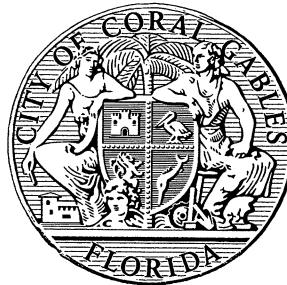


## City of Coral Gables

405 Biltmore Way  
Coral Gables, FL 33134  
[www.coralgables.com](http://www.coralgables.com)



## Meeting Minutes

Tuesday, November 9, 2010

9:00 AM

City Hall, Commission Chambers

### City Commission

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

*Patrick G. Salerno, City Manager  
Elizabeth M. Hernandez, City Attorney  
Walter J. Foeman, City Clerk*

***The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings.***

**ROLL CALL**

**Present:** 5 - Mayor Slesnick II, Vice Mayor Kerdyk Jr., Commissioner Withers, Commissioner Anderson and Commissioner Cabrera Jr.

**INVOCATION**

[Note for the Record: Mayor Slesnick requested of Reverend Thom Shafer, First Methodist Church of Coral Gables and his father, Reverend Carl Shafer to join he and the members of the City Commission on the dais, whereupon those in attendance joined in for the singing of happy birthday to the senior Shafer, on the occasion of his 91st birthday. Carl Shafer told those members of the public that he was glad to be here in our beautiful City, with Thom and his family].

**PLEDGE OF ALLEGIANCE**

Commissioner Withers led the Pledge of Allegiance.

[Note for the Record: Mayor Slesnick informed the viewing audience that he had made a bet with his cousin Steve Slesnick, who is a member of the Ohio State Legislature, that in the event that Ohio State University defeats the University of Miami's Football Team, that he would supply him with an order of stone crabs, and also wear an Ohio State University football jersey; further acknowledging that in recognition of September 11, 2010 loss by UM at the hands of Ohio State, by a score of 36-24, that he would momentarily put on a Ohio State University football jersey].

**LEGISLATIVE SUMMARY**

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2010-37) (b) Resolution(s) adopted (Resolution No. 2010-249 through Resolution No. 2010-256); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

**A. PRESENTATIONS AND PROCLAMATIONS****A.-1. 10-0722**

Presentation of a Certificate of Appreciation to Dr. James R. Jude, in honor of the 50th Anniversary of his invention of CPR.

[Note for the Record: Mayor Slesnick recognized Dr. Jim Jude and Sally Jude, as two of our City's finest residents, said couple who has given to many causes; further sharing with members of the viewing public that he personally had represented nurses for over 35 years, and that once when he was in Shands Hospital in Gainesville, Florida, he had mentioned to said group that he had recently received a communication from Mrs. Sally Jude, the wife of Dr. Jim Jude, whereupon said nurses in the Hospital conveyed to him that Dr. Jim Jude was an incredible person, adding that he was also the doctor who had invented CPR (cardio pulmonary resuscitation), thereby reading into the public record a proclamation proclaiming Tuesday, November 9, 2010 as "Dr. James Jude Day," in further recognition of his outstanding achievements in the medical field, particularly as it relates to CPR; further noting that he is one of the great heart surgeons in the nation.]

In accepting this protocol document, Dr. Jude informed those in attendance that he is probably one of the few people in Coral Gables, who knew both Chip Withers and Bill Kerdyk and their fathers, when they were on the City Commission, Mayor Slesnick further noticed that on behalf of the citizens of the world, that the City salutes Dr. Jude].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 1

**A.-2. 10-0720**

Presentation of a Proclamation declaring November 9, 2010, as "Agustín J. Barrera Day" in Coral Gables, in recognition of his retirement as a member of the Miami-Dade County Public Schools Board.

[Note for the Record: Mayor Slesnick informed the viewing public that Gus Barrera is about to retire, following his tenure of public service on the Miami-Dade County School Board; further noting that he has represented District 6, which includes our City of Coral Gables; further recalling how serious Gus Barrera has represented our District, noting such achievements as rededication of the new wing at Coral Gables Senior High School; reopening of the Historic Administration Building at Ponce Middle School; expansion of Coral Gables Elementary School now Kindergarten to 8th Grade Preparatory Academy; further acknowledgement that under construction on Madruga Avenue is the new International Studies High School, Ponce Science Building and Middle School; also pointing out that Gus Barrera led the fight for the restoration of Miami High School, thereby reading the proclamation proclaiming November 9th,

2010 as "Augustin J. Barrera Day" in Coral Gables.

In accepting this accolade, Mr. Barrera stated that it was an honor being in attendance today, being recognized for something for which one is supposed to do; further noting that as a School Board member, that one serves the residents of Coral Gables; further stating that he has represented a diverse segment of our community (i.e. from Key Biscayne to East Kendall); adding that as a result of an Educational Compact that was negotiated with the city, that the Miami-Dade County School Board has kept its commitments; further informing the City Commission that this is an exciting time, and that he is anticipating that the City Commission can tour the new International High School facility when it opens in the fall.

May Slesnick characterized Mr. Barrera as an architect].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 2

**A-3. 10-0721**

Congratulations to Lt. Thad Ovcarich, recipient of the City of Coral Gables Firefighter of the Month Award for the month of November 2010.

**Attachments:** [Notification Letter.pdf](#)  
[Cover Memo - FF OF THE MONTH - NOV 2010.pdf](#)

[Note for the Record: City Manager Salerno requested of Chief Walter Reed to approach the dais in connection with the presentation of the Firefighter of the Month Award for the Month of November; further elaborating on the justification for this month's selection, stating that Lt. Thad Ovcarich was chosen for his acts of concern and consideration in dealing with the public, fellow employees, and supervisors, specifically his endless dedication to the departments, its members, its members families, by being the "go to guy" whenever anyone needs assistance, as noted by Captain David Wiesinger, who nominated him for said honor; further noting that whether it was the pink T-Shirts for Cancer Awareness Month; support to the Coral Gables Museum project, or simply the coordination of certain charitable events, Lt. Ovcarich has distinguished himself as one who always demonstrates a 24-hour dedication to the City and to the Fire Department; further pointing out that he currently serves as the Treasurer to the Coral Gables Firefighters Benevolent Association Board, and has served on this organization for a two year period].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 4

- A.-4. 10-0733** Presentation of a Certificate of Appreciation to Interim Police Chief Richard Naue, Jr., on the occasion of his retirement.

[Note for the Record: City Manager Salerno acknowledged that shortly before the City's next City Commission Meeting of December 14, 2010 Interim Police Chief Richard Naue will retire, following 33 years of service. In accepting the Certificate of Appreciation, Interim Police Chief Naue stated that said protocol document was not for him, but for his wife and family for all they have done in putting up with him; further stating that he has strived to provide fair and impartial service to the citizens of Coral Gables; further thanking the City for giving him the opportunity to serve.

Mayor Slesnick on behalf of the City Commission stated that from their hearts, it is appreciated what Interim Police Chief Naue has given us regarding service; further elaborating that Interim Police Chief Naue has also served our community in different ways, being Vice President of the Junior Orange Bowl Committee, as being one example of how he has been part of our community].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 3

- A.-5. 10-0706** Congratulations to Margarita Berg, Police Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of December 2010.

Attachments: EOM Dec 2010  
Cover Memo EOM December 2010

[Note for the Record: Human Resources Director Elsa Jaramillo-Velez acknowledged the recipient of the City of Coral Gables Employee of the Month for the month of December Award recipient Margo Berg; further referring to her nomination letter submitted by Ana Sierra, Police Department, who provided the following description of her colleague:

“Margo Berg is a hardworking, self-starter who invaluabley understands what a project is all about from start to finish and how to get it accomplished quickly and effectively. She demonstrated this through the United Way Campaign with her resourcefulness and creative approach in making this event a complete success; further stating that on the interpersonal side, that Margo has superior written and verbal communications skills and performs her job with dedication and enthusiasm; adding that Margo has a pleasant easy going disposition, both professional and social, and is cheerful, positive and friendly.”

During the videotaped segment, Interim Police Chief Naue noted that Margo has been with the Department for 11 years, as an Administrative Assistant to Chief Skinner, Chief Harley, Chief Hammerschmidt, as well as himself; further describing her as an

individual possessing a mature attitude, with a structured approach to her duties, and as one who has worked with other state, local and federal law enforcement agencies; further characterizing her as a hard worker, as well as a self-starter who understands what a project is all about from start to finish; further citing her initiative during the United Campaign project, particularly her resourcefulness and her creative approach, which made this year's project a success.

Interim Chief Naue stated that Margo's dedication, enthusiasm and professional interaction in keeping the office prepared was greatly appreciated.

In accepting this recognition, Margo stated that she was proud to be in attendance; further thanking her co-workers, Anna Sierra for nominating her, as well as the Nominating Committee for choosing her; further stating that she has been with the City for 12 years and that she is proud to be a part of this community; further thanking the Interim Chief for the opportunity to have worked on the United Way Campaign project; further stating that said project was a lot of fun; adding that she gave it her best and that it was a lot of fun and it proved to be successful; further thanking everyone involved for this honor].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 5

**B. APPROVAL OF MINUTES**

- B.-1. 10-0729** Regular City Commission Meeting of October 26, 2010

**Attachments:** [Meeting Minutes October 26, 2010](#)  
[Verbatim Transcript - Agenda Item E-1 - Lawn Maintenance Equipment - Leaf Blower](#)  
[Verbatim Transcript - Agenda Item E-3 - Change of Land Use](#)

[Note for the Record: Commissioner Anderson stated that she found two errors in the minutes documents-more particularly on Page 5 (3rd line) of the minute document, change Carol Sewell to Carol Fewell; and on Page 10 of the verbatim transcript in connection with Agenda Item E-3, it reads: "I respect your principle (add ed) stand on it].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as amended. The motion passed by the following vote:**

**Yea:** 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 6

**C. CONSENT AGENDA**

All items listed within this section entitled "Consent Agenda" are considered to be self-explanatory and are not expected to require additional review or discussion, unless a member of the City Commission or a citizen so requests, in which case, the item will be removed from the Consent Agenda and considered along with the regular order of business. Hearing no objections to the items listed under the "Consent Agenda", a vote on the adoption of the Consent Agenda will be taken.

**Passed the Consent Agenda**

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, to Adopt the Consent Agenda. The motion carried by the following vote:

Yea: 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**RESOLUTION NO. 2010-249****C.-1. 10-0700**

Resolution amending Resolution 2010-155 by adding an alternative event date in case of inclement weather conditions for the "Tour of Kitchens Luncheon" granting the request made by Coral Gables @ Home to reserve use of Country Club Prado for the Tour of Kitchens luncheon event from 1:30 p.m. to 3:00 p.m. on Saturday, February 5, 2011 as a contingency rain date and to serve alcoholic beverages, subject to Florida Department of Professional Regulation requirements.

Attachments: [Special Events Application & Permit.pdf](#)  
[Resoultion 2010-155.pdf](#)  
[Cover Sheet Coral Gables at Home Amendment.pdf](#)  
[Coral Gables at Home Tour of Kitchens Draft Resolution Amendment.pdf](#)  
[C-1 Signed Cover Memo](#)

RESOLUTION AMENDING RESOLUTION NO. 2010-155 BY ADDING AN ALTERNATIVE EVENT DATE IN CASE OF INCLEMENT WEATHER CONDITIONS, TO CORAL GABLES COMMUNITY FOUNDATION FOR THE CORAL GABLES @ HOME "**TOUR OF KITCHENS**" LUNCHEON TO USE COUNTRY CLUB PRADO FROM 1:30 P.M. TO 3 P.M. ON SATURDAY, FEBRUARY 5, 2011 AS A CONTINGENCY RAIN DATE AND TO SERVE ALCOHOLIC BEVERAGES, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

**This Matter was adopted by Resolution Number 2010-249 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2010-250****C.-2. 10-0702**

Resolution accepting and authorizing the execution of a grant award in the amount of \$8,461.00 (eight thousand four hundred sixty-one dollars) from the FY 2011 Drug Control and System Improvement Grant Program Award to fund the Coral Gables Record Improvement Project to purchase a records kiosk, printers, and digital cameras.

Attachments: [COMMISSION COVER MEMO - \\$8,461. - IMPROVEMENT GRANT](#)  
[RESOLUTION - \\$8,461. - IMPROVEMENT GRANT](#)  
[C-2 Signed Cover Memo](#)

RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A GRANT AWARD IN THE AMOUNT OF \$8,461.00 FROM THE FISCAL YEAR 2011 DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM AWARD TO FUND THE CORAL GABLES RECORD IMPROVEMENT PROJECT TO PURCHASE A RECORDS KIOSK, PRINTERS, AND DIGITAL CAMERAS.

**This Matter was adopted by Resolution Number 2010-250 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2010-251****C.-3. 10-0715**

Resolution authorizing the extension of a contract with Downtown Towing Company, pursuant to Section 2-834 (d) of the Procurement Code for an additional six (6) months from the expiration date of the current contract until such time that a new towing contract is executed.

Attachments: [Towing Contract Extension Resolution 110210-1200](#)  
[Towing Contract Extension Agenda Cover 110310-1200](#)  
[C-3 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT WITH DOWNTOWN TOWING COMPANY, PURSUANT TO SECTION 2-834 (D) OF THE PROCUREMENT CODE FOR AN ADDITIONAL SIX (6) MONTHS FROM THE EXPIRATION DATE OF THE CURRENT CONTRACT UNTIL SUCH TIME THAT A NEW TOWING CONTRACT IS EXECUTED.

**This Matter was adopted by Resolution Number 2010-251 on the Consent Agenda.**

City Clerk Item No. 12

**C-4. 10-0718**

Resolution accepting the recommendation of the Chief Procurement Officer to piggy-back a contract for the purchase of one hundred (100) parking pay stations from Parkeon, Inc., from the City of Seattle, Washington contract, pursuant to Section 2-978 of the Procurement Code in the amount of \$870,000 (eight hundred-seventy thousand dollars); further providing the option to purchase an extended warranty at a cost of \$540.00 (five hundred forty dollars) per pay-station per year.

**Attachments:** [Seattle 2010 Contract Extension w Pricing](#)  
[Seattle - WA](#)  
[Parking Pay Stations - Draft Agenda 110310-1545](#)  
[Parking Pay Stations - Draft Resolution 110310-1422](#)  
[C-4 Signed Cover Memo](#)

**This Resolution was Deferred**

City Clerk Item No. 7

**RESOLUTION NO. 2010-252****C-5. 10-0719**

Resolution authorizing an increase in professional service fees in the amount of \$300,000.00 for Hazen and Sawyer, Environmental Engineering Consultants for additional services through the end of the contract period which expires April 25, 2011.

**Attachments:** [CurrentProjectsFY2011HS](#)  
[Resolution.pdf](#)  
[Agenda Cover.pdf](#)  
[C-5 Signed Cover Memo](#)

RESOLUTION AUTHORIZING AN INCREASE IN PROFESSIONAL SERVICES FEES IN THE AMOUNT OF \$300,000.00 FOR HAZEN AND SAWYER, ENVIRONMENTAL ENGINEERING CONSULTANTS, FOR ADDITIONAL SERVICES THROUGH THE END OF THE CONTRACT PERIOD WHICH EXPIRES APRIL 25, 2011.

**This Matter was adopted by Resolution Number 2010-252 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2010-253**

- C.-6. 10-0703 Resolution rescinding Resolution No. 2010-138 wherein the parties (namely, Biltmore Hotel Limited Partnership "Biltmore," the Lessee, Operator of the Biltmore Hotel and the City), were directed to negotiate an Interim Agreement, as presented by the City and Special Counsel, and as amended by the City Commission during the Public Hearing regarding said matter on July 19, 2010.

**Attachments:** [AgendaCoverMemoBiltmoreHotellInterimAgreement11 9 10.doc](#)  
[ResolutionBiltmoreInterimAgreement11 9 10](#)  
[C-6 Signed Cover Memo](#)

RESOLUTION RESCINDING RESOLUTION NO. 2010-138 WHEREIN THE PARTIES (NAMELY, BILTMORE HOTEL LIMITED PARTNERSHIP "BILTMORE," THE LESSEE, OPERATOR OF THE BILTMORE HOTEL AND THE CITY), WERE TO NEGOTIATE AN INTERIM AGREEMENT, AS PRESENTED BY THE CITY AND SPECIAL COUNSEL, AND AS AMENDED BY THE CITY COMMISSION DURING THE PUBLIC HEARING REGARDING SAID MATTER ON JULY 19, 2010.

**This Matter was adopted by Resolution Number 2010-253 on the Consent Agenda.**

City Clerk Item No. 14

- C.-7. 10-0730 Resolution authorizing the execution of a Museum Development Funding Agreement by and between the Coral Gables Museum Corporation, the Coral Gables Community Foundation, Inc., Donald D. Slesnick, II, as former personal representative of the Estates of Harry and Mary Perrin and as a designated donor representative of the Perrin Charitable Fund, and the City of Coral Gables.

**Attachments:** [Museum Cover - Funding Agrmt - Mayor.pdf](#)  
[Museum Resolution - Funding Agrmt - Mayor.pdf](#)  
[Museum Dev. Funding Agrmt - Mayor.pdf](#)  
[C-7 Signed Cover Memo](#)

**This Resolution was Deferred**

City Clerk Item No. 8

- C.-8 10-0731 Resolution authorizing the execution of a Museum Development Funding Agreement by and between the Coral Gables Museum Corporation, Wayne "Chip" Withers, and the City of Coral Gables.

**Attachments:** [Museum Cover - Funding Agrmt - Withers.pdf](#)  
[Museum Resolution - Funding Agrmt - Withers.pdf](#)  
[Museum - Funding Agmt - Withers \(2\).pdf](#)  
[C-8 Signed Cover Memo](#)

**This Resolution was Deferred**

City Clerk Item No. 9

**Presentation of Boards and/or Committees minutes requesting no action from the City Commission:**

- C.-9. 10-0696      Youth Advisory Board Meeting of October 19, 2010

**Attachments:** [YAB Cover Sheet Minutes 10-19-10.pdf](#)  
[Youth Advisory Board Minutes October 19 2010.pdf](#)  
[Corrected - Youth Advisory Board Minutes October 19 2010](#)

[Note for the Record: Commissioner Anderson stated that the Youth Advisory Board minutes of October 19, 2010 contained a reference to a her former board appointee (i.e. Leigh Cooper-Peabody) who has not served on the board in two years; further requesting that the next set of minutes correctly clarifies said misprinting].

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 15

- C.-10. 10-0697      Senior Citizens Advisory Board Meeting of September 13, 2010

**Attachments:** [Min 09-13-2010 draft.pdf](#)  
[Cover Sheet Minutes 09-13-10.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 16

- C.-11. 10-0698      Senior Citizens Advisory Board Meeting of October 4, 2010

**Attachments:** [Min 10-04-2010 draft.pdf](#)  
[Cover Sheet Minutes 10-04-10.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 17

- C.-12. 10-0704      Parks & Recreation Advisory Board Meeting of October 22, 2010

**Attachments:** [Cover Sheet Minutes 10-22-10.pdf](#)  
[Minutes 10-22-10 draft.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 18

C.-13. 10-0710 Coral Gables Merrick House Governing Board Meeting of October 4, 2010

Attachments: [Merrick House October 4, 2010](#)  
[GMNoAction10.04.10MinutesforCC11.09.10](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 19

C.-14. 10-0711 Pinewood Cemetery Advisory Board Meeting of September 13, 2010

Attachments: [Pinewood Minutes September 13 2010](#)  
[NoAction09.13.10CCMtg11.09.10](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 20

C.-15. 10-0714 Historic Preservation Board Meeting of October 21, 2010

Attachments: [HPB Minutes October 21 2010](#)  
[HPBMtgNoAction10.21.10.MinutesforCC11.09.10](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 21

C.-16. 10-0728 Property Advisory Board Meeting of November 2, 2010

Attachments: [PAB Commission Cover 11-9-10.pdf](#)  
[PAB 11-02-10 Mtg Minutes.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 22

**RESOLUTION NO. 2010-254**

Non 10-0747  
Agenda

Resolution appointing Nicole Marcos (nominated by Commissioner Anderson), to serve as a member of the Parks and Recreation Youth Advisory Board.

RESOLUTION APPOINTING NICOLE MARCOS (NOMINATED BY COMMISSIONER ANDERSON), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, SAID APPOINTMENT PERIOD WHICH BEGINS ON NOVEMBER 9, 2010 THROUGH MAY 31, 2011.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-254. The motion passed by the following vote:

Yea: 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 23

**D. PERSONAL APPEARANCES**

**Items D.-1. and H.-1. are related**

D.-1. 10-0732 Mario J. Garcia-Serra, of Greenberg Traurig, PA on behalf of the previously approved Gables Gateway Project located at 4585 Ponce De Leon Boulevard for an amendment of condition D.3., titled Attainable (Affordable) Housing of Resolution No. 2008-58.

Attachments: [11 09 2010 Gables Gateway Personal Appearance](#)  
[11 09 2010 Exhibit A - 11 04 2010 Letter - Final Property Owner Proposal](#)  
[11 09 2010 Exhibit B - 09 27 2010 Letter - Preliminary Property Owners Proposal](#)

[Note for the Record: Please be advised that the verbatim transcript for Agenda Item D-1 available for public inspection in the Office of the City Clerk and in Legistar].

**This Agenda Item was Discussed**

City Clerk Item No. 25

**E. PUBLIC HEARINGS****ORDINANCES ON SECOND READING****ORDINANCE NO. 2010-256**

- E.-1. 10-0674** Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida, amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 5-0) (Passed on First Reading October 26, 2010)

**Attachments:** [10 26 10 Exhibit A - Ordinance: 246-296 Andalusia Avenue CP amendment 1st re](#)  
[10 26 10 CC Cover Memo - 246-296 Andalusia Avenue CP change - 1st Reading](#)  
[10 26 10 Exhibit B - 10 13 10 PZB Staff report w attachements - 246-296 Andalusia Avenue CP change - 1st Reading](#)  
[10 26 10 Exhibit C - 10 13 10 PZB Meeting Minutes](#)  
[10 26 10 Exhibit D - Public Comments](#)  
[E-3 Signed Cover Memo](#)  
[11 09 10 CC Cover Memo - 246-296 Andalusia Avenue CP change - 2nd Reading](#)  
[11 09 10 Exhibit A - Ordinance: 246-296 Andalusia Avenue CP amendment 2nd re](#)  
[11 09 10 Exhibit B - 10 28 10 Applicant's profer letter](#)  
[11 09 10 Exhibit C - Land Use graphic](#)  
[E-1 Signed Cover Memo](#)

RESOLUTION TO DEFER AGENDA ITEM E-1 [SUBJECT MATTER: PROPOSED ORDINANCE CONSIDERATION TO AMEND THE FUTURE LAND USE MAP OF THE CORAL GABLES COMPREHENSIVE PLAN PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SS. 163.3187, FLORIDA STATUTES, FROM "COMMERCIAL USE, MID-RISE INTENSITY" TO "COMMERCIAL USE, HIGH-RISE INTENSITY" FOR A 0.6 ACRE PARCEL LEGALLY DESCRIBED AS LOTS 1-10, BLOCK 7, CRAFTS SECTION (246-296 ANDALUSIA AVENUE), CORAL GABLES, FLORIDA.]

[Note for the Record: Please be advised that the verbatim transcript for Agenda Item E-1 available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be deferred by Resolution Number 2010-256. The motion passed unanimously.

**Yea**s : 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 28

ORDINANCE NO. 2010-37**E.-2. 10-0675**

Change of Zoning. City initiated Change of Zoning for privately owned properties within the University of Miami Campus boundaries. An Ordinance of the City Commission of Coral Gables, Florida requesting a Change of Zoning from University of Miami Campus Area Development (UMCAD) or Single Family Residential (SFR) to University Campus District (UCD) for the privately owned properties located within the University of Miami Coral Gables Campus, being the area generally bounded by Levante Avenue, Red Road (SW 57th Avenue), Mataro Avenue, and San Amaro Drive, Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote: 5-0) (Passed on First Reading October 26, 2010)

No.; Legal Description; Property Address; Change of Zoning From-To

1. Lots 13-18, Block 184, Riviera Section #6; 5800 San Amaro Drive, Coral Gables, FL 33146; SFR-UCD
2. Lots 13-18, Block 188, Riviera Section #6; 6000 San Amaro Drive, Coral Gables, FL 33146; SFR-UCD
3. Lots 13-18, Block 189, Riviera Section #6; 6100 San Amaro Drive, Coral Gables, FL 33146; SFR-UCD
4. Lots 13-18, Block 186, Riviera Section #6; 5900 San Amaro Drive, Coral Gables, FL 33146; SFR-UCD
5. Lots 7-9 & 22-24, Block 188, Riviera Section #6; 1530 Liguria Avenue, Coral Gables, FL 33146; SFR-UCD
6. Lots 10-12 & 19-21, Block 188, Riviera Section #6; 1520 Liguria Avenue, Coral Gables, FL 33146; UMCAD-UCD
7. Lots 7-9 & 22-24, Block 186, Riviera Section #6; 1531 Liguria Avenue, Coral Gables, FL 33146; SFR-UCD
8. Portion of Tract 6, University of Miami Main Campus; 1150 Stanford Drive, Coral Gables, FL 33146; UMCAD-UCD
9. Portion of Tract 7, University of Miami Main Campus; 1210 Stanford Drive, Coral Gables, FL 33146; UMCAD-UCD
10. Portion of Tract 7, University of Miami Main Campus; 1115 Levante Street, Coral Gables, FL 33146; UMCAD-UCD
11. Portion of Tract 6, University of Miami Main Campus; 1100 Stanford Drive, Coral Gables, FL 33146; UMCAD-UCD
12. Portion of Tract 7, University of Miami Main Campus; 1200 Stanford Drive, Coral Gables, FL 33146; UMCAD-UCD

**Attachments:** [10 26 10 CC Cover Memo - UM private properties - 1st Reading](#)

[10 26 10 Exhibit A - Ordinance: UM private properties change in zoning map ord-1](#)

[10 26 10 Exhibit B - 10 13 10 PZB UM private properties change of zoning staff re](#)

[10 26 10 Exhibit C - UCD ZC provisions](#)

[10 26 10 Exhibit D - 10 13 10 PZB Meeting Minutes](#)

[10 26 10 Exhibit E - Public Comments](#)

[E-4 Signed Cover Memo](#)

[11 09 10 CC Cover Memo - UM private properties - 2nd Reading](#)

[11 09 10 Exhibit A - UM private properties change in zoning map ord-2nd Reading](#)

[E-2 Signed Cover Memo](#)

[Note for the Record: Immediately following the reading of the title to Agenda Item E-2 into the public record, Mayor Slesnick stated that one of the concerns that could be immediately answered for Mr. Jim Hartnett, was the issues of why were the streets

being closed?-whether or not the City was just changing the zoning for the privately owned properties located within the University of Miami Coral Gables Campus, that is all?- and what does the change of zoning accomplish?

