there is no such thing as
21 Islands of Cocoplum --

22 VICE MAYOR LAGO: If you live in Islands of
23 Cocoplum, there is, but it's a --

24 I'm done. That is my last comment.

25 So the next thing is Tahiti Beach, the next

1 thing is the Yacht Club, the next thing is, you
2 know, are we going to just put a massive sign
3 that says every single entity that's there?

4 COMMISSIONER QUESADA: Homeowners
5 associations in and of themselves don't typically
6 have a sign.

7 VICE MAYOR LAGO: They don't.

8 COMMISSIONER QUESADA: That's what I was
9 talking about.

10 VICE MAYOR LAGO: It's Cocoplum. It's
11 Cocoplum. That's what it is.

12 COMMISSIONER MENA: Except there's Tahiti
13 Beach, right?

14 VICE MAYOR LAGO: Tahiti Beach is the only
15 private community. That's a reality. Those are
16 facts. They own their own roads. They're not
17 coming here asking for -- I think we're getting a
18 little bit of back and forth here.

19 If Phase II wants the monument, let's move
20 the monument to their side of the bridge. And,
21 you know, I think that would appease both
22 parties. But I think the major issue that we
23 have here is the fact that -- one of the
24 gentlemen here hit it right on the head. These
25 communities have to come together, because I've

1 been hearing about this for two or three years
2 now. I've been meeting with Phase II and Phase I
3 and it's become -- it's not Coral Gables. We all
4 agree on that.

5 COMMISSIONER MENA: But also from hearing
6 everything I've heard today, I also don't think
7 that this division that exists is because of a
8 sign. It's just not.

9 VICE MAYOR LAGO: It's frustration.

10 COMMISSIONER MENA: It's about years and
11 decades of history here, when the reality is that
12 things were done a certain way, certain decisions
13 were made. The gentleman said, why should I be
14 punished because somebody made a decision 40
15 years ago? You're not being punished. Somebody
16 made a decision 40 years ago not to join the HOA.
17 That's just the lay of the land into which you
18 buy. You bought into this neighborhood and it
19 wasn't part of the HOA. I presume you knew that
20 when you bought it. I'm not -- I don't want you
21 to be punished. I don't think that's what this
22 is about. But there is a division here, is the
23 reality of it. I wish nothing more than for all
24 the people in this room to be able to put that
25 aside.

1 MAYOR VALDES-FAULI: Let me make my
2 comments now.

3 COMMISSIONER MENA: Can I finish?

4 MAYOR VALDES-FAULI: I thought you had.

5 COMMISSIONER MENA: That would be great.

6 VICE MAYOR LAGO: I wanted to ask you a
7 question.

8 COMMISSIONER MENA: Go ahead.

9 VICE MAYOR LAGO: Would you feel
10 comfortable with having the monument on the Phase
11 II side?

12 COMMISSIONER MENA: Yes, I was going to get
13 to that. Absolutely. It's two completely
14 distinct issues. The signs on the one front are
15 refresh. They're going to refresh both. They're
16 going to more or less look the same aesthetic.

17 Why is it that a sign that says Islands of
18 Cocoplum is harmful when there's another sign
19 that says Cocoplum? They both have a sign. It's
20 just a sign. You know, I understand what's --
21 the undertones of what's going on here, and I can
22 understand why people have an issue with it, but
23 we're here as a city. It's not our job as a city
24 to --

25 VICE MAYOR LAGO: Well, what is Islands of

1 Cocoplum?

2 COMMISSIONER MENA: It's a -- it's a
3 neighborhood with a homeowners association, who
4 has amenities that the other neighborhood does
5 not. I didn't create that reality. I didn't
6 form this HOA. I didn't make the decision of one
7 group not to join it. I didn't -- I didn't force
8 anybody to buy these properties. This is the
9 reality of this neighborhood for 40 years.
10 That's part of the problem here is, I didn't make
11 that decision for anybody here, but we are where
12 we are.

