

City of Coral Gables City Commission Meeting
Agenda Item I-2
March 14, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Craig E. Leen
Special Counsel, Vivian de las Cuevas-Rivas
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Laura Russo
Albert Dotson
Tim Plummer
John Kim
Ino Halegua

Agenda Item I-2 [0:00:00 a.m.]

Settlement hearing regarding resolution of Starbucks matter relating to drive through at 475 South Dixie Highway, Coral Gables, FL.

City Attorney Leen: (INAUDIBLE) regarding the Inscore, LLC Starbucks v. The City of Coral Gables, relating to what was initiated as Resolution 2016-168.1. As you all may remember, almost a year ago now, the City of Coral Gables was raising the issue of stacking on US-1. The matter came to the City Commission and you adopted Resolution 2016-168.1. You directed that Starbucks cease stacking in the public right-of-way at the store located at 475 South Dixie Highway and directed staff to order that the drive-through window be shut down if stacking occurs. So, what's happened since that day is a number of things, which you're going to learn a little bit about today. I know the Commission is well aware of this matter, so I'm not going to do a full introduction. City staff did act pursuant to the resolution and we've been engaged in a number of discussions with Starbucks, settlement conferences, also probably three lawsuits in a sense. There was a lawsuit that was filed in response to this resolution when the City indicated that it was going to go and shut down the drive-through window. There was an injunction action filed by Starbucks.

City Manager Swanson-Rivenbark: I'm sorry. Who did the lawsuits?

City Attorney Leen: Starbucks.

City Manager Swanson-Rivenbark: Oh.

City Attorney Leen: There was an injunction lawsuit filed by Starbucks. At the moment we were about to go into the hearing, Coral Gables and Starbucks reached a resolution of that lawsuit in what was called the Tolling agreement. And I mentioned the Tolling agreement to the Commission before. That basically preserved each side's rights, led to dismissal of that particular case, and we agreed to engage in settlement discussions to try to resolve the matter. We had already tried to resolve the matter -- I want to be clear --, but we agreed to engage in additional discussions to try to resolve the matter. At that point, a few weeks later, Starbucks filed a -- what's called a petition for writ of certiorari related to a City Attorney opinion I issued that they could not appeal a citation that had been provided. I'm not going to get into the merits

of that, except to say, you know, I stand by my opinion. It's currently in the circuit court appellate division. We have -- you know, the basis for my opinion was I felt that the -- you know, I determined that the appeal was untimely and that Starbucks had paid a portion of the fine. Starbucks is disputing whether that was a waiver of their right to appeal. That's something that would be settled today. It's still pending as part of this resolution. The third matter is a subsequent lawsuit that was filed by Starbucks against the City. It's basically a renewal -- and they can correct me if they have a different view of it. But, in my view, it was basically a renewal of their prior lawsuit. There's been a dispute between the City and Starbucks whether that should have been filed again or whether that violated the Tolling agreement. Anyhow, that case has not really proceeded, and I don't believe Starbucks has even served with the City with that particular matter. So --, but that case is pending, just so you're aware. That's another matter that would be settled today. What's before you today is that, as part of the settlement discussions that occurred, the City was presented with -- the City asked Starbucks to try to resolve the stacking issue that was occurring in the parking lot at 475 South Dixie Highway. And what I mean by that was -- and you all are aware of this, but what I mean is that when the Commission originally acted, there was stacking occurring on US-1 leading up to the entrance to 475 South Dixie Highway, the Starbucks on US-1. And there was also some issues that the Commission had and that the City had identified regarding ingress and egress related to that particular parking lot. So, the reason we're here is that the City asked Starbucks to try to resolve that matter and Starbucks did propose to us ten different types of sketches that could be done to potentially resolve the issue. The City of Coral Gables -- there were two sketches in particular, number 9 and 10 -- and I'm not going to get into it at length right now --, but there were two sketches that the City liked. We had a meeting with Starbucks and also our traffic consultants. And Starbucks' position was that those would not be feasible. And so, Starbucks proposed sketch number 7, and that's what's before you today. Sketch number 7 -- and I'll let them present what they're really -- their proposal. Sketch number 7 is moving the menu board and making some -- it might be minor modifications to the parking lot, but the main part of it is moving the menu board farther back, so that there's more cars in between the drive-through window and the menu board, which gives them more time to prepare the order. They've also made a number of

changes to their business plan, they've indicated to me, which they're going to talk about. And they believe -- and they've also -- as you've probably all seen -- they've had a police officer out there during certain times to try to address the stacking issue. One other thing that's before you is that we have two traffic -- we have a traffic study and a report from our traffic consultant in response to the study. Again, I'm going to let Starbucks and Mr. Iglesias -- on behalf of City staff -- present those to you today. But, what the goal of those studies was is to have a traffic engineer look at -- traffic consultant/traffic engineer look at what was happening at the Starbucks drive-through and determine, with and without a police officer, whether Starbucks proposed solution would address the stacking in a manner that would satisfy the City Commission. One other thing I should say is I have given a legal opinion in this matter that the Zoning Code requires the design of the drive-through to address the stacking problem, and I'm basing that on the wording of the Zoning Code. The reason this is before the Commission is -- and there's two parts to this that I'm going to say. The reason this is before the City Commission is because originally when we agreed to do this process, we were not aware if Starbucks solution would be able to cure the stacking without a traffic facilitator or a police officer. Since that did not strictly comply with the Zoning Code, in my view, it needed to be brought to the City Commission for a waiver of sorts or a settlement whereby you would agree to allow this to go forward if, in your discretion, whether that was warranted, whether you would agree to allow this to go forward. I believe Starbucks' position today is that they believe that it does address the stacking, even without a police officer. So, I think that that's what they're going to be presenting to you. So, I believe that their argument's going to be it complies with the Zoning Code even as I've interpreted it. And my understanding is that the City staff does not agree with that. So, there's going to be a discussion about that today in front of the City Commission. Finally, the last thing I need to tell you is that as part of the settlement, if the City decides to settle the matter, there is a letter that has been sent by the City acting in its proprietary capacity, terminating the lease, or at least recognizing the lease has expired. And just in a nutshell, there was a lease that the City has with Inscore, LLC, who's here today, and they're going to speak first briefly, and then they're going to turn it over to Starbucks. The City has a lease -- the City's the owner of the parking lot. The City's leased it to Inscore, LLC, and the sub-tenant of Inscore is Starbucks. And under that

lease, there was automatic five-year renewal provisions. But, the caveat is that if the lease was in default when the renewal came up, it didn't renew. And so, the City's position has been that the lease was in default, because of a regulatory matter, i.e., because of the stacking and the Code Enforcement citation, and the City's position that the stacking had not been cured. So, in the City's view -- and this letter indicates that -- the lease did not renew. Now, the City has not taken any action to evict Starbucks, and that's why we're here before you today to get the Commission's direction as to how we should proceed. But, if the City is to settle the matter with Starbucks, this letter will have to be addressed and we will have to have instructions as to what to do regarding the lease. Because in the City's view, it's expired, there would have to be some settlement or a new lease, or at least an acknowledgement that the lease -- that the City's allowing the lease to be extended. Starbucks is asking for a ten-year renewal of the lease. The lease indicates that it could be renewed in five-year terms. So, that would be something that the - - the Commission's not obligated to renew it for ten years, even if there wasn't a default, but that's something that is within your discretion and that's something you're going to be addressing today. Finally, I want to make one more point. The City has regulatory authority and the City has proprietary authority. This action was initiated, in my opinion, because of the City's regulatory authority. There was a concern about stacking on US-1, regardless of whether we were the proprietor or not. And what I mean by that is regardless of whether we own the lot or not. And the City was concerned about stacking. That is what's been driving this issue. That is the primary issue for you to resolve. Has the stacking been resolved? If it's been resolved and you're satisfied with it, the proprietary aspect can be dealt with. We can extend the lease. If you don't believe that the stacking has been adequately dealt with, then we'll have to determine what we should do in our proprietary capacity, because that'll be a problem because that will be a breach of the lease, in my opinion. And I believe Starbucks disagrees with that. That's my opinion as City Attorney. So, that's an issue before you today, but I would -- what my view is, is that you should be focusing more on the regulatory component in this settlement discussion, and then once that's resolved, we can determine what to do in our proprietary capacity.

Vice Mayor Quesada: Mr. City Attorney.

City Attorney Leen: Yes.

Vice Mayor Quesada: Quick question for you. I'm sorry, were you done? I just want to make sure you were done.

City Attorney Leen: Yes.

Vice Mayor Quesada: Okay. So, my understanding is that Starbucks and staff don't agree. I don't know if -- do you want to summarize it for me or for us -- or the City Manager does? Sort of where are the sticking points of where we're at here.

Mayor Cason: Peter Iglesias.

Vice Mayor Quesada: Well...

City Attorney Leen: My thought was -- the reason why I wanted Starbucks to present...

Vice Mayor Quesada: Because my...

City Attorney Leen: Is I wanted the City Manager to have the benefit of hearing their presentation and deciding how to respond. What the issue has been in our discussions is we believe that the -- and Peter's going to talk about this a little bit later -- we don't believe that there -- by we, I mean City staff, because I'm acting the City Attorney here in a neutral fashion to try to resolve this matter, but I'm just recounting what's occurred, and I've been involved with this as well. The City believes that the traffic consultant's report has some deficiencies. So, the City has presented its own letter from its traffic consultant who's here to talk today. Both traffic consultants are here to speak, I believe. The City's position -- City staff -- is that there's some -- that this does not -- sketch number 7 does not adequately correct the stacking.

Vice Mayor Quesada: Okay, so are you telling me -- just a quick summary. Because I met with the individuals from Starbucks. I believe they met with...

Mayor Cason: All of us.

Vice Mayor Quesada: Everyone, okay. And out of that conversation, having you, actually, present at that meeting as well, speaking with staff, I thought -- I honestly thought today was going to be a meeting that we were done. But, then I realized just before we started the meeting that that's not the case.

City Attorney Leen: No.

Vice Mayor Quesada: So, it was a little bit of a surprise to me. So, but what you're telling me is a little ambiguous as to what the issues are. So, is the sticking point sketch number 7 or is it something more than that?

City Attorney Leen: When it was presented to you originally -- when we...

Vice Mayor Quesada: I don't care about originally.

City Attorney Leen: No, no.

Vice Mayor Quesada: I don't want to know about originally. Right now, as we sit here today, what's the issue?

City Attorney Leen: Well, there's two parts to it.

Vice Mayor Quesada: Okay.

City Attorney Leen: When we agreed to have this process come before the Commission, the idea was that there would need to be a police officer or a facilitator there in order to make this work. And in my view, legally, that required Commission approval. The way it's developed is there's a second component now. Starbucks is taking the position that they -- that their traffic consultant indicates that this cures the stacking issues. So -- and City staff doesn't agree.

Vice Mayor Quesada: Okay.

City Attorney Leen: So...

Vice Mayor Quesada: So, is that it? Is that the only issue?

City Attorney Leen: So, there's two parts. There's -- first, does this resolve the stacking issue. And then, second, whether or not it does, do you want to allow Starbucks to be able to continue here with the traffic facilitator, if necessary, or a police officer.

Vice Mayor Quesada: Is that comprehensive and correct, City Manager? I'm sorry. I just want to frame the issue properly.

City Manager Swanson-Rivenbark: I understand.

Vice Mayor Quesada: So, yeah.

City Manager Swanson-Rivenbark: I'm having Peter Iglesias manage...

Mayor Cason: Yeah.

City Manager Swanson-Rivenbark: This issue because it's that...

Vice Mayor Quesada: Okay.

City Manager Swanson-Rivenbark: From a public safety standpoint, we felt that it was that important.