First of all, Mayor Slesnick stated that he did not believe that any streets were being closed. City Manager Salerno concurred. City Manager Salerno stated that the change of zoning is being done consistent with all University of Miami, City of Coral Gables campus privately owned properties. Mayor Slesnick added that the City changed the Master Plan; further stating that the City had changed the designations of the different areas of the campus as part of the master plan; further presuming that the City will change each of the areas that are specific areas of the campus to abide by the different designations of the campus.

Mr. Hartnett further inquired as to whether or not the City would lose control regarding what goes on there?- whereby both the Mayor and the City Manager responded in the negative.

Mr. Riel further explained to the viewing public that previously, the privately owned properties within the University of Miami campus had single family and UMCAAD zoning. Said request makes the zoning consistent with the remainder of the campus; further stating that they still need to go through the same review process they had previously (i.e. Board of Adjustment; Development Review Committee; all of the city's review processes).

Mr. Hartnett further inquired as to whether the privately owned properties within the University of Miami Coral Gables campus were owned by individuals or the university ?- whereby Mr. Riel stated that said properties are privately owned by attorney and religious institutions.

Mr. Hartnett queried whether or not this was an attempt to get rid of the fraternities/sororities on campus ?- whereby Mr. Riel responded that he cannot answer that; further stating that said matter before the City Commission ensures that everything within the University of Miami campus has consistent zoning with the land use, which is a requirement in accordance with the state law.

Mr. Hartnett stated that he would recommend to the City Commission that approval of each of the privately owned properties be specific to the site; further expressing his concern that there might be an attempt via the change of zoning, to eliminate the ownership of the fraternities houses from the campus, that were started in 1946. Mayor Slesnick responded that the City will not be taking ownership of the fraternity houses away; further noting that whoever owns said houses now, will still own the property after the proposed zoning is completed.

Mr. Hartnett inquired of the City Attorney as to whether the change he is desirous of to a privately owned property that is site specific would not affect the remaining

privately owned properties? - whereby City Attorney Hernandez informed him that there are severability provisions within sections of our Zoning Code that is being adopted that applies only to the site specific properties that he will be challenging.

Mr. Hartnett further inquires that if in the future there is a challenge to the action of the City Commission to one of the site specific properties that are privately owned, resulting in a change of zoning, will that represent an example of spot zoning?- whereby City Attorney Hernandez rephrase said inquiry stating that if Mr. Hartnett means that if a piece of property exists wherein there is a request being contemplated for a change to that zoning is up for consideration for a future date, a hypothetical for a hypothetical, then the sitting City Attorney will decide same.

Mr. Hartnett further asked whether one of the privately owned pieces of property taken was Sigma Alpha Epsilon Fraternity House?-and if the owners of same requested a change of zoning to High Rise, can said owner request a change of zoning on said privately owned property now?- whereby City Attorney Hernandez stated that the City will try to make it in conformance with what is there now.

Commissioner Anderson reiterated that it is the land use the City will try and conform it to the property; adding that the City is trying to match the land use to the zoning. City Attorney Hernandez informed Mr. Hartnett that if he were to look at the chart, it references from Single Family Residential to University Campus District-adding that Single Family Residential has a very specific limitation of what one can do; pointing out that it is not High Rise, it is Residential].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-37. The motion passed by the following vote:**

**Yea**s : 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 29

**ORDINANCES ON FIRST AND SECOND READING**

- E.-3. 10-0727** An Ordinance of the City Commission of Coral Gables authorizing entering into an Amended and Restated Agreement for Operation of the Coral Gables Museum with Coral Gables Museum Corp., with regard to city-owned property at 285 Aragon Avenue, Coral Gables, Florida; and providing for severability, repealer, codification and an effective date.

**Attachments:** [PAB 11-02-10 Mtg Minutes Excerpt.pdf](#)  
[Global Comparison.docx.pdf](#)  
[Museum - Amended and Restated Lease.pdf](#)  
[Museum Ordinance \(Revised\)](#)  
[Museum Cover Memo \(Revised\)](#)

**This Ordinance was Deferred**

City Clerk Item No. 24

**ORDINANCES ON FIRST READING**

- E.-4. 10-0707** An Ordinance of the City Commission of Coral Gables providing for text amendments to the code of the City of Coral Gables, Chapter 74, Article III, Division 1, 2, 3, and 4 entitled "Stopping, Standing and Parking", providing for updates to the parking provisions and procedures, changes to valet parking provisions, enactment of a new Division 5 to provide for a "Parking Replacement Assessment", containing a repealer provision, a new Division 6 to provide for oversight of public use parking within a private development, and providing for severability, repealer, codification and an effective date. (Passed on First Reading November 9, 2010)

**Attachments:** [cover sheet Title 74 11-09-10](#)  
[Excerpts from Planning and Zoning Board Presentation](#)  
[Excerpts from Planning and Zoning Board Minutes](#)  
[Draft Ordinance](#)  
[Draft Ordinance Clean Copy](#)  
[E-4 Signed Cover Memo](#)

[Note for the Record: Please be advised that the verbatim transcript for Agenda Item E-4 available for public inspection in the Office of the City Clerk and in Legistar].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

**Yea**s : 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 30

## E.-5. 10-0716

Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, amending the Official Zoning Code, Article 5, "Development Standards," Division 14, "Parking, Loading, and Driveway Requirements," Section 5-1404, "Materials, construction and drainage", to clarify language used to cite for vehicles parked on unapproved surfaces; and, providing for severability, repealer, codification, and an effective date. (Passed on First Reading November 9, 2010)

Attachments: [11 09 10 CC Cover Memo - Zoning Code text amendment - Parking surfaces - 1st](#)  
[11 09 10 Exhibit A: Ordinance - ZC Text Amendment - Parking surfaces - 1st Rea](#)  
[11 09 10 Exhibit B: 10 13 10 PZB Meeting Minutes](#)  
[11 09 10 Exhibit C: 10 13 10 PZB Staff Report and attachments](#)  
[E-5 Signed Cover Memo](#)

[Note for the Record: Following the reading of the title to Agenda Item E-5 into the public record by the City Attorney, Planning Director Eric Riel stated that the proposed legislation is before the City Commission for the purpose of amending the Zoning Code to add language to clarify the Code used to cite vehicles parked on unapproved surfaces on private property. The Zoning Code language is ambiguous and does not specifically state that vehicles cannot park on unapproved surfaces on private property.

Vice Mayor Kerdyk inquired about why was there a Dissension Vote?- whereby Mr. Riel stated that it was a matter of philosophy- as to if one can park on the swale, why should you tell owners what kind of surfaces they shall have?- City Attorney Hernandez stated there was a feeling by a couple of members on the PAB, that people shall be able to park wherever they want on their private property.

Commissioner Withers, responding by stating that if this were the case, then posing a hypothetical pondering if people wanted to park on their front yard and throw gravel down on their own yard, is the City going to allow this?-whereby the City Attorney responded that said request has to be approved. It has to be an approved surface.

Commissioner Withers further queried that if we approved certain surfaces (i.e. asphalt Chattohochee gravel, clay/cement, decorative concrete, wood block, etc)- Vice Mayor Kerdyk stated that it would still be necessary to meet the requirements of our Zoning Code.

Mr. Riel added that there still are other provisions of our Zoning Code such as landscaping, lot coverage, setbacks- a whole number of provisions. City Attorney stated that said matter comes before the City Commission as a result of a whole number of Code Enforcement issues that have been occurring.

Withers further inquired as to how about the Cocoplum Women's Club?- whereby Mr. Riel stated that he did not know the answer to that. Withers responded that the City is going to have an issue regarding same].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:

**Yea**s : 5 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 31

**TIME CERTAIN: 10:00 A.M.**

- E.-6. 10-0717** Planned Area Development, Site Plan, Encroachment, and Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:
- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
  - 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
  - 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,
  - 4) Zoning Code Text Amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations;
- providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010)

**Attachments:** [11 09 2010 CC Cover Memo: Gulliver Academy 1st reading](#)  
[11 09 2010 Exhibit A - Gulliver Academy ordinance 1st reading](#)  
[11 09 2010 Exhibit B - Gulliver amended conditions clean version](#)  
[11 09 2010 Exhibit C - Gulliver amended conditions strikeout version](#)  
[11 09 2010 Exhibit D - Gulliver Academy Application \(Cover & Table of Contents\)](#)  
[11 09 2010 Exhibit D - \(Tab 1 - Letter of Intent\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 2 - Settlement Agreement\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 3 - Request to encroach\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 4 - Zoning Code Site Specific Standards\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 5 - Gables By-The-Sea Road Closing District\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 6 - Land Use & Zoning Map\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 7 - Aerial Photos\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 8 - Site Plans\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 9 - Landscape & Vegetation Plans\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 10 - Encroachment Plans\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 11 - Elevation Plans\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 12 - Building Plans\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 13 - Survey\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit D - \(Tab 14 - Traffic Reports\) - Gulliver Academy Application](#)  
[11 09 2010 Exhibit E - PZP Staff Report](#)  
[11 09 2010 Exhibit F - B&Z Preliminary Zoning Analysis](#)  
[11 09 2010 Exhibit G - BOA Preliminary Review Comments](#)  
[11 09 2010 Exhibit H - City Consultant Marlin Memorandum - Review of Gulliver Academy Application](#)  
[11 09 2010 Exhibit I - City Consultant Marlin Memorandum - Review of Gulliver Academy Application](#)  
[11 09 2010 Exhibit J - 07.14.10. Planning and Zoning Board meeting minutes](#)  
[11 09 2010 Exhibit K - 07.21.10 Planning and Zoning Board meeting minutes](#)  
[11 09 2010 Exhibit L - 09.15.10 Planning and Zoning Board meeting minutes](#)  
[11 09 2010 Exhibit M - Public comments](#)  
[E-6 Signed Cover Memo](#)

[Note for the Record: Please be advised that the verbatim transcript for Agenda Item E-6 available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be approved as an Ordinance on First Reading as Amended. The motion passed by the following vote:

**Yea**s : 3 - Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Nay**s : 1 - Commissioner Cabrera, Jr.

**Abstentions** : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 27

## F. CITY COMMISSION ITEMS

**None**

City Clerk Item No. 32

**G. BOARDS/COMMITTEES ITEMS****None**

City Clerk Item No. 33

**H. CITY MANAGER ITEMS****Items H.-1. and D.-1. are related.****RESOLUTION NO. 2010-255**

**H.-1. 10-0726** Resolution of the City Commission of Coral Gables, Florida providing for an amendment to a previously approved mixed-use project (approved via Resolution No. 2008-58) referred to as "Gables Gateway", located on property legally described as Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; providing for an amendment to the previously required attainable/affordable housing condition; providing for an alternative condition of approval; providing for severability, repealer, codification, and an effective date.

**Attachments:** [11 09 2010 Exhibit B - 11 04 2010 Letter - Final Property Owner Proposal](#)  
[11 09 2010 Exhibit C - 09 27 2010 Letter - Preliminary Property Owners Proposal](#)  
[11 09 2010 Exhibit D - Resolution No. 2008-58 \(Gables Gateway\)](#)  
[11 09 2010 CC Cover Memo - Gables Gateway Resolution amendment for attaina](#)  
[11 09 2010 Exhibit A - Resolution Gables Gateway amending affordable housing](#)  
[H-1 Signed Cover Memo](#)

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR AN AMENDMENT TO A PREVIOUSLY APPROVED MIXED-USE PROJECT (APPROVED VIA RESOLUTION NO. 2008-58) REFERRED TO AS "GABLES GATEWAY", LOCATED ON PROPERTY LEGALLY DESCRIBED AS LOTS 1-23 AND LOTS 76-88, BLOCK 17, INDUSTRIAL SECTION (INTERSECTION OF LEJEUNE ROAD, GRANELLO AVENUE AND PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; PROVIDING FOR AN AMENDMENT TO THE PREVIOUSLY REQUIRED ATTAINABLE/AFFORDABLE HOUSING CONDITION; PROVIDING FOR AN ALTERNATIVE CONDITION OF APPROVAL; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Please be advised that the verbatim transcript for Agenda Item H-1 available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-255. The motion passed by the following vote:

**Yea**s : 5 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 26

- H.-2. 10-0737 Discussion regarding recruitment process for obtaining the services of a City Attorney.

Attachments: [H-2 Signed Cover Memo](#)  
[City Attorney Recruitment Process Outline](#)

[Note for the Record: The verbatim transcript for Agenda Item H-2 is contained within the Discussion Items in Agenda Item K].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 37

## I. CITY ATTORNEY ITEMS

- I.-1. 10-0736 Pending Litigation Report

Attachments: [PENLIT11 9 10.doc](#)

[Note for the Record: City Attorney Elizabeth Hernandez informed the City Commission that as an update to the Pending Litigation Report that the City Commission had received, that the City on Friday, November 5, 2010 did receive a preliminary injunction against Trolinet; further conveying to the City Commission that Mr. Higaldo had continued to sell advertisements; and that the City's legal team appeared before Judge Langer who granted the City's motion for a temporary injunction, as the City proceeds forward with said case.

Regarding the matter with Florida Power and Light, it is presently pending before the Florida Department of Administrative Hearings; further informing the City Commission that on January 14th, 2011 the City will have its Alternate Corridor Report due before said agency, which is the report the City has been working on along with several other municipalities-the initial report is for the corridor to go along the Florida Turnpike and along the 836, as well; further stating that the representatives from the City of Coral Gables met with Miami-Dade County Expressway Authority, including their engineers as well as the Florida Department of Transportation on said matter, and that the final agency report will be due in February of 2011, adding she has been working with certain City departments in connection therewith.

Finally, regarding the matter of George Merrick's Boy Scout Troop 7 and said groups' disagreement in connection with the lease agreement with the City of Coral Gables, City Attorney Hernandez' stated that the City has entered into discussions with the Boy Scout leadership to alleviate these lease related issues in the future, so that said issues will not represent a reoccurring experience; further informing the City

Commission that her office will report back to the governing body when the City and George Merrick 's Boy Scout Troop 7 are able to resolve these issues].

**This Resolution was Discussed and Filed**

City Clerk Item No. 34

**J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 35

**K. DISCUSSION ITEMS**

Mayor Slesnick: OK we have discussion items from the City Commission, Madam Anderson...

Commissioner Anderson: You know I can't remember if I had one or not, so I will pass (laughter).

Mayor Slesnick: Mr. Cabrera?

Commissioner Anderson: Actually, I do have a question...

Mayor Slesnick: OK.

Commissioner Anderson: When do you anticipate...I was asked by a resident, the start of the Green Task Force? Sometime...When is that going to happen?

City Manager Salerno: I expect that the first meeting will be in December.

Commissioner Anderson: OK, thank you, that's good for me thank you.

Commissioner Cabrera: Was the Commission aware of the Code Enforcement Officer's ability to cite parking violations? They can issue a parking ticket, I wasn't either. Let me tell you what happened, a resident parked their vehicle in their driveway, but clearly blocking the section of sidewalk, and the next morning when he awakened and went to his vehicle, he had a violation there. I did not know this but, our parking off- excuse me our Code Enforcement Officer's can handle it two different ways. -One is a warning, for blocking the sidewalk. Or the -second one is a parking violation. When you get a warning you at least learn, that you are not to park any part of your vehicle on the sidewalk. When you get a parking violation you are stuck paying it. I don't know how much it is? If it's \$30? Maybe...

Vice Mayor Kerdyk: I've had a couple of people complain about this...

Commissioner Cabrera: Yes, My concern is I want to make sure that our sidewalks are free and clear for all pedestrian traffic. I really do, I want to make sure that those that run in the morning, or take their walks early in the morning have complete access to their sidewalks, or to the City's sidewalks. In this particular case though, anyone walking in front of that vehicle would have had access to the persons driveway because it was clearly open to any and all pedestrians that walk through it. But instead this resident that was even unaware of the fact that he could not have his vehicle, or any part of it on the sidewalk received this parking violation. So when I told him that he was disappointed because he said "well look, you know I didn't get a warning OK? but I don't even have the right to fight this, it's a done deal." So I wanted to make you aware of it, maybe it doesn't mean anything to you, but in these days and times...this individual happens to be a real estate professional, I believe they're struggling quite a bit. So he said, "you know my wife and I both work, and to fine us early in the morning and not even get the courtesy of a warning, really stinks." You know...

Mayor Slesnick: I am always for warnings; I think it's a nice way to educate them.

Commissioner Cabrera: Exactly, you're informing and you are educating rather than you know, penalizing someone at the start of their day...

Vice Mayor Kerdyk: Well I think that's what code enforcement is, for education to get it right, it's not for punitive actions.

Commissioner Cabrera: It was just unfortunate I wanted to share this with you, and obviously none of us have anything to do with it, but if we could find officers that would use some sensitivity to the fact that you know if this is a habitual offender, I could see us going after them for that reason; but this guy assured me that he had never received any kind of a warning, and so I don't know what could come out of it. I don't know if anyone is going to take a note of this, and try to remedy it, so that we don't seem so punitive in our actions. It made me feel really bad, I could tell you that right now, I mean he's not even watching, he doesn't even know that I am having this discussion with you, I'm going to ask him for the ticket and I'm going to pay it, just because I think it's the right thing to do. Anyway, on a more serious note, last week I think it was the 27th of October, so that was about a week or so ago? The five of us in our Friday afternoon package received a letter from Bryant Miller Olive; and the purpose of the letter was to give the Commission an update on the City's proposals regarding the negotiation process with the City of Coral Gables and the FOP Lodge No.7; and I took great interest in the letter and went through it, and read all the points that were made on the City's side, because incidentally according to the letter and it came from Mr. Crosland, our legal representative with the collective bargaining units.

According to the letter, the FOP did not present any proposal, so it was a one sided presentation, I am assuming based upon his letter, by the City. Which we addressed things like work week, overtime, shift differential. We also addressed... I'm going to tell you all the major items, wages, vehicles, and safety equipment. We went on to address our holidays. We talked about sick leave or we addressed sick leave, and we last but certainly not least we talked about the employee organization, and the office of the President for that collective bargaining. I am mistaken, I left out group health. Group Health was another item that was part of the negotiations. I think it's time for this Commission to have an Executive Session, to provide further direction on this matter to the City Manager's Office, I don't know how the rest of you feel? I'll tell you what compels me, if you don't feel like talking that's fine...

Mayor Slesnick: No...I am thinking, you raised a question...

Commissioner Cabrera: Well let me tell you what really compels me. I've decided to just do a little bit of research. I went to the Florida Statutes, and specifically Chapter 447 of the Florida Statutes, that has to do with labor negotiations, or labor organizations, and more specifically Section 447.309, which addresses collective bargaining, approval or rejection of that process. And if you read the entire chapter, which you don't have to, but there was a sentence in the first paragraph that really caught my eye, and I'd like to read it to the members of the Commission, it says: "In conducting negotiations with the bargaining agent, the chief executive officer or his or her representative shall consult with and attempt to represent the views of the legislative body of the public employer." So I would assume we're the legislative body? And I would further assume that the chief executive officer is the City Manager. But I have to tell the four of you that prior to the letter that I received on the 27th, that I literally went through that weekend, I have not given the Manager any kind of direction on any of the points that are addressed in this letter. And I have received absolutely no reviews; updates, other than this letter, and therefore I think it's our responsibility to provide that direction. If you don't feel like believing me just read the statute. I'll make it available to all of you, we are supposed to, it's not we should think about it, it's we shall do this. And so, I just think it's high time we give some direction on this matter because quite frankly, again I am repeating myself, but quite frankly many of these issues were a surprise to me. And I am not saying that I don't agree with them, I agree with some of them and I agree with some of the approaches, but I disagree with some others; but I haven't been given the luxury of any kind of an update other than this letter from Mr. Crosland. So with that I don't think I have anything more to say, no comment?

Mayor Slesnick: Does anybody have an objection to scheduling a Shade Meeting?

Vice Mayor Kerdyk: Yes I think we should, I am OK with that.

Mayor Slesnick: ...Talk to the Manager about our collective bargaining...

Commissioner Anderson: I don't have any problem with that, but I actually read, that same letter, I didn't have any concerns at all. Actually I was looking, I was hopeful of some of those things coming about because those are kind of toward that; but no, that is fine as far as meeting, But I am good...

Commissioner Cabrera: Well let me ask you this, if you don't mind, in reading that letter did you feel that you had given the appropriate direction for the City Manager to take that particular approach to negotiations?

Commissioner Anderson: Pension reform? Yes.

Commissioner Cabrera: It's not in there.

Commissioner Anderson: No, but this is part of a larger picture for me, that's just for me...

Commissioner Cabrera: I know, but it's not in there. Wages are in there, but Pension Reform is not, wasn't in that letter...

Commissioner Anderson: This is part of a larger picture, that's what I am saying. For me there was a larger part, these smaller subparts are part of a larger issue of Pension Reform, which I was comfortable with that direction; but like I said, I am not objecting to having a Shade Meeting, that's not a problem...

Commissioner Cabrera: No, no and I hear you because I think all five of us want to see the pension reformed. I mean we've already done that with the general employees. I guess what I'm trying to get to is I am trying to drill down on this issue; and I am just wondering if you'd given some direction or you've been given updates on this, then by all means I understand your position; but look you don't have to believe me, I just read from a Florida Statute. Don, I think you are somewhat familiar with the statute?

Mayor Slesnick: I am, I mean let me say this, I assume that that Manager sends us those letters to continue to inform us so we could raise issues and questions, and sense you have, and have asked for a Shade Meeting, then let's do it...

City Manager Salerno: That is exactly the reason why they are sent.

Mayor Slesnick: Let's do it

Commissioner Cabrera: I didn't get a cover from the City Manager, I got a letter from Mr. Crosland. I didn't get one from the City Manager.

City Manager Salerno: I understand, Mr. Crosland wrote those at my request, and that is not the first letter that you received, that is the second letter since we started the bargaining.

Commissioner Cabrera: I understand that this is the second letter, I am well aware of it, and it's high time that you'd be given direction from this elected body and whether...

City Manager Salerno: That's the reason for soliciting the input, which is to make you aware of it. It's my understanding...

Commissioner Cabrera: This letter does not solicit input. This letter is very direct and it says the following...

City Manager Salerno: If you don't OK, OK...

Commissioner Cabrera: I don't want to be interrupted when I am speaking...

City Manager Salerno: OK

Commissioner Cabrera: Today the City met with the FOP Bargaining team and negotiations. This was our second bargaining session for 2010-2011. Attached, please find the City's proposal to date. The additional proposal submitted by the City today concerns group health coverage. The City will be submitting additional proposals as the negotiations progress. Again, the FOP did not present any proposal. That doesn't ask, what is your position on this matter? Would you like a review of the items discussed? Would you like any kind of update? Would you recommend an Executive Session? Nothing like that, it's just an F.Y.I. letter...

City Manager Salerno: OK

Commissioner Cabrera: And it had no cover to it. It simply came from Bryant, Miller Olive. So if the Manager would like to some how peddle back, that's his prerogative, but that is what the letter says.

City Manager Salerno: No, I know what it says.

Commissioner Cabrera: Good!

City Manager Salerno: I asked it to be written; I approved it before it went into your box. I had my, Pilar put it in your box. It is the second letter which is to inform you of the status. I am also aware that in the past, with the prior Manager, he did not provide

you updates of every single negotiating session. Every time we have negotiated with any union, you have received a status report, as to what was presented at that meeting. That is a change from the way things were handled in the past. That is because I believe you should be informed of what's transpiring after the negotiating sessions. I perfectly have no problem with having an Executive Session for that purpose, but you are getting more information now about what transpires in negotiations than you have in 8 years.

Commissioner Cabrera: I respectfully disagree.

City Manager Salerno: That's fine, but that's the fact.

Mayor Slesnick: OK, well Mr. Manager if we could arrange.

Commissioner Cabrera: That's not a fact, because I had a relationship with the former City Manager and in spite of my criticisms, that City Manager went way out of his way to communicate with this government, and these elected officials, in a transparent fashion. Whether it was a crafted letter based on your direction, the bottom line is the former City Manager took the time to brief this Commission on each and every item regarding collective bargaining.