13 COMMISSIONER QUESADA: I understand your
14 point from the outside, just to clarify. I mean,
15 do you want Cocoplum-Cocoplum, or do you want
16 Cocoplum --

17 COMMISSIONER MENA: I have no problem with
18 the proposed sign.

19 COMMISSIONER QUESADA: That's all I wanted
20 to know.

21 COMMISSIONER MENA: No problem. I
22 understand the point about the location of the
23 monument. I also hate to sort of undo things
24 that were previously approved because to me it's
25 inefficient. What I would just throw out there

1 is that if you want -- if the homeowners of
2 Islands of Cocoplum want to do the enhancements
3 to the monument, the wings and the pavers, then I
4 think you should move it to your side of the
5 bridge. If you want to leave it as is, it's
6 already there, I would be okay with that. But if
7 you want to do the enhancements, I think it's
8 fair to move it.

9 And I can understand why, given everything
10 that's been said here today, I can totally
11 understand why the individuals living in Phase I
12 object to it and why they're -- specifically the
13 adjacent property owners who are in Phase I. I
14 can understand that. I have no problem with
15 that. So that's just something I'm putting out
16 there as a possibility, depending on what
17 direction this goes. But beyond that, you know,
18 I --

19 Let me say one more really important thing.
20 I completely agree and support the opinion of our
21 city attorney and her legal interpretation of
22 this, because I've looked at the documents. And
23 while I understand the arguments being proposed
24 by Mr. Kline, it's very clear from the documents
25 that, A, the verbiage on the sign outside was an

1 addendum, and B, that the person with an interest
2 in that agreement is Islands of Cocoplum and they
3 can amend it. And that's very clear in the
4 documents. I'm not here to change that. So
5 that's where I -- that's where I am. I'm okay
6 with the signs on the outside.

7 I want to be clear about something very
8 important. The signs on the outside should
9 otherwise, but for the verbiage, be identical.
10 The landscaping and the quality of the
11 landscaping and the maintenance of the
12 landscaping should be identical. The only thing
13 different should be the words, in my opinion.

14 And I think, again, if you want to make the
15 enhancement, if you want to go forward with
16 pavers and wing walls, you should find a location
17 within Phase II. If you want to leave it as is,
18 I'm okay with leaving it as is. It was already
19 done, and I think it's unnecessary to tear it up.
20 But that's my personal opinion.

21 MAYOR VALDES-FAULI: Can I speak now?

22 COMMISSIONER MENA: Yes. Absolutely.

23 COMMISSIONER KEON: Wait a minute --

24 MAYOR VALDES-FAULI: No, no, let me say
25 something, please. You've been speaking for half

1 an hour. Let me say something.

2 I understand the desire of Phase II to
3 differentiate themselves. When Phase II came to
4 see me, the main argument was to enhance the
5 property values of the Phase II properties. And
6 the justification was that you were paying the --
7 the homeowners association was paying the dues,
8 you have the club, the enhancement of the
9 property values, and Phase I was not doing so.

10 Phase II came in, and Phase I didn't have a
11 homeowners association because when Arvida bought
12 the property, they sought the provision for Phase
13 I to do everything they did and it was done in
14 '79 and not in '76.

15 I find a very compelling reason, however,
16 very compelling argument, that Phase I does not
17 want to be differentiated and does not want signs
18 or gates or faux gates saying this is a much
19 better community and a more exclusive community
20 and look at the gates. I find that very
21 compelling.

22 I find it very compelling that they do not
23 want their property values to be lowered like the
24 other ones would be enhanced.

25 I think, in my opinion, Cocoplum is

1 Cocoplum. And if you ask anybody in Coral
2 Gables, where you going? I'm going to Cocoplum.
3 Where do you live? I live in Cocoplum. Nobody
4 will say, or very few people, except residents,
5 say I live in the Islands of Cocoplum, or I'm
6 going to see my friend in Cocoplum, I'm going to
7 see my friend in the Islands of Cocoplum. I
8 think it's one community.