Vice Mayor Quesada: Okay, that's fine.

City Manager Swanson-Rivenbark: So, you can...

Mayor Cason: Alright.

City Manager Swanson-Rivenbark: Call him up to answer.

Vice Mayor Quesada: Yeah, please. I just -- a simple summary of what the sticking points are.

Mayor Cason: Should we have them go up first?

City Attorney Leen: Well...

Vice Mayor Quesada: Oh, no...

City Attorney Leen: Just to frame the issues. Peter, just to -- I mean, I don't -- Peter, of course, is welcome to speak, but it was just to frame the issues. I want him to be able to present his position. So, let's be clear...

Vice Mayor Quesada: Is that an adequate framing of the issue?

Mayor Cason: Yeah.

City Attorney Leen: The issues are: 1) whether this resolves the stacking; and 2) whether or not this resolves the stacking, is the City going to settle the matter. If it does resolve the stacking, there's really nothing further to settle.

Vice Mayor Quesada: So, it's design 7 or sketch 7 and the police officer.

City Attorney Leen: Yes.

Mayor Cason: Yeah.

City Attorney Leen: But, if it doesn't resolve the stacking and relies on a human solution, as opposed to a physical solution...

Vice Mayor Quesada: Okay.

City Attorney Leen: That will require the Commission's approval.

Vice Mayor Quesada: Got it.

Mayor Cason: Alright, let's ask...

City Manager Swanson-Rivenbark: Commissioner...

Mayor Cason: I would ask the...

Vice Mayor Quesada: I'm clear now.

City Manager Swanson-Rivenbark: Vice Mayor, it is clear that when they gave us the ten sketches and they asked us which ones did we think we can work with, we said 9 and 10.

Vice Mayor Quesada: I remember the conversation.

Mayor Cason: Alright, let's start this way. Let's -- Laura Russo, are you going to be speaking for the company that we have a contract with? And then I'll ask Starbucks, and then I'll ask Peter to respond.

Laura Russo: Good morning, Mr. Mayor, members of the Commission. For the record, Laura Russo, with offices at 2655 Le Jeune Road. I am here this morning representing Inscore, LLC, whose principal, Dr. Ino Halegua, who is here. We are here this morning as the tenants of the City's parking lot. Inscore is the tenant of the City's parking lot. Mr. -- Dr. Halegua purchased it in 2007, with the understanding that Starbucks -- he owns the property immediately northeast on US-1, which is where the physical building of Starbucks sits, and he leases the parking lot, which is where the -- a portion of the drive-through and the parking lot is on from the City of Coral Gables. We've attended the majority of the meetings with the City and with the -- and with Starbucks and different officials. And we are here to let you know that we are in support of a resolution of the matter. We would like to see our lease be -- the exercise of our extension of the lease honored, as it did take place before my client was made aware that Starbucks was in default. So, I think there are some issues there with notice. But regardless, having been part of the process, we are in favor of this being resolved to everyone's satisfaction.

Mayor Cason: Okay.

Ms. Russo: Thank you.

Mayor Cason: Thank you. Starbucks.

Albert Dotson: Mr. Mayor, first, for the record, and Commissioners, Al Dotson, with Bilzin Sumberg, 1450 Brickell Avenue. Before we share our thoughts about this particular settlement -- and we think there's an opportunity here to settle -- we've been somewhat shadowboxing. We, as you know, have met with each of you to share our thoughts about sketch 7, why it might work. We've actually responded to your questions. But, we also attempted to get a response back from the City, which you are aware we just received recently. And, we actually asked for a meeting with City staff to hear from them what concerns they actually had with sketch 7 and how we're proposing. That meeting also did not take place. I think for this to be a fruitful discussion to head toward a settlement, it'll be helpful for us to actually hear from staff if they really do have issues beyond what's in the printed document that Mr. Plummer's firm prepared, that way we can respond to them as part of our presentation. We're prepared to do that.

Mayor Cason: Okay. You want to hear -- you're going to make a presentation, or do you want to hear from Mr. Iglesias now?

Mr. Dotson: Our presentation is going to be significantly shorter if we're not trying to...

Mayor Cason: Alright, Peter.

Mr. Dotson: Fight issues that we don't know exist.

Mayor Cason: And Mr. Plummer.

Vice Mayor Quesada: I'm going to ask you guys -- let them speak, but I'm going to ask you guys about sketches 9 and 10, so...

Mr. Dotson: Fair enough.

Vice Mayor Quesada: Be ready for that.

Assistant City Manager Iglesias: And I have here, Tim Plummer, our traffic consultant, to assist us in -- today. Looking at sketch number 7, we see that there's still -- we are -- you're queuing inside the parking lot, so it's very difficult to use that parking lot and exit the parking lot. We have another issue that the car leaving the drive, as it's coming out of the drive-through, is skewed from US-1. It means that that car, sort of coming perpendicular to US-1, is facing south. And -- which means that you can't see -- you have great -- a great deal of difficulty looking at -- to your left and also having pedestrians, if somebody's riding a bicycle along the sidewalk. So, we also have an entry right through the driving lane, right through the exiting of the driving lane. And we also -- this also looks at a traffic facilitator. Traffic facilitator, the problem with that is that as soon as you have inclement weather and you want to use the drive-through the most, can you keep that traffic facilitator out there when it's lightning or when there's a storm? So, all these issues are really in Mr. Plummer's letter, which we concur with, his assessment of this, and I have him here to also answer anything...

Vice Mayor Quesada: So, my biggest problem with the traffic facilitator is we have to police that. That's something that -- that puts an additional onus on us and them to make sure that that person's out there. And as you mentioned, if it's raining, if it's late or whatever the occasion may be, it just makes it difficult. I mean, I don't think we have any other location in the City -- please correct me if I'm wrong -- that we have a traffic facilitator. I remember in my conversations with Starbucks, I brought this up, and I think they were willing to keep it -- and I don't want them to keep it up and I don't want us to have to worry about it. Because I almost see it like a, you know, in a legal proceeding, a judge having to continue overseeing after the case has been resolved, overseeing what's going on. That's something you always try to discourage. So, I have a problem with that. So, your opinion is -- well, I guess both of your opinions -- or staff's opinion and the outside consultant's opinion is that in order for sketch 7 to work is with the traffic facilitator. Does that summarize it correctly?

Assistant City Manager Iglesias: Well...

Vice Mayor Quesada: Or sketch 7 doesn't work at all, even with the traffic facilitator?

Assistant City Manager Iglesias: Vice Mayor, the traffic facilitator also has to be a police officer if they are going to conduct any traffic issues on US-1. You can't...

Vice Mayor Quesada: No, I got you, but answer the simple question. The simple question is, does traffic -- does sketch 7 -- are you okay with sketch 7 if there's a facilitator; or even if there's a facilitator, sketch 7 does not work?

Assistant City Manager Iglesias: I see sketch -- well, I'll let Mr...

Tim Plummer: I'll jump in. Obviously, there's a lot of issues going on with this site.

Vice Mayor Quesada: Can that simple question be answered or no?

Mr. Plummer: It can be. I don't think they've addressed all the safety issues. I still believe that we will have stacking issues on US-1 potentially, with or without a facilitator.

Vice Mayor Quesada: Got it, okay.

Mr. Plummer: And one of the big issues is, in my opinion -- and I went out there and observed for four days; two days with the police officer, two days without the police officer. There are some things that are going on the site that really weren't discussed in their traffic consultant's letter. One is I think people -- a lot of people, they have the regular Starbucks, so I think people understand there's issues with that drive-through, issues with parking and unparking. And what people are doing in the morning is they're stopping and parking in the Taco Rico property, on private property and going in the east door because they don't want to get into that queue in the drive-through and they don't want to try and park. And it's much easier to be on private

property adjacent to them and walk in the side door and go in and out. I observed that quite a bit. That's not addressed in their analysis. So, if the private property owner decides, hey, I'm going to put a security guard out there and you're not going to be able to park there anymore, the issue becomes even greater again. Now, I have said in my letter, as well, compared to 2015, it has improved. It's definitely gotten better with the person taking the order prior to the drive-through window, with the traffic facilitator. It's getting better. There's less issues, but there's still issues out there. One of the big ones that Peter mentioned -- and we said this in a meeting to them two months ago -- was as you exit the site and you leave the drive-through, that vehicle needs to be at 90 degrees, so the driver can see oncoming southbound US-1 traffic, and they did not address that at all.

Mayor Cason: Let me ask you, if you look on sketch 7, it shows the car coming out at a 90-degree angle. Is that -- can something be done physically to make them come out at a 90-degree angle? Or I don't understand because the drawing...

Mr. Plummer: Yeah, they need...

Mayor Cason: Doesn't show that.

Mr. Plummer: More depth. And what it says in my letter -- FDOT has a minimum standard, minimum guideline of having 30 feet from the edge of the travel way on US-1 all the way back onto the site, so that you can get one car basically 90 degrees, so they can see oncoming traffic. As Peter mentioned, when it comes out at an angle, especially during the off-peak times and the speeds are pretty high on US-1, it's very, very difficult to see oncoming traffic and a person on a bike, someone walking, because you're at that skewed angle. We had said before, for operations and safety issues, we want to see that at 90 degrees.

Mayor Cason: Alright. I'd like them, when they...

Mr. Plummer: And that hasn't been addressed.

Mayor Cason: Speak, to address if there's a physical way to -- I understand what you're saying.

Mr. Plummer: Right.

Mayor Cason: I mean, I have a car with a big -- whatever you call those things. I can't see -- I can't turn my head that much any rate, so...

Commissioner Keon: (INAUDIBLE).

Mayor Cason: Yeah. So, it is -- that is a concern, but I'm wondering if it can be physically addressed in some way when they speak.

Assistant City Manager Iglesias: It's a very sharp turn coming off of that drive, so you can't make that turn if you look at it on the bottom there.

Mr. Plummer: And again, if everyone had to go on the Starbucks property to park or go through the drive-through, I think the issues would -- are a bit understated because of that because right now that's not exactly what's occurring.

Mayor Cason: But, that could be cured if they made an arrangement with the next-door...

Mr. Plummer: Absolutely.

Mayor Cason: To...

Mr. Plummer: Yes, if they had a cross park...

Mayor Cason: (INAUDIBLE) or whatever. That would go away then.

Mr. Plummer: Correct. And the Taco Rico's not open in the morning, so it's very convenient for people to just jump in and jump out, get their order and go get back going on southbound US-1.

Mayor Cason: Okay.

Mr. Plummer: But, I'm not aware of any cross-parking agreement that they have.

Mayor Cason: Alright. Well, they can address that.

Mr. Plummer: Sure.

Mayor Cason: Alright.

Vice Mayor Quesada: You know, it's -- this is just a comment. I've been going -- since this issue has come up, I've made it a point to go to that Starbucks often just to see what it's like. And like you mentioned, I have noticed a difference when they moved the individual further away. I actually didn't realize they were doing that until I met with them, so I made it a point to go and experience it for myself. And you just -- it'll stack, but it moves. It moves considerably quicker.

Mr. Plummer: It does.

Vice Mayor Quesada: And I had expressed to Starbucks when I sat down with them that -- the same thing I'm telling you. I'm against having a traffic facilitator, and I thought that sketch 7 would work based on, you know, moving the board and having the more ideal setup for, you

know, the movement of the vehicles where you order further away from the actual window to move the stacking and I've experienced that.

Commissioner Lago: Let me -- if I -- Mayor, if I may...

Mayor Cason: Go ahead.