City Manager Salerno: I disagree with you Commissioner...

Commissioner Cabrera: Well you weren't here, you were in Sunrise, Florida.

City Manager Salerno: But the staff has informed me that the Manager did not provide briefings of each bargaining session in the past that's...

Mayor Slesnick: OK, we will work on sitting at the Commissioners request, sitting in a Shade Meeting.

Commissioner Anderson: I have limitations, Monday's through Wednesday's are the only days I am available, So within that range, I am good.

Mayor Slesnick: Commissioner Cabrera?

Commissioner Cabrera: That's it for me.

Mayor Slesnick: OK, Mr. Kerdyk?

Vice Mayor Kerdyk: No, nothing Mayor.

Mayor Slesnick: Mr. Chip Withers?

Commissioner Withers: I have two real quick, well one is quick...I was in a neighborhood Halloween event a street behind me, and 2 kids disappeared into a trash pit. So I don't know if we...I was thinking, I don't know if we have something on our website, or even what the City's program is to...I knew at one point we had a crew going around filling these up...

Mayor Slesnick: Right.

Commissioner Withers: ...Is it only at the request, if a neighbor requests it?-Or are we proactively going through looking at these (inaudible).

City Manager Salerno: I'll be glad to check Commissioner on that...

Commissioner Withers: I know it's not a big deal, it's a little humorous because the kids bounced up, but they did disappear from site (laughter). If it would have been me, I would have probably broke my legs, but it was... The other thing is, I saw some scouts walk in here and I know you briefly touched on it in the report. I don't know if you all heard Liz's report, because you know my only comment to that is this thing is taking on a life of its own, and its way overblown. I don't know how the rest of you Commissioner's feel, but the last thing in the world we would want to do is evict the Boy Scouts from Troop 7 out of their Boy Scout hut. That was you know never my intent. I don't think it was the intent of...and it's really I think a disservice to scouting that has been permeated with the E-mails that I've gotten from folks. Thinking that we, we're going to be evicting George Mericks Boy Scout Troop out of the Boy Scout hut. I think there are some issues, I think some of these issues have to be resolved. I think we...so I don't know if you all want to comment on it, but that's basically...

Commissioner Anderson: Yes I'm happy to comment. I think it's more issue about the adults involved in the issue.

Commissioner Withers: The Boy Scouts.

Commissioner Anderson: Not the children, right?-and that is where I have the real problem. And I hate dissemination of lies in the original E-mail that was sent to us was lies and it didn't really go to the issue which was, that particular...our City land which is allowed by a dollar-a-year I think was it? Was being used for other than it was supposed to, and so that's where I had the problem and that's where I would like for the situation to be corrected. I don't have any desire to throw anybody out you know, that would be like "apple pie, and mom," and all that stuff. You know, so that's where I would...that's my biggest concern, is the adults involved in the situation.

Vice Mayor Kerdyk: I mean yes, I mean I have a past history there, I was a scout

the Nanny. When it's raining I do drop him off, and I can assure you even when it's raining there are no more than 3-4 cars during this half-an-hour period of drop-off and pick-up, so I mean...

Mayor Slesnick: Well actually, we have a picture of about 8 cars here.

Ms. Azevedo: Well, I've never seen more than 3 cars, never. Maybe I go at a different time, but usually I drop-off at 8 a.m. when I need to and I see 3 cars, no more than that.

Mayor Slesnick: I'm sorry 7, I miscounted.

Ms. Azevedo: Whatever. So I'm for the closure of Campamento gate because I do understand it is burdensome, but if we could keep the pedestrian gate open it would be very helpful, even if we have to move it up west, instead of – moving it up west so it's not in front of any house. Thank you.

Mayor Slesnick: Thank you. Thank you very much. Billy, we are not seeing any lights up here. Kathleen Fernandez, 820 San Pedro, Oh, I'm sorry; she did not wish to speak. This is her comment: *"This issue of all gates closure has been debated repeated for certainly more than a year, negotiations were made, compromise and agreement. I strongly agree with the agreement as it stands. Notices were given to Gables by the Sea residents in advance of all meetings. Closure should be made permanent for sake of peace in our community. Quality of life is very important."* And finally, Ines Bleakly, 1440 Campamento Avenue. Ines? Ines?

Audience: She had to leave.

Mayor Slesnick: OK. OK. This is her comment: *"I live right across the street from Gulliver and I do not agree with keeping the gate open on Campamento. Trying to get out during drop-off time is impossible, parents block street dropping kids, use our driveways to turn around with no respect for our property."* And we also have other photographs which have been handed to the City Clerk and they are notated on the back. These are pictures of Campamento during cars stacking, during drop-off and pick-up time, we'll enter them into the record, and I'll pass them to the Commission. We are closing the public hearing and we will now go back to asking staff anything further to add? OK. Ms. Russo.

Ms. Russo: Mr. Mayor you wanted me to address, and I didn't quite hear, students being dropped off to cross Red Road or, I'm not quite sure I understood.

Mayor Slesnick: The comments were made about safety and about children crossing busy streets. I'm sitting here as a person who lives up here in North Gables, I certainly know the area, I've certainly gone there a number of times for many reasons, but I don't go there during drop-off and pick-up. My impression could be as I sit here to vote that we have children who are wandering aimlessly across Old Cutler Road or Red Road or whatever, then one person got up and talked

about three police officers being there with organized crossings. I'd like someone to explain to us what is it that we'll see if a child leave Gables by the Sea on bicycle or on foot to get to the school safely; is there a system?- are there officers?- is there a crosswalk?- what is there?

Ms. Russo: On Campamento it depends...

Mayor Slesnick: No, forget Campamento.

Ms. Russo: You are talking on Red Road; I'm going to ask our traffic consultant Mr. Tim Plummer who is...

Mayor Slesnick: Let me make it clear what I'm asking.

Ms. Russo: No, I understand.

Mayor Slesnick: If I am a child that leaves the community, how do I get to school?- and what's going to protect me to get to school?

Ms. Russo: And the reason I'm asking Mr. Plummer to address this, he has been involved with the school in terms of the drop-off and pick-up and is very familiar with Red Road/Old Cutler and can tell you where if anywhere a child could access via bicycle or pedestrian.

Mayor Slesnick: That's fine and I wasn't trying to make you responsible for the answer, and we know Mr. Plummer and...

Ms. Russo: I was just trying to understand whether you wanted to know how they were going to get through the back of Campamento or you were talking Red Road.

Mayor Slesnick: Mr. Plummer should we close Campamento there is a concern that has been expressed by Commissioner Cabrera particularly and some of the witnesses, the safety of children on bicycles or foot as they are now rerouted from the back gate to the front, before we vote I'd like to have someone tell us what is specifically the steps that are taken to protect, if any, if not we should know that too.

Mr. Plummer: This is how these children would access the school if the gate is closed. They would come out Lugo Avenue, pass the guard house, now there would be a police officer at the intersection of Old Cutler Road and Lugo Avenue, so there would be a police officer in place; they move down the sidewalk on Old Cutler. At the entrance of the pick-up/drop-off there would be another police officer that is there directing traffic that will also be able to control the situation to help those handful of kids that are coming in walking or bicycling on the campus, that's how it will work. So there will be two police officers that they will encounter as they approach Old Cutler Road.

Mayor Slesnick: And there is a sidewalk along there?

Mr. Plummer: Yes.

Commissioner Cabrera: Mr. Plummer, may I?

Mayor Slesnick: Sure.

Commissioner Cabrera: Mr. Plummer what's your take on the gate?- do you have one?

Mr. Plummer: You know, I was at almost all of the public meetings and public hearings and all the negotiations with the Homeowners Association, there is a problem out there with parents that are queuing up, you've seen the pictures; I've been out there many times, it's a nuisance for the neighborhood, I've seen the parents drop-off and then use driveways and back out; I've seen the service vehicles queuing up at the park, I mean it's an issue and it's a problem for the neighbors that I think the school recognizes and I recognize as a traffic engineer. Trying to solve that problem by allowing pedestrian and bicycles only has its positives; I do think that the enforcement issue in the long term would be very, very challenging unless you have a police officer out there that's going to watch and make sure people aren't dropping a block off or two blocks off and making their kids walk from there. So the enforcement side is going to be the challenge and people trying to beat the system will be the challenge, but I understand how that could be a good thing for the neighborhood as well. So I think you all have a very difficult decision on this one, what to do with the compromise there, but there is a system in place for again, that you will encounter two Police Officers on your way to school from Old Cutler Road to make it as safe as possible.

Commissioner Cabrera: Thanks.

Mayor Slesnick: Thank you very much.

Commissioner Withers: Laura? Laura?

Mayor Slesnick: Did you need to correct anything you said?

Mr. Plummer: Well the question they are asking is that just going to school, that's correct. Right now what's in the agreement is that there would be a police officer there in the morning, Old Cutler and Lugo Avenue.

Mayor Slesnick: And not in the afternoon?

Mr. Plummer: That's not contemplated in the agreement right now.

Mayor Slesnick: OK.

Commissioner Anderson: OK. That's something we could...

Commissioner Cabrera: Let's just...thanks, thanks. Just think about this for a minute, first of all they hate going, most kids that I know hate going to school, so you know they have to dredge to school; and when they get done with school the first thing they want to do is go home and they want to take off, and we are not going to have police presence then?- I mean, that's a real life safety issue.

Commissioner Anderson: What I would contemplate us having the afternoon – absolutely, yes.

Commissioner Cabrera: That one really – I appreciate the fact that was brought up.

Mayor Slesnick: By the way the pictures were from Mrs. Froelich, I believe.

Commissioner Withers: I'd like to ask Laura.

Mayor Slesnick: Sure.

Commissioner Withers: Laura you know we've heard the Homeowners Association and we've heard the neighbors, what is the schools?- I don't know if I heard it maybe I missed it, what is the school's position on this access gate?- what is the administration's opinion of this?

Ms. Russo: Pedestrian?- in other words for pedestrian access?- for vehicle access? The school had in place a program since 1995 or '96 in the Special Taxing District we implemented, that allowed for Gulliver parents who lived in Gables by the Sea to access via the back gate with a special tag and registration. With respect to the, if you are asking me with respect to making this pedestrian....

Commissioner Withers: I mean right now, this issue that's going back and forth. If Mr. Gratulius was sitting up here right now and had to vote on this, what is the school's position on whether there should be an open gate, whether its pedestrian, whether its service, what is the school's – I haven't heard the school chime in on their position.

Ms. Russo: Well the school took a position when it entered into the settlement agreement with the Homeowners Association. We were listening at the Planning and Zoning Board; we were listening to the public comment, and in fact if you read the transcripts from the Planning and Zoning Board there were times when we offered the solution of having Code Enforcement to monitor the dropping off of only the students whose parents had the tags in the car.

Commissioner Cabrera: What Code Enforcement?- the City's Code Enforcement?

Ms. Russo: Right – in other words we tried to offer different ways that there could be, the gate could be allowed to be used for both either the teachers it was allowed to be implemented. A little history – it used to be an actual drop off point, but after the Special Taxing District was created, it was closed off to just allow for teachers and administration and the parking lot was constructed at the time, and what became clear at the Planning and Zoning Board meeting is that the City did not want to have the position of being out there to implement and enforce a program and Gulliver was accused of not being able to properly enforce any program.

Commissioner Withers: Here's my feeling on this. I really don't think it's good for the City to put ourselves in an adversarial situation like that; I mean, there is really no reason why we should have to just upset people and ticket people, and make parents mad, and have them screech off, or have officers taking their time writing tickets for people that queue up when it says, "no stopping or standing", I think it's an incredible waste of our talent and our resources, and I don't think the City should be policing that. Saying that, is Gulliver willing to police it? - because I can tell you how I feel, because my office is in an industrial area where there has been a school allowed to in, it is absolutely horrendous for two hours during the day, and this is an industrial area, I mean, there are cars queued up all over the place. Saying that, I support one hundred percent a gate if students want to walk or ride to enter school, I don't think any of us have a problem with that. The issue is the cars that are queuing up that are causing the inconvenience. So it's all down to a policing issue. Is Gulliver willing to step up to the plate and put someone there at their expense to police the cars to keep them from queuing up to picking up and dropping off students. It's a yes or no question.

Ms. Russo: The answer is we are limited by the settlement agreement; Gulliver has already entered into a settlement agreement it said...

Commissioner Withers: Let's say we change the settlement agreement. Is Gulliver willing to put someone there to police this effort if they leave this gate open?

Ms. Russo: Let me just pose to you. As difficult as it would be for the City, if it's raining, then you say its pedestrian then students can't be dropped off if it's raining...

Commissioner Withers: That's right; they cannot be picked up or dropped off.

Ms. Russo: What would be – we don't allow your kid to come, I don't know you enforce...

Commissioner Anderson: I just don't see it being able to be enforced.

Commissioner Withers: It's not a gray issue; either no kids can be picked up by automobiles at that gate period. Here's how I'm going to vote, unless you are willing to say Gulliver will step up to the plate, and we will police it, and we will maintain it, and we will put someone there, to make sure that no cars pick kids up there; kids that are on bikes, rollerblades, skateboards, walk,

I don't care, to me that's what a pedestrian gate is for is to service the neighbor's kids from the neighborhood, but for people to circumvent to come through and pick-up and drop-off, because I did it, I mean, I picked my kids up for 22 years going in and out of school like this. You understand...?

City Attorney Hernandez: And Commissioner how we have dealt with in the past with the University of Miami when students were leasing off premises we would advise the Dean of complaints of the neighbors, and the Dean of Student Affairs would deal with those students, they would be dealt through the honor system, so there is a way that Gulliver can implement an administrative process with parents that are violating that. It's not undoable.

Mayor Slesnick: Wait a minute, wait a second; Gulliver is bound by an agreement...

Ms. Russo: The question now becomes whether or not the Homeowners Association that entered into the agreement would be willing to accept an amendment to the agreement?- and if not you are going to have people that oppose the entire Master Plan?

Commissioner Cabrera: Well that's extortion.

Mayor Slesnick: No, no, no, wait, wait, wait.

Commissioner Cabrera: So you just want us to rubber stamp this and why bother bring this before us?- we should have done this in an administrative...I should have called in my vote, what do people think?- that we are just up here to rubber stamp.

Mayor Slesnick: Mr. Gibbs, Mr. Gibbs.

Mr. Gibbs: I worked on that agreement with Laura and with Mr. Dickman; I want you all to understand one thing, there is a settlement agreement here between Gulliver and the Neighborhood Association, that's one thing; the other thing is you have a decision to make in essence totally and utterly separate from that, and your City Attorney will tell you that your City does not get involved in the settlement agreements, your City is not a party to any settlement agreement. So when we talk about changing settlement agreements, and Mr. Mayor you said it first, you said it earlier in this meeting, that's between the Neighborhood Association and Gulliver. The fact is that at the Planning Board, your Planning Board was very insistent that there be some agreement between the Neighborhood Association and Gulliver, and we entered into a settlement agreement at many respects at the prompting of your Planning and Zoning Board, their decision was based in part on the agreement that we made. The fact is it's a separate agreement, so when we made that agreement it was done specifically to find a solution to this, a solution that everybody could live with. When Gulliver made the agreement, the agreement was to close Campamento and whether you all vote to open it or leave it open, we are still bound by that agreement. If you all vote today, and say pedestrian only or it stays open, yes that's fine, but

we have a separate agreement that says we're not going to open it, that roadway may be there, that opening may be there, but Gulliver is going to keep it closed, that gate will always be closed, and that's the problem, and we did that because your Planning Board said, we want an agreement, we want you all to come to an agreement, and that's the basis of it; and Commissioner Withers I hope that answers your question.

Commissioner Withers: Well, I mean, we are voting on a site plan...

Mr. Gibbs: Exactly.

Commissioner Withers:...and a site plan has an opening or not an opening, OK...

Mr. Gibbs: That's correct.

Commissioner Withers:...and I'm telling you my feeling on the site plan is, I don't have a problem with an opening, if it's truly a pedestrian gate; if it's going to be used as a back area for parents to pick their kids up because they don't want to queue out front, I'm against that.

Mayor Slesnick: And I don't think you can change that.

Commissioner Withers: And if you're saying I can't change it by saying Gulliver will not – Gulliver will police it and they will make sure that parents don't queue up there.

Mr. Gibbs: But Commissioner Withers we can't do that. Under the agreement....

Commissioner Withers: I understand what you are saying.

Mr. Gibbs:...we can't do that, unless the Association says they'll go in and change the agreement, which I don't think is going to happen, we've heard from the Association.

City Attorney Hernandez: OK. Well this City Commission can defer this matter and direct the parties to engage in further discussions and advise them of what is the intention of this Commission. So your hands are not tied, by no means is the Commission's hands tied.

Commissioner Withers: In all fairness, I'm not upset about it, I'm not deterred from it, but it's a little aggravating that a Homeowners Association can try to paint us – listen from the very beginning when we did St. Phillips, when we did, you know, I really thought...

Commissioner Cabrera: St. Thomas.

Commissioner Withers: I mean St. Thomas, I'm sorry, St. Thomas...

Mayor Slesnick: Here's the choice, here's the choice Chip, let's paint the choice; we are not painted in, but here's the choice, if we want to abrogate...

Commissioner Withers: If we want to what?

Mayor Slesnick: If we want abrogate or deny the...

Commissioner Withers: Deny I understand, abrogate is too big for me. (Laughter)

Mayor Slesnick:...the agreement between the school and the Homeowners Association the only fair thing for everyone is, and this is where your choice is, is to go back to square one and then the homeowners and the community will fight with Gulliver over the entire plan, and then we will be back here to determine the natatorium and the gymnasium and all those pieces, because that's what this is. At the encouragement of the Planning and Zoning Board the community came to an agreement to facilitate the expansion plans of Gulliver and they asked for certain concessions, this is one of them, if we say we are not accepting that concession I think the only fair thing is to go back, send it all the way back, have them come back here, and then what we'll do is we'll be sitting here with twice as many people arguing over each aspect of the Master Plan. That's what I believe is our choice.

Commissioner Anderson: I'd like to throw in a few observations myself. I had the opportunity of driving with Mr. Santero about four years ago you took me around the neighborhood, and this has been a big problem, this whole issue of queuing and the relationship between the school has been tenuous, I think is probably the first time that we've reached a point where there is some hope for Gulliver to accomplish something and then the neighbors to have some relief. I'll be satisfied if we could add a police officer at the end of the day and just leave the plan as it is. I think our Planning Board viewed it very carefully, I think they studied it; they made the neighbors go back and look at it. I'm in favor of the plan as it is, I think it has been studied, I think it has been reviewed; I think it's been too mulled over, and for the majority of the people it is probably the best decision. I do absolutely understand being a parent myself, and Matthew you did a very beautiful job, I just want you to know that; that's great that you do that, keep coming back, alright. My whole purpose behind this little informal chat is to say that I support the plan as it is. I think it speaks volumes of actually having a neighborhood and an entity that is applying for something to be actually in accord over something that they've had a problem with for so many years. I don't think we can enforce a pedestrian opening, I don't think, you know, no matter what there are always people that are going to circumvent the system for whatever reason, nothing malicious, just people are human nature. So spoken my piece. Thank you.

Mayor Slesnick: You know it's also, it seems to me that for once we've had an agreement on a major plan between a community as a whole and an entity seeking plans and expansions, and while I have very much respect for the people who testified here about the open gate and their children, the fact is that to disrupt a community agreement with the thing for the 17 families who by the way, at some point will graduate and move on, is to me would be destructive.

Commissioner Cabrera: May I...?

Mayor Slesnick: Sure.

Commissioner Cabrera: I'd like to have Mr. Riel come back for a minute, Mr. Riel sorry about that. Mr. Riel quick question, we got this handout just I guess now almost an hour ago with all these objections to this gate, that's the majority; I highlighted most of the sentences that had to do with the gate and I don't think I found one objection that didn't have the gate, the 5 foot gate in there. How many of those did the Planning Board see when they deliberated on this matter?

Mr. Riel: All those items that you have there were after the packet was distributed, so from Friday on they did not see that.

Commissioner Cabrera: So I think this is important that I bring this up, because while I realize that the Planning Board has worked very hard, while I realize your department has worked diligently in this process, let's face it folks, this became an issue last Friday, at least it became my first e-mail of Friday with regards to this matter. So we all became aware of this gate issue 4 or 5 days ago at best. I don't think the Planning Board really even contemplated this matter because it was not even before them, I think it was lost in the issue with the gymnasium and the issue with all of the other aspects of this agreement. This is a last minute problematic obstacle and it's based on those folks whether its 17 people today or 25 a year from now or 10 five years from now, it's a quality of life issue; and so if we're handcuffed into agreeing to this agreement that was made whether it was at the recommendation of our Planning Board or not, I'm not going to support it. So somebody look for three votes here, maybe they are already here, maybe there are three votes and everybody is good, and everybody moves along in life, but if its 2-2 we've got a problem. So I won't be the deciding vote, I've already told you how I'm going to vote on this matter.

Mayor Slesnick: Thank you. OK. Ms. Anderson.

Commissioner Cabrera: So there you go; the Planning Board didn't look at this.

Mayor Slesnick: Well that is true, the Planning Board did not look at that because the objectors waited until this weekend to object, now wait a minute Ralph...

Commissioner Cabrera: But that's how life in Coral Gables is, I'm still getting e-mails about leaf blowers (laughter) I swear to you. I'll enter them into the public record, and how long ago did that take place?

Mayor Slesnick: Well I have something to warm your heart.

Commissioner Cabrera: I tried to find a leaf blower costume for Halloween, but couldn't find one...

Mayor Slesnick: There was an entire essay, and as you know when I tell you the magazine you know the kind of high flown literary essays, there was an essay about leaf blower regulation in the New Yorker magazine which I'll be circulating for you...

Commissioner Cabrera: There you go.

Mayor Slesnick: It did not involve Coral Gables either; it involves all these other cities.

Commissioner Cabrera: But my point is, this is the way it works around here, everybody here, and I don't say this in a critical or condescending way, you folks are busy with your families and your businesses and the other things that get in the way of life, and for you to sit here and watch a Commission meeting or for you to go to a Planning Board meeting or a community meeting, it's a very difficult task, I understand that, I really do, I don't mean to be flippant about this, but it's obvious to all that are sitting here and those who may be watching via computer or on television that this is a hot button. We all got these e-mails, we've all read them, I believe we've all read them, and as I said before, I'm sorry for repeating myself, I get criticized for doing that all the time, but each and every one of these objectors had the gate as the number one issue at hand, and that's why I was trying to bring it to a head early on, not to be take sides because I didn't have a side on this matter, but I now see what the issue here is, and let's see how the vote goes down. If I were a betting man I'd say it was going to go 3-1.

Mr. Gibbs: Mr. Mayor?

Mayor Slesnick: Yes.

Mr. Gibbs: Can I add one issue and have Mr. Plummer speak less than a minute on that issue? - and that's regarding the safety of these children. If you do have a pedestrian only access off Campamento and we have the interior roadway that we are creating for emergency vehicles, for trucks and for the school teachers, that creates a problem with safety for those kids going in there having to cross that other roadway, if you want to call it, the access way into that parking area into the garbage area, into all that; and I'd like Mr. Plummer to speak to it because I think that...

Commissioner Withers: So what you're saying the school is against the pedestrian opening.

Mr. Gibbs: I'm saying that the school is determining that it's a safety issue.

Commissioner Withers: That's what I want to hear, the school...

Mr. Gibbs: Yes.

Commissioner Withers:...the school...OK.

Commissioner Cabrera: And when did that come up?- when did you decide it was a safety issue?

Mr. Gibbs: Well because the issue came up today as you said with these 17, with these notices, and I asked Mr. Plummer I said, is this a safety issue because that's an issue that's being discussed by this Board?- I'm not an expert and I said, gee when you are leaving only a pedestrian access...

Mayor Slesnick: Mr. Plummer.

Commissioner Cabrera: But I want to stay with Mr. Gibbs because Mr. Gibbs, I'm really curious.

Mr. Gibbs: Here's what happened. When we said we would close Campamento, we had to put an interior roadway in for the trucks, for the teachers, and for the staff's access, correct?- that's part of our proposal that's been out there, you all had it. Mr. Riel looked at that; with that extra roadway. Now if we close off Campamento, that's perfectly fine there is no access for pedestrians from Campamento in, there is no access for traffic; but once you allow the secondary roadway that's going in that we are proposing for the trucks and for the teachers, and then you allow pedestrian access and bike access, you are now creating a conflict, because people are going to go off and get off at Campamento, go into the property, but they now have to cross a roadway, an interior roadway, and I asked Mr. Plummer is that a safety issue and he said, I'll let him speak.

Commissioner Cabrera: And I'll let him speak as well, but I agree with you and I don't have the expertise he has, but what about moving the gate?- one of the speakers today made a very intelligent recommendation and she said, move it westward, move it away from the residential area.

Mr. Gibbs: Either way you are going to go into – the access is still going to go into that parking lot; the parking lot...

Commissioner Cabrera: So you are telling me that the interior roadway would in fact go all the way up to the west of the perimeter of the property, thereby creating a life-safety issue.

Mr. Gibbs: Yes, for pedestrians who are walking across that way. Mr. Plummer can speak to it better than I.