9 If the Islands of Cocoplum want to have --
10 in my opinion, if the Islands of Cocoplum want to
11 have a sign that says the Islands of Cocoplum,
12 have it within the Islands of Cocoplum and not
13 outside.

14 I think that this is a very divisive
15 argument. It's an argument driven by the desire
16 to enhance property values, and I think that's
17 wrong. I think we should not be a part of that.

18 I am for their having whatever sign they
19 want in their -- past the bridge in their
20 community, but not in the other side of the
21 community. And frankly, outside it doesn't mean
22 anything. You have the Islands of Cocoplum.
23 Nobody lives in the Islands of Cocoplum in the --
24 in the eyes of the big Coral Gables or Miami-Dade
25 County community. It's Cocoplum. And that's the

1 way I feel about this.

2 And I would be in favor of allowing the
3 signage on the other side of the bridge, and the
4 outside monument I would be against having a
5 different language.

6 COMMISSIONER QUESADA: Mr. Mayor, I never
7 thought I'd say this, you make a good point.

8 MAYOR VALDES-FAULI: If I'm allowed to
9 speak once in a while.

10 COMMISSIONER QUESADA: No, all kidding
11 aside, the Tahiti Beach doesn't say it outside,
12 does it? It just says Cocoplum.

13 VICE MAYOR LAGO: Neither does it say the
14 Yacht Club.

15 COMMISSIONER QUESADA: You're absolutely
16 right in the way people speak about Cocoplum.
17 People don't say -- yeah. That's why I say I'm
18 right on the line on this because --

19 MAYOR VALDES-FAULI: Can I hear a motion?

20 COMMISSIONER MENA: Why does that matter?
21 People also don't know that they have an HOA or
22 that they have a club or that they have -- so
23 what does it matter what the average person --

24 COMMISSIONER QUESADA: The aspect of this,
25 the fact that it's only an HOA -- when it comes

1 down to it, it's only an HOA, the way I see it.

2 And, again, it's -- to me it's analogous to

3 Gables by the Sea. There's Pinecrest in there

4 and there's Coral Gables, which is more of a

5 distinction. It's a completely different

6 municipality, but it's still all treated as the

7 same neighborhood. Again, it just --

8 COMMISSIONER MENA: But it's still Gables

9 by the Sea?

10 COMMISSIONER QUESADA: Portions of it are.

11 COMMISSIONER MENA: I think if you have

12 a -- if you see a home for sale inside Gables by

13 the Sea, even if it's in Pinecrest, it's Gables

14 by the Sea. It's not City of Coral Gables by the

15 Sea. It's not a city sign. The neighborhood is

16 known as Gables by the Sea. The people who live

17 in Pinecrest there, live in Gables by the Sea.

18 COMMISSIONER QUESADA: What I'm saying is,

19 there's a homeowners association in there just

20 for Gables by the Sea.

21 COMMISSIONER MENA: I don't know the

22 details.

23 COMMISSIONER QUESADA: But what I'm saying

24 is, it's just a homeowners association. I've

25 never seen us in the city have a separate

1 specific signage and designation, physical
2 designation of a homeowners association.

3 MAYOR VALDES-FAULI: And if there is a
4 homeowners association or not, that is a private
5 agreement between residents who live there, and
6 that should not control this commission's vote.
7 Private decision to have one or not should not be
8 controlling our vote.