Commissioner Lago: Just one quick question, just to add a little bit of color to the Vice Mayor's statement. I've also been visiting Starbucks more frequently to kind of see what's going on at different hours of the day. I have seen the lines move a lot quicker with the protocols that they're taking and the actions that they're taking in reference to having someone taking the orders. And again, it's working, to a certain extent. I'm not there all day, so I don't see the peak times -- certain peak times, and see in reference to the significant stacking, but I don't see those lines anymore down US-1, which were as significant as before. Just two quick questions and I'm not a traffic expert, so -- why not maybe correct and straighten out the exit from the drive-through. I know that they have their entrance, their door -- one of their entrances there. Maybe that can be moved over. A door can be relocated to a certain extent. That way, they'd have more, like you mentioned before, a 90-degree angle to exiting the facility. And also, taking into consideration if sketch 7 is approved, how many more cars will be allowed to stack inside the property versus what's currently moving forward.

Mr. Plummer: One more.

Commissioner Lago: One more, okay.

Mayor Cason: Let me ask a question. The traffic survey was done on the days that were the busiest, right? In the mornings. And there were just two occasions where they were stacking? Is that correct? Or there was a car that was trying to get in...

Mr. Plummer: There was a couple. And Mr. Mayor, the way the study goes, they go out every five minutes to observe. Well, I was sitting there the whole time. And so, between five-minute periods, there would be something that would be a disturbance for 30 seconds that wouldn't necessarily get recorded in the data, because they're only required to...

Mayor Cason: Right.

Mr. Plummer: Go out every five minutes, so, at 8:05, 8:10, 8:15. So, 8:11, 8:12, sometimes the police officer would get out there. At one point, they had police officers standing out there for about 45 minutes because parking and unparking maneuvers were difficult. There was a little bit of stacking a couple times. He waved some potential customers on and told them to keep moving, because they were having to stack on US-1. So...

Mayor Cason: So, my question was, when we saw the stacking, if there had not been a policeman there, would they have gotten in and out of the main highway...

Mr. Plummer: Well, during those...

Mayor Cason: Probably quickly, or was the policeman necessary to get them to, you know, quickly come in and the other ones move on.

Mr. Plummer: During those instances, I would guess that the driver would stack on US-1 and wait until they could get onto the site, but the officer did not allow them to do that, so he moved them on. So, the traffic facilitator did help in that instance.

Commissioner Lago: And another issue -- just, again, we talk a lot about density. We talk a lot about people moving to South Florida and the fact that there's a huge lack of infrastructure and probably nothing will be done for the next five to ten years as they continue to discuss the SMART plan, but hopefully, one day will. As more and more businesses are attracted to US-1,

especially inside the City of Coral Gables -- for example, a property was recently purchased, the old Wendy's site, and they're going to put a 3 Chefs. And if you've been to the 3 Chefs on 80th - 87th...

Mr. Plummer: Bird Road.

Commissioner Lago: And Bird Road...

Mr. Plummer: And 82nd.

Commissioner Lago: It is mayhem.

Mr. Plummer: It is.

Commissioner Lago: Again, they have a huge following. They have a significant following, and they're right on a main thoroughfare and they have insufficient parking, and the drive-through is, you know, again, insufficient. But you know, we can have a -- this is a lesson for future projects on US-1. For example, I've heard people saying, oh, the Wendy's site is going to be a big development. No, it's not. They have a lease already signed with 3 Chefs, so they're going to put a 3 Chefs there, and there's going to be potentially a bank also in a small location on that site, so you're not going to see a development on the corner. What you're going to see is a 3 Chefs, which is going to draw a lot of traffic probably to that area as people come eat and frequent that area. So, we need to make sure that we use this as a test example to the future of projects that are coming up and down US-1; for example, this 3 Chefs. But also, what I see and I've become more and more exposed to is that these designs that occur and were accepted 10 or 15 years ago are outdated, because our city has grown. And when I mean our city, not the City of Coral Gables. I'm talking about Dade County as a whole. And you have over 700,000 people --, which I've heard it's five or six or seven hundred...

Mayor Cason: Seven hundred and four thousand.

Commissioner Lago: Seven hundred and four thousand people that drive through the City of Coral Gables every day.

Mayor Cason: On 19 of the 189 entrances. Many more, a million come through.

Commissioner Lago: And by the way, there's only been one project completed and -- you know, in Coral Gables in the last four years where people have moved into. So, it's not the fact that there's overdevelopment. It's the fact that, again, we have a lot of people traversing through our city. And I think we need to take this as a test example for the future when we -- for example, when 3 Chefs comes for approvals because, yeah, it's in the City of Coral Gables. We need to maybe use this issue and Starbucks as an example of, again, precautionary measures that we can take to maybe allow an additional two or three cars of stacking, so it doesn't stack up on US-1 for maybe the next four or five years we buy ourselves some time. But eventually, US-1 is gridlock and there's nothing else we can do about it unless there's a significant plan, so -- I like -- listen, I like certain measures that have been taken here. You know, I see a lot of progress in the project. I was an advocate of having this discussion. I think that Starbucks has moved forward and is going to implement a strategy, which will hopefully cure this issue 99 percent, 95 percent of the instances -- I can't give you an exact amount --, but I would hate to see Starbucks leave the City of Coral Gables in that location. And I will talk about Dr. Halegua later, but I think that we need to be a little bit -- you know, we need to be careful and always be cognizant that we want to avoid an issue. But, I think that -- I want to see where maybe potentially sketch 7 goes and what my colleagues have to say about it.

Mayor Cason: I'd like to say that...

Commissioner Lago: I'm flexible.

Mayor Cason: Yeah. I'd like to say that when we originally discussed this, we -- my impression -- and I don't drive down there that much because I don't drink coffee that much outside of City Hall.

Commissioner Lago: Plus, you make it at home probably. Save a few dollars.

Mayor Cason: Yeah, I make it at home. But any rate, I thought there was going to be lots and lots of cars that somebody was going to show backed on -- and there was only two in this rush hour. So, it wasn't as bad as I thought, and presumably, that's because of the moving of the board. My main concern now is the angle of coming out, because I do understand that if you're trying to go like this, you're basically crossing yourself and saying I hope there's no car coming and we don't want -- this is really about safety. So, for me, if you can fix that, so you come out at a 90-degree angle and if -- we can decide whether we want to take up the offer to have a policeman for an X amount of time to see if that really solves the problem, and if it does, then we could drop it later on. I mean, I didn't like the policeman as part of the solution before. We wanted a physical solution, but...

Commissioner Lago: Remedy.

Mayor Cason: But, maybe it wouldn't be a bad idea as part of -- if we decide that, try it for several months and see what happens. And if it's not necessary, then drop it and monitor it.

Assistant City Manager Iglesias: Mayor, a second exit there is something I'd like Mr. Plummer to address. This is a FDOT road, Florida Department of Transportation road, and they don't agree -- they don't like exit -- and exits that are reversed. And I'll let the traffic engineer...

Mayor Cason: Is the question they don't like or can we say tough luck?

Commissioner Slesnick: I want to address that, too, with Tim.

Mayor Cason: Go ahead.

Commissioner Slesnick: Tim, looking at the drawings and so forth, could the exit and entrance be moved further to the east along there, closer to the building next door, so that when you come out, you could stack one more car -- I mean, not stack, but you could put another car in there? We were just looking at the -- I mean, close off the current entrance and move it further to the right.

Vice Mayor Quesada: Yeah, if we can have CGTV -- there you go -- zoom in a little bit. So, this is kind of rough, but -- so here's the Starbucks, if you could see my mouse moving around. There's the Starbucks right there. You can look at any one of the TVs. Okay, here's the ingress and egress to the site, and here's where the cars come around. And right here, it's blocked off. What Commissioner Slesnick is saying is right now if you're exiting, you have to exit and come out here. So, I believe her question -- correct me if I'm wrong, Commissioner -- is can this be opened up, so it's an easy 90-degree viewing to...

Commissioner Slesnick: Come straight out from the pickup.

Mayor Cason: Straight out, yeah.

Assistant City Manager Iglesias: That requires FDOT approval and...

Commissioner Slesnick: I mean, that seems...

Assistant City Manager Iglesias: I will let the traffic engineer...

Vice Mayor Quesada: Because that would seem to address one of the concerns that you have.

Mr. Plummer: Absolutely. A couple of their concept plans came up with that idea to come straight out from the drive-through.

Vice Mayor Quesada: Okay.

Mayor Cason: That would do it.

Mr. Plummer: The issue becomes the FDOT standards and driveway spacing. So, it wouldn't meet their standards. They would need a major variance. But what...

Vice Mayor Quesada: Okay.

Mr. Plummer: Peter was alluding to, too, is when you -- when FDOT does allow two driveways pretty closely spaced like that for a site, the preferable way to do it is the inbound is first and the outbound is second, because you've got people slowing down to come into the site and then people accelerating to leave the site. We're in the reverse situation here.

Vice Mayor Quesada: Got it.

Mr. Plummer: Where you have people trying to accelerate as drivers are trying to slow down to get to the entrance. You know, will they say no? I don't have the answer to that. But, it certainly does not meet their driveway spacing standards. And if they would allow it, they'd like to see it the other way. So, if the building was on the other side, it would make a lot more sense...

Vice Mayor Quesada: Understand.

Mr. Plummer: But, obviously...

Vice Mayor Quesada: Have you ever seen variances of this nature granted in the past? How difficult is it to get this type of variance? Again, we're going to give you guys a hard time like we're going to give Starbucks a hard time, because we want to resolve this today.

Mr. Plummer: Right.

Vice Mayor Quesada: The whole point is so that...

Mr. Plummer: Sure.

Vice Mayor Quesada: We don't have to discuss this again. So...

Mr. Plummer: My opinion is that FDOT should be looking for solutions as well because it's their...

Mayor Cason: Right.

Mr. Plummer: Roadway and people area having to slow down as there's queues onto this site, that they would hopefully be open to some unique solution potentially.

Mayor Cason: And particularly...

Vice Mayor Quesada: Has anyone spoken to FDOT on this?

Mr. Plummer: We haven't. I don't know if (INAUDIBLE)...

Mayor Cason: And particularly, if you -- you say, look, there's an option -- one is to go out at that angle and you can't see and you cross yourself, and the other one is a variance. They may say, well, given the two...

Vice Mayor Quesada: What's the lesser of two evils.

Mayor Cason: What's the lesser of the two evils we would go for.

Mr. Plummer: And the other thing we have to look at is the building, how close is the building...

Vice Mayor Quesada: Correct.

Mr. Plummer: So, that when you come out...

Vice Mayor Quesada: The sight lines.

Mr. Plummer: You actually have a sight triangle, so that you can see oncoming traffic.

Commissioner Lago: I want to ask one simple question, just as a point of clarification, because I've had several individuals, you know, make this request and say, hey, this is a great solution. And I want to put it on the public record that, again, I think that staff is opposed to it, because it doesn't work. What about if potentially we would go wrap around the building and use the alleyway in between...

Vice Mayor Quesada: Are you saying coming this way -- I'm sorry...

Commissioner Lago: No, no, no, no, no.

Vice Mayor Quesada: I'm just using the mouse.

Commissioner Lago: No, no. Go back, back. Okay, going the regular entrance...

Vice Mayor Quesada: Regular entrance.

Commissioner Lago: Keep going, keep going. Go around, go around, go around. Keep going, keep going, keep going. Your drive-through is right there and you leave the building.

Commissioner Keon: Oh, on the backside.

Commissioner Lago: Now, the reason I'm bringing it up -- I know that we've had this discussion before, but I want to have this discussion in the public eye here. I've thought that was a good idea, but the issue was -- I understand there was a little bit of constraints in regards to the alleyway. And again, my understanding was that Starbucks was amicable to potentially relocating their drive-through window and that would potentially open up the driveway -- not their driveway, excuse me -- their surface parking lot to even be more effective and not have this in and out. What is your opinion of that, Mr. Plummer?