Mr. Plummer: And I'll be brief. With the closing of the gate at Campamento and the creation of the new access road, that comes from Red Road all the way into this existing parking lot on the south part of the property. So in essence a new intersection is being created at the gate for Campamento where the new service drive is coming in. So there will be issues as kids are on

their bikes or walking, crossing that new intersection there are going to be teachers and so forth that are coming in at the same time that these students are coming in, and moving it further west if you will, they still have to cross that service road.

Commissioner Cabrera: Thank you.

Mayor Slesnick: Can I have a motion on E-6?

Commissioner Anderson: I'll move that and I would like to, I don't know if this is possible or not, I'd like to make sure there is a police officer...

Mayor Slesnick: Amend the motion.

Commissioner Anderson: Yes, I'd like that to include a police officer at the end.

Mayor Slesnick: Ms. Anderson moves E-6 with an amendment that requires a police officer at the close of the school day.

Commissioner Cabrera: An officer which would be, let's be more specific.

Mayor Slesnick: At Lugo.

Commissioner Cabrera: I'm not going to vote in favor of it, but I see what she is trying to do and I want to support that. So you want to put it at Old Cutler and Lugo.

Commissioner Anderson: That's correct, that's where the officer is in the morning, is that correct?- I'd like to have that.

Mayor Slesnick: Yes.

Commissioner Cabrera: There is already an officer further up at the main entrance of the campus, so this would just be the addition. Will that create this thing to go back to square one?

Commissioner Anderson: Would that be a problem?

Commissioner Cabrera: Just the gate, just the gate, not the cop, that's OK, alright.

Commissioner Withers: I'll second.

Commissioner Cabrera: Can I get an official response?

Mayor Slesnick: Let me ask you this, we do this every now and then, when we add something we'll ask so there is no legal issue, does the school accept the police officer addition at the close of the school day at Lugo?

Commissioner Cabrera: I want to know and I think Ms. Anderson...It's "their way or the highway" on this one, is that what it's coming down to?

Mayor Slesnick: No, if they don't accept it, we still can vote on it, it's not that, it's just that if we get on the record...

Commissioner Cabrera: Well, it's been like that all morning.

Ms. Russo: The school doesn't object per say, the problem with the afternoon unlike the morning where school starts at a finite time, is in the afternoon there are activities that range from 3 until 7 p.m., so there are kids that could be...

Commissioner Anderson: We could narrow it to the main school time.

Commissioner Withers: Thirty minutes after school releases or something.

Commissioner Anderson: We could put it at a target time where the majority...

Mayor Slesnick: Wait, wait, wait, stop, stop. You know, off duty police officers have a minimum of 4 hours anyways, if you are going to hire an officer you are going to hire him for 4 hours, isn't that what we have...?

Commissioner Cabrera: 3 to 7.

Mayor Slesnick: I mean you can use him for different things; he doesn't have to stay there. Listen, Mrs. Anderson, excuse me, Mrs. Anderson has expressed a desire to make sure that we have an officer there during the times that people are being released from school, not there for every special event or every special activity. We don't care where you hire your police officer, we'd like you to hire him from the City of Coral Gables, I think you do now, if you have a working arrangement with the City don't need to have him for 4 hours that's fine, is the school willing to...?

Commissioner Cabrera: This is not that difficult folks.

Commissioner Anderson: We have safety in the morning; I'd like to have safety in the afternoon.

Mayor Slesnick: Well we are still going to vote either way.

Commissioner Cabrera: No, well I think it shows you that it's "their way or the highway."

Mayor Slesnick: Note that the school has not agreed to the condition, but it's still part of the motion, the motion is to approve E-6 with the addition of an officer...

Commissioner Anderson: Can it be enforced?

Commissioner Cabrera: Mrs. Anderson may I ask you since you are the maker of the motion, are you going to define the time period?

Commissioner Anderson: I think where the majority of kids are impacted. What times do you have in the morning?- just a similar kind of thing just to protect the children coming out of school kind of like what they are going in, I don't know what the timeframe is.

Commissioner Withers: What time are they discharged?- what time does the bell ring and kids run out?- 2:30?

Ms. Russo: 2:30 and 3:30 p.m.

Commissioner Anderson: Yes, there you go – simple. OK.

Mayor Slesnick: 2:30 to 3:30.

Commissioner Withers: 2:30 for one hour? I don't know.

Commissioner Anderson: Whatever is in the morning can be placed at night. I'm not trying to be difficult, I'm just trying to provide...I'm trying to support the thing, but I want to provide some safety vehicle, I don't think that's, that hard to ask.

Commissioner Cabrera: I don't think it's difficult at all.

Ms. Russo: A half hour in the morning from 7:30 to 8:00.

Commissioner Cabrera: So they get away with that for a half hour.

Mayor Slesnick: No, I don't know, they can't, they have to pay for whatever it is.

Commissioner Anderson: 2:00 to 4:00 p.m., how about that?

Mayor Slesnick: 2:00 to 4:00 p.m.

City Attorney Hernandez: Alright – Ms. Russo did you hear the Commission has indicated from 2:00 to 4:00 p.m.?

Mayor Slesnick: Ms. Russo does your client understand that this Commission is struggling here and that there is a danger of not getting this approved and that the Commissioner has asked...

Commissioner Anderson: I'm happy to withdraw the motion, if need be.

Mayor Slesnick: I'm a little confused here myself. Would you like some time?

Ms. Russo: Yes, could you give us a break?

Commissioner Cabrera: Five minute break, five minutes.

Commissioner Anderson: Five minutes.

Mayor Slesnick: We are going to take a five minute recess break.

[Note: The Commission took a break for the applicant to deliberate]

Mayor Slesnick: OK, we are back. Ms. Russo.

Ms. Russo: My clients agree to a police officer in the afternoon from 2:30 p.m. to 3:30 p.m.

Commissioner Anderson: Perfect.

Mayor Slesnick: OK. Ms. Anderson has moved Item E-6 for approval with the addition of a police officer stationed at Lugo, is that the way to describe it?- from 2:30 p.m. to 3:30 p.m. in the afternoon; Mr. Withers is that...

Commissioner Withers: Yes.

Mayor Slesnick: Mr. Withers seconded it and I would just ask that the school do all within their power to use as much of their resources as possible to protect the students as they depart the school during that time and other times. It's my understanding from the City Attorney that this will come back for Second Reading; this is a two-reading process for this resolution.

City Attorney Hernandez: Yes.

Mayor Slesnick: It's an ordinance, it's an ordinance. OK – very good. On First Reading, Mr. Clerk would you call the roll please?

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Commissioner Cabrera: No**

**Mayor Slesnick: Yes**

**(Vote: 3-1)**

**Vice Mayor Kerdyk: Recused himself – conflict of interest**

Mayor Slesnick: Thank you all.

[End: 12:20:36 p.m.]

there, and my son just became a Boy Scout, a Eagle Scout, so I have a lot of history and I don't think any of us want to throw out the Boy Scouts of the City of Coral Gables. I mean that's just not going to happen.

Commissioner Cabrera: I was district chairman of the...

Commissioner Withers: (inaudible) But that scout that was here today was from Troop 336.

Commissioner Anderson: That was yours right?

Commissioner Withers: This is my Troop, so I just want to let you know that this is a prime example of what scouting is from Troop 336. I don't know about Troop 7, but I could always speak for troop 336.

(laughter)

Commissioner Withers: How many times did we used to just school Troop 7 at the campboree? -at the gymborees and stuff like that, but I am not going to mention any right now.

Mayor Slesnick: We just had a very positive interaction with the Scout Troop from St. Theresa's also. And a ceremony here presented a City flag at their request to St. Theresa troop. I mean this Commission and this City Government have always gone out of their way to include scouting and ceremonies and things. I just released 1,500 lady bugs at a garden that was helped being built by Troop 7; and I mean to raise this as it has been as an issue of the City versus scouting has been very much a disservice to all of us and it's regretful; and I hope that as the City Attorney said that there will be responsible people who will work with us on straightening the issue out and moving forward, that's all.

Commissioner Cabrera: Can I?

Mayor Slesnick: Yes, Mr. Cabrera had another thing to bring up...

Commissioner Cabrera: I forgot to and I apologize to all of you, but you all got a copy of the City of Coral Gables City Attorney job description. I have some changes that I would like to recommend to the 5 of us for consideration, may I?

Mayor Slesnick: Yes.

Commissioner Cabrera: Under Qualifications, it reads: that a minimum experience of 5 years serving as a City/County Attorney or Assistant City/Assistant County Attorney in

the state of Florida. I obviously understand the State of Florida part, but why are we excluding private sector attorneys, that may have municipal experience? Any thoughts on that?

Mayor Slesnick: No, it would be fine with me to include them, to compete.

Commissioner Cabrera: We are the hiring body right?

Mayor Slesnick: No, no I said it would be fine with me to include them.

Commissioner Cabrera: OK, how do you feel Commissioner Withers?

Commissioner Withers: I think we should open up, let's discuss it. I mean what do we lose from at least discussing it?

Commissioner Cabrera: Right, yes look our last City Attorney came from a private sector.

Commissioner Withers: Yes.

Commissioner Cabrera: The one before that, Mr. Zahner came from the City of Miami.

Commissioner Withers: Yes, but the only problem I have Ralph is that, and I am not saying it's going to happen.

Commissioner Cabrera: Right.

Commissioner Withers: is...I don't know what Liz is...no I know what Liz is...do I know what Liz is doing after the 1st of the year?

City Attorney Hernandez: Yes we do know what I am doing (laughter).

Commissioner Withers: I just don't want anything that would come back to say that a selection was made in order to improve the possibility of someone getting business or something like that you know.

Commissioner Cabrera: OK.

Commissioner Withers: And I am not saying it's going to happen, but unfortunately, well I should say fortunately the firm that Liz is going to work with is a firm that we you know, use now and let's say the new attorney comes in and Liz is involved in the (inaudible), and all of a sudden this firm is getting business again. The impropriety of

that to me is just I want to stay so clear of that, and I am being as basic and as straight forward as I possibly can.

Commissioner Cabrera: But what about if there is a superstar out there that just has not worked in the municipal, in the public sector. Why eliminate that potential candidate from raising the bar of candidates?

Mayor Slesnick: I think though that you said a private attorney with municipal experience.

Commissioner Withers: Yes.

Commissioner Cabrera: Yes...that's the only reason I am including that. I just don't want to, I don't want to put us in a position that if that's the minimum experience that rules out a bunch of good people that are out there, that have been doing municipal work for quite some time and may not have served for a municipality either as an Assistant City Attorney or as a City Attorney. If you want to go ahead and do that, that's fine.

City Manager Salerno: Mayor, Could I add something Mayor?-Just so you all know where that stands, the recruitment process...at the result of the last meeting, I think specific...I think Mayor you said, you wanted to get the process going?

Mayor Slesnick: Yes.

City Manager Salerno: There was a minimum qualification that was included in the last meeting, there was at that time no discussion about changing it. I think Mayor you suggested that we run the advertisement past the City Attorney? Which we did, it has subsequently been released already. We can do our best to make changes, but...

Commissioner Cabrera: Gee, I guess I missed my deadline for submitting is what the City Manager is saying...

City Manager Salerno: No I am following the directions of the Commission and the Mayor specifically who said, run it past the City Attorney and get her input I'd like to see it moved...

Commissioner Cabrera: What do we do?

Mayor Slesnick: Well for future reference, we have to add that.

City Manager Salerno: ...and the recruitment process starts right away, so that's exactly what we did.

Commissioner Cabrera: For Future? Not for this process?

Mayor Slesnick: No, I meant as we release more information, we could amend it.

Commissioner Cabrera: But not if you are not comfortable with it, you all would have to be comfortable with this.

Mayor Slesnick: I am fine.

Commissioner Anderson: That's fine; yes, I am fine with it City or private with municipal experience.

Mayor Slesnick: Well wait, lets give credit where credit is due and so we don't have to make this...the Manager followed our instructions, he got it out, he got it going, the process is started, the City Attorney reviewed it; but now I'm happy...

Commissioner Cabrera: I never suggested that no one didn't follow the process. I am suggesting that I looked at this.

Mayor Slesnick: OK...No but I meant is I am happy now for as we go forward we could add that phraseology.

Commissioner Cabrera: I also think that we should seriously consider taking out the section that says, "the position shall remain open until filled." I see no reason for that being there.

Mayor Slesnick: Mr. Manager or Elsa, could you explain that? -I am not sure what that means...

City Manager Salerno: What that means, that is standard recruitment language in the public sector to allow for-if you put a closing date, you are basically saying as of that date, if you haven't applied, you can't apply. This provides, since you just talked about having the, throwing the broadest net possible, if somebody comes in at the last minute or after the last minute, this provides for the ability for them to be considered. That's what open till filled means.

Commissioner Cabrera: And you could do that without having those words in there. That could be done at any time by the selected body so I so I don't understand the wording for it, but if you don't feel like taking it out, that's fine. I think it's silly I think it makes no sense, and I think it's archaic, but that's alright if you all want to leave it.

Mayor Slesnick: You want to leave it in, or take it out?

Commissioner Cabrera: It doesn't matter.

Mayor Slesnick: Well, if you would take it under advisement.

Commissioner Cabrera: That's alright, just leave it there; don't bother to waste everyone's time. Let's just leave it there.

Mayor Slesnick: Mr. Withers will you?

Commissioner Withers: It should stay...

Mayor Slesnick: OK. I have just two, three quick things. Mr. Manager on the Biltmore Hotel, I guess we are still waiting for the final report from Price Waterhouse?

City Manager Salerno: Correct Mayor; Price Waterhouse has concluded their data gathering. Essentially, I believe they have concluded their analysis. I will be having a discussion with them tomorrow. Following that discussion, the plan had been based on prior directions is to schedule individual meetings with Commissioners. So that you at that point hear their information; a verbal presentation to each of you individually, with as much time as you'd like, with the opportunity to ask whatever questions you'd like. And then following that, we would like to see what direction the Commission would like to give staff at that particular time. We're at that point right now, so as soon as we can get with you all to schedule those sessions they will take place. I'll have better information tomorrow.

Mayor Slesnick: OK.

City Manager Salerno: I can inform each of you about that and schedule those.

Mayor Slesnick: OK, thank you.

City manager Salerno: You're welcome.

Mayor Slesnick: I look for...I encourage all the Commissioners have...to try and make themselves available if possible, to do that. Mr. Hartnet did you?

Mr. Hartnet: Mr. Mayor, there is an answer to the selection of an attorney (inaudible)

Mayor Slesnick: That's very sweet, that's very sweet of you Mr.

Commissioner Withers: Lunch.

City Attorney Hernandez: (laughter) I have a fan, Chip don't say a word.

Commissioner Anderson: My dad was always a fan, too.

City Attorney Hernandez: Yes, Chip can't help himself (inaudible)

Mayor Slesnick: I suggested that she not leave, but that was met with the same disdain as some of my other suggestions.

Commissioner Withers: She is going to do a calendar (laughter).

Mayor Slesnick: I have 2 quick announcements of 2 activities that are coming up. I hope that other members of the Commission and citizens will take part. There's a Veterans Day Ceremony at 10 a.m. this Thursday morning, on Veterans Day, at the University of Miami. It will be in front of the R.O.T.C. Detachment, where they will be unveiling a model of the F-22; and President Shalala will be part of this as well as General Frasier of SouthCom. So, I would urge all of you who are interested in veterans or are veterans or would like to show respect for veterans, to come out. And secondly, as is our tradition, we have that this Commission actually started about 8 years ago, we have a Non Denominational, All Faith Thanksgiving service to thank God for the many blessings of this life here in Coral Gables, at 7 p.m. on Wednesday the 24th, the night before Thanksgiving; and it will be occurring at the Riviera Presbyterian Church this year. It moves around and this is our 1st year at the Riviera Presbyterian Church, 7 p.m. Wednesday the 24th. So I hope you'll take part in that, and again a wonderful Veterans Day. I hope that the veterans of this City know that we appreciate their service. And those who gave their lives, we certainly appreciate what their families gave for this country as well as those persons themselves. And for Thanksgiving, thank you Lord, we're concluded.

City Clerk Item No. 36

## ADJOURNMENT

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 1:49 pm on November 9, 2010. The next regular meeting of the City Commission has been scheduled for December 14, 2010, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

## **City of Coral Gables City Commission Meeting**

**Agenda Item D-1 and H-1 are related**

**November 9, 2010**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael "Ralph" Cabrera, Jr.**

**Commissioner Wayne "Chip" Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

### **Public Speaker(s)**

**Mario Garcia-Serra, Attorney for Greenberg Traurig**

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D-1 [Start: 9:51:20 a.m.]

Mario J. Garcia-Serra of Greenberg Traurig, PA on behalf of the previously approved Gables Gateway Project located at 4585 Ponce de Leon Boulevard for an amendment of condition D.3, titled Attainable (Affordable) Housing of Resolution No. 2008-58.

Mr. Garcia-Serra: Good morning Mr. Mayor, Commissioners, Mario Garcia-Serra with offices at 333 Avenue of the Americas, representing today LG Coral Gables, LLC, and the owners of the property located at 4585 Ponce de Leon Boulevard and indicated on the aerial photo over here. You'll remember that's the site of the old Deal Ford Dealership. I'm accompanied today by Fabio Rodriguez, the client, as well as Robert Behar the project architect; and the reason that this project has been before you many times, you'll remember back in 2006, you originally granted approval of this mixed use project, then in 2008 we came back for an amendment to that site plan to do some design changes and also at that point in time is when the City recommended and we agreed to a condition requiring that 15 percent of the units in this building be set aside for

affordable rents. Now, as you know between that time, which was April 2008, and today the world has changed considerably, and as a result of the decline in the real estate market and the freeze in the credit market, we have had difficulties financing this project; and this affordable housing condition in particular has been one of the stumbling blocks in getting the finance commitment from a financial institution. So faced with this problem we decided how can we try to address it so as to modify this condition so that we still further the goal, providing affordable housing within the City of Coral Gables, and at the same time whatever benefit there might be from eliminating that condition, make sure that all parties involved are able to participate in it to a certain extent; and in looking at the existing condition we realize that the purpose of the condition wasn't really being served anymore by the way it was worded, because basically what was being required was that 15 percent of the units be rented at an affordable rate which was based on the Coral Gables median income, 30 percent of a 100 percent of the Coral Gables median income. What's happened in the last few years is that the Coral Gables median income, I guess gratefully we should say, has increased despite the economic difficulties, while market rental rates have gone down, and so the discount that has realized by the condition has accordingly decreased. You'll see the last line there in that chart indicates that previously a discount of \$458.00 in a one bedroom apartment and \$742.00 on the monthly rent for the two bedroom apartment was being created by this condition, but now in 2010 that's decreased to \$106.00 and \$144.00 respectively; and so we are confronted with a condition that wasn't really realized in what it was supposed to do and complicating our financing, so we decided to try to think of other ways to address the issue and in that we came across the LBW Homeowners, Foundation Inc., and as you know is dedicated to constructing and renovating various affordable housing units within the McFarlane-Homestead Historic District of the City. So we met with that Board and talked to them about what within our means we could do to help them and assist them in their efforts, and we agreed upon a \$100,000 contribution to that organization. Now, the next thing that came of course was talking to the City about actually amending the condition, and one thing which we agreed with the City was that any benefit that would accrue out of the elimination of this condition the City should have some participation in that benefit also; and so going over the numbers as far as what we thought what the benefit was, City staff was saying it was around a million dollars, they thought the elimination of the condition created a net present value, our number was closer to \$600,000, we negotiated back and forth, we considered different things that the applicant was already doing, such as a series of off-site improvements, participation in the Art in Public Places program, the payment of the affordable housing study, which was already previously done, and also the \$100,000 contribution to the LBW Foundation which we already agreed to. So, we then came down on the sum of \$200,000 as a contribution to the City in exchange for the modification of this condition. So what we feel we have done here is that we have created a difficult situation that was complicating the financing of this project and we made it not a win-win, but a triple win. The applicant, my client, is benefiting from this condition being modified and being able to finance the project, the City benefits from the

affordable housing goal still being realized, to the contribution to the LBW Foundation as well as the contribution to the City, and the LBW Foundation benefit being able to move forward with its projects to expand and renovate the affordable housing stock within the McFarlane-Homestead District. So accordingly, we would ask that you vote to approve the resolution that's been prepared and as the City Manager's item, which will modify the condition and authorize the modification of the covenant which was previously entered into also.

Vice Mayor Kerdyk: Any questions for Mario?

Commissioner Withers: I have a question for our City Attorney. On the Lola B. Walker \$100,000 Foundation, it says that it can only be released with consent of the City.

Assistant City Attorney Alfonsin: Correct.

Commissioner Withers: Mechanically, how does that work? We are not on their Board, it's in an escrow account, are we on the escrow account?

Assistant City Attorney Alfonsin: I'm not certain that we are on the escrow account Commissioner; however that was Mr. Salerno...?

City Manager Salerno: The one thing I was going...the escrow agreement is being drafted, I believe, between the foundation and the developer right now. Mario would you....

Mr. Garcia-Serra: Exactly, that's something important to emphasize. Part of the condition of this resolution is that we enter into an escrow agreement which is satisfactory both to my client and the LBW Foundation regarding the deposit and disbursement of that money. To ensure that it is going to be used for affordable housing purposes, we have an escrow agent in place and we will also be requiring that the City sign off by way of a letter to the escrow agent indicating that the proposed use of the funds is acceptable as an affordable housing project. So that will be the mechanics of how we get the....

Commissioner Withers: I understand that, but what worries me is that ten years from now or five years from now or whatever, what are the standards?- you know, what standards have to be met?- is it going to be Dade County standards?- is it going to be City standards?- what standards?- I just think we need to tighten that up a little bit.

Mr. Garcia-Serra: We are being consistent with City standards. What was required by the condition was that it serves households which are at or below 100 percent of the City's median income.

Commissioner Cabrera: Would you then say that the escrow agreement define those standards, they be included in the escrow?

Commissioner Withers: I don't know.

Commissioner Cabrera: Because I was going to kind of ask the same question, but I wasn't going to hit on the escrow as much as I was going to hit on the oversight process, which is what the escrow, I believe, does. I'm worried about the future; I'm not worried about the present.

Commissioner Withers: Yes. I mean, I like the concept and I just don't want five years from now we are arguing over whether this is acceptable to City standards as far as affordable housing, because this whole affordable housing issue is fast tracked and kind of like you said, cooled off the last couple of years, and I don't know when it is going to pick up again, and I don't know what it metamorphasizes into, you know, a year from now or two years from now.

Mr. Garcia-Serra: Part of the motivation behind wanting to change it is because it is such a difficult issue to address in the City of Coral Gables, you know, how much land cost here, cost of construction, median income, and everything else. So we figured this would be a better way to put it to use, but you know, we can agree upon within the balance of the escrow agreement criteria standards by which....

Commissioner Withers: So it's just a simple letter of consent from the City with approval from the City Commission?- or from the City Manager?

Mr. Garcia-Serra: What we were contemplating was approval from the City Manager, from the City administration.

Commissioner Withers: So the City Commission is not going to be voting on the disbursement of the fund?

Mr. Garcia-Serra: No, not as we have contemplated at least up until now.

Commissioner Cabrera: How do you feel about that?

Commissioner Withers: Well, I won't be here, so....

Commissioner Cabrera: Well let's say if you were.

Commissioner Withers: Well, I don't know. I think the Commission might want to be involved in something like that. I don't know how the rest of you feel about that.

Commissioner Cabrera: I was going to hit on the \$200,000 in a second, since we are approving this deal...

Commissioner Withers: If we are accountable to the County for the standards in the first place, then you know....

Commissioner Cabrera: Not only that, but we are accountable for this decision today. I was hoping that we would have oversight for both the \$100,000 as well as the \$200,000, and if I may, on the \$200,000 I would feel much more comfortable if we had the oversight, and I can give you a couple of examples; on trolleys for example, if the \$200,000 a portion of that could go to trolleys because if you think about it many of the users of trolleys are low wage earners and/or students, so this could be a great source of income to offset any potential losses or deficits with regards to the trolleys. With regards to the Hopkins-Cooper Scholarship, in spite of the fact that the Lola B. Walker Homeowners Association maybe getting \$100,000, if we support it today, Gee, I think it would be wonderful to take a portion of the \$200,000, say \$10,000 and allocate that to the scholarship program, which as you know the funding was reduced this past year because of our present budgetary constraints. So that's another opportunity there and for the five of us to be able to, or whoever is sitting here, to be able to approve it, I think would be very helpful, because after all we are the ones that are giving this approval. That's my rationale for it.

Mayor Slesnick: Well wait a minute – and you know what?- all of those are great ideas and I would love to see us use it for funding, but I just need to clarify in my own mind whether we can divert what was supposed to be going to affordable housing, and I can make the case by the way that supporting the public transportation system supports in effect affordable housing...

Commissioner Cabrera: Now are we talking about 100 or 200?

Mayor Slesnick: All the money is being diverted because of the release of the affordable housing in the building.

Commissioner Cabrera: I understand – but I don't think, maybe I'm wrong, but I understand the \$100,000 how it's...

Mayor Slesnick: Going to Lola B. Walker.

Commissioner Cabrera: Exactly – for the purposes of...

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Mayor Slesnick: Of restoration of the...

Commissioner Cabrera: ...funding the affordable housing initiatives, but I'm not certain, let me read you the next sentence...

Mayor Slesnick: OK, but whatever that sentence says the only reason they are diverting this money whatsoever is because we are releasing them from doing affordable housing.