9 COMMISSIONER KEON: I agree with you on
10 that. Good point.

11 VICE MAYOR LAGO: That's why I made the
12 point before about what is Islands of Cocoplum.
13 They have a community, they have amenities, but
14 at the end of the day it's Cocoplum as a whole,
15 as an entity, and --

16 MAYOR VALDES-FAULI: I would like to pass
17 the gavel and make a motion. Will you accept the
18 gavel?

19 COMMISSIONER KEON: Yeah, but I understand
20 that -- yeah, but -- I mean, I can understand
21 that they have -- they have operated separately
22 for a very long time, those two communities, and
23 one is because it has amenities that are included
24 in it, it was the --

25 MAYOR VALDES-FAULI: But they have operated

1 separately --

2 COMMISSIONER KEON: Okay. But that's why
3 I'm asking -- I'm thinking out loud at the
4 moment. I'm thinking out loud. And so I'm
5 asking you, because you made a very good point
6 when you said, you know, that they are the same
7 community, they may operate differently within
8 that community, but they remain the same
9 community.

10 COMMISSIONER QUESADA: Let me ask you a
11 question, a clarifying point, Phase II currently
12 pays for the exterior signs and maintains them?

13 COMMISSIONER MENA: That's the agreement,
14 yes.

15 COMMISSIONER KEON: That's my
16 understanding. And they also pay for -- they pay
17 for the operation of the guard --

18 MAYOR VALDES-FAULI: Let me make a motion,
19 and we'll continue the discussion as part of my
20 motion. And if there's no second, it will fail.

21 I would like to move that whatever signage
22 they want is on the other side of the bridge; and
23 secondly, that the signs on the outside -- the
24 signs on the outside are to say Cocoplum, period.

25 COMMISSIONER QUESADA: For discussion

1 purposes --

2 MAYOR VALDES-FAULI: Is there a second?

3 COMMISSIONER KEON: I second it for
4 discussion purposes.

5 COMMISSIONER QUESADA: I just don't want to
6 go to a vote just yet. I want to discuss it.

7 So here's the next thing that would happen.
8 Tahiti Beach is going to say, hey, we want a sign
9 outside.

10 COMMISSIONER MENA: They don't want it. We
11 have a letter saying they don't want it.

12 COMMISSIONER QUESADA: They say they object
13 to this.

14 My hypothetical question --

15 MAYOR VALDES-FAULI: We have a letter
16 saying they don't want it.

17 VICE MAYOR LAGO: They have a letter saying
18 they -- and, again, we don't know what's going to
19 happen in the future, whether they'll come back
20 and say we want a sign, along with the Yacht
21 Club.

22 COMMISSIONER QUESADA: I have a question
23 for you, Mr. Mayor, since you made this motion.

24 If Tahiti Beach comes down a year from now
25 and says, hey, now we see Cocoplum, we see

1 Islands of Cocoplum out there, we also want to
2 put Tahiti Beach out there, in this hypothetical
3 situation --

4 MAYOR VALDES-FAULI: I would be opposed to
5 that, too.

6 COMMISSIONER QUESADA: Okay. I just wanted
7 to get clarity on that.

8 MAYOR VALDES-FAULI: I would be very much
9 opposed to that.

10 COMMISSIONER QUESADA: For the same reason,
11 same rationale.

12 MAYOR VALDES-FAULI: For the same reason.
13 It is Cocoplum, but then they have the enjoyment
14 of the club, they have the enjoyment of the --

15 MS. RAMOS: Mr. Mayor, I need clarification
16 on your motion. You'd like to -- both reading
17 Cocoplum, but are you okay with the enhancements?

18 MAYOR VALDES-FAULI: Yes.

19 MS. RAMOS: So there'll be new signs,
20 just --

21 COMMISSIONER MENA: Why are they going to
22 pay for enhancements if they're not getting the
23 name?

24 MS. RAMOS: I'm just asking what the motion
25 is. Then I presume that it fails. So then it

1 fails.

2 COMMISSIONER MENA: The motion would be
3 effectively denying that portion of the
4 application.

5 MAYOR VALDES-FAULI: Yes.

6 Do you want to say something?

7 MR. DIAZ DE LA PORTILLA: Yeah, just real
8 briefly. If the commission would like, we're --
9 we would like you to consider a deferral as
10 well --

11 MAYOR VALDES-FAULI: No. No, the motion
12 remains.

13 MR. DIAZ DE LA PORTILLA: Okay. Then we'd
14 like an approval. Thank you.

15 MAYOR VALDES-FAULI: Thank you. Motion is
16 remaining.

17 Any further discussion?

18 COMMISSIONER MENA: Can I ask the city
19 attorney? Can you clarify the rights to the
20 signs on the outside are the result of the
21 existing encroachment agreement?