City Manager Swanson-Rivenbark: Actually, I can answer that one...

Commissioner Lago: Yes, ma'am.

City Manager Swanson-Rivenbark: Because we've been very supportive of the idea of that side of the building being a part of the solution, but I -- and I understand it's true. It's the wrong side for a coffee pickup...

Commissioner Lago: I know, I know.

City Manager Swanson-Rivenbark: The driver won't be able to roll down their window and easily pick it up...

Commissioner Lago: Technology, technology. There's got to be a way to do something.

Commissioner Slesnick: Electronic arm.

Commissioner Lago: There has to be a way to...

Mayor Cason: Alright.

City Manager Swanson-Rivenbark: No. It wasn't that we were opposed...

Commissioner Lago: Technology, technology.

City Attorney Leen: Robotic arm.

Commissioner Lago: Listen, there's a...

Mayor Cason: Let me...

Commissioner Lago: Lot of ways to do things now.

City Attorney Leen: I think it'll be appropriate...

Mr. Plummer: I thought Commissioner Lago was saying you come on the site and you loop around the north end...

Commissioner Lago: You could do it both ways.

Mr. Plummer: And you come to the east, so the property...

Vice Mayor Quesada: You're saying...

Mr. Plummer: Is on the correct side.

Mayor Cason: Yeah.

Vice Mayor Quesada: So, that's sketch 9 and sketch 10.

Mr. Plummer: Sketch 9, yeah. They would be on the wrong side with that.

Commissioner Lago: It doesn't matter. But I mean, there has to be something that's done somewhere in this country similar to that where, again, that's a potential resolution to the problem. It's minimally invasive.

Vice Mayor Quesada: Well, you have that every Checker's restaurant.

Commissioner Lago: Yeah, okay, so...

Mr. Plummer: Yeah.

Commissioner Lago: There you go.

Mr. Plummer: I think what was discussed was coming in for that driveway, so the driver's on the correct side...

Mayor Cason: Let's do this at this stage...

Commissioner Lago: No, you lose the stacking ability.

Vice Mayor Quesada: I'm sorry, one last issue. So, you mentioned the issue of people parking at Taco Rico and walking over in the afternoon hours.

Mr. Plummer: In the morning, in the morning hours.

Mayor Cason: Morning.

Mr. Plummer: Some in the afternoon, too, even when Taco Rico's open.

Vice Mayor Quesada: Okay, understood. So, I'm going to direct you back to the bad map that I have on the screen. Reminder, this is the Starbucks here. This is the ingress and egress here. Taco Rico's over here. You have this parking lot over here. I mean, what if we required Starbucks to rent three or four of those spaces and then they can communicate to their regular clientele that, look, you can come down Ponce, park here, and we put a simple sidewalk walking over to the site. I mean, that can alleviate a lot of parking issues for both Taco Rico, for the Starbucks, and again, and also this little strip center here. Now, I know this -- I believe the area under the Metrorail, we'd have to get a County approval, but I don't think it's anything that would be terribly difficult to obtain. And that -- would that -- okay, so the question for you is, would that resolve your concerns with people parking at Taco Rico?

Mr. Plummer: Just so you know, that is occurring today, not very often. People that it's their regular Starbucks have kind of figured that out and I observed it...

Vice Mayor Quesada: And that occurs already.

Mr. Plummer: A couple of times, two or three in a two-hour period would do that. You also have people from the office building...

Vice Mayor Quesada: But, if we promote that...

Mr. Plummer: That walk across.

Vice Mayor Quesada: If we promote that with a nice walking path, simple walking path, nothing out of this world, I mean, then it's going to be more enticing for individuals who want to grab their coffee and get in and out quickly.

Mr. Plummer: All these little things will add up to help, but the beauty of the Starbucks is it's on US-1, right, so when you're driving, it's easy in, easy off is how it's supposed to be. You've got so much traffic.

Vice Mayor Quesada: Yeah.

Mr. Plummer: So, communicating to people that you can actually come from Ponce and walk through will be challenging.

Mayor Cason: And that would be something they would have to...

Mr. Plummer: It will help somewhat. Yeah, it'll help a little.

Mayor Cason: They would have to do that as a company.

Vice Mayor Quesada: But, I don't think it'll be that challenging. Like you said, they'd have to...

Commissioner Slesnick: Especially if the Underline's there.

Vice Mayor Quesada: Yeah. You have your regulars. And all you have to do is, for a month or two months, they have the little -- you know, every time you buy a coffee; they give you a little map. Hey, park here if you want easier access or...

Mr. Plummer: But, it depends where you're coming from. So, how many of the customers are coming north on Ponce, turning south on Le Jeune and then turning south on US-1 to come in the site?

Vice Mayor Quesada: I think people are going to save time. They're going to make that jump.

Mr. Plummer: I just think the vast majority of them are coming southbound on US-1 already.

Mayor Cason: Alright. Let's do this at this stage. We can still ask some more questions. Let's ask Starbucks to come up and respond to what they've heard and see if you see a solution in this.

Mr. Dotson: Thank you, again, Mr. Mayor. Let me introduce myself again for the record. Al Dotson, Jr., with Bilzin Sumberg, 1450 Brickell Avenue, representing Starbucks. I believe, in an email communication to you, I mentioned that this particular issue has received national attention within Starbucks. Starbucks does business all over the world, and definitely, all over the country, and we have a representative here from their headquarters (INAUDIBLE) -- (INAUDIBLE), if you just stand up -- that flew in from Seattle. Someone who you have met, but I'm not sure you fully appreciate the role that she plays, Laurie Rozen. Laurie is in charge of all of real estate for Starbucks in the state of Florida. She has the pleasure of dealing with other municipalities and other governmental agencies throughout the state. These issues are not unique to Coral Gables, and I'll come back to that in a moment. Regionally, you've met her as well, but I'm not sure you can appreciate her role, is Donise Brown. Donise is responsible -- Donise, if you'd stand. She's responsible for all of Starbucks on the eastern seaboard. She oversees issues like this in municipalities like this up and down the east coast. So, what I'm about to share with you, Mr. Mayor -- I am going to answer every question asked, but I also

believe it's important to correct the record. So, I'm going to walk you through not only how we got here, what we've done, but how we actually solve this. So, we'll get to each of the questions asked. And I passed out a book, and I hope that you all will follow along with me as I walk you through a number of things. There's a couple of things I'd like to correct or at least modify, as it relates to the history here. No need to get into a back and forth, but there is a solution. But, I want you to understand that the City Attorney accurately described that the City is operating on this particular property in two different capacities. It's operating as the City in its regulatory capacity, and it's also operating as the landlord in its proprietary capacity. What happened here in the order of things is that Starbucks received a notice from the City that there was a queuing problem, and a citation was issued. Shortly thereafter, we were told that we can't extend our lease, because we're in default because we received from the City a citation because of queuing. That's how we got here. That's how we got here. Second, there are three options to extend the existing lease, all five years in length. We've exercised two of them. And all that we are asking in connection with the investment I'm about to share with you is that the City recognize our exercise of two of the five-year extensions, and we would keep the one -- the fifth. But, if we are in default in our lease -- we fail to pay our rent, another problem arises -- then you have all the rights that you would have had, but for the exercise. So, I want to be clear that nothing extraordinary is being asked of you in this case and exactly remind you how we got here. So, there's been a lot of talk about the various reports and what Starbucks has done on site, but I'm not sure you've heard the entire story. I know you've heard it in the briefings, but today, I'm not sure you've heard the entire story. You've heard correctly that Starbucks simulated the movement of its order board back, so there are five cars from the order to the service window, so that there will be enough time to actually fill the order by the time the person gets there. You've already said you've noticed, by virtue of a human being standing out there taking those orders that it has sped up significantly. What you may not also realize is Starbucks also invested tens of thousands of dollars inside the building to add to the efficiencies of what takes place inside. Now, the five-car movement of the human being was no accident. It wasn't trial and error. It wasn't that we were directed to do that. That's what Starbucks recognizes around the country and around the world when they have a drive-through, that if you can have the order board at the

fifth car, thirty seconds each car, by the time the person gets to the window, their order is ready. So, Starbucks simulated that. And I'm going to come back to the report that you received from Mr. Plummer because I'm going to point out some inaccuracies in that report. And we repeated them again today in order to say that our traffic study was insufficient or there are issues with sketch 7. Now, for seven months, at Starbucks' cost -- we've also spent tens of thousands of dollars on off-duty police officers. It was our offer to the City. We offered to have a state trooper. We said Miami-Dade County officer, but the City insisted that it be Coral Gables. We recognized that there's an opportunity to see if that would actually resolve the issues. Now, since September 2, 2016, as we sit here today, as of this minute, not a single citation or complaint has been provided to our client related to stacking on that property. Since September 2, 2016, not a single citation or complaint has been received by our client from the City or any other governmental body that regulates traffic on US-1, not one. We also changed our landscaping protocols. You've heard a lot of discussion about turning and not being able to see. I'm going to come back to that. But, you didn't hear anything about that in the report. And now, we're proposing to spend hundreds of thousands of dollars in a physical solution on that property. And that is why Starbucks has said to you that we would like to exercise the two five-year terms. Now, there's something about the City of Coral Gables -- and I'm glad someone made the point -- I don't want to see Starbucks leave Coral Gables. I'm not sure how many of you know that the very first Starbucks in the state of Florida was in the City of Coral Gables. Starbucks has a very great affinity to the city. That's why it has gotten national, regional and state attention, because they want to see this work. So, how did we get here? You were passed out a letter -- and I believe it's actually behind Tab 1 of the book I gave you. If you could begin to look at that, it's the exact same letter that you received. It's dated October 4, 2016, and that's when Starbucks, in response to the City's request -- because, remember, from September 6 to October 4, 2016, not a single complaint, not a single citation had been issued. So, we felt that we had actually solved the problem by -- accidentally, quite frankly, by voluntarily offering to have an officer there since there was no longer an issue. But, the City said we want a physical solution. They were concerned about climate and whether or not the officers would be there. Our response to that -- and I'll say it on the record. We have a lot of faith in the Coral Gables

Police Department and all professional members of law enforcement who continually enforce traffic laws whether it's rain, shine, sleet or snow. I know that's the post office slogan, but you also can see that in your professional officers. They have not shirked their duties simply because it's raining outside. And we appreciate that they've done on that site. Notwithstanding that, we've also had another person a part of -- one of our baristas coming out to take the orders. And again, you see that change, rain, shine, sleet or snow, whether the human being is the police officer, someone we employ, that those things were working. So, on October 4, 2016, we were asked to present a lot of physical solutions, which we agreed to do. That's how we came to that point. And it's very important how we ended up with ten sketches. It wasn't because we came up with the number ten -- and this goes to one of the questions you asked, Mr. Vice Mayor. What about the property next door? Why aren't you using the property next door? In fact, if I recall the conversation, almost verbatim, I want to see creativity. You should have been using the property next door to solve the problem. So, we decided we'd come in with sketches that show how everything -- we even proposed to move the building. We couldn't get more physical than that. We are prepared to move the building to the other side of the property. The City said no. Don't move the building. We could have addressed the issue of coming around the other side by simply moving the building. The City staff said no, we have plans for that property that we're leasing from you and we don't want a building on that site. We said, okay. So, as we went through each -- in fact, we insisted that we go through each one of those ten sketches, because we wanted to explain to them the amount of work that we put into this. We actually got to sketches 9 and 10. I'll deal with it in more detail. But, I want to explain to you, at that moment, Mr. Plummer was in the room. The City staff was in the room. And we asked them to take a look at 9 and 10. The problem with 9 and 10 is the same issue about the Taco Rico, which I will also address in a moment. The Taco Rico and that drive that goes on the other side of the property is used to deliver materials to the back-of-house. So, trucks pull in that drive and then go behind and deliver, and they would have to come back out. To have traffic -- car traffic crossing with truck traffic -- and I believe I am quoting Tim Plummer in this -- is a problem. So, the reason 9 and 10 did not work was not because we said we wouldn't do it. We proposed it. But, we wanted to show you why there was a problem with that. Our traffic engineer also

explained. Your traffic engineer agreed that 9 and 10 would not work, and I can get into more -- I will get into more detail there, but I want to explain again how we got here.