Commissioner Cabrera: I got it. I'm with you. I'm with you, and they are getting a great deal, just wanted to say that, to make your client sweat a little bit. But right after the sentence that talks about the LBW Foundation and the monies going to the funding of affordable initiatives, the next sentence reads, *"We have also decided to proffer an additional contribution of \$200,000 to the City of Coral Gables period."*

Mayor Slesnick: I appreciate that, and like I said I love your ideas, I'm just curious and I don't know if it can be answered at this spot, the only reason that any of this money is flowing to the City or Lola B. Walker is because of releasing the deal on affordable housing.

Commissioner Cabrera: I understand.

Mayor Slesnick: So my question is, goes beyond the letter says, is it our obligation? - this is my question, and it will have to be referred to the City Attorney's office, is it our obligation to utilize that money whether it's to them or to us for affordable housing? - or can we use it in innovative ways as you have suggested for other things which are of great value to the citizens of the City? - and by the way, of great value to the citizens of people living in affordable housing?

Commissioner Cabrera: That would be a great question to ask and I would support you asking that question, because I would like that clarification, but I would hope that you would also support my efforts that the \$200,000 be designated, whatever the response, whatever the opinion of the City Attorney is, I would like to make sure that this Commission feels comfortable with the \$200,000 being directed by this Commission. That's more my point. Your point is a valid point because your point has legal ramifications and I think we should have that clarified as we move forward, but I just want to make certain because I heard Commissioner Withers talk about the \$100,000, and I decided to piggyback on the \$200,000, because I share his concerns.

Mayor Slesnick: I think that - I do. Let me ask you this Mario. I know that anytime you come here and bring your client that you'd like resolution to the issue, is this something that if we ask the Manager to look into the issues and the City Attorney to look into the issues we have raised here, is there something that can wait for our final approval till next meeting?

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Mr. Garcia-Serra: Well we've actually been anxious to – you next meeting is when you said?

Mayor Slesnick: It's a month away.

Commissioner Anderson: Actually December 14<sup>th</sup>.

Mayor Slesnick: Well there is the chance that the Manager is going to ask us for a special meeting on some other issues.

Vice Mayor Kerdyk: Can I ask him a question before – Mario, this project started how long ago?

Mr. Garcia-Serra: This project was originally approved in 2006, actually.

Vice Mayor Kerdyk: 2006 – and it didn't get built based on the fact that the economy changed on it.

Mr. Garcia-Serra: Well in 2006-2007, it was then sold to the current owner who had the plan modified in 2008, and then after that a series of different issues, you know, delay in permitting, the economy then took a dive, all those things conspired to prevent the project from being built.

Vice Mayor Kerdyk: When do you have to have your building permit pulled?

Mr. Garcia-Serra: April 28, 2011.

Vice Mayor Kerdyk: And that's a hard date, correct?

Mr. Garcia-Serra: Yes.

Vice Mayor Kerdyk: So you really need to get this thing going now as opposed to waiting any longer?

Mr. Garcia-Serra: And what I was going to propose is that we go forward with the resolution as it's worded right now, and perhaps addressing the issues of how the money is disbursed and under what criterion, and who has to OK it before it gets disbursed, we can even agree, we can basically say that before that money gets disbursed it has to come before the City Commission perhaps as a City Manager item.

City Manager Salerno: Mayor if I could add. The \$100,000 to the foundation that payment into the escrow account occurs before at the time you receive your permit....

Mr. Garcia-Serra: Correct.

City Manager Salerno:...and it will sit in that escrow account until such time as there is a valid purpose of affordable housing, and then you will release it...

Mr. Garcia-Serra: Correct.

City Manager Salerno:...which can be subsequent to April 28<sup>th</sup>.

Mr. Garcia-Serra: Exactly.

City Manager Salerno: The condition is that you have to put the money into there by that time following getting a permit; you don't get a permit to build by the 28<sup>th</sup>, you are not putting the money into the escrow, correct?

Mr. Garcia-Serra: Exactly.

City Manager Salerno: The subsequent \$200,000 which unrestricted funds as anticipated by the City, those are cities (funds) that would flow into the City and are not anticipated, the Commission can designate it as part of a budget appropriation process, I cannot, no staff person can appropriate those funds for a particular purpose, it is just your agreeing that they will pay at the same time \$200,000 to the City. The Commission can set how they want to spend it at that time, we're just turned into the new fiscal year, I would suggest that budgetary decisions should be considered at that particular time, you shouldn't try and my suggestion is sit here and allocate those dollars in the absence of know, for instance, how the first quarter financial report is going to look. Those are the prudent things to do. Hopefully, you will be in a position to use those dollars for something else, but certainly at this particular time the deal is, is it acceptable to the City Commission to take in lieu of that restriction to receive \$100,000 dedicated specifically to the foundation for affordable housing, and to receive \$200,000 in consideration, how those dollars will be spent would be made by the Commission at a later date.

Vice Mayor Kerdyk: I think the key word you said was unrestricted \$200,000. Mario just one last question since you pretty much gave me my answer as far as how quickly this needs to be expedited. Have you done any projections on how much the fees would be to the City for Art in Public Places, permitting fees and all that? What does that come out to?

Mr. Garcia-Serra: Yes. Permitting just short of \$3 million; there is about I believe six different offsite traffic improvements that we are doing which also is going to be somewhere about half a million dollars; we already paid the \$10,000 for the City to update its affordable housing study; and then also participation in the Art in Public Places program is also going to be somewhere around \$400,000.

Vice Mayor Kerdyk: So you all qualify for the Art in Public Places because when you started in 2006, you didn't qualify, is that correct?- we didn't have it in place basically.

Mr. Garcia-Serra: The ordinance for Art in Public Places was adopted in December of 2007; this project was approved in April of 2008. The way that the ordinance was originally worded is that it wasn't effective until the art master plan was approved. The art master plan took awhile to be approved and was I think was approved a couple months ago, and then prior to that in January of this year you changed the ordinance so that everybody who didn't have a building permit would have to comply. So while we've gone back and forth with the City, it looks like we fall into that...

Vice Mayor Kerdyk: Alright, that's good. So basically over \$3.5 million dollars is what the City is going to get when you start pulling. OK, that's all I need.

City Manager Salerno: Mayor if I could add. I think – this is an excellent project and they are going to need that entire time, they've asked for a commitment from staff that we will work with them in an expedited fashion to meet those deadlines. I have on behalf of staff have said, we will do our best provided they do their best to get this project done by the April 28<sup>th</sup> deadline, and I think they have expressed to staff on several occasions both through counsel, through their architectural firm, through the owner that this is a very ambitious schedule for them. I think it is important that the Commission give direction if they are willing to today to this particular issue, so that we can have the best chance of meeting that deadline. It's going to take the City, it's going to take them, mostly them to meet all the obligations that they have to do in order to pull a permit by that date, but I certainly would not want to see us miss this opportunity for the community to benefit and for a very good project that will be a great addition to the City.

Mr. Garcia-Serra: I would have to agree too, it's a miracle that the project is still alive. We have to be grateful that it is and be able to move forward.

Commissioner Cabrera: I realize that today is not the forum in which to talk about some of the things that your project potentially will be doing for the immediate area, but my ears perked up when you answered Mr. Kerdyk's question with regards to traffic improvements. At some point in time will that be coming to us so we can see some of those traffic...because I know that area

badly is in terrible, terrible need of improvements to – Mr. Garcia-Serra we don't have to do it today, so I don't want to bog you down and I don't want to take away from the focus of the \$300,000, but at some point in time is that coming before us for approval?

Mr. Garcia-Serra: No, that actually – the list of improvements is part of the condition of the 2008 approval.

City Manager Salerno: Already approved.

Commissioner Cabrera: The reason I think it's important that it be publicized it's simply because it's such a good thing for the area, not only for the industrial area, but for the neighborhood, the adjacent neighborhood of the area, and incidentally speaking of neighborhoods, any outreach to the contiguous or adjacent neighborhoods?

Mr. Garcia-Serra: Well when the approval was originally done in 2008 we had several neighborhood meetings which were attended and so the presentations were done.

Commissioner Cabrera: I know, I know the past, I'm just asking now about the present, has anything been done in terms of updating those citizens?

Mr. Garcia-Serra: Other than the meeting we had with the LBW Board of Directors, the neighborhood across the street now.

Commissioner Cabrera: You might want to consider reaching out.

Mr. Garcia-Serra: And two of those six traffic improvements which are already improved are for the neighborhood, the single family home neighborhood west of...

Commissioner Anderson: I remember that when you brought that before us originally that was one of the conditions that the Commission discussed.

Mayor Slesnick: Chip.

Commissioner Withers: Yes. I understand the \$100,000 and \$200,000 are separate issues, but on the escrow agreement, and again maybe I'm just ignorant on escrow agreements, I thought that when you go into an escrow agreement both the people putting the money in and the people taking the money out have the say-so of what happens to the money. So in this escrow agreement your group putting the money in will still have say-so over how the money is spent? - or do you relinquish that and now just allow the group and the City to make that decision.

Mr. Garcia-Serra: No. When the request comes in, we review the request for disbursement, it has to comply with the purposes of the agreement, which is for the advancement of affordable housing, and with that it also requires the...

Commissioner Withers: So there is a three party agreement then, the City, you, and the Homeowners Association all have to agree on how the money is to be spent?

Mr. Garcia-Serra: The actual signatories to the escrow agreement will be my client and the foundation, the LBW Foundation, the City will express its consent through way of its letter to the escrow agent, myself, OK-ing the release of the funds.

City Manager Salerno: The staff has not asked to have that decision authority, so if the Commission wants it we've never had discussions with Mario and the clients about who would give that, it was just the City, and I think it's perfectly appropriate for the Commission to give the approval on the release, that's fine.

Commissioner Withers: OK.

Mayor Slesnick: OK. We have H-1. This is a resolution of the City Commission of Coral Gables, Florida providing for an amendment to a previously approved mixed-use project (approved via Resolution No. 2008-58) referred to as "Gables Gateway", located on property legally described as Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; providing for an amendment to the previously required attainable/affordable housing condition; providing for an alternative condition of approval; providing for severability, repealer, codification, and an effective date. Can I have a motion?

**Vice Mayor Kerdyk: So moved.**

**Commissioner Anderson: Second.**

**Mayor Slesnick: Mr. Kerdyk moves and Mrs. Anderson seconds; is there any further discussion?**

**Mr. Clerk**

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

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**Commissioner Anderson: Yes**

**Commissioner Cabrera: Yes**

**Mayor Slesnick: Yes**

**(Vote: 5-0)**

Mr. Garcia-Serra: Thank you very much Mr. Mayor, Commissioners.

Mayor Slesnick: Thank you, and Mr. Manager we will come back to the details of working out the escrow and all that kind of stuff?- I mean, we approved the item.

City Manager Salerno: The escrow will be worked out between the developer and the foundation, the release of the funds will be subject to Commission approval.

Commissioner Cabrera: The \$200,000 too?

Mayor Slesnick: The \$200,000, right?

City Manager Salerno: No, the \$100,000 release; the \$200,000 just gets received and it's going to be up to the Commission at an appropriate budget time to determine how to release those funds.

Commissioner Cabrera: No, no, wait; wait, you asked the City Attorney's office to give you an opinion...

Mayor Slesnick: Madam City Attorney....

City Attorney Hernandez: Yes?

Mayor Slesnick: If you would please work with the applicant and the City Manager's office, we have approved those certain monies that are going to flow to the Lola B. Walker Homeowners Association and to the City in lieu of the building of affordable housing in this project. The question that has risen is that Commissioner Cabrera had suggested some very appropriate meaningful ways which we might spend some of the funds to help the citizens of Coral Gables, particularly his ideas related to people who would live in affordable housing and who live in the area of Lola B. Walker Homeowners Association, my question is because we are releasing the project from actually building affordable housing and taking this money in lieu of, would we have to use this money for something directly related to affordable housing?- or could we use it for other worthy expenditures which relate to things like public transportation which help people in affordable housing? So that's the question we can work on it later, OK.

Commissioner Cabrera: Well just a number of projects; I just use that, number one, I just use that to solicit support, political support for my idea, and secondly, I did think it would be worthwhile that we look at the Hopkins-Cooper Scholarship as a way to fund some of those dollars, funnel some of those dollars toward it, and then of course to support the efforts of the trolley which is primarily in my opinion used by many of our City's low wage earners and those that work in our City that are low wage earners as well as students as a way to help fund any deficits the trolley may be undergoing.

Mayor Slesnick: And in addition, the Manager did properly raise the idea that there might be other things the City would need using the \$200,000, so all that needs to be addressed.

City Attorney Hernandez: OK – very good.

Mr. Garcia-Serra: Thank you very much.

Mayor Slesnick: Thank you all. Thank you.

[End: 10:18:10 a.m.]

## **City of Coral Gables City Commission Meeting**

**Agenda Item E-1**

**November 9, 2010**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael "Ralph" Cabrera, Jr.**

**Commissioner Wayne "Chip" Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

**Planning Director, Eric Riel**

### **Public Speaker(s)**

**Rip Holmes, Coral Gables Resident**

**Dr. Sandy Rafkowsky, Applicant**

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**E-1 [Start: 12:21:32 p.m.]**

Application No. 09-10-119-P. Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Craft Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 5-0) (Passed on First Reading October 26, 2010).

Mayor Slesnick: We have an Ordinance on Second Reading, I'm sorry; Ordinance on Second Reading E-1 Madam City Attorney.

City Attorney Hernandez: Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Craft Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 5-0) (Passed on First Reading October 26, 2010).

Commissioner Anderson: I'll move it.

Commissioner Withers: I'll second it.

Mayor Slesnick: It's been moved and seconded, E-1. I had asked the last time that we were here that the Planning Department give us a little bit of an overview of what our Master Plan for downtown Coral Gables is, how long it's been in effect and what it says about this area of the Gables, and why.

Mr. Riel: For the most part in terms of the downtown, Miracle Mile is high-rise commercial development, however the Commission did place an overlay which provided for an opportunity to reduce the height of the Mile and provide replacement of more high-rise on the back portions of the property, but for the most part the downtown area is high-rise commercial. There is no specific pattern that is in effect, the last time the actual map was looked into dates back to the early '80's. As you know, we recently just redid the Comprehensive Plan, however we did not look at the map and make changes to the map, we just did changes to the text of the Comprehensive Plan. So it's been a number of years since....

Mayor Slesnick: Mr. Riel, I served on the Board in the late '80's and we did a full Comprehensive Plan, which included downtown, and as Commissioner Kerdyk, excuse me, Vice Mayor Kerdyk, or Commissioner Withers related the last time which I remember distinctly the conversation about moving high-rise intense use to the big streets and keeping it off of the smaller streets. Now where have we gone wrong in remembering that?- from your recollection that never happened.

Mr. Riel: Well that plan, unfortunately we went through our files, we went through our legislative files, and we do not have that information. I do recall when I first started with the City reading the minutes of the Planning Board minutes, and you actually appeared before the Board prior to being on the Board, but in terms of the actual looking at the downtown, we haven't done that as a part of the rewrite of the Comprehensive Plan, so like I said the '80's.

Mayor Slesnick: Since the 80's, OK. Now, if you look at the map without finding the historical files, which sort of depresses me to think that we can't, but without finding or without being able to determine if we can find them or not or if they are even existent, if you looked at a map of downtown Coral Gables right now the way it is, would you find that most of the side streets, if you will, the Andalusia's, the Valencia's and the Almeria's are mid-rise, and the frontage on Ponce is high-rise, if you have the right frontage, and the frontage on LeJeune Road and Douglas Road is high-rise?

Mr. Riel: The Ponce frontage I would agree; Merrick's initial plan the height of the buildings were related to the width of the street, one is half times the height. That's basically what the width of the street, one and-a-half times was the adjoining height. Has that been implemented consistently throughout?- no it has not. Has it been implemented consistently on Ponce?- yes. Have we made changes on LeJeune Road, if you look has high-rise on it, directly across the street from single family and multi-family uses. So this property, this request is before you, the public site has the ability to go to 16 stories high-rise; the City's parking facilities has the ability as well, pretty much all the properties to the west of this toward LeJeune is in the high-rise is category.

Vice Mayor Kerdyk: What is "has the ability", what does that mean?- define that. Every piece of property has the ability to if you rezone it to have high-rise. What does that mean? Explain that to me.

Mr. Riel: Basically by right review is allowed, whatever the underlying land us is, whether its 8 floors or 97 feet, that's what they are permitted by right, in other words that just goes by Board of Architect's review. Now if the property owner selects mixed use development, then it has to go through conditional use review; conditional use review requires Planning and Zoning Board and City Commission review, basically three public hearings. Now under the conditional use criteria, the Planning Board and this Commission has the right to recommend denial, that's very specific criteria; there are 5 or 6 criteria, you can recommend denial, or you can obviously recommend approval subject to changes or going back to the Planning and Zoning Board. But you are certainly within your authority to recommend denial on conditional use, and that's basically what this applicant has done; they heard you after the First Reading. They had proffered to come forward that anything over 97 feet; they would go through the conditional use review. So any development beyond 97 feet would be subject to Planning and Zoning Board and the City Commission no matter what the use.

Mayor Slesnick: Is there even a higher standard?- is there something like development agreements?

Mr. Riel: There is a higher standard. The applicant's proffered to a restrictive covenant that runs with the land; yes the additional protection can be a development agreement, which does have development parameters outlined.

Mayor Slesnick: And when would that be brought together?- when would that be determined? I mean, what would we do?- would we do that now before we vote yes on the Second Reading?- or would we do that as a condition of the motion on Second Reading to say that there would...?

Mr. Riel: I would have to defer that to the City Attorney when that would need to be enacted, because I know there....

Mayor Slesnick: I'm not sure if that's fair to defer that right this second, because she hasn't been thinking about it, so.

City Attorney Hernandez: We would have to research that and get back to you.

Mr. Riel: I don't know the answer.

Mayor Slesnick: OK. Well it seems to me that would be an important thing for us to understand, at least me, I'm not speaking for anybody else, but me, I would like to know all of the opportunities we would have if we were to approve this to come back and make sure that when the land is proposed to be developed that it's the right thing at the right place at the right time at the right site plan, and so forth, and there is no specific urgency at this moment because 1) there is no site plan, 2) it hasn't been proposed for development in the near future, 3) Amendment 4 failed, so. If we keep it alive and keep working with Sandy Rafkowsky, the applicant, to get it just right where all of us can reach a consensus, I would personally prefer that than to push it forward at this second, because it bothers me greatly, not Sandy, in fact I podcast there last night Sandy so I am a user of the property. One of the things that came up to me though was, what would have Ralph Sanchez and Willie Bermello been able to do on their property? Mr. Kerdyk had brought up Dean Colson's building and that we might never see another wonderful building like Dean Colson's building if we went around rezoning all of the back streets of the Gables downtown. Well, closer to home Ralph Sanchez and Willie Bermello built a beautiful 4 story building next door, that we are about to rezone, a next door neighbor is high-rise; if I were them I would consider tearing down my building and going up, I mean, that would be very destructive of that street, and very destructive of what we are doing here. So, I'm still very uncomfortable; I am not desirous of voting no and cutting this discussion off, but I would hope that maybe other members of the Commission would agree with me to slow it down for the City Attorney to opine as to how we can best control the property if we rezone it, and what the impact may be on other persons, I don't know.

Vice Mayor Kerdyk: That's a very good point.

Mayor Slesnick: That's my thinking.

Vice Mayor Kerdyk: And by the way, just a couple other; I disagree with you totally, and I'm not going to debate the issue with you anymore because I've already said my piece, but just a couple other properties that would be high-rise zoning in your location under your methodology is, the Edelstein property; remember the Edelstein property on the corner of Majorca and Salzedo, that's an 8 story structure there that has not been built, but is a hole in the ground, but that was 8 stories, that will now go to 16 stories. The Lancaster property, again, one that is not built that is on Majorca there, that's an 8 story structure there, that was zoned 8 story structure, those interior roads that have that 8 story designation, I'm finished with it, I've said my piece, and we are moving forward. Thank you.

Commissioner Anderson: I just want to speak a little bit. We received a letter, and I'm not going to go into the content of the letter, criticizing the Commission's stance on development, and I just want to put on the record my view, I'm not questioning Commissioner Kerdyk's, that's his stand and I respect that, but my stand is that there are buildings there, we look to the right, to the left, to the north, to the south, there are high rises all over the place, and I feel really uncomfortable not allowing it if you allow it for someone else, and that's all I'm really going to say, that's how I base my – try to do it on some semblance of fairness. Having said that, I wish we could have had some height controls at some point that would have followed a more rational pattern, but we didn't. So, I deal with it the best I can within the limitations that I have.

Commissioner Cabrera: That's a train that left the station though.

Commissioner Anderson: Absolutely that's why I'm – this is at the intersection of goodbye and hello.

Mayor Slesnick: Before we move to a motion and a vote, and I know we have a public speaker, but before we move that, Maria would you willing to delay a second approval long enough to get the City Attorney's opinion on how we can protect the future of this site as far as whether it should be a development agreement or whether it should be conditional approval or whatever?

Commissioner Anderson: Well...

Mayor Slesnick: Let's put it off until next time is what I'm saying.

Commissioner Anderson: That's fine, I don't have any problem with that, but I will continue to support that at the end.

Mayor Slesnick: OK. We have a public speaker; we have Rip Holmes, 928 Sevilla, #206. Good morning Rip.

Mr. Holmes: Good afternoon, thank you for allowing me to speak. I'm a neighbor, you know I own property within a block from there, Dr. Rafkowsky, my eye doctor, but I oppose this thing. I hope you all will vote against, and this really comes back to this issue that the Commission faces month in-month out, trying to protect the residential charm and nature of the City of Coral Gables. You had to fight over this kind of problem with the outdoor dining at the Liberty Café; you had to fight it with the project right over here across from LeJeune Road; you had to fight it all the time, and – quick thing here, if I had to pick our best asset in the City of Coral Gables and of course I was born here 59 years ago, it would be our wealthy citizens, the people that we are so proud that live here, just to mention two, Roy Black, Jeb Bush, what keeps them here, or what would chase them away? They are able to raise their kids here in Coral Gables in a residential neighborhood free of crime. Let's juxtapose that with this project that you have to vote on today. If we left our downtown urbanized that will bring crime, OK. People can say you can urbanize without crime, but I don't buy it. I just don't think we should stop our efforts to protect the residential charm and character of Coral Gables. Let's say no to this project, let's say no to urbanization, let's say no to crime, and let's keep our best assets, our wealthy talented residents. Thank you.

Mayor Slesnick: I don't have a card from you James.

Mr. Hartnett: I thought it was open for discussion.

Mayor Slesnick: Oh yes, let me invite you, Mr. Hartnett you are always here, so come on up would you file a card after the fact? We can't turn down Mr. Hartnett. Before you start let me just say one thing to Rip. Rip you absolutely are right about our citizens are our most important product and we want to keep them here, and only one thing, and as you know I concern myself with over development all the time, but the only one thing I do think is that we always need to weigh and balance a healthy and vibrant downtown supports the tax base to the point where our wonderful citizens some of them you named, are not paying double the real estate taxes, I mean, that is an important thing to consider as we go forward, and we will continue to weigh and balance that. Thank you. Mr. Hartnett.

Mr. Hartnett: Before I start, I think your Clerk wants to swear me in.

Mayor Slesnick: No, this is not a quasi-judicial hearing and we are not swearing people in, but if you would like to.

Commissioner Anderson: I can't imagine Mr. Hartnett saying anything other than the truth.

Mr. Hartnett: I'm not a Pinocchio.

Mayor Slesnick: But since we don't have a card, would you give us your address?

Mr. Hartnett: If the Master Plan...

Mayor Slesnick: Would you give us your address, your address?

Mr. Hartnett: I'm Jim Hartnett, I live at 510 Marmore Avenue, I've lived there born and raised in Coral Gables. In the Master Plan why didn't they designate why all of these places are being changed and what they intend to do with these scenarios. Secondly, and I don't know if anybody has answered that, is there an answer to it? - why they are asking for this action to close all these changes?

Mayor Slesnick: Oh, I'm sorry, we are not on that subject, we are on E-1, that's E-2. We haven't gotten to that one yet; do you want to wait till we get to that, that's next.

Mr. Hartnett: I'll do that.

Mayor Slesnick: OK, that's next, OK.

Vice Mayor Kerdyk: I'll make a motion to defer it.

Commissioner Withers: To defer for....?

Mayor Slesnick: Until the next meeting...

City Attorney Hernandez: That will be December 14<sup>th</sup>.

Mayor Slesnick: I've asked the City Attorney to give us options which we can maybe some of us Chip, could have better confidence that we will be able to control the future of the property as we go forward with this; it's a one month deferral.

Commissioner Withers: The fellow that was here, doctor...

Commissioner Anderson: He's right there, Doctor Rafkowsky.

Commissioner Withers: I mean, he doesn't have any site plans, he's not, he is just doing it...with Amendment 4, I was going to ask him a question.

Mayor Slesnick: Doctor Rafkowsky....

Commissioner Withers: With the vote of Amendment 4, because I know that was a concern...

Dr. Rafkowsky: Good afternoon by the way.

Commissioner Withers:...good afternoon, how you doing?- With the defeat of Amendment 4, I guess the heat is off a little bit on this for you?

Dr. Rafkowsky: That's correct.

Commissioner Withers: So I have absolutely no problem.

Dr. Rafkowsky: May I make a comment?

Mayor Slesnick: Sure – just identify yourself for the record.