22 MS. RAMOS: Correct.

23 COMMISSIONER MENA: Okay. And the party --

24 MS. RAMOS: It's a covenant back from the
25 original --

1 COMMISSIONER MENA: The party at interest
2 in that are Islands of Cocoplum.

3 MS. RAMOS: II. Right, Cocoplum II.

4 COMMISSIONER MENA: Right. So Tahiti Beach
5 doesn't have such an agreement.

6 MS. RAMOS: Tahiti Beach is part of
7 Cocoplum II.

8 COMMISSIONER MENA: Right. But not a
9 separate agreement for signage outside?

10 MS. RAMOS: No.

11 COMMISSIONER MENA: How long has that
12 agreement been in place?

13 MS. RAMOS: Since the '70s.

14 COMMISSIONER MENA: So there's been an
15 agreement in place since the '70s that Islands of
16 Cocoplum is the party in interest to have those
17 two signs, and they have the right to amend those
18 signs.

19 MS. RAMOS: If the city agrees.

20 COMMISSIONER MENA: I think you need to
21 give that context to what we're deciding here.

22 MAYOR VALDES-FAULI: Is there any further
23 discussion?

24 COMMISSIONER QUESADA: Yeah, one last item.
25 I'm going to vote no on this motion. And if it

1 doesn't pass, I'm going to move for approval as
2 presented by the applicant.

3 MAYOR VALDES-FAULI: Okay. Will you call
4 the roll, please?

5 COMMISSIONER KEON: Yours is to deny?

6 MAYOR VALDES-FAULI: The motion is to deny,
7 to approve an encroachment if it's on the other
8 side of the bridge, and deny the --

9 VICE MAYOR LAGO: So you're fine with
10 leaving the encroachment where it's at right now,
11 or is your concern the signage in the front?

12 COMMISSIONER QUESADA: I'm sorry, you're
13 correct. And it would be to accept the
14 application of the applicant; however, move it
15 to, if they want to do it, on the side of
16 section --

17 MAYOR VALDES-FAULI: That's what I said.

18 COMMISSIONER QUESADA: Yeah, but I'm saying
19 I'm okay changing the signs outside because I
20 think -- in asking you the hypothetical I was
21 really asking it to myself at the same time, it
22 makes sense to have Tahiti Beach out there,
23 Islands of Cocoplum, and Cocoplum, especially
24 what I just heard from the city attorney.

25 VICE MAYOR LAGO: The city attorney tells

1 you your --

2 COMMISSIONER KEON: I'm asking you to
3 confirm that's what you said.

4 COMMISSIONER QUESADA: I think it is
5 appropriate --

6 VICE MAYOR LAGO: -- to have Tahiti Beach
7 out there?

8 COMMISSIONER QUESADA: Yes.

9 COMMISSIONER MENA: That's not before us.

10 COMMISSIONER QUESADA: I understand that.

11 VICE MAYOR LAGO: I just wanted to make
12 sure. I thought that -- I thought you -- to me
13 before is, you weren't interested in having so
14 many signs out, that you just wanted Cocoplum.

15 COMMISSIONER QUESADA: I changed my mind.

16 COMMISSIONER MENA: I want to be clear.
17 The proposal is the same amount of signs, they've
18 got to be upgraded, it's just a matter of what
19 verbiage is on them. This idea of some monument
20 sign coming into a strip mall is not reality.
21 There's two signs. We have the renderings. They
22 have there the party in interest to the
23 encroachment agreement that allows those signs to
24 be there in the first place. They could go and
25 take them out if they didn't want them anymore.