Vice Mayor Quesada: You said your traffic engineer said 9 and 10 would not work?

Mr. Dotson: That's correct. And the only reason we proposed it is because we were directed to come up with some solution that involved the other property.

Vice Mayor Quesada: Your letter on Tab 1, dated October 4, 2016, from Zamora & Associates, line five -- the last sentence in the first full paragraph from your architect says "However, I believe option 10 may be the best scenario to improve circulation and operational functionality."

Mr. Dotson: Keep reading. Go to the next page.

Vice Mayor Quesada: Okay.

Mr. Dotson: Look under the sketch number 10, and you'll see what's required there. In order for sketch 10 to work, it's going to require property that we do not control. It's going to require property of our neighbor. We will then take their drive away from them in order to implement that.

Vice Mayor Quesada: Okay.

Mr. Dotson: So, we actually indicated how they would work, but there were challenges with each of them. The next thing I want to remind you of is that we also submitted an analysis to the City on September 22, 2016. So, remember the dates here. September 2, 2016, we have the officer in place. September 22, 2016, within 20 days, we had another traffic analysis we submitted to the City. I'm not going to submit that to you, but I will tell you this could have been resolved a lot easier and a lot faster, because that analysis and this proposal, they're very

similar, very similar. The other interesting thing -- and staff was very helpful in this regard. And that's why I wanted to make sure you understand what we were solving for. You've heard it now several times. We were solving for the stacking. The issue was the stacking on US-1, not the parking, not the turning radius. We were solving for the stacking. And every time we sat in a meeting, we asked the question, what are we solving for because if parking's the issue, then we can address that. If parking and stacking's the issue, we could address that. And at that time, we were told stacking was the issue. And in fact, staff offered, you can even reduce the parking significantly. You're in a transit zone. You don't need to have as many parking spaces. We were very appreciative of that recommendation.

City Attorney Leen: If I may say -- yes, I did say that parking could be reduced to address the stacking. That was the primary concern. I will also say, though, that we were concerned with ingress and egress, too. There was a concern about cars crossing the incoming lane. I did -- I do recall us saying that, so -- but we always said that we could reduce parking. I know we were willing to reduce parking to address the problem.

Mr. Dotson: Okay. Staff did offer to reduce parking. And again, I've said that, I believe, accurately, and we appreciated that. So, when you see -- when I go through sketch 7, you see a reduction in parking. You see a change in the queuing. It was because staff offered that particular recommendation. Now, sketch 7 is presented to you with and without a traffic facilitator. We were asked to do a single traffic study when we left that meeting. Later, staff came back and said, well, actually, we want you to do two traffic studies. So, the traffic study you have before you in sketch 7 is behind Tab 3. Tab 3 is the traffic study.

Vice Mayor Quesada: I'm sorry, which sketch?

Unidentified Speaker: Tab 3.

Mr. Dotson: Tab 3.

Vice Mayor Quesada: Okay.

Mr. Dotson: And if you need me to stop, I'll be happy to at any moment.

Mayor Cason: No, go ahead.

Mr. Dotson: To allow you to have your discussion. The -- so, in their traffic study -- I'm not going to go through it in detail because I'm going to take you first to Tab 4, which is Mr. Plummer's response. And he's repeated this today. If you look at page one of his letter behind Tab 4 -- I believe it's highlighted there for you -- he said that we followed the methodology for data collection and analysis as agreed to by the City. We followed the methodology and data collection as agreed to by the City. So, when you hear that our report did not address certain issues, it's because we did exactly what the City asked us to do, exactly what the City asked us to do. But, we're prepared to address even the new issues that have come up. And actually, Mr. Mayor, your -- one of your questions was -- I don't know whether you have ESP, but we're actually going to propose something on sketch 7 that's going to address this turn radius issue.

Mayor Cason: Okay, good.

Mr. Dotson: Number two, I want you to remember. Also, on page 1, Star -- it says that Starbucks conducted two traffic studies, not just one; one study with the City of Coral Gables police officer and one study without, so I want to be clear. We weren't proposing that it had to be a police or it had to be a traffic facilitator. We recognized that it really worked. So, we were volunteering to have a traffic facilitator there simply because it seemed to have worked very well. And the next statement on page 1, it says that Starbucks simulated the order taking upstream, which means, again, increasing the distance between the order taking and the service window during peak drive-through times. It's also on page 1 of Mr. Plummer's report. That important to remember, because I'm going to come back to that in a moment. And then three

new issues come up, three new issues; the angle of the exit. Mr. Plummer is absolutely correct. He mentioned that in the meeting that we had prior to the original report, but that's when we continued to ask what are we solving for, because the property has existing conditions and we got to be able to make sure that whatever we come back with addressing the existing conditions and whatever the issues that the City has. The neighbor's parking, we had no idea until I was handed a copy of the letter that we have been asking for staff comments on our report that came on March 2 -- excuse me, I got it on March 3, 2017, that the parking on the neighboring property was an issue. That's why it's not addressed in our report, because we did exactly what the City asked us to do. The next one was that it doesn't extend the drive. Again, that wasn't part of what we were to study, but I'm going to address that as well. So, here are the responses to what Mr. Plummer stated here today and wrote in that letter. Behind Tab 4 on page 2, I've highlighted something I want -- I'm going to repeat it, even though you can see it in highlighting. Mr. Plummer stated here and said in that report that if you implement sketch 7 -- and I want this to be very clear. Mr. Plummer is a friend of mine. Mr. Plummer is someone who I think is the most professional traffic engineer exists, and we hire him all the time. This is not about him. This is simply about giving you the information you need, the correct information you need to make the correct decision. On page 2, Tab 4, he says if you implement sketch 7 modifications, it only increases the drive stacking by one vehicle only. That's what it says. That's not the truth. Turn behind Tab 3, on page 4 -- turn behind Tab 3, page 4 of 6. What does the report actually say? Behind Tab 3, on pages 4 of 6, it says that ten vehicles can be stored on the drive-through queue now. But, if you implement sketch 7, twelve vehicles will be able to go through the drive-through queue. That's an increase of two, not one. And that's significant, again, because this is all about stacking and getting more cars on the property. The next thing he says -- and again, I'm going to take you back to Tab 4, page 2. He says if you relocate the menu board, it would only allow one more vehicle between the order board and service window, only one. That, too, is not true. If you turn behind Tab 3, page 5 of 6, this is what the report actually says. Tab 3, page 5 of 6, the order board and the service window are currently only two vehicles apart. The order board will be relocated to allow five vehicles, not one, but three additional vehicles, so what is happening here? We're speeding up the time to get to the service window, and we're

adding more vehicles on site by virtue of stacking, more than what are reflected in this report that was received by you on March 2, 2017. That's why we wanted the staff to go first. We assumed maybe this was just a typographical error, but it was repeated verbally again here too, so we weren't sure what we were fighting here, because it was different than what we had proposed. Next, the angle of the exit. Yes, mentioned verbally, we're solving for stacking. As I stand here today, we still haven't been cited for an issue. I want you to put up the board that reflects what we have shown everybody in sketch 7. We have met with each of you. We have provided you with sketch 7. Hopefully, you can't read any of the writing on it, because it's all mine. That was an attempt to be an architect and engineer. But, without the writing, it is exactly what you have seen as sketch 7, no difference. Anthony, if you put this up. So, we quickly, having just received the response, not sure whether the response was accurate or not or there were other issues, we actually took a look at sketch 7 and were going to propose to you the following changes.

Vice Mayor Quesada: Can we have CGTV zoom in more on the map?

Mr. Dotson: Actually, I'm going to make it even easier for you. (INAUDIBLE), if you can hand them each copies of this sketch.

Commissioner Slesnick: No, no, but I mean for the TV...

Vice Mayor Quesada: Yeah.

Commissioner Slesnick: Audience, if you could zoom in closer.

Vice Mayor Quesada: Yeah, CGTV, don't worry about people right now. Just -- yeah, there you go. Thank you.

Mr. Dotson: I believe this is on.

Vice Mayor Quesada: It is.

Mr. Dotson: If you take a look at this view here -- and I want you to know that Starbucks -- because this is so important to Starbucks, we have continually reinvented this site to respond to every single issue that the City has brought up. The difference here is that we're going to force cars -- and Mr. Mayor, that was an interesting question. Something that can be done on the site that can cause cars to move a little differently that would bring them around, so they can exit and become more perpendicular to US-1. We have -- we're going to add here at the bottom -- you can see it right at the drive-through -- to force cars to come out and come around. And we've also added striping and signage to direct people where to go in and where to go out, to get perpendicular to US-1.

Mayor Cason: Okay.

Mr. Dotson: Because the reason it's happening -- and that's also an interesting comment. It was a comment made about the Taco Rico. People are parking there during times when Taco Rico was closed. In the ten years we have been here, not once has the neighboring property owner complained. And I don't know whether the City is -- whether the City's looking to impose on us a restriction that the property owner has not. But assuming, for the moment, that there is an issue, we are going to change behavior, because what was said -- and I don't know how it was known, but I'm going to go with it. Your staff reported the people who are parking over here are regular customers. Your staff reported the people that are parking up here are regular customers. We're going to take them at their word that they know that they're regular customers. And the beauty of regular customers of Starbucks -- and you're right, Commissioner Lago, there is technology. There's technology to inform our regular customers. They come in; we can inform our regular customers to let them know that when they come in, we want them to go here. If there's parking spaces up here, they should park over there. We can clearly inform our customers at any point in time, whatever it is we want -- how we want to change behavior. So,

this is one change we've made to sketch 7 simply because we got a copy of the March 2nd letter on March 3 and saw that that was an issue. The other thing that we're prepared to do -- we had offered some time ago to put signage on the property. You know, one thing that's interesting about behavior, especially in the friendly city of Coral Gables, when you had the issues of people blocking you in the parking lot, people became much more friendlier when the police officer was there. And when we took the police officer away, they remained friendly. Let people out, 30 second delay of what we just heard -- 30 seconds. That was the delay in waiting here to come out there. That's it. That's it. So, the real issue here -- I'm not even sure whether we had a car or two that happened during the entire two traffic study period. And the statement that we were only taking data every five minutes -- again, I want to remind you, we didn't do anything improper. We did exactly what the City said they wanted us to do, the methodology that the City said we should use. We weren't trying to change anything. That's why we wanted to get it approved up front. Now what operational and physical updates is Starbucks prepared to do? I shared all the things that we've already done. But, in addition to the tens of thousands of dollars that we're planning to spend and have spent already inside that has already resulted in the speeding up of the order, we have also agreed to spend hundreds of thousands of dollars in reordering this particular stacking, as well as the order board. That's not an insignificant move, and we've agreed to do that. And Anthony, would you put up the next board? And I want you to know that we're looking for the City to work in partnership with us. If you look behind Tab 5, as I said, I brought national, regional and state officials with me. And behind Tab 5, on US-1 in Fort Lauderdale, the same issue arose. We were asked by the City Manager there -- there was stacking on US-1. And the City Manager, in two weeks -- is it two weeks or two months? In two weeks, the City Manager placed the sign out that said do not block the road. It was resolved in two weeks. There were no lawsuits. There were no citations. Because, you're right, the regular customers, you can actually change behavior when you have the same people coming in and out, and we did that on US-1, right up the street. And that picture that's there, you can see it behind Tab 5. It's July 2016. It's taken from Google Earth. It is the picture that was taken at the time that this sign was up there. So, I want you to know that this is not new. Putting signage up can change behavior. This has actually happened before. Now, to your specific questions.