Dr. Rafkowsky: I'm Doctor Rafkowsky, good afternoon and I do hear all your comments and your concerns, legitimate. My question is that you had mentioned that you wanted the City Attorney's opinion; I have no problems with a restrictive covenant, I had written a letter to all of you, I hope you read my letter where I offered to do that, and that might solve the problem right away.

Mayor Slesnick: Sandy, I'm just asking our attorney to give us a synopsis of the choices we have of working with you to make sure that – some of the Commission has already said they felt comfortable moving forward; one person at least has said that he is not comfortable at all moving forward. I have expressed just the fact that I would feel more comfortable if I knew what our choices were on making sure this Commission could play a more active role in the future on how the property is developed, that's all.

Dr. Rafkowsky: I agree, I just don't want to sit another five hours waiting for my turn.

Mayor Slesnick: I'm sorry for your five hours, but you are close to your office, so you are not...

Dr. Rafkowsky: Yes. So I need to speak to the State Attorney?

Mayor Slesnick: The City Attorney, yes.

Dr. Rafkowsky: City Attorney....

Mayor Slesnick: Well, yes you may speak to her of course, while she deliberates on that.

Dr. Rafkowsky: And then the next meeting I'm to be here?

Mayor Slesnick: Next meeting – we'll try to – I'll tell you what?- because of you being here twice, we can try to tell you a time so you don't have to sit her for five hours.

Commissioner Anderson: Plan your day better.

Mayor Slesnick: In fact, we'll go to you first after our opening stuff.

Dr. Rafkowsky: Just one comment too. Commissioner Cabrera you are right again, your comment two weeks ago about the off-site parking, you are right about the number of cars that were...I just want you to know that.

Commissioner Cabrera: Thank you sir. I appreciate you saying that.

Mayor Slesnick: He is always right.

Dr. Rafkowsky: He is always right.

Mayor Slesnick: About off-street parking.

Dr. Rafkowsky: Thank you.

Commissioner Withers: So do you need a second for that deferral?

Mayor Slesnick: Yes. Mr. Kerdyk moves to defer until the next meeting and Mr. Withers seconds it, and we've explained the rationale for that. All those in favor say aye.

All: Aye.

Mayor Slesnick: Opposed like sign. December 14<sup>th</sup> I believe is the date.

Commissioner Cabrera: And I'll stay on top of him to make sure. (Laughter)

[End: 12:41:47 p.m.]

## **City of Coral Gables City Commission Meeting**

**Agenda Item E-4**

**November 9, 2010**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael "Ralph" Cabrera, Jr.**

**Commissioner Wayne "Chip" Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

**Parking Director, Kevin Kinney**

### **Public Speaker(s)**

**Rip Holmes, Coral Gables Resident**

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E-4 [Start: 12:49:24 p.m.]

An Ordinance of the City Commission of Coral Gables providing for text amendments to the code of the City of Coral Gables, Chapter 74, Article III, Division 1, 2, 3, and 4 entitled "Stopping, Standing and Parking", providing for updates to the parking provisions and procedures, changes to valet parking provisions, enactment of a new Division 5 to provide for a "Parking Replacement Assessment", containing a repealer provision, a new Division 6 to provide for oversight of public use parking within a private development, and providing for severability, repealer, codification and an effective date.

Mayor Slesnick: Ordinance E-4

Mr. Kinney: Mr. Mayor, Commissioners it seems like a lifetime ago we discussed this, in fact it was in August of 2008 the first time we discussed this, there has been some changes. At that time you had asked that we take it before the Planning Board and that has been done, and there have

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City Commission Meeting

November 9, 2010

Agenda Item E-4 – Ordinance for text amendment updating parking provisions

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been some changes to the ordinance as a result of that, and in addition there has been a new section, Division 6 that has been added that we'll discuss in a minute. I think what I would like to do to start with is just kind of go through since it has been two years and hit the high points. The first 15 pages of this proposed ordinance I would classify mostly as housekeeping; the first big one is most of the ordinance was written in 1958, did not contemplate things like electronic payment and multispace meters, so a lot of the language that's been changed is to recognize technology and how no longer do we have to plop our nickel in and turn a handle. So it just allows for using any form of payment, whether it be debit card, smart card technology, credit cards, bills, coins, so now our ordinance allows any of those forms of payment. Then it specifically, we've amended on page 4, given the ability to create in some of our metered areas permit zones, so that where we have residential areas, or where we have on-street areas where we can have permit and it's OK to have permit that's permitted. Particularly, one example I would give is, when we go west on Biltmore Way, we have a lot of large residential condos, and the on-street metered parking is very likely used, so we do allow some of those residential units to purchase permit parking on the street, and there are meters. Another section that is new is on page 7, we specifically deal with the possibility to administratively void...erroneously issued citations; we issue citations based on County Code, County Code does have an appeal process, but there are situations where there is a clear mistake; the license plate on the citation does not match the description of the vehicle, maybe there was an error in the typing in the license, those situations we should be able to just administratively void, so we codified that. Another section that was changed somewhat was Section 74.140, we specifically talked about issuing meter bags, temporarily allowing private people to use on-street metered space. Typically, that's going to be construction, special events, those types of situations, and if this is passed there will be a specific administrative rule that outlines how that's done. Right now we're charging \$10.00 per space per day for those types of activities, I'll let you know that's probably going up because that is very inexpensive.

Commissioner Cabrera: Can I stay with you on that for one second? We had this discussion once before; I heard the part about the bagging specifically for construction related issues or special events, but as you well know we allow for bagging in restaurants....

Mr. Kinney: Valet.

Commissioner Cabrera: Valet parking, specifically valet parking; will there be a dispensation then for other businesses that wish to pay the additional cost of on-street parking to add to the convenience to their customers?

Mr. Kinney: How broad that administrative rule is and we are going to research that and draft a rule. I will tell you typically just general knowledge long term usage is not something that is encouraged, in fact valet there are certain cities where even valet is not allowed.

Commissioner Cabrera: Yes, but you know the problem then becomes is, you've got, and I'll give you the perfect example, the one that you and I are both familiar with, which is a dry cleaning business.

Mr. Kinney: Right.

Commissioner Cabrera: Some members of the Commission have a problem with that because I've received a response as well, if a dry cleaning business can do it why can't my business do it. Well, a dry cleaning business typically the customer base is there 5 to 7 minutes, another type of business that customer base could be there an hour to possibly even two hours depending upon the type of business that is employing this bagging for parking purposes. So, I was just curious given the fact that you know quite well that a business like a dry cleaning business that would only have the customer come in and out that 5 to 10 minute timeframe, if it would be more suitable than not, and maybe this doesn't even address the issue, so I am stretching this change then I apologize, but I was hoping that staff was going to actually consider this matter at some point in time.

Mr. Kinney: It definitely is a consideration. I'm speaking with that company and others, and even their attorney. How we typically deal with a dry cleaner's is a classic example is, we do install 12 minute meters in front of the dry cleaners, we'll do that. The issue on Alhambra at that location is that we have this huge construction project, so the bank, the dry cleaners, and even the phone store, and I told them up front, this is on a temporary basis because of the problems created by the construction. Now in drafting that administrative regulation and sending it through whatever approval process, I'm going to need to, I will have to consider that, and I'm not at this point absolutely sure how we are going to draw these lines, how we decide yes, this is a use that's allowed and no this is...

Commissioner Cabrera: It's hard, it's hard.

Mr. Kinney: It's just that what I can tell you, is typically leasing out on a long term basis is not something – I'll give you the other example that is giving me difficulty. There is a medical facility coming in downtown, they have asked me to consider allowing them to have three spaces as patient drop off.

Commissioner Cabrera: On Giralda?

Mr. Kinney: Yes – and that's another rough situation. I understand why they need patient drop off, so I don't know how that's all going to play out.

Commissioner Cabrera: You've got limited spaces....well you lost a bunch of on-street parking because of the streetscape, I'll call it a streetscape to be kind to everyone, instead of a rat infested

neighborhood, I'll call it a streetscape, and then you lost parking to that; you lost parking to ingress and egress and you've lost parking to the bank that has 12-minute parking along Giralda.

Mr. Kinney: They have short term spacing.

Commissioner Cabrera: Yes sir. So now you are contemplating parking for drop off and pick-up, that's interesting. Wow. I bet you wished you had those old parking spaces back, I know you can't comment.

Mr. Kinney: We lost 9 related to the 55 Merrick....

Commissioner Cabrera: Oh, you were going to lose more, you were going to lose 13 and we were able to figure out that – you guys were able to tinker with it and only lose 9.

Mr. Kinney: Well on the north side they haven't done the streetscape yet, so I haven't seen what the impact was.

Commissioner Cabrera: Oh, you'll lose at least 6 to that north side, it's amazing. An area that typically has no problems with on-street parking, we are creating problems for on-street parking, but that's another issue all to itself.

Mr. Kinney: But that is something in this administrative regulation that I'm going to have to see how we draw those lines. The last thing I would point out in that first 15 page section, that is kind of a housekeeping thing is, we've had discussions at this level about the large parking facilities that basically sit empty at night, and there is a provision that allows a valet company to approach me using those vacant facilities. If I can confirm that there is space available, they can use that for valet parking and that is something we've discussed before. The second big section is the one where we spent most of our time talking about and what you asked me to take to the Planning Board, and that is just the parking replacement assessment, and it's in three sections. The first section being just when we lost spaces on the street, we have right now a process where there is an assessment and it's an annual fee...

Commissioner Cabrera: And it's for perpetuity.

Mr. Kinney: Yes – and there are some people that are paying \$55.00 a space and some people paying \$1,500.00 a space or \$2,000.00 a space. So over time it seems like there are some inequities there. The proposal I put forward is that when as a result of a development we lose an on-street space there is a onetime fee and the number we had discussed last time, and this would be a number that you would approve in the fines and fees resolution was \$25,000.

Commissioner Cabrera: And then that would be one fee for the remainder, until the end of the world, until 2012.

Mr. Kinney: Til that facility was redeveloped, if that site was redeveloped, torn down and started over then that agreement would disappear because the streetscape would be redone.

Commissioner Cabrera: That seems reasonable.

Mr. Kinney: And then there were some people who testified at that time and at the Planning Board that they felt that was unfair in this one situation where we are requiring them to make changes on-street, and the compromise that was reached at that time was, if it's solely because you are meeting a streetscape, then there would be a fifty percent....

Commissioner Cabrera: See that's the kicker, that's the kicker, these developers come in here and they want to do the right thing and then all of a sudden we get involved and we make these demands of them for these streetscape bump-outs, and they end up having to pay us an ungodly amount of money for perpetuity, and we end up taking out a bunch of on-street parking spaces. There has to be at some point some sort of a compromise, there just doesn't seem to be. The only time there is a compromise is when it gets brought to a Commissioner's attention, and that Commissioner reacts to the request and then staff...I don't mean that as a dig at you or the Public Works Director – Public Service.

Mr. Kinney: Staff has to...[inaudible]...and I get to voice my opinion, but obviously I don't always...

Commissioner Cabrera: But developer after developer and architect after architect tells me that this is a common place issue where we impose all these on-street streetscape demands of them and then they have to pay on top of that an ungodly amount of money forever and ever.

Commissioner Withers: Can I ask him to maybe come back in the next two months or three months, whatever it is, I'm sure there are some people where the meter is running right now on them, that are paying \$800.00 a month or....

Mr. Kinney: This summer we sent out some brand new people that are right now on...

Commissioner Withers: And I don't know, maybe we don't want to do this, maybe we do, maybe if we stayed at \$25,000 use that amount, maybe we take a look at the folks that haven't reached that...

Commissioner Cabrera: Give them a break.

Commissioner Withers: Yes, give them a lump sum number right now and say; let's say someone has paid \$10,000 toward the \$25,000, so instead of having to worry about billing and tracking and all that we just clear the decks.

Mr. Kinney: We actually allowed that in the ordinance, we said that if you are in the annual payment system, if you wish to just buyout all you have to do is pay whatever price that you guys set, and you can buyout. If you want to give them some credit for past payments...

Commissioner Withers: Well, I mean we might, I'm sure ten years ago it wasn't a \$25,000 cost.

Commissioner Cabrera: I think that would be fair.

Commissioner Withers: You know just to see.

City Attorney Hernandez: Yes, but the value has also gone up, they got the break of doing it ten years ago.

Commissioner Cabrera: Especially with the loss of parking, the value continues to go up; we go out of our way to lose on-street parking.

Mr. Kinney: That deals with the section on the right-of-way and where we lose spaces on the right-of-way. Then we go into two sections where I would say are classic payment in lieu situations. I gave you a lot of documentation, some of it is probably more than you needed, but we actually looked at some local Miami Beach and the City of Miami and they have classic payment in lieu where somebody can come in and they just could pay for all the spaces that are required to build. We then very narrowly, very restrictive – the first section of payment in lieu relates to small developments, and here we were focusing on somebody on the Mile who's redeveloping their property and what they really wanted to do triggers parking requirement, whether its 5 spaces or 7 spaces. Say they want to put 1,000 square feet of office upon the second floor it would trigger possibly 3 spaces. What we've done is in those situations where really you have no ability to provide parking you can buy down your requirement up to 15 spaces. So here we are not talking about large development; office that would be up to 4,500 square feet, 15 spaces would amount up to 4,500 square feet. So that one is clearly targeted at the small developments that don't have the ability to provide parking, and we actually see several of those, and the City is on occasion tried to deal with that in various ways, whether it's a variance, whether its creating this agreement that we are not really – don't really have the authority to create, but I have people buying space out of one of our garages in perpetuity just because they couldn't provide the parking that was required. So this just formalizes that and gives everybody who is out there doing small development, if somebody is adding 300 square feet to make their space function better, but they can't put one space in, they can buy that space.

Vice Mayor Kerdyk: So they buy the space and they have a space in one of our garages?

Mr. Kinney: No, their right is to use the public parking system; they are using the public parking system.

Vice Mayor Kerdyk: So how does that work? So I buy a space, I do a development or I add on to one of my buildings; 4,000 square feet, I need another 13 parking spaces. So my 13 parking spaces I give you a check for how much money for my parking spaces?

Mr. Kinney: If you guys say \$25,000 that would be....

Vice Mayor Kerdyk: So \$25,000 – I'm going to write a \$325,000 check.

Mr. Kinney: Yes.

Vice Mayor Kerdyk: Wish I had it. Write a \$325,000 check, then I can park 13 people in the parking garages, right?

Mr. Kinney: That fund that you help set up is to develop – I mean, it specifically says that, that money has to be used to develop the public parking system. What you have the right to do then....

Vice Mayor Kerdyk: What do I have the right to do?

Mr. Kinney:...is to park in the garages, but you are still going to pay the monthly fee.

Vice Mayor Kerdyk: So I'm just paying \$25,000 for the right to build the space, I don't get any...

Mr. Kinney: To build your development without the parking.

Vice Mayor Kerdyk: And this is going into a segregated account and it's going to be used....

Mr. Kinney:...to develop the public system. Now the third section and this is the one where I think we had most of our discussion last time, is what I would say is our limited...

Vice Mayor Kerdyk: Can I just follow up with this because I'm thinking what Commissioner Cabrera is saying. So realistically by doing it, I understand the theory behind it, but the fact is then you are really not encouraging people, you are going to have more people parking on the streets because they don't have a designated spot to go to, because they are going to have to end up paying the fee monthly anyway...

Commissioner Cabrera: And then there is not enough on-street parking and you risk the chance by being mugged by a rat.

City Attorney Hernandez: But what this is trying to – we are trying to accomplish pleading a variance, a hardship and then they are being granted hardship variances, and the City is not able to fund for parking garages or anything.

Commissioner Anderson: Then actually we'll be out of parking.

City Attorney Hernandez: Yes.

Commissioner Anderson: Then actually that would tax the system.

Mr. Kinney: And the scope of this is very specific, we are not talking about citywide, the CBD...

Commissioner Cabrera: Just the downtown area. Yes, we are taking away the parking, yeah baby, we are focusing.

Mr. Kinney: Where we have availability....

Vice Mayor Kerdyk: I understand what you are doing, I got it. I've got to mull it over.

Mr. Kinney: OK, that's fine. But then the next section I think is, and I said it's the one where we had the most discussion, and where I had the most discussion with the Planning Board, and that is we are not doing a true payment blue where somebody can come in and buy 200 spaces, but where there's a development we do want to give some leeway for developers to build appropriate, so we are giving them the ability up to ten percent, up to 500 spaces, so a maximum of 50 spaces that they could buy down. When I first brought it to the Commission, we had a 50 cap, but the major change that came from the discussion from the Planning Board was not to just give them a 50 cap as a developer, but to phase it in, and they were the ones who suggested let's go 10 percent. So if you have the requirement of 200 spaces, you may be able to buy down 20, if that makes your development work better, but you are not allowed to buy the cap of 50; 10 percent is the max. So that's the discussion that I had with the Planning Board and the recommendation that they had on that issue. I will tell you that typically where there is a payment in lieu system, they don't put caps, but we're just starting this, so this is a baby step; and we are not interested in somebody with a large development coming in and plopping down a \$5 million dollar check and saying, "*build me a garage*", I mean, we really aren't there, that's not something that....

Commissioner Withers: Well, we also talked at some point that if the City was building a new parking garage, 800 spots, we would actually sell, condominiumize a 100 of those to maybe someone in the neighborhood.

Mr. Kinney: And I think that's a possibility and I would say that we should even look at existing facilities, and I'm not in favor of basically leasing out facilities long term, because our primary interest is the short term parkers, but there are facilities that we have that have some vacant spaces.

Commissioner Withers: Right. So let's say we've had one that we've had an inventory of 100 for the past five years, and it looks like we are going to have it for the next five years, so we wanted to take 10 of those spots and sell it to a building next door for \$250,000 to be put into the fund to maybe build parking somewhere else.

Mr. Kinney: And I think those types of deals are possible. Right now as it exist that would be something that would come back to you because it would basically be a long term contract, and I can think of a couple of locations where we have capacity to maybe encourage development or to maybe help someone that is not spaced, but that's kind of negotiated on a case by case basis, and we would have to evaluate our facility and decide whether we could afford....

Commissioner Withers: I mean, look, this Commission has always if someone wants to develop a piece of property a lot of times we require them to replace whatever parking they are removing and then adding some; would there be a problem with whatever we require them to add that we would just go out and sell?

Mr. Kinney: Well that's actually...

Commissioner Withers: We win both ways that way.

Mr. Kinney: There is a brand new section that came up as a result of exactly that issue; overtime the Commission has required certain private developers to add 50, 100, 300 spaces, but there's never – and they are for public use, but there's never been a definition or control of such a place to define what that public use is. So the new section 6 or Division 6 in this ordinance specifically defines what public use is, our rights to allocate those spaces, what the owners rights are on rates, what we require for operational standards, and what our audit rights are. As these have been negotiated in the contract, right now we have, I would say, limited control over of what happens to those spaces. We would like in the future when that happens to have more control.

Commissioner Withers: Got you.

Vice Mayor Kerdyk: I have one last question and then I want to meet with you between First and Second Reading, because I have a lot of questions, but I want to give you the scenario. In our Central Business District is what we are talking about. We have a provision in our Central Business District that allows you to build 1.45 F.A.R. without providing parking, so listen to me through this scenario; I have a 10,000 square foot lot, I build 1.45 F.A.R., I have built 14,500 square feet without having to provide parking per our Code. Say I want to build that building at 18,000 square feet instead of the 14,500 square feet, that's a difference of 3,500 square feet. Now the way the Code exists now, I have to go back and provide the parking for the whole 18,000 square feet of parking, if I exceed that 1.45 threshold of F.A.R. In this analogy that you give me, can I go and just purchase the difference, the 18,000 subtract the 14,500 square feet, the 3,500 square feet divided by 300 for fun, which would be approximately 12 spaces, or do I have to go back and buy the 60 spaces for the difference of what the 18,000 square feet?- that is an issue. Tell me...

Mr. Kinney: That I have to talk to Martha....

Vice Mayor Kerdyk: Yes, you better figure that one out between First and Second Reading, because that's what's going to end up happening.

Commissioner Withers: Exactly.

Mr. Kinney: Martha and I will talk about that one.

Vice Mayor Kerdyk: Alright. I want to meet with you because there are about three or four other issues I have. Do we need a motion? I'll make a motion.

Commissioner Anderson: Second it.

Mayor Slesnick: Oh, that's right. OK. Well that's OK. We have a motion by Vice Mayor Kerdyk and a second by Commissioner Anderson; we have one public comment, Rip Holmes, 920 Sevilla.

Mr. Holmes: Thanks for letting me speak to you again, my day to oppose development. The people who have been here for the past 12 years, 10 years, 9 years, whatever, have had headaches along the way, and one of the biggest headaches has been developers wanting to shake lose the requirement of parking. There are some funny stories which I won't engage in; one of them involves Bill Kerdyk...

Vice Mayor Kerdyk: Not as a developer, I'm sure, but go ahead.

Mr. Holmes: Going nose to nose with a former Mayor, two Commissioners, check it out, and Bill Kerdyk rising up in his chair, they won an issue over the Mayor and the two other Commissioners because he rose up in his chair and said, "*we've got to have parking*", and I didn't even intend on mentioning that scenario, but I will carry this spirit forward, we have to have parking, and I had a chance to talk with Brad Rosenblatt and Director Kinney outside. The idea that you take a "Mom and Pop" entrepreneur who says, hey I want to do something with my place, and I want to add something, but my God I cannot, it's impossible for me to put a parking garage in my one little store, can't do it; and what City Attorney Hernandez said, well they get into the hardship thing, why not pick up the \$25,000 from them and everybody goes home happy. I can buy that, but even Director Kinney in our discussion admitted that the idea that we want to open any time of gate for developers to start shaking it out their requirements for parking, I oppose and I hope you will. Thank you.

Vice Mayor Kerdyk: Thank you.

Mayor Slesnick: Thank you. OK, we have a motion and a second, and any further -- Rip, Rip, you deserve a response from me, I'm going to vote yes on this to get it to Second Reading and in between I know Vice Mayor Kerdyk has already asked for a meeting with the Parking (Director)

and the City Manager, I will do the same because I do not feel yet comfortable with this and I'm going to need to before I vote on the second time, OK.

Mr. Clerk

**Commissioner Cabrera: Yes**

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Mayor Slesnick: Yes**

**(Vote: 5-0)**

[End: 1:17:40 p.m.]

## **City of Coral Gables City Commission Meeting**

**Agenda Item E-6**

**November 9, 2010**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael "Ralph" Cabrera, Jr.**

**Commissioner Wayne "Chip" Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

**Planning Director, Eric Riel**

### **Public Speaker(s)**

**Andrew Dickman, Counsel for Gables by the Sea HOA**

**Richard Arnold, Coral Gables Resident**

**Beverly Arnold, Coral Gables Resident**

**Margarita Brito, Coral Gables Resident**

**Nancy Perez, Coral Gables Resident**

**Carly Fein, Coral Gables Resident**

**Matthew Kirsner, Boy Scout and Gulliver Student**

**Catherine Froelich, Coral Gables Resident**

**Christiane Jung, Coral Gables Resident**

**Kristine Fonseca, Coral Gables Resident**

**Carlos Santero, President of the HOA**

**Laura Russo, Co-Counsel for Gulliver Schools**

**Tucker Gibbs, Co-Counsel for Gulliver Schools**

**Tim Plummer, Traffic Consultant**

E-6 Time Certain [Start: 10:18:11 a.m.]

An Ordinance of the City Commission of Coral Gables requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:

- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
- 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
- 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,
- 4) An amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0)

Mayor Slesnick: We now have our 10 o'clock certain item, and as we go to that, I'm going to call on Vice Mayor Kerdyk.

Vice Mayor Kerdyk: Yes, Mr. Mayor just a point of personal privilege, the matter that's before us is a quasi-judicial matter, and as a member of the Board of Trustees of Gulliver Academy, I am under the opinion that provision of Chapter 286, Florida Statutes, I should recuse myself from participating or voting on this matter. So thank you.

Mayor Slesnick: Thank you. We will call you back when we are through.

Commissioner Anderson: Don't go too far.

Mayor Slesnick: This is Item E-6. Madam City Attorney, do you want to....

City Attorney Hernandez: E-6 – I will be right with you.

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- 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,
- 4) An amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0)

Mayor Slesnick: OK. We are taking this item from the Planning and Zoning Board's 6-0 recommendation, and Eric will make a presentation. Let's just somewhat layout for everybody what's happening here. First we will hear from our staff; second we will hear from the Gulliver Academy; and third I guess we will hear from the Homeowners Association, which was part of an agreement that was reviewed by the Planning and Zoning Board; and then finally we will of course take public comment from people who have filled out public comment cards, and I would ask that if you are here but you did not know, out in the hallway there are public comment cards, and you fill these out and give them to the City Clerk, we then call upon you, but I will tell that if you wish to speak we only take the public comment cards up until the time we start the public comment and we cut it off after that, so you would need to get them in before we open the floor to public comments, and if you read the rules on the back it just helps us move along. We try to be fair to everyone and hear everyone, but we ask you to refrain from more than three minutes of comments and we will try to get everyone in; and furthermore, let me say this, and this may also assure some of you that if you don't like speaking, you can fill out a card and say, "I do not wish to speak", but file your comment on the card and we will put that in the record. Secondly, I have here before me, the Clerk says 39 pieces of e-mails; these are e-mails which we have received that we have submitted to the Clerk for adding to the record. So if you have submitted an e-mail to us it is in here, or you can always ask the Clerk to review it later to see if your e-mail is in here, but the e-mails will become part of the record, and I will give these back to the Clerk without objection, they are now made part of the record. So having said all that, Mr. Riel.