1 I think you have to have that context to this
2 discussion.

3 VICE MAYOR LAGO: I have that context. I
4 just disagree.

5 COMMISSIONER QUESADA: Let's focus right
6 now on the mayor's motion.

7 VICE MAYOR LAGO: My portion of this
8 discussion that references resolution was
9 ensuring that the encroachment was denied and
10 that it was moved behind the bridge. That's my
11 main focal point.

12 COMMISSIONER QUESADA: The discrepancy on
13 this with the mayor's motion is the signage
14 outside. Do you want Cocoplum-Cocoplum or
15 Islands of Cocoplum? If you want Cocoplum --

16 MAYOR VALDES-FAULI: I said
17 Cocoplum-Cocoplum.

18 Will you call the roll, please?

19 THE CLERK: Commissioner Quesada?

20 COMMISSIONER QUESADA: No.

21 THE CLERK: Commissioner Keon?

22 COMMISSIONER KEON: No.

23 THE CLERK: Vice Mayor Lago?

24 VICE MAYOR LAGO: Yes.

25 THE CLERK: Commissioner Mena?

1 COMMISSIONER MENA: No.

2 THE CLERK: Mayor Valdes-Fauli?

3 MAYOR VALDES-FAULI: Yes.

4 It fails. I'll hear another motion.

5 COMMISSIONER QUESADA: I will make a motion
6 directly in line -- it really should be
7 Commissioner Mena's motion because I'm copying
8 what he said. Allowing the applicant to upgrade
9 the signs as proposed outside of the community,
10 outside the guard gate; and inside, if they want
11 to upgrade the signs to put Islands of Cocoplum,
12 it has to be moved past the bridge, or they can
13 leave it exactly the way it is.

14 MAYOR VALDES-FAULI: Is there a second to
15 that motion?

16 COMMISSIONER KEON: I'll second it.

17 MAYOR VALDES-FAULI: Will you call the
18 role, please?

19 THE CLERK: Commissioner Keon --

20 COMMISSIONER KEON: Wait, wait, wait.

21 MR. CEBALLOS: I need clarification on the
22 motion. The signs already exist. So you're
23 approving the addition of the wing walls and the
24 pavers contingent on being moved over to the
25 other side. If not, it will remain the same?

1 COMMISSIONER QUESADA: Correct.

2 COMMISSIONER KEON: Yes.

3 VICE MAYOR LAGO: And also make sure that
4 the private community signage that's there --

5 COMMISSIONER KEON: No language.

6 MS. RAMOS: And receive --

7 COMMISSIONER MENA: And no faux gates
8 either, that's not going to be there either.

9 VICE MAYOR LAGO: I just want to make sure
10 that all that comes out.

11 MAYOR VALDES-FAULI: Will you call the
12 role, please?

13 THE CLERK: Commissioner Keon?

14 COMMISSIONER KEON: Yes.

15 THE CLERK: Vice Mayor Lago?

16 VICE MAYOR LAGO: No.

17 THE CLERK: Commissioner Mena?

18 COMMISSIONER MENA: Yes.

19 THE CLERK: Commissioner Quesada?

20 COMMISSIONER QUESADA: Yes.

21 THE CLERK: Mayor Valdes-Fauli?

22 MAYOR VALDES-FAULI: No.

23 Okay. It passes. Thank you very much,
24 everybody.

25 (Proceedings concluded at 1:12 p.m.)

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CERTIFICATE OF TRANSCRIPTION

STATE OF FLORIDA
COUNTY OF ORANGE

I, Loretta A. Lee, CSR, RPR, certify that I was authorized to and did transcribe the notes of Charlene Hernandez, and that the foregoing transcript, pages 3 through 98, is a true transcript of what was said to the best of my ability.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action; nor am I financially interested in the action.

DATED this 22nd day of March, 2019.

Loretta A. Lee
Loretta A. Lee, CSR, RPR
Certified Shorthand Reporter
Registered Professional Reporter

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