First of all, I have already addressed the statements that certain things weren't addressed in our letter, and they weren't addressed because we followed the methodology that you asked us to follow. It was already stated, the parking in Taco Rico, not open, not an issue. Taco Rico's not here complaining. This has been going on -- I think your City Attorney said almost a year. Nobody's complained. The use of your property on the other side of the Underline, we've actually asked on several occasions if the City had other property that could help us solve this problem. So, we are absolutely open to doing exactly what you said. Again, the statement was made they're regular customers, but I don't know whether they will actually come around if they know they can get there faster. Well, if they're regular customers, we'll inform them that their parking is on the side. They'll be happy to park, and then we'll move on. The other statement that was made was related to FDOT and whether they would accept the flip. We actually wanted to approach FDOT. We were told not to approach FDOT until we actually had a solution that we agreed to, which makes sense. We absolutely agree with that. But, we also know -- I think we agree with Mr. Plummer that entrances and exits onto US-1 and cutting new curbs is not something that's done lightly. And you're actually moving the stacking closer to Le Jeune if you move the entrance closer to Le Jeune. That was the problem that was shared at the meeting by both of the traffic consultants. Lastly, I will deal with the cars stopped and the vision issue. I believe several of you asked the question; can't you just come straight out of the drive-through right on US-1 and do another curb cut? Now, I have already explained the issue with FDOT with that, but if you look at that -- and I don't know whether the Vice Mayor can show everyone again for their benefit how the property looks at that location. If you came straight out, what you would actually be doing is decreasing the sight line, because the building's in the way. You're perpendicular because the building's directly to your left. You actually have more visibility by coming out and trying to get perpendicular to US-1. Now, we have some definitional issues. I won't go through all of them in great detail with respect to the March 2 letter. But, you'll note that we took great pains to define certain things. We defined what a conflict was and what it meant. Using exactly the language and methodology that the City required us to do. No accidents, nothing, none observed. And we ask you; let's get on with the business of allowing your residents and others to continue to enjoy the Starbucks in the city where the first Starbucks

was in the state of Florida by settling this matter. No one wants litigation. We really do not. We really would like to settle -- that's why we continually come, even to this day with a proposed solution to resolve this. We're open to solutions. Now, if there is a particular question that I failed to respond to, I'd be happy to do so.

Mayor Cason: Commissioner Keon.

Commissioner Keon: This is the one you said that is in Fort Lauderdale?

Mr. Dotson: Yes.

Commissioner Keon: Is the access through the side street or is the access right off of the highway?

Mr. Dotson: Anthony, if you put up the other board that I brought, I'd appreciate it.

Commissioner Keon: How do you get into the drive-through?

Mr. Dotson: There's an aerial view of that site.

City Attorney Leen: It's backward.

Commissioner Keon: You have...

City Attorney Leen: It's upside down.

Commissioner Keon: It upside down.

City Attorney Leen: Yeah, upside down.

City Commission Meeting

March 14, 2017

Agenda Item I-2 - Settlement hearing regarding resolution of Starbucks matter relating to drive through at 475 South Dixie Highway, Coral Gables, FL.

Mr. Dotson: This is an aerial view of the site. And you'll notice the issue of backing onto -- the sign you saw was on US-1.

Commissioner Keon: Right.

Mr. Dotson: So, the concern was that you had stacking that was coming around and blocking US-1.

Commissioner Keon: Okay, so, alright -- but, the issue is the entrance and the exit from that Starbucks that you're using to illustrate the issue is not on US-1, like the one we have -- that we're dealing with, right?

Mr. Dotson: There is an entrance here as well. But, my point was...

Commissioner Keon: But, the entrance and the -- the egress and -- the ingress and egress is not US-1. It's on a side street.

Mr. Dotson: No. It is absolutely not identical. You are absolutely correct. The reason I was presenting it was not because of an identical site. The reason I presented it was that if there was an issue, the City of Fort Lauderdale was able to resolve this through the signage. And I'm letting you know...

Commissioner Keon: That doesn't strike me as the same issue.

City Attorney Leen: I just want to mention that the resolution of the Commission in July, 2016-168.1, directed that Starbucks -- ordered Starbucks to cease stacking in the public right-of-way and direct staff to order that the drive-through window be shut down if stacking occurs. So, you know, in my view, staff's following the Commission's resolution. I would say that the other

issue -- I would just like to mention --is -- I mean, ultimately, the reason why there may be an issue with someone parking right next door, particularly, not with their permission is -- I just want to remind you what 5-115 states. Drive-throughs -- and this is in the Zoning Code. This is really what you're looking at today. Drive-throughs, walk-up windows and ATMs accessory to banks, restaurants and retail sales and services shall be permitted provided that, a, such uses are designed, so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks. We are ultimately talking about the next ten years, not, you know, a month from now or two months from now. And the last point I just wanted to make was I agree with Mr. Dotson that Starbucks has proffered the police officer. But, I also want to be clear that that's not required by our Tolling agreement. We have a Tolling agreement that's -- you proffered this, but we did agree that you'll continue to have the public safety officer there while this Tolling period is in effect. It was always intended to be temporary. You're being asked now to maybe make it permanent, although I think -- you may want to clarify that whether you mean the facilitator or police officer or what. My main concern is that whatever comes out of this, that it ends stacking. So, if there is stacking again in the future, then there may need to be a police officer again in the future. I mean, that's the ultimate goal here. That was the Commission's direction. We need to end stacking. I would like to resolve this matter.

Mayor Cason: Yeah.

City Attorney Leen: I mean, I would like to find a resolution. I would like to resolve the lawsuit. But, whatever comes out of this has to end the stacking for the next ten years.

Mayor Cason: Alright.

Commissioner Slesnick: Mr. Dotson, five cars is a normal amount back to the menu board...

Mr. Dotson: That is correct.

Commissioner Slesnick: And right now you have four?

Mr. Dotson: Right now we have two.

Commissioner Slesnick: Two. So, you do think moving the menu board back to five would really expedite -- settle all of this problem?

Mr. Dotson: Absolutely.

Commissioner Slesnick: And have you ever thought about -- I don't know --, but at McDonald's they have one window where you pay and one window when you pick up your food. Would that help by making change and so forth beforehand, or would that speed up the process?

Mr. Dotson: Not sure whether it would make a significant difference.

Commissioner Slesnick: Yeah, but you only have room for two cars. I mean...

Mr. Dotson: That's right.

Commissioner Slesnick: One could be paying while one is up picking up. I just wondered if that was something that might speed it up.

Mr. Dotson: That particular physical change -- remember, the issue here is every 30 seconds -- if you get two and a half minutes, you have enough time to make the actual order. We're not -- we don't believe that that would actually speed it up in any material way given that sketch 7 with the change moving it back to five doesn't present a problem. Because, remember, the stacking in the report showed the maximum number of cars at any one time throughout this entire study period was 11. We've internalized 12. It also showed that the maximum number of cars parked at any

one time was 20. We have 21 cars parked there. At no time in any study did anyone say that both situations occurred at the same time, but if they did, we could accommodate that as well.

Commissioner Slesnick: So, you think plan 7 could be implemented without a problem if you moved the menu board back, that's it?

Mr. Dotson: Well, moving the menu board and adding 38 feet to the drive-through, and that's what we're doing. We're adding 38 -- it's not just moving the menu board. We're changing the drive-through completely. If you put up sketch 7 -- we're actually adding 38 feet to the drive-through in addition to moving the menu board.

Commissioner Slesnick: It's nice to be so popular. You know, if you were just serving plain coffee, you wouldn't have this problem.

Mr. Dotson: We're glad to serve excellent coffee in a great city.

City Attorney Leen: Mr. Mayor, Mr. Iglesias and Mr. Plummer have asked to be able to respond. Mr. Plummer was directly addressed, obviously, in Mr. Dotson's comments, so he should be given that privilege, in my opinion.

Mayor Cason: Yeah, if you want to come up and saying anything -- what else you would like to say in response, and then I think we'll...

Mr. Dotson: I wanted to respond to the City Attorney also asking a question. I don't know whether you want me to...

Mayor Cason: Go ahead and answer that now.

Mr. Dotson: Sure. The City Attorney asked that I clarify the issue related to what we are actually asking. We're asking for the implementation of sketch 7, without a traffic facilitator. We are also offering that if it becomes an issue -- and the only issue ever found by anyone observing this at any time was during those peak times -- we'll put the traffic facilitator in there, as needed. So, we're prepared to go beyond sketch 7 that you've seen, make the changes here, have a facilitator as needed and when needed, and that's what...

Mayor Cason: And add the physical diverter, so that it comes out perpendicular.

Mr. Dotson: Yes, sir.

Mayor Cason: Okay.

Mr. Dotson: Yes, sir.

Mayor Cason: Go ahead.

Vice Mayor Quesada: Actually, before you speak, I just want to let you know I'm prepared to make a motion to move forward with sketch 7 with a few...

Commissioner Keon: I'm...

Vice Mayor Quesada: Variables in there, so just keep that in mind.

Mr. Plummer: Absolutely. I'll try and be brief. First, I want to thank Al. I have known Mr. Dotson for quite a while and I hold him in...

Vice Mayor Quesada: You thank him after that?

Mr. Plummer: Very high regard as well. Yes, I do, great promotion. Thanks, Al. I hope a lot of people are watching this. Let me just address a couple...

Vice Mayor Quesada: Actually, Mr. Dotson, if you could just put that down a few minutes. Yeah, trouble with the cameras.

Mr. Plummer: If I could just address a couple of issues Mr. Dotson just brought up. First and foremost, this issue with the 90 degrees -- and we're just here to resolve the stacking. The meeting that I was in, the one meeting I attended with everybody, I was pretty adamant about we need to get this situation resolved. It's a safety issue. And Mr. Dotson looked at me and said, I understood. He said, I understand. We'll get that taken care of. And in the sketch they just proposed, it still does not address it, but it became more than stacking. This becomes a safety issue, too, and that's really what we're talking about. That's what the queuing issue is, is a safety issue. Regarding following the methodology -- and I did state in my letter that they followed the methodology. What we do as professional engineers when we're trying to resolve a problem, we just don't have someone collect data and look at the data and make some conclusions from it. You go out to the field, you observe. You walk around. You understand what's going on and you discover things, like I did when I went out in the field. Oh, look at all these people parking at the Taco Rico property. What does that do? It understates the analysis, because those people really should be coming on property. The queuing would be worse than reported, and the parking would be worse than reported. But, as a professional engineer, that's what you do. You go out and observe and make sure that when you get the data, it makes sense. And so, that's what I did. Now, Mr. Dotson just stated that they have stacking for 12 cars on the site. If you go to Tab 3 and the last page on Tab 3, their sketch 7, you simply count the cars in their queue there, it's 11. What they're showing on site is 11 from their traffic engineer's report. So, according to their traffic engineer's report and in other documentation that Mr. Zamora, who did the -- some of the site layout for them also states that sketch 7 allows for 11 cars to be stacked, not 12, so I'm not sure where he's getting 12 from. If you look at the exhibit you just took down, you'll see in that exhibit as well, they show these cars bumper to bumper. Now, we

all go through drive-thru's. Do you get within six inches of the car in front of you? No. What we usually use for queuing is somewhere between 22 and 25 feet per vehicle because there's a comfort factor there, but their drawings, the one he just showed, shows them right -- one up against the other and that's just not how it actually works. But, their documentation shows 11 vehicles. It increases the queue just by one. So, those are the issues I wanted to just address with you. And I did say that they did follow the methodology, absolutely, they followed the methodology. We had no comment on that. You just have to go on the next step to try and figure some of these things out.