Mr. Riel: Good morning. Mr. Mayor, I might ask you, my presentation is about five minutes, I know the applicant has a presentation of about five or ten minutes, perhaps if you would allow us to go through both presentations, we might be able to answer the questions and make it probably briefer for you.

Mayor Slesnick: So you don't want us to interrupt you?

Mr. Riel: Nicely, yes. Good morning. You have a lot of exhibits in front of you, a very large packet; I just want to take about a minute to go through what you have in front of you. You have the actual ordinance which is part of the packet, Exhibit A; you have conditions of approval, a clean version, conditions of approval, a strikeout/underline version; you have the Gulliver application which is the large document with the clip on it. Within that document you have the

letter of intent, basically the site plan, the request for encroachment, the settlement agreement, which I will go into briefly; the mapping; aerial photos; pretty much full sets of plans; the previous agreement regarding the closure of Red Road; survey, and then all the traffic reports that were completed by the applicant. In addition, in our packet we have the Board of Architects preliminary comments; our City consultant, our traffic consultant, two different memos from Marlin Engineering regarding the traffic study as well as special events. We have three Planning and Zoning Board sets of minutes, this went to the Board three times, and then we also have public comments. Walter is going to hand out to you some hand sheets, the comments we received since the packet was distributed last Friday. I'll just tell you this application we received over 1,300 comments throughout the process, which I can tell you being here that long it's the most comments we've ever received on an application to come before the Commission. Basically, what this is an amendment to the Master Plan that provides for new classrooms, additions to existing classrooms, and support facilities, a new pavilion building, a new gymnasium, auditorium, new natatorium to replace the existing open air pool. No increase in students are a part of this request; the student enrollment remains at the same 1,162, it's basically an addition that results in approximately 77,000 additional square feet on the property. They had approval for, I believe, up to about 120, but they did not construct all of that, and the school typically as well as the University of Miami, a master plan is done for the future development, in most instances everything is not always build-out and things change. The application went to the Planning and Zoning Board on three occasions. The first meeting was entirely public input, three and-a-half hours of testimony; the second meeting was about another hour of input; and then the remaining portion of the second meeting was about two hours of deliberation for the Planning and Zoning Board. At that meeting the Planning and Zoning Board, after all the additions were identified, although the applicant had done significant outreach, the Board asked Gulliver to meet with the adjoining HOA (Homeowners Association) to try to work out some of those issues. The end result was the agreement, which you have before you, which is Exhibit F-2, in their package. In summary, I'll just like to go over it very briefly, basically what that agreement provides for is for the encroachment and the natatorium 5 feet into the 80 foot established setback, provides for a maximum height of that natatorium subject to it being residential in design and character. It provides for the closure of the existing Campamento Avenue vehicle access prior to the 2011 school year, entire closure. You know that there is a rear gate that provides for delivery, provides for parents dropping off their children, provides for the administrators and teachers to access the rear of the property; requires construction of an alternate private access road that is shown on the site plan. Basically, with the closure a proposal is to put a roadway parallel to Campamento Avenue that accesses off of Red Road, that meanders through the over stored vegetation, results in no removal of vegetation. It does require a minimal encroachment into the right-of-way of about 7 or 8 foot pavement. It doesn't result in the moving of the fence line because actually that fence line is not straight down the right-of-way. So that request for encroachment is also included. It eliminates again, UPS deliveries, and

actually the agreement has that being completed within 30 days; provides for additional landscaping on Campamento Avenue, it also provides for an access gate from Gulliver onto Campamento for maintenance. One of the conditions staff put on is that they have to maintain the adjoining right-of-ways; they need obviously the opportunity to bring mowers and that sort of equipment to maintain those adjoining right-of-ways. As I indicated, the agreement was presented to the Planning Board; at the third meeting, one of the provisions staff said that, we indicated that, we have to go back and obviously look at whatever is in the agreement doesn't violate the Zoning Code regulations. Also, in terms of fire and emergency access, we needed some additional input from additional departments. So I did that, coordinated with Public Works, Public Service, Police, Fire, a number of other departments; and the end result was, Fire felt that a private access road is sufficient enough with the current fire hydrants that, that can serve and that gate can remain closed, it's not needed for emergency access purposes. That was one of the main reasons I brought up at the Planning Board meeting, I wanted to make sure that the public safety aspect was not compromised pursuant to the settlement agreement. Let me just go over Exhibit "B", some of the conditions. As you know when schools come through, it's probably one of the applications that the department as well as the Planning and Zoning Board have numerous conditions. Just briefly, we have numerous conditions regarding school use and operations that deal with point of contact and shared use of the facility. All buildings that are going to be constructed on Gulliver have to go through Board of Architects review for architecture. So all the new buildings that you see on that site plan has to go through Board of Architects review. Condition on construction programming, the limitation on the maximum number of students, limitation on the use of the athletic fields, tennis courts, equipment, limitation no after hours school activities, special events parking plan, a very specific traffic circulation plan, very specific provision in terms of the use of where visitors park, where the teachers park; there is a requirement for on and off site improvements to the front of the property on Red Road, Bernal, Campamento; there is a requirement that the applicant maintain the landscaping. Then the conditions have been amended pursuant to the private agreement for the closure of Campamento Avenue, that's included in condition; conditions of student drop off, staking of delivery services, drainage requirements, and then basically the other requirements, no lighting on the fields, no amplified speakers. As the Mayor indicated, the Planning and Zoning Board did recommend approval unanimously 6-0, again subject to staff going back and looking at the specific issues. That pretty much summarizes my presentation of a process that included about 9 or 10 hours of meetings in front of the Planning Board. I know the applicant has done significant outreach, in fact as a part of the outreach that staff did, we did five separate mailings not the typical 1,000 feet, we did 1,500 feet as well. So that's probably another reason we got 1,200 comments as well.

Mayor Slesnick: Let me also tell everybody that this information which has come to us is also part of the record and will be without objection officially entered. So, that includes the

transcripts of the Planning and Zoning Board hearings, it includes the input, it includes the staff's presentation, and the petition and the back-up, and about 20 exhibits. So it's all in. Thank you Eric. Laura.

Ms. Russo: Good morning Mr. Mayor, members of the Commission, for the record Laura Russo with offices at 2655 LeJeune, here along with co-counsel Mr. Tucker Gibbs representing Gulliver Schools. I'd like to introduce on behalf of Gulliver Schools Mr. Jeff Bartel, who is Chairman of the Board and President of Gulliver Schools, along with Mr. John Crutulus who is head of schools. Also, here with us this morning our consultant, our architect Mr. Gary McGraw, of Gili-McGraw, and our traffic consultant Mr. Tim Plummer, of David Plummer and Associates. I'd like to give you just a little bit of background. Gulliver has been working for a few years with city staff and within their own confines trying to find ways to improve their previously approved Master Plan in order to accommodate the changes that are occurring in education today. As Mr. Riel told you, we had two meetings over the summer with the Planning and Zoning Board public hearings that were long and difficult meetings. At those meetings with the extent of public comment that took place and the discussion that went on among the members of the Planning and Zoning Board, it became apparent that there was a depth of concern over Campamento Avenue and the impact that it had on the neighborhood with Gulliver using it for its deliveries and access. As a result of those meetings, the public input, and the direction from the Planning and Zoning Board, we took a step back and took several months and we had very long, arduous, deliberated, at times extremely contentious meetings, with the Homeowners Association and their representatives. So, I can tell you that the settlement agreement that is before you is not something that was put together overnight, it was something that was worked on long and hard, and with good faith from both parties. As a result from all these meetings, there were some changes in our Master Plan in our original submittal. The primary one being the creation of an alternate access drive that runs parallel to Campamento Avenue, and we have proposed it in such a way to preserve the mature over story trees without having to lose any, without having to move the existing fence line that separates the school from the City's swale area, and the paved portion of Campamento, and we are also proposing to increase the existing buffer. Our proposed Master Plan revisions include extensive landscaping along the entire perimeter of the school grounds, discontinuation of the use of Campamento Avenue access by UPS trucks, we actually named them the easier, smaller trucks that can be moved to the front entrance within 30 days of approval of the Master Plan in order to alleviate as much as possible the burden that the neighbors have felt. We also have the proposed discontinuation of the use of Campamento access altogether by the start of the school year 2011-2012. Now the Master Plan revision includes much needed new classroom buildings, some of them will take place, or will be erected where there are existing one classroom buildings. There is going to be, we call it a "gymatorium", which is a combination gymnasium-auditorium, right now the campus does not have a covered public assembly area, and they are subject to inclement weather and regrouping

to smaller classrooms and stuff. The replacement of the baseball field house pavilion building and a lot of these changes are due to changes in the educational system that has occurred over the years. Some of you may or may not know, these are pre-K through 8<sup>th</sup> grade. Well some of the programs from High School have now been moved and they are starting as early as the 6<sup>th</sup> and 7<sup>th</sup> grade; the architecture program, the engineering program, the robotic program, and the high school won an award for the desalination of water, and it was actually taken to Haiti; programs are now being moved as early as the middle school; multiple language, the computer lab, band, dance, etc. So they need to constantly upgrade the facilities while at no time increasing the student population. We respectfully request that you approve our numerous applications. We have an application for a site plan, which is the Master Plan revisions, a PAD application which allows, or actually controls the ability to make any changes to the site plan, and more importantly the two encroachment requests; one is the encroachment request that would allow for the alternate service drive to be erected on the south side of the campus, it's not moving the existing fence line, but in order to preserve the trees it would require an encroachment and easement agreement with the City, and also an encroachment on the triangular island that is on the western boundary of the school up around the exit toward Red Road; and these are done in order to improve the traffic movement within the school circulation and also to alleviate the delivery of service vehicles and stuff to the campus. I'd also like to point out that the school has agreed to add an additional Police Officer in the morning to help control traffic, since apparently at the exit for Gables by the Sea there are parts of the school that cannot, I'm sorry, there are parts of the homeowners that sometimes can't leave because the intersection is blocked, and so this Officer will be there in order to help keep people from blocking the intersection and allow them to leave their subdivision. We have reviewed staff's report, we have also reviewed the recommended conditions for approval, and we accept those conditions of approval that have been placed, and we respectfully request that you approve all the applications that are appear before, and we are here to answer any questions you may have, our consultants are also here to answer any questions you may have. Thank you.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Ms. Russo good morning.

Ms. Russo: Good morning.

Commissioner Cabrera: As usual you did a phenomenal job of framing this interesting application. Why don't we get down to the issue of the gate, because that's why the majority of these people are here today, and that way we can possibly attack it early and be done with it and let them go back to their homes and work and whatever else they do. Talk a little bit about the issue with the gate access that will be removed from this new agreement, would you?

Ms. Russo: Yes. There is currently an existing access to the school on Campamento Avenue, and it is the service access for the school, it is where delivery trucks come delivering food, paper goods, baked goods, UPS, Federal Express, book deliveries, it's the service entrance, it's the entrance the Rich maintenance vehicles go, and it also is the entrance to Parking Lot "F", which is a parking lot for teachers and administration, approximately 70-some parking spaces, it is also an access point for 17 or so Gulliver families whose children live in the neighboring neighborhood. At the Planning and Zoning Board meeting, at both meetings it became very clear and if you read the transcript or watched part of the meetings on television, you'd see that the neighbors that live on Campamento and some of the neighbors beyond Campamento felt the impact of the use of this service entrance.

Commissioner Cabrera: Primarily, can you tell me primarily for what reasons, was it the service vehicles?- was it the teachers parking?- what was the issue that created the consternation for those that live right next to the school's perimeter.

Ms. Russo: And I will try to do my best based on what I culled from the comments that were made; there were people who were upset with having to view the service deliveries, the timing of the service deliveries, the fact that sometimes trucks queued up on the swale while waiting to get access to the gate, there were people who were upset with the gate being left open on occasion and having to view the inside of the campus, there were people who were upset with parents who dropped off their kids and would use their driveways to back in and out, parents who queued up on the swale. So there were numerous discussions, it wasn't just one particular issue, it depended on the particular homeowner, but the testimony is in the record.

Commissioner Cabrera: Just a lot of volume, intensity to the area, and I understand all of that. At any point in time at any of the meetings that took place, was there a discussion on a compromise?- specifically, let me be more specific than just keep it as an open ended question. Was there any discussion about continuing to have a gate so that there would be access to, I think you mentioned 17 families or so that have children attending the school, for life safety reasons in such a way that it would keep the service vehicles away, it would keep away the queuing of vehicles away, and how the school does that is up to you all, but if there was a mechanism to ensure that all those intense activities that bother the neighbors, by the way, how long has Gulliver been there?- how many years?

Ms. Russo: Since 1966 – '65-'66...

Commissioner Cabrera: OK. So those neighbors some of them may have been there since '66 or '65, whatever, but I was just curious. So at least those 17 families or 20 families or whatever the number of families is could continue to use the gate to get to and from the school.

Ms. Russo: Yes, there were discussions of all types of compromises...

Commissioner Cabrera: And?

Ms. Russo:...and some of the discussions actually took place at the Planning and Zoning Board where there were some Planning and Zoning Board members that thought it's a public road it should never be closed, we should never close off public access to a public road, there were others who thought it should be closed off only to service deliveries, but you know, not to the big trucks that needed to be delivering to the kitchen and to the other supplies. There were people that thought it should be closed completely altogether, and I can tell you in the numerous long hours that we met with the homeowners and their representatives, we looked at all different ramifications and different ways to try to settle this, and the removal of Campamento Avenue's access became surreal, because of the use of it, and the volume that it could create, and we looked at all different ways, this wasn't a decision that was lightly made.

Commissioner Cabrera: I'm not suggesting that. I never suggest that, but you know one of the unique features of our City is that we always try to do things that are not the norm, they are unique and they help us improve the quality of life for people, and I understand the concerns of traffic and the intensity of service vehicles. I understand how some parents would take advantage of the fact that there is a gate there, and in order to serve their own conveniences and lack of effort they would want to queue there, and park and wait for their child to come out, but then I also see the other side of the spectrum, and I know we've got 17 kids or thereabouts, that could benefit greatly from this, and I know that there are life safety issues on Old Cutler, I'm well aware of those. So what I'm trying to do this morning because I think we are going to come up to some decision and one decision is simply to support what Gulliver is attempting to do, which incidentally I support all of their efforts, but this is the thing that's sticking – I mean, in the last 72 hours which is usually the way it works around here, we've gotten lots and lots of e-mails because people have woken up and have realized that this issue is coming before the City Commission, and I understand, I'm fully aware of how things work around here, and now it's on our plate, so today we have to come up with something. You know, my concern as it relates to this application has to do with, and I don't want to get everybody all choked up, or try to use emotions to sway you, but the reality is if we close this pedestrian gate for these kids, and one of them get struck by a vehicle, then it's something that I don't want to be remembered as having been the Commission that decided to close the gate. On the other hand I want to maintain the quality of life for that neighborhood, and I don't want to see the neighbor suffer from the intensity that's been....

Mayor Slesnick: And it goes further than that too. Who's representing the Homeowners Association here?

Ms. Russo: Excuse me?

Mayor Slesnick: Who is representing the Homeowner Association?

Ms. Russo: Mr. Dickman.

Commissioner Cabrera: Are you asking them to come up and talk on this matter?

Mayor Slesnick: Yes.

Commissioner Cabrera: OK. Well, I just want to finish my thoughts.

Mayor Slesnick: OK, OK. I'm sorry, I thought...

Commissioner Cabrera: Because at the end of the day, I mean, I appreciate the fact that the Homeowner Association's leadership is going to be here to tell us how hard they worked on this, and I' sure they did, but we are the ones that are held accountable.

Mayor Slesnick: But I think it goes deeper than that. I think if the Homeowners Association withdraws their agreement, then it needs to go back to Planning and Zoning.

Commissioner Cabrera: What if we amend the agreement?

Mayor Slesnick: That's what I was going to ask the Homeowners Association.

Commissioner Cabrera: OK. That's fine, that's fine, but I mean, I was still in the middle of my...

Mayor Slesnick: No, I'm sorry; I thought I was just adding to what you were saying.

Commissioner Cabrera: Well, I appreciate it.

Mayor Slesnick: I'm backing off.

Commissioner Cabrera: No, no, don't, because what I think what you are trying to do is bring another party in to help the cause, and I'm all for that, I just want to get through this thing today so we can decide on this gate issue once and for all, and everybody goes home happily ever after until the next hot button hits them 72 hours before a Commission meeting. So you want to bring him up?

Mayor Slesnick: Here's my point Ralph. You've raised some good issues and certainly people in the neighborhood have raised some issues, and other people have raised some issues, but the Planning and Zoning Board voted based on an agreement between the HOA and the school. I think if the HOA were to withdraw their agreement it would have to go back; I don't think we could move forward without – this is one of the primary foundations of the P and Z Board vote is the gate, and I think if we need to hear from the HOA would they accept the leaving open of the

pedestrian gate or not, and if they won't I think that throws me at least in a state of confusion as to where I head from here.

Commissioner Cabrera: Let's do it.

Mayor Slesnick: Tucker you get a chance here.

Commissioner Cabrera: Thank you Don, by the way, thank you for doing that, for helping me out with that.

Mayor Slesnick: OK. Hi yes, please.

Mr. Dickman: Good morning, Andrew Dickman, counsel for the Gables by the Sea Homeowners Association.

Mayor Slesnick: Andrew, welcome back, good to see you.

Mr. Dickman: Thank you very much, good to see you too sir. Yes, it's true, we do have an agreement, it took a lot of work. We have – I'll just lay this out for you...

Mayor Slesnick: Hold on for a second. This is a quasi-judicial hearing and the City Clerk has reminded me that we are going to have to swear in all the witnesses, does not apply to the attorneys representing the applicant, but all of you who intend to speak, Mr. Dickman including you, I'm sorry I put you in this position, but all those who intend to speak if you would please stand and raise your right hand, the Clerk is going to swear you in. Just everyone, the lawyers behind you are swearing in. OK, Mr. Clerk.

City Clerk Foeman: Do you solemnly swear that the testimony that you are about to give today will be the truth and nothing but the truth?

All: Yes.

Mayor Slesnick: Thank you all very much, and by the way, we would never suspect that either lawyers or the citizens of Coral Gables would tell anything but the truth, but it's a requirement of the law. So Mr. Dickman please.

Mr. Dickman: Once again, Andrew Dickman for the Gables by the Sea Homeowners Association. There are approximately 400 homes in Gables by the Sea, approximately 100 in Pinecrest by the Sea, we have had a total of 15 HOA plus community meetings on this issue going back many, many months. The Gables by the Sea Homeowners Association Board, by the way, the President Carlos Santero is here as well if you need to hear from him, voted with a resolution to approve the final agreement with the plans that are dated October 20<sup>th</sup>, and yes the gate is a major factor for us, it wasn't the only factor, but it was a major factor, and let me just

explain why. There are also in the record you will see photographs of trucks that have been very, very large trucks that queue in that area, there is a lot of chaos in that area in the morning, in the evenings, during the day; there is destruction to private property where people will use homeowners that live across from the school to do a three point turn, and some of it will go into their lawns, in fact one or two property owners have had to put orange cones in their driveway to keep people from turning around in that area. As far as we know the families that are now raising this issue were not involved in this process early on, we've had like I said, none of this has been done behind closed doors, in fact the agreement was put into the public record at the Planning Board, it's completely transparent, it's been negotiated in full public and as I stated before that we feel that is has been a key issue to try to save that residential character, not only for the homeowners that live directly across from that gate, but everyone that uses that passage way along Campamento that come and go. Gulliver has told us that in this agreement they are in agreement that they believe that their students should all be dropped off in the front, they would create a more manageable situation with all the children being dropped off at the same place, and that you don't have children walking through areas that possibly they could be injured, that was brought up about being structured traffic, I think there is more hazard to children to have them walk, but most likely have them dropped off at this area, and there is no way to manage that, absolutely no way to manage it. We believe that what we have in place is a solid agreement, again it's been done completely out in the open, hundreds of hours have been dedicated to this agreement, and it is imperative that this agreement gets approved, and we would ask that you approve the Master Plan as it is along with the agreement.

Mayor Slesnick: If I could ask you to comment, and certainly any of the lawyers for Gulliver could comment too, but it would be my interpretation of this that if the school has signed on to this and the school agrees to do this, then this is an issue between the school and its students.

Mr. Dickman: We've indicated that to the school as well. They need to explain to their students....

Mayor Slesnick: This isn't really a City issue...

Mr. Dickman:....that Gulliver has conceded to and that in fact the arrangement that they now have in front of their school I think makes it more manageable for them. I'll be happy to answer any questions; Carlos is here if you'd like to ask him any questions.

Mayor Slesnick: We may be back to you.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you. Before we go to the public hearing and I've got the cards in front of me, are there any other comments by the applicant or by the staff?

Commissioner Withers: Can I ask Eric one question? Is there any reason why this access gate couldn't be moved 50 feet to the west?

Mr. Riel: It's actually as a part of the conditions, we asked for the maintenance access gate which is the gate that I was talking about in my presentation be moved further to the east down by the baseball field. Those plans do not reflect the agreement in terms of the location of the gate.

Commissioner Withers: I'm talking about right here.

Mr. Riel: That's where the existing gate is; if this is approved today this would be removed.

Commissioner Withers: Totally.

Mr. Riel: Totally, yes.

Commissioner Withers: The only access would be through here.

Mr. Riel: Correct.

Commissioner Withers: Good. It's to the east not west, I was backwards.

Mayor Slesnick: Any other comments? OK. We are going to go to Richard Arnold, 1180 San Pedro Avenue. Mr. Arnold.

Mayor Slesnick: Billy? By the way if you move that in the center too, you have a chance so that both people...no, no, no, Mr. Arnold stay here, we are setting up – we have a light system now, we've gone to the 21<sup>st</sup> century, we have green, orange, your time is up when the red goes on, its three minutes, and I just want you to be able to see it. Mr. Arnold.

Mr. Arnold: My name is Dick Arnold, I live on 1180 San Pedro Avenue, and I have lived there for 38 years. The overwhelming majority of Gables by the Sea and Pinecrest by the Sea residents strongly object to the current request of the expansion by Gulliver Academy. We have objected to their expansions over the past many, many years and little by little they have chipped away at our objections and they have gotten almost everything that they wanted. In an attempt to resolve the expansion controversy representatives of the homeowners met with those of Gulliver and reached an agreement, which included closing the gate on Campamento Avenue. As I've said, I have lived there for 38 years, my children had to cross over on Old Cutler Road in order to go to Pinecrest, and now my grandchildren have to cross over in order to go to Pinecrest. I know I'm saying this under oath, my children and grandchildren are worth more than anybody else who has to go into Gulliver or anywhere else, and they have just as much risk when they are driving on Old Cutler Road as the 17 families who want to get access through Campamento. In addition to this, I want you to understand that the other 17 families, if that gate is opened a lot of other

people would also use it. I went there the other day, I was riding my bike down Campamento, there was a truck that blocked the entire road, and I asked him to get out of the way, and he had controversy with one of the members of Gulliver and he wanted to get in and they wouldn't let him in because it doesn't open up until 7:30 a.m., and I was standing there waiting to cross. The same thing happens when you have parents who are dropping their children off at school at Gulliver, they will occlude the entire entrance. Now, a small minority are now trying to overturn the compromise because they would have to enter the school the way everybody else does and have to encounter the same traffic that the rest of us face every day. For peats sake, we are talking about 17 families that may block this entire agreement, that's ludicrous. I think – we have an agreement, it should go through and I see no reason to try to stop it and start it all over again. I have been to everyone of these meetings and I don't know of any of the people who are objecting to this agreement, although it's 17 families, I don't think they've been to the meetings, and now at the last minute they think that they have been blindsided when all of this was open to everybody. Thank you for your attention. I respectfully request that you accept the agreement as it has been presented. Thank you.

Mayor Slesnick: Thank you. Ms Beverly Arnold, 1180 San Pedro.

Ms. Arnold: Good morning.

Mayor Slesnick: Good morning.

Ms. Arnold: My name is Beverly Arnold, I also live at 1180 San Pedro Avenue, and I have lived there for the past 38 years, and I have seen Gulliver Academy grow from pre-school to elementary school to that which is presently expanded, which is much more than anyone ever expected living in a residential neighborhood. There have been many controversies over these expansions, and those which we fought namely putting a high school on this property which we were successful in preventing. Each time the school has come to the Commission and the neighborhood to be the final expansion in the Master Plan, yet in a few years they are back asking for yet another change. The latest request had been met with much opposition by the neighbors, due in great part to the size and scope of this proposed project. Those next to the school are most affected by the traffic; illegal parking, lack of concern for these neighbors, and general inconsiderate behavior on their properties, but the whole neighborhood feels the effects of noise at sporting events, traffic through our streets, and the feeling that we are trampled by influential parents and alumni who feel that it is their privilege to use this property to our detriment. We have been to numerous meetings before the Planning and Zoning Committee and have expressed our concerns and our opinions, and after many compromises on the part of the homeowners as represented by the Homeowners Association and our attorney, an agreement has been worked out which very much favors the school, but which specifically states that there would be no traffic of any kind through our neighborhood. No delivery trucks, no construction

vehicles for the years that this expansion is going to be taking place, and no dropping off of students at that side gate, as well as no faculty access to our streets. The fact that none of the objecting parents who are now so concerned that they going to have to enter the school from Old Cutler Road had either the time or the inclination to show up to any of those meetings the better part of this year is now a late ploy to undermine the majority of the neighbors for whom they obviously no community regard. Thank you.