Mayor Cason: Peter, do you have something to say?

Assistant City Manager Iglesias: Yes. I agree with our traffic consultant. I think that sketch number 7 does not address the perpendicular exit into US-1. It doesn't address...

Vice Mayor Quesada: What about the new version of it?

Commissioner Slesnick: Yeah, with the new...

Mayor Cason: Diverter.

Commissioner Slesnick: Diverter.

Mr. Plummer: With the new version, if you look at it, it's a semi U-turn.

Assistant City Manager Iglesias: We don't...

Unidentified Speaker: It's what?

Assistant City Manager Iglesias: Agree with that.

Mr. Plummer: It's a semi U-turn and you still can't get to 90 degrees, and that's without even looking at the turning templates to see...

Vice Mayor Quesada: But, it seems like from the sketch they gave...

Mr. Plummer: From an engineering standpoint if they actually work.

Vice Mayor Quesada: Did you -- did they give you one of these?

Mr. Plummer: That's the one I just looked at, yeah.

Vice Mayor Quesada: Oh, okay. So, if you look at what they highlighted in yellow, it sort of makes it -- they're forcing the person egressing -- leaving the property to open up to make it easier to have an opportunity to make a 90-degree...

Commissioner Keon: But, they're crossing...

Vice Mayor Quesada: Approach. Is that the right term?

Commissioner Keon: The incoming traffic...

Mr. Plummer: They're still crossing...

Commissioner Keon: To do it. They go right across the incoming traffic to do that.

Mr. Plummer: And it's a semi U-turn...

Commissioner Keon: Is that...

Mr. Plummer: And I don't think you...

Commissioner Keon: Is that a safety issue?

Mr. Plummer: Can get perpendicular without having -- running the turning templates yet -- to look at this on a drawing -- you can't get perpendicular to the back of the sidewalk, so that you can see if pedestrians or bicyclists or oncoming cars. They've tried to address it. What they need to do is they need to move that further north, so that you can actually make a true left turn to get to the driveway on the outbound. It does...

Vice Mayor Quesada: Move -- I'm sorry, move that further north.

Mr. Plummer: Yeah. Al, do you mind if I...

Vice Mayor Quesada: Yeah, I think you could put it up again.

Mr. Plummer: So, what I'm saying is the only way to get this...

Vice Mayor Quesada: Well, wait. First of all, grab the microphone, and if Coral Gables TV can zoom in on it, please.

Mr. Plummer: So, what they've provided is what looks like a little bit of pavement markings to make a semi U-turn to try and get to this spot. I think if you did that in actuality, you still would not be able to get to 90 degrees. What they need to do is move this further north. It affects this parking, and I'm not -- you know, they'd have to weigh it out to see if they can get the parking to work still, but that's the solution if they're going to keep this outbound. This has to come further north, so that they can get the minimum FDOT guideline, which is 30 feet from the edge of the

travel way to here, in order so that someone can get perpendicular, so they can see the sight triangles.

Commissioner Keon: Does that -- does the solution to the stacking create conflicts for the parking?

Mr. Plummer: Well -- yeah, what I observed out in the field is, you know, numerous times when people -- especially parking in this area and they're stacking here, cars cannot back out. They need some kindness from the person in the queue. So, what does that mean? These cars are backing up sometimes as cars are trying to come into the queue. So, the unparking maneuvers are really challenging during their peak times. During the off-peak, it's not a problem when they don't have all the stacking...

Commissioner Keon: Right.

Mr. Plummer: Like they do in the morning. But during the morning, the police officer would be out there helping to back up a couple of cars, stopping people on US-1, so someone can get out of their parking space.

Commissioner Keon: How many were the most -- when you were there and you were viewing the -- taking a look at all of this and gathering information, how many parking places in the Taco Rico were being used?

Mr. Plummer: I saw -- in the ten-minute period, I saw at least six.

Commissioner Keon: At least six. And how many...

Mr. Plummer: And I didn't stay...

Commissioner Keon: Okay. And how many parking spaces in the parking lot were being used?

Mr. Plummer: I don't have that exact number. I'd have to look it up, but I wasn't counting parking data...

Commissioner Keon: Is it all of them or is it some of them or...

Mr. Plummer: No. The parking in the morning is generally pretty open.

Commissioner Keon: Okay.

Mr. Plummer: People are mainly using the drive-through. Very few...

Commissioner Keon: So...

Mr. Plummer: Are parking. And when I was out there for an hour and a half, two hours, many of these cars parked didn't move at all, so it made you think that some of it was employee parking.

Commissioner Keon: Right. I don't -- you couldn't come up with a solution that reduced a lot of that parking and just allowed them to come in straight and go through there with a wider entryway, so that people could go get in the line or go to the parking lot without trying to cross all that stuff?

Mr. Plummer: It's a very challenging site. This Starbucks is a very challenging site to have parking and drive-through.

Mayor Cason: Let me ask Mr. Dotson if he thinks there's a solution to address the angle that he was just -- angle problem he was just mentioning.

Mr. Dotson: And actually, I'm going to have our engineer, who can respond to that directly, John Kim, with Langan, and he can answer your questions...

Mayor Cason: Okay.

Mr. Dotson: Directly.

John Kim: Thank you. Good afternoon. My name is John Kim. I'm with Langan Engineering and Environmental Services, Inc., with offices at 15150 Northwest 79th Court, Miami Lakes, Florida. Speaking to the issue of the perpendicular, I think we're a bit fixated on what the ideal would be. Ideally, we would always love a site to be designed -- and streets, for that matter -- to be designed at 90-degree angles. That's what (INAUDIBLE) recommends. That's what's the norm. However, you know and I know that intersections along US-1 are skewed. They don't meet 90 degrees. In this case, no, you would probably not be able to achieve 90 degrees. But, I want to speak to some observations that I made as well because I was there as well. So -- and what I tried to convey to everyone on our team was, if we really had an issue with people getting out, I would have observed the exiting queue, the number of people that actually finished their service and get to that exit discharge lane before they have to make the access to US-1, that queue didn't get longer than two vehicles, okay. That suggests to me that a, if it had been an issue and if it were that part of a problem to look and see the availability for me to get on US-1, that would be much longer and probably would have interfered with the operation beyond that, okay. The other thing I did not observe and what I think he was trying to explain, my use of the word conflict I think was somewhat different from Mr. Plummer's. When I used the word -- and I defined it in the report specifically. What we call a conflict when we're talking about safety observations and traffic operation analysis is what we call close call. Did two cars come close to hitting each other? Did a car come close -- did it have to tap the brakes? Was there some abrupt motion in that vehicle? That's what we call conflict. And I can tell you, in all the time that I was there, I did not see one instance of that. I was actually very surprised that the people on the

Starbucks site were very accommodating in letting people out. And of course, yes, the facilitator occasionally had to assist or felt the need to assist, but it really operates quite well given the conditions that are there. So, I would only suggest to you that all this talk about the 90-degree -- that is an ideal that won't -- I don't believe can be achieved. What we can try to do and what they've attempted to do in the plan is get us more of an angle, so people can see. That's all I want -- yes, ma'am.

Commissioner Slesnick: While you're here -- Mr. Mayor. We were just discussing if you turned right there and brought the lane -- how wide are -- how long are parking spaces, 16 feet?

Mr. Kim: Usually 18, 20.

Commissioner Slesnick: Eighteen feet?

Mr. Kim: Eighteen or twenty feet.

Commissioner Slesnick: If you brought the turning lane further into the parking lot...

Vice Mayor Quesada: North as...

Commissioner Slesnick: North...

Mr. Kim: Understood, understood.

Commissioner Slesnick: Okay, and then make those three spots next to US-1, with some landscaping in between, and made those employee parking spaces, because you're going to be there all day, okay, and then customers could park in the back there where the employee spots are. You understand what I'm saying?

Mr. Kim: Okay, I'm sorry, ma'am. So, you're saying -- sorry, go ahead.

Commissioner Slesnick: If you turned your angle immediately right when you came out of the drive-through...

Mr. Kim: Right.

Commissioner Slesnick: And moved it up further, like 15 feet, 16...

Mr. Kim: Like up here?

Commissioner Slesnick: Yes.

Mr. Kim: Okay.

Commissioner Slesnick: And turned and then moved the three parking spaces that are there down closer to US-1 and make...

Mr. Kim: Here?

Commissioner Slesnick: Yes, and make them for employees because they're going to be there all day because you don't have access unless...

Mr. Kim: I understand and I don't know -- maybe Mr. Plummer...

Commissioner Slesnick: I'm just trying to have the required amount of parking spaces there, so that the customers could park -- instead of parking way over under the Metrorail, could park there in the back, making it closer for...

Mr. Kim: And I don't know that Mr. Plummer would agree with me, but I think ideally -- and again, we're trying to achieve what's best given all the constraints we have. I don't know that you want people exiting besides -- I mean, that does improve the angle with which you're exiting...

Commissioner Slesnick: Well, no, you're going -- you're coming in further from the street...

Mr. Kim: I understand.

Commissioner Slesnick: Which is what DOT requests.

Mr. Kim: You're further -- correct. But, you're also going to be now having -- again, I don't know that we can ensure that the employees would park there. If we could ensure employees would park there, I'd guess that would be alright, but...

Commissioner Slesnick: Well, you have cars parked there for eight hours, if the employees are inside...

Mr. Kim: Correct.

Commissioner Slesnick: Or you put employee parking only or something or cones or gate -- I mean, you're going to have -- you have to have cars parked there that are not moving because...

Mr. Kim: Understood.

Commissioner Slesnick: You can't come around through the drive-through and park there because it doesn't make any sense.

Mr. Kim: Right.

Commissioner Slesnick: I'm just saying, if you have to have so many parking spaces for the parking lot, move it up, so that you have the angle that the DOT requires for coming into the street. I mean, I'm just asking...

Mr. Kim: That's a tough one.

Commissioner Slesnick: Your opinion here.

Mr. Kim: I mean, in my opinion, I really do prefer to have that -- especially with the way things are, because I'm not saying it's easy to get onto US-1. I'm just saying it's not an issue. So, I think introducing people with parking spaces able to back out...

Commissioner Slesnick: But, I hear it's an issue, making -- not having visibility line and coming in...

Mr. Kim: But, my point to you was --, because I didn't see -- because I -- sorry about that. Because I didn't see more than two here, it tells me that it's not as much of an issue as we're all seem to be wanting to make it to be. In other words, if it were that much of a challenge -- frankly, if I couldn't see to get out, then it would take people a lot longer -- remember that this is constantly under operation, so if that were in fact true from an operation standpoint -- if it were that hard to get out either because the queue's blocking it or US-1's too congested, et cetera, then there would be much more than two cars queued here, okay, and I was out there and I saw it. So, what I'm suggesting to you is I don't know that it's worth doing what you're suggesting if that would really an improvement or a wash or make it worse.

Mayor Cason: So, with the...

Mr. Kim: I'd much rather -- I'm sorry.

Mayor Cason: Would the physical diverter at least help getting closer to a 90-degree...

Mr. Kim: Correct, and that is the ideal...

Mayor Cason: It may not be optimum, but it...

Mr. Kim: No.

Mayor Cason: And remember, most of the day, you're not having a real problem.

Mr. Kim: Yes, sir.

Mayor Cason: So, they would come up and go out perpendicular...

Mr. Kim: And we're trying to improve that angle by getting them to flare out...

Mayor Cason: So, it helps improve the angle, okay.