Mayor Slesnick: Thank you.

Commissioner Anderson: Thank you.

Mayor Slesnick: Margarita Brito representing the Gus Family Trust, 13404 S.W. 58<sup>th</sup> Avenue.

Ms. Brito: The reason I'm here today...

Mayor Slesnick: Pull it down right, aim it right at your mouth and we can hear you.

Ms. Brito: The reason I'm here today is because I now have my house at 13404 S.W. 58<sup>th</sup> Avenue, it's on sale due to the many problems that most of us have confronted today. I'm planning on moving to 1460 Campamento Avenue, which is right across the street from Gulliver. I have had the problem since 1993, which I bought it at the time for my daughter and granddaughter which lived there until 1999. The reason I'm explaining this is because I'm planning on moving into 1460 Campamento now, and the property is empty. I have been trying to move parts of things from one house to the other one, and it's been like a nightmare. I took pictures the other day which I gave to my next door neighbor, Nancy Rodriguez, and was unable to get to my house because of the people going to the other side to pick up the children in the morning. When I came back in the afternoon it was the same thing; this lady came driving through my driveway, when she saw the tail of my car, then she just jumped into my grass and went around. I went right behind her and took pictures of her plate, she saw me, maybe she is here today. I am just trying not to make a fight about this; I'm just trying to make people understand that there are other people that would like to live in the same way they are living now. Nobody is going to your houses and is making your life impossible. I am not very young any more, I would like to live in peace and quiet just like everybody else because I decided to take that community because it's a very good community, everybody respected each other, but now a-days nothing like that is happening. I'm sorry I am taking so much of your time, I don't want to do that, I don't want to feel that I am being antagonistic. I arrived in this country in 1960, I am very proud of myself and what my husband used to do in this country, and unfortunately he died, but the thing is I have to be confronting myself with all this nonsense now; I don't think it's fair to the neighbors that live right on Campamento to be dealing with all this nonsense; be fair to each other, try to talk the truth about each neighbor, don't be telling lies, don't be trying to do these things. You people can walk there, you people can just try to make the children understand

and they are going to be more honorable, and they are going to be very civil in the future, believe me. Thank you so much and you have a wonderful day.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you. Nancy Perez, 1440 Campamento Avenue.

Ms. Perez: Good morning Mayor, Commissions, thank you for allowing me to speak...

Mayor Slesnick: Speak right into...

Ms. Perez: I have lived at....

Mayor Slesnick: Turn the mike right to your mouth that way...now tilt it up a little bit – perfect.

Ms. Perez: I have lived at 1440 Campamento Avenue for the past 31 years. I think it all came to a head when Gulliver decided to make the expansion. We have endured for the past 31 years the lack of respect of parents, of delivery trucks coming onto Campamento and doing whatever they please. I have homeowners going right through the driveway going into our grass what Mrs. Brito said, this is not untrue this is fact, and we decided to put a cone. Now we have this ugly cone in the middle of the driveway, the orange cone, to prevent people from driving through the driveway. The moment that we take it off people will take advantage and go through it again, so it is permanently there. We have endured delivery trucks making deliveries at 5 o'clock in the morning, parents – talking about safety issues, my God; you should see the mess in the pick-up and arrival. Parents allowing their children to get out of the car on the public thoroughfare; opening the door, and you are driving by, and you have to be so cautious because children open the door, parents open the door, and leave the doors open, and you have to go around very gingerly. This is a hazard, this is a safety issue, this is major. Cars stacking on Campamento, it's horrible. You try going there in the morning and in the afternoon, it's unbearable. There is also a park, Coral Bay Park there, we have the issue of children going through the park, and you have these huge trucks, and parents picking up the kids, when the only issue is they are picking up the kids and they don't care about anybody else. There is a lot of pedestrian traffic on Campamento and on our streets, and sometimes you can't even walk on the street because you have to wait for dismissal and arrival to be over for you to leave the house. It shouldn't be like that; they expect a certain quality of life just as we do. Please try to maintain and understand our position too. I think 31 years has been a long time already, more than plenty, and I think enough is enough. Truly the disregard of the parents and really the school got everything they wanted; they got the gym, they got the auditorium, they got the baseball field, the only thing we requested was to close off Campamento, is that too much to ask. Thank you.

Mayor Slesnick: Thank you. Carly Fein, 13031 Deva Street.

Ms. Fein: Good morning. I moved into Gables by the Sea one year ago. Part of the reason that I moved into Gables by the Sea was because my children would be able to ride their bikes to school, walk to school and not have to take Red Road. It's a huge benefit, it's a safety issue as far as I'm concerned; I have a 7 and a 9 year old, I think the fact that they would be able to ride their bikes or walk to school is a big deal. I think that it's huge for them to be able to do that, and it's a safety concern for them to go across Red Road. So that's one of the reasons I moved into the development, and I'd very much like to see that at least we have a pedestrian gate, not for deliveries, not for faculty, but at least a gate so that the children can access the gate coming in, lock their bikes up, and be able to go to school, and I didn't really think that was too much to ask. I agree with the delivery trucks, I agree with the faculty, but as far as these children being able to safely go to school, I don't think that, that is really such a big deal. Thank you.

Mayor Slesnick: Matthew Kirsner, 5821 S.W. 132 Terrace. Good morning Matthew. You are a visitor from Pinecrest, that's Pinecrest by the Sea, Pinecrest-Gables by the Sea.

Mr. Kirsner: Good morning Mr. Mayor, and Commissioners, my name is Matthew Kirsner; I am a Boy Scout from 336. I am here for part of my citizenship in the community....I am also a student at Gulliver School, and I would like to support Gulliver's plans. About the gym, I think it's a very good idea because we've had two assemblies this past year, and on both occasions it had poured and there many students drenched that sat in the front row, and this is also good because one, we play basketball and P.E. (Physical Education) and for school; we had try-outs and twice they got flooded, but only once try-outs were cancelled; and now about the back gate. Every morning 17 kids about go through the back gate, and they are all the residents of the community. Along with the students and the Gulliver teachers and their children go through the back. The back gate sometimes does cause trouble, but I think it's very good, if we were to go to the main entrance and if we were to walk home, I think crossing Old Cutler twice would be very dangerous because as someone said before, we could get hit by a car or something that could happen. In the morning the gate is only open for about 30 minutes and in the afternoon the gate is only open for 20 minutes, so this does not cause much traffic. Thank you.

Mayor Slesnick: Thank you. Thank you very much – very good job. Catherine Froelich, 5821 S.W. 132 Terrace.

Ms. Froelich: Hi I'm Catherine Froelich, I'm a physician, I'm the mother of...this is my son Matthew Kirsner. I'm the packet lady that you guys got the packet, this is another packet. I'm not a great public speaker, and I got a lot of e-mails when I asked around the neighborhood for people to please let me know if they knew about the gate issue and what they thought about it, and I was honestly shocked that people did not know about it and how many e-mails I did get. This is an e-mail that I wanted to read to you, and I think the crux of it all was the people bought their homes based on the ability for their children to get safely to school and some of them have

to get independently to school, and that was the crux of the e-mails that I got, but I'd like to read this one. *"Catherine, my view is that the Homeowners Association is organized to represent the interests and a resident should not fear the Association intends to act adversely to any number of its residents, which is exactly what it did here. The Homeowners Association could simply have sought an agreement or an amendment to this agreement that the gate not be used for commercial traffic, but instead it availed itself of the opportunity to close the gate completely, an entrance that provides convenience and safety for our children. The Homeowners Association breached its obligation and acted selfishly by knowingly and aggressively pressing an agenda it knew was adverse to some residents"*. I was at many of the meetings, I was at the meetings with 25 or whatever people, where Mr. Santero was elected and that's when the talk about this whole thing started. I was at the meeting where Gulliver came and presented to the neighborhood; I was at the first Planning and Zoning meeting; I went to the beginning of the next Planning and Zoning meeting and was going to speak, but had to get back home. I had been to many meetings, so to say that we haven't been there – the problem is when we were there, their agenda in all their flyers, their petitions and their resolutions, the focus was set on this construction and what the effect this construction would have on our community. The focus never did anyone know that the whole agenda was really to close that gate, and I do feel bad and I do know that sometimes people might turn around in these driveways, and I've been all over the City with people with cones in their driveway when their driveway happens to be an easy turn around, I mean, that happens, I'm very sorry, and I think that we should maybe talk more to the families that use there. I'll do that myself, but I'm showing you a picture there of daily pick-up, that's what it looks like. Do trucks come through?- yes, we are not arguing about trucks, that is not our argument, our argument is about the pick-up and drop-off. Many of these families pick their homes because of this; some of these people don't drive, some have young children at home, it's not right, it's not right what they did, and a simple amendment would take care of it, and they won't do it; and talking about safety – I went to the Police Department and I asked about number of accidents, and I got the number of accidents that are inside the gate, like if you can see there is an intersection of 57<sup>th</sup> and 128<sup>th</sup> and that's where the kids have to pass to go into the Campamento gate. There are two accidents there in ten years, two accidents in ten years and they were fender benders. There were a few incidents at the guard gate, but I don't think that has to do with this. I then found out about the accidents that were at Old Cutler...

Mayor Slesnick: Ms. Froelich time.

Ms. Froelich: I'm sorry – Old Cutler and 128<sup>th</sup>, in the past five years, not ten years, but five years there've been 29 accidents there. So, I know that he values his children, I value mine too, and I know that they have safety concerns, but there aren't accidents there; the accidents are outside the gate where we are now forced to send our children. So, I thank you.

Mayor Slesnick: Thank you. Christiane Jung, 5841 S.W. 132 Terrace.

Ms. Jung: Good morning. Thank you for giving me the opportunity to speak. Dear Mayor Slesnick and the Board of Commissioners, my name is Christiane Jung, my husband, our children and I are residents of Pinecrest By the Sea/Gables by the Sea, I'm speaking in front of you today to voice my concern about the agreement the HOA made with Gulliver Academy to close the pedestrian access on Campamento to the school premises. I would like to make it very clear that contrary to what the HOA claims, I'm not opposing the closure of the gate to the teachers and delivery trucks, I'm only opposing restricting the access for our children. The agreement which was made is simply unacceptable as it jeopardizes the safety of the children who live within our community. The HOA claims they made this decision with the best interest of the residents, but I ask you whose interest are they supporting if they are endangering our children's lives. Not once in any of the letters of the HOA to the community was there a mention that our children would be affected by the closure of the gate, we were simply mislead. To give you a picture of the situation, the closure of the gate will force our children to leave the premises of the Gables by the Sea and as there is no sidewalk along the northbound lane of Old Cutler, the children will be forced to cross Old Cutler twice in order to get to school. Many of the children walk or bike to school and this situation is an accident waiting to happen. I would like to pose a question to the Board of the HOA; based on your decision, will the members who voted to close the gate also be responsible if one of our children is injured on their way to school. I would also like to point out that if our children are no longer allowed to access the gate, they will be the only children forced to leave the safe premises of this community in order to get to school. All other children are allowed to stay within these boundaries to safely board the bus. The HOA claims that the cars of the parents waiting outside of Campamento gate are causes of concern, however if you drive two streets down you will see that in front of my house as well as several other houses in the neighborhood you have a similar situation. Every morning and afternoon cars are parked on my lawn of parents who are waiting to drop off or pick up their children from the bus. I ask you where is the difference? I believe it is also worth mentioning that contrary to the disastrous picture the Board paints about the traffic mess at the gate, in the 20-plus years that this gate is within the community there have been no major incidents. We have made several attempts to speak to the Board of the HOA to discuss our concerns and to try to find an adequate solution for all, but not one member was willing to meet with us. As a matter of fact we were not only blown off, we were also being blamed for trying to undermine their efforts. To make matters worse, a notice was published to all the residents on November 5<sup>th</sup> claiming that residents which have children at Gulliver Academy would like to see the gate remain open. The statement is simply false. The fact is we are requesting only a pedestrian walkway for our children to ensure that they get safely to and from school. In closing, I would like to say that the Board of the HOA made a hasty unwise decision which will have a negative impact on the youngest children of this community. I urge Mayor Slesnick and the Board of Commissioners, please support our cause, please save the pedestrian access for our children. Thank you very much.

Mayor Slesnick: Thank you.

Commissioner Anderson: Thank you.

Mayor Slesnick: I take it you are talking about a Dade County School bus?

Ms. Jung: [Inaudible – off mike]

Mayor Slesnick: You just referred to the bus, I wasn't sure.

Ms. Jung: I'm talking about all the county busses come within. Parents you are welcome to come by....[inaudible]...

Mayor Slesnick: OK. OK. Jose Machado, 1060 Lugo. Jose Machado once, twice, I think he left. Kristine Fonseca, did I get it right?

Ms. Fonseca: Yes.

Mayor Slesnick: OK – great, I'm sorry, 1500 Campamento Avenue.

Ms. Fonseca: Morning. I'm Kristine Fonseca, and I live on 1500 Campamento, so I'm the house that facing the gate, and I've been there for almost 10 years now and there...

Mayor Slesnick: Wait, excuse me one second, the lights are – OK, go ahead, I'm sorry to interrupt you, but go ahead.

Ms. Fonseca: I agree with you, with what you said in the sense that if the HOA and Gulliver had reached this agreement to close the gate that it would be a Gulliver issue with the parents as far as using it. I do however, agree about the safety of the children, and I am not opposed that if it's used as a pedestrian walkway that it is just for that, a pedestrian walkway because as I leave my house in the mornings I come out there are cars, so if your child is riding a bike or walking to school there shouldn't be cars there. So, if these children that are older want to walk to school, I don't have a problem with that; what I have an issue is the amount of traffic. To me it's more of an issue of the delivery trucks, the fact that I can't get out of my driveway, because at 7 o'clock in the morning when I leave to take my kids to school I have a huge truck that is enabling me to cross the street, which will result have my kids late for school. So my issue is really with the delivery trucks and it's not only about the safety of how they turn the curve where we have a lot of children walking and riding their bikes since we have the park next door, it's also in entering our community. I have had three instances where I have gone entered Gables by the Sea and I have had a service truck who is suppose to give the residents the right-of-way to continue on to the stop sign. On three occasions I had been almost cut off by these cars and they are actually going to deliver the trucks. I have gotten their numbers to speak with their companies and it's been an issue not only for my safety and also my kids are in my car. So again, I am in agreement

that you consider the closure of the gate, but I am not opposed that if you live in Gables by the Sea and you have a child who wants to ride their bike or walk to school, it is a safe community.

Mayor Slesnick: OK, let me ask you about that, because that's very important. Your position is walking or riding a bike, but you would be opposed to continuing to allow parents queue up and drop their children in their cars, I mean, that's very important. I'd like to understand your position on that.

Ms. Fonseca: It is. I think that if you are going to get into your car to take your child to school especially if you are coming from Pinecrest By the Sea, if you are already in your car to drive your child to school, it's not a big deal to exit the community and go a block inside. If your concern is for your child to have access to that gate because they ride their bike to school or they walk, absolutely they should have an entrance to go and use it.

Mayor Slesnick: So you would still oppose the queuing of cars and dropping off...?

Ms. Fonseca: Yes I would. I think that at that point if you are going to get in your car to drop off your child to school you could exit the community and take them to school.

Mayor Slesnick: OK. Thank you. Is it Carlos Santero, 12500 – Carlos, how are you today?

Mr. Santero: Fine, how are you?

Mayor Slesnick: Carlos, we need to get you to write differently here, 12500...

Mr. Santero: I was a doctor in a past life – 12500 Ramiro Street.

Mayor Slesnick: Ramiro Street – thank you Carlos. How's your brother?

Mr. Santero: Doing good.

Mayor Slesnick: Good.

Mr. Santero: I just want to mention one thing; I'm Carlos Santero, President of the HOA and we did have countless meetings regarding this issue. We had many meetings that the community was involved, we had three Planning Board meetings, everybody heard concerns. There were countless petitions that went around against the development, the biggest thing that was being cited the whole time was the rear gate, the trucks and the rear gate, so it's important for us to negotiate this rear gate issue with Gulliver. Gulliver wanted to do some things that we thought was out of character with the neighborhood and so forth, the height of the facilities and so forth, but we basically came to grips with that if they agreed to close the rear gate. The problem with the rear gate, closing it completely and I understand a lot of the parents and where they are coming from as far as it would be nice to drop off your kids and bike to school or walk, but that's

not the case, they get dropped off; this could never be enforced. In other words we say, it's about pedestrians and bike traffic, it's not going to be enforced, they will be dropping them off a block away, they will say walk from here, which creates a more of a dangerous situation. What happens is that this is a public street, and what you have you have stacking there in the mornings and afternoons for the people that are dropping off and picking up, it's a public street and they stack on a public street, and as has been said there is no place to turn around except for people's driveways and pulling up on the sidewalk. The other thing is that is not just a drop off, people park and then walk their kids to the gate, and then they are parking again on the right-of-way on the swales and so on and so forth every morning. This has been a concern of everybody especially on this side of Gables by the Sea, and the majority of the people that are saying we are going to live with this new development, they said at least we get this gate closed at this time, we can live with it, and that's what they've understood what this agreement to be; they want this gate closed, they want to stop that traffic and these are the people that are most affected by this. So the people on Campamento, Bernal, on Cartagena, on Ramiro, all these streets, these are the people that are most affected by this, and it can't be enforced, it hasn't been. We are also aware of they are going to say this isn't the case, but I think Gulliver has acknowledged they are a lot of people dropping off there a lot more than the ones that supposedly have a sticker, and so forth, we didn't have to acknowledge by people we know, Oh, I drop off through your gate, you know, you can get away with it. So it hasn't been enforced, there is no way to enforce it, there is no way to enforce it to be pedestrian and bike traffic alone, it takes a lot more than that. We recommend the approval, we worked long and hard, and we recommend approval of the agreement as it stands. Thank you.

Commissioner Cabrera: Mr. Santero you know your neighborhood better than any of us, and you keep saying, you keep making this comment it can't be enforced, hasn't it ever been tried to any kind of process of enforcement?

Mr. Santero: I think Gulliver – there are a lot of issues and things that have been discussed with Gulliver in the past, they haven't been able to enforce; this year the gate is a big example, how this gate is going to be used in the past. Remember Gulliver was a much smaller school at one time in the past, it has grown over the years, it has a lot more. So it's a lot more traffic, a lot more everything, and so people say you knew they were across the street from the school when you bought, but it's changed; its changed because of all the additions in student enrollment, now the addition of all these buildings, the addition of new facilities, a natatorium with a roof and so forth, and a lot of residents have called me upset about this, and say, wait a minute, the agreement is going to be negotiated and we are going to open the gate again, I want the roof off the natatorium, we don't want a roof on the natatorium, you know. All I'm going to say is we tried to take into account what the majority is, you can't please everybody all the time, there are going to be some people that are not happy; we have taken into account what the majority of

people have requested. Believe me, it has not been an easy process, and to take this heat at the end of the day is really frustrating.

Commissioner Cabrera: Oh really. OK. Welcome to the club.

Mr. Santero: Yes, I'm sure. I don't envy your...what you go through.

Commissioner Cabrera: Yes, it's a lot of fun. I take my kids to school, they attend a private school, not Gulliver, so I don't have to recuse myself; but you know what happens in taking my children to school every morning and some days picking them up, that the school that they go to really does a phenomenal job of maintaining the quality of the neighborhood they are in, it happens to be a Gables private school, and it happens to have a very contentious and a very vocal neighborhood association, that for all intents and purposes the minority of the leadership hates this school. So they go out of their way to make the school's life miserable, but notwithstanding that, they understand that they have to abide by this neighborhood association, and they go out of their way to ensure that the drop off and the pick-up is done in a very smooth manner, and they happen to do a very good job at that. So my point to you on this matter is, I hear what you're saying and I know you've worked, you've spent a lot of time on this process and I know it's the eleventh hour, it's the thirteenth hour; my biggest concern are those kids that Mrs. Kirsner took the time to show us a map of the travel distance, it now extends your travel distance 1.76 miles, whereas before the kids could literally walk into the campus from the neighborhood. By the way, if I'm saying something wrong you are allowed to correct me.

Mr. Santero: No, I haven't analyzed the distance or anything...

Commissioner Cabrera: OK, well she did, she did, but I guess what I'm trying to get at, what I'm trying to get at is, and I am certainly not trying to be condescending to the school because the person that runs the school and I went to high school together, we actually played football, he wasn't much of a football player, but we played football together. The bottom line though here is, that this enforcement issue it can work if in fact the school and the neighborhood can come to a....look at the end of the day I'm going to do whatever is in my opinion in the best interest of all, the person before you who presented, I happen to share her views on the issue. I would be willing to leave it as a pedestrian-bicycle gate, and do very strict enforcement to ensure the quality of life for those people on Campamento is not compromised, because the same lady, Mrs. Kirsner, she gave us a picture of a typical drop-off/pick-up day, I don't want that in my neighborhood, I mean, I counted like 6 or 7 vehicles maybe 8 or 9, I don't want it there; I would be less than authentic if I told you that I would be able to live with that. So I'm just trying to find some sort of compromise, and I realize that...

Mr. Santero: I think your compromise again, if there were a possible way to do that, but I don't think there is. I believe that in time it may start that way, it won't, it won't be enforced, we

would be calling Gulliver, we'd be calling Code Enforcement, it won't happen, people will drop their kids a block away; and let me remind you also about safety. You are talking about safety, I'd be more concerned about that, you know, I'm a real estate developer and the last thing you want is anybody crossing an area where trucks like a loading dock where trucks are going by and these kids are going to be going into that rear gate, that's where trucks are dropping off, and trucks are delivering, and so forth. I think that's more dangerous than to cross in front of on Old Cutler Road where Gulliver has two Policemen now and is now adding a third Policeman on 128<sup>th</sup> Street. So they are going to have three Policemen, you'll be able to cross if you need to cross, and remember you'll need to cross if you are coming from the other direction, if you miss that I don't think you'll need to cross, but regardless there are going to be three Policemen there, and Gulliver obviously controls the pick-up and drop-off on at the front of Old Cutler, but this rear entrance is what can't be controlled, they don't have somebody there?- is Gulliver going to put a Police there, if they put a Policeman there to give a ticket to anybody that would drop off their kids anywhere nearby or something, but that's not going to happen, that's not going to be enforced. So that's....I

Mayor Slesnick: Can I ask a question?

Commissioner Cabrera: Absolutely.

Mayor Slesnick: Mr. Santero you've raised a good point, and I'd like this to be addressed if I could by the applicant before we close. You know we've had this conversation about people wondering across Old Cutler Road and I guess the mental image I get is young children wondering out in traffic on Old Cutler. Could you please address where they cross and what are the provisions for protecting the children as they cross? Mr. Santero just said you are going to have three policemen, I mean, this needs to be amplified...not right now, are you ready?

Commissioner Withers: Can I ask a quick question? If the scale is right it's about 200 feet from where the gate was proposed to the front of the school, is that about right?- where the gate is now?

Mr. Riel: Yes.

Commissioner Withers: OK. What's going to keep parents from queuing up on Red Road where, if you come through the school Red Road stops there is a landscape barrier then it continues, I don't know if it's called Red Road inside of Gables by the Sea...

Mr. Santero: It is, it's Red Road.

Commissioner Withers: OK. What's going to keep parents from queuing up there and just having their kids walk out of the front of the school, cross over that landscape barrier...

Mr. Santero: No, there's no way; there is an iron gate there, you can't do that.

Commissioner Withers: All the way to the Old Cutler...

Mr. Santero: Yes. All the way to the rear property of the house that faces Old Cutler Road; no there is no access there.

Commissioner Withers: So you can't get through that area there?

Mr. Santero: No. That was closed off when they did the Special Taxing District, that was all closed off, so you cannot access through there pedestrian or cars. Do you have any other questions?

Commissioner Cabrera: Thank you.

Mayor Slesnick: Thank you. Ray Feito, 12411 Bernal.

Mrs. Feito: He had to leave, I'm his wife.

Commissioner Cabrera: You can probably speak better than he.

Mayor Slesnick: Yes Marisa, come on Marisa. OK, Marisa Feito.

Mrs. Feito: I'm Marisa Feito, 12411 Bernal Street directly behind Gulliver, good morning. Thank you for allowing us to speak. I am going to be very brief. We are here in support of the agreement that the Association negotiated with the Gulliver schools, and I am here to ask you to please move forward with it; it took us a long time to reach that agreement. It was very contentious, we had people in the neighborhood that didn't want any expansion whatsoever, so I think it's an agreement that works very well for the neighbors, the Association and Gulliver schools. I mean, I do feel for the parents, I'm a mother, my child is at Gulliver, I understand the issues involved, but I think there is a true safety issue there, and you know, sometime someone said nothing has happened for the past 20 years; you know you don't have cancer for seventeen years and one day you have it; you don't have an accident for 40-50 years, and one day you have an accident. I go through there every single day and I know there is a safety situation; every time you have a child walking on the street where cars are going by without a sidewalk, how could that be safe? There is no way, it is an accident waiting to happen; I don't want to have it on my conscience and I hope we make the right decision. Thank you.

Mayor Slesnick: Thank you. Thank you very much. Claudia Azevedo, 5741 S.W. 132 Terrace.

Ms. Azevedo: Hi my name is Claudia Azevedo, I live in Pinecrest side of Gables by the Sea, I do have a kid that goes to Gulliver; I bought my house because of this facility and I actually don't drop off my kid, he walks; he's six years old but walks with the Nanny, and he comes home with