Mr. Kim: Yes, sir.

Mayor Cason: Alright.

Commissioner Slesnick: But, it is far enough off of US-1 if there's a diverter coming around.

Mayor Cason: Yeah, so the diverter seems to me would help...

Commissioner Slesnick: No?

Mayor Cason: May not be 100 percent, but it would help particularly at the time...

Mr. Kim: Yes.

Mayor Cason: When there's not a lot of people there.

Mr. Kim: Absolutely.

Mayor Cason: Alright.

City Manager Swanson-Rivenbark: Now, Mr. Mayor, I have a question for the City Attorney, if I may.

City Attorney Leen: Yes.

City Manager Swanson-Rivenbark: There were several statements that were made that I personally was present and I do not agree with.

City Attorney Leen: Okay.

City Manager Swanson-Rivenbark: I'm not going to clear it up for the record, but, please, my comments, I'm saying that I don't believe that that happened, I certainly can do, but I feel like I don't want the transcript...

City Attorney Leen: Yeah, but I would like to -- no, I fully understand. I would like to say...

City Manager Swanson-Rivenbark: I don't want the transcript to assume that my not speaking assumes that everything that was said was correct.

City Attorney Leen: Yes. I agree with you, Madam City Manager. The purpose here is to resolve this matter. So, it's probably better not to go point by point...

Mayor Cason: Yeah.

City Attorney Leen: In a back and forth. I do think -- I believe and I observed the City Manager acting in good faith at all times in this trying to resolve this matter. You know, it's just that there's a disagreement regarding whether you've done it, and she's entitled to have that view and that's her duty is to tell the Commission her professional judgment and that's what she's done at all times and no one should call that into question.

Mr. Dotson: And with that, I just want to say we agree. We appreciate the staff and the way in which they've come to the table to offer a solution. We think that we have one and we look forward to your vote.

Mayor Cason: Thank you. Alright, you want to make a...

Vice Mayor Quesada: I want to make a motion.

Mayor Cason: Alright.

Commissioner Lago: Go ahead.

Vice Mayor Quesada: It's going to be a little bit of a Frankenstein, so bear with me.

City Attorney Leen: Mr. Vice Mayor, in the motion, I'd like you to give me -- if we're going to do a settlement -- discretion to put in typical settlement terms. I'm sure we can reach an agreement regarding them...

Vice Mayor Quesada: Okay, I'm just going to talk out my thoughts.

City Attorney Leen: Okay.

Vice Mayor Quesada: And this is for the Commission to say yea or nay and let's discuss it. So, I guess it's not a motion yet. I'm going to tell you what my thoughts are at this point.

Commissioner Keon: Probable motion.

Vice Mayor Quesada: Probable motion, just to see if we can get some consensus up here. Alright, so I'm going to say, you know, the sketch 7, with the movement of the menu board as outlined by Starbucks, six-month period with a traffic facilitator -- I would say at this point to keep it with the Coral Gables police officer. At that point, we would reassess and determine whether we need that long term or not. Starbucks to implement an education program, you know, whether it's a map when you walk in or something on the door or something they give out when people order coffee or food at the window to see if we can work something out. And I need...

Mayor Cason: The diverter.

Vice Mayor Quesada: I got to talk to Peter about this. Implementing the sketch 7 with the additions that we saw that Starbucks had what they put up on the board today with that diverter...

Mayor Cason: Diverter.

Vice Mayor Quesada: Getting closer to the 90-degree angle...

Commissioner Lago: They mentioned also the menu board, moving the menu board back.

Vice Mayor Quesada: Yeah.

Mayor Cason: Yeah, yeah.

Vice Mayor Quesada: I said with the menu board incorporated in their proposal, in their most recent proposal, the latest one. Then I really think the idea of requiring Starbucks either to rent three of the permanent parking spaces, you know, north of the in path of those spots there and to try to work with the City -- and I want to hear Peter's thoughts or the City Manager's thoughts on this, to require them to have three or four parking spaces there and to encourage the regular customers, if they're going to park, to consider going to that location back there and they walk underneath the Metrorail. That's what my thoughts are right now.

Mayor Cason: Five elements. Five elements, okay.

Commissioner Keon: I have just a couple of questions that I want clarified.

Vice Mayor Quesada: But actually, before you -- I'm sorry...

Commissioner Keon: Okay.

Vice Mayor Quesada: Now that I think about it, I don't know if that's possible or not to park underneath the Metrorail.

Mayor Cason: Can you answer that, so we know whether...

Vice Mayor Quesada: If it's not possible, then it'd be an improper burden to put on Starbucks.

Commissioner Keon: Aren't those City parking places now? Are those City parking places now?

Assistant City Manager Iglesias: I will check with the Parking director to see if...

City Manager Swanson-Rivenbark: We do have parking spaces underneath -- you know, go across the Metrorail. There are permit parking and then there are also some metered parking.

Commissioner Keon: Yeah.

City Manager Swanson-Rivenbark: Can we move them and make it work better?

Commissioner Keon: I would not like to disrupt the meters that we have because they seem to be used a lot. I mean, that parking under the Metrorail -- yeah, it's usually full along there.

Vice Mayor Quesada: Not at that location, not in my experience.

Commissioner Keon: Yeah, it's behind there...

Vice Mayor Quesada: I said other locations.

Commissioner Keon: Small office buildings on the other side of Ponce there.

Assistant City Manager Iglesias: I think I can check with the Parking director to see what...

Commissioner Keon: Yeah, I mean I think that...

Assistant City Manager Iglesias: These things -- and if they're available, I think every little bit helps.

Mayor Cason: Okay, so then...

Commissioner Keon: There's offices there, so I would not like to -- you know, that's the same as having dedicated parking for valet is that it just takes the stock -- the parking stock off the street because of that. And as far as the parking, whether they park in Taco Rico or not, you know what, I don't really care. Because if Taco Rico doesn't want them parking there, you know, Taco Rico could enforce their parking and...

Mayor Cason: Or they could make an arrangement.

Commissioner Keon: Have them removed. I mean, that's -- Taco Rico, it's not right. It probably should be better, but you know, that's -- it's just -- it's because it's easier people do it, so -- and Taco Rico or the adjoining neighbor doesn't seem to mind or hasn't yet.

Mayor Cason: And if they ever do, they can make...

Commissioner Keon: Either they're not aware of it, they don't care...

Mayor Cason: An arrangement.

Commissioner Keon: And if they do, they can make arrangements with Starbucks on that issue.

Mayor Cason: Yeah.

Commissioner Keon: The biggest issue I have is that issue of the -- and it's for Peter. It's a safety -- it's the safety issue that concerns me is that on the drive-up windows, the cars that go through the drive-up window to exit the parking lot, they have to cross in front of the people entering the parking lot.

Assistant City Manager Iglesias: Yes, that is true.

Mayor Cason: And aren't they doing that now?

Assistant City Manager Iglesias: That's how they're doing it.

Commissioner Keon: Yeah, but...

Assistant City Manager Iglesias: It's a bad maneuver.

Commissioner Keon: It's a very -- that's a very dangerous maneuver. I mean, I think, you know, if you can move that -- if you can -- I'm willing to support your motion if you can move that entrance and exit to the point that our staff is comfortable with that. If they feel that it is safe, I don't have a problem with it. But as long as --, but until they will sign off on the safety of that, I can't support it.

Vice Mayor Quesada: The safety of what?

Commissioner Keon: The safety of those -- of the exit crossing directly in front of the entrance. And it's very close, and it's right at the street.

Vice Mayor Quesada: But, it's been like that forever.

Mayor Cason: It's been like that for how many years?

Unidentified Speaker: Ten.

Mayor Cason: Has there ever been an accident?

Unidentified Speaker: Not that we're aware of.

Assistant City Manager Iglesias: Mr. Mayor, when this first came up, the initial standard that I was told by Starbucks was the stacking of eight cars and that the traffic window was in the wrong location. The City suggested to them -- we suggested to them to do a simulation by putting the person to simulate the five cars in front of the window. But, the initial issue was eight cars. Now, we've got more cars. So, the cars are actually coming into the parking lot, into the parking facility and stacking there. So, now you've got cars that are coming in, cars that are stacked and now you must go through those cars to make a left outside. So, I just want to clarify that we went from -- initially, what I was told was that their standard was eight cars, and the simulation is something that we suggested actually that would mimic that order window being back five cars. However, the issue now becomes 11 cars, 12 cars. It's no longer eight cars.

Commissioner Keon: So, it's increasing.

Assistant City Manager Iglesias: So, now you're blocking that area, whereas the eight cars would be beyond the area.

Mayor Cason: You said --, but you're blocking it during a limited period, mainly in the morning, right?

Assistant City Manager Iglesias: You're blocking it during those limited periods, yes.

Mayor Cason: And you're going to have a -- under this -- under your possible motion, you'll have a policeman there to -- that could help with that.

Assistant City Manager Iglesias: I think that would be...

Vice Mayor Quesada: For a temporary period.

Mayor Cason: We'll see how it works.

City Attorney Leen: So, just to add some additional terms, if it's okay, Mr. Vice Mayor. We would be extending the lease then ten years, which they requested...

Commissioner Keon: No.

City Attorney Leen: We would resolve -- I'm just reading what their proposal would be. You can modify this however you think is appropriate. We would resolve all pending suits, so there'd be a general release on both sides. City reserves its regulatory authority. We have to do that. We cannot contract zone. We have to reserve that regulatory authority. You're going to have to accept that and believe that we're going to exercise that in good faith, which we will and we have, I believe. And then lastly, the -- I do believe Starbucks should take responsibility for their solution. And what I mean by that is I do believe there should be an indemnification of the City regarding the solution that they found. We should be defended and indemnified, in my opinion. So, assuming we can do all that, it's ultimately the Commission's will and I will do whatever you tell me, but that's what I would recommend.

City Manager Swanson-Rivenbark: And Mr. Mayor, if I may, just as a clarification, one, they don't need to have a Coral Gables police officer, but they do need to have either a Coral Gables police officer or a Florida Highway Patrol...

Mayor Cason: A sworn...

City Manager Swanson-Rivenbark: Because those are the ones...

Mayor Cason: Sworn, yeah.

City Manager Swanson-Rivenbark: That have the jurisdiction. A security guard is not sufficient to direct people off of Dixie Highway. So, if you -- you don't need to put a Coral Gables police officer there, but a Florida Highway Patrol is acceptable. Number -- on your issue of renting spaces, we can flip the location of meters to be closer to that location, and if -- as long as we're legally allowed to. Right now, you have to cross through the bushes in order to do that. If there is a -- we cannot have vehicles traveling underneath the Metrorail. But if we can...

Vice Mayor Quesada: A simple sidewalk.

City Manager Swanson-Rivenbark: At their...

Mayor Cason: Yeah.

City Manager Swanson-Rivenbark: Expense, develop a better crossover, we can address the current needs of the permit by moving -- relocating those to serve the businesses and still have metered parking adjacent to that area to serve the transient customer of Starbucks.

Mayor Cason: Okay.

Vice Mayor Quesada: The -- okay, I want to hear from actually Commissioner Lago, because he was the first one who brought this up.

Commissioner Lago: I mean, I would...

Vice Mayor Quesada: What are your thoughts on this?

Commissioner Lago: I've been patiently waiting just listening to my colleagues go back and forth. I mean, I brought this up because it was a pressing issue. Again, like I mentioned in my

comments when we first started discussing this close to an hour and a half ago -- and I think we've had enough discussion even though it's been a robust discussion and I appreciate it. I think I agree with Vice Mayor Quesada's comments. I think that we're going to be addressing, hopefully, many of the concerns that I had. But, one concern that we need to really finalize and discuss before we end this and we actually vote on this is the issue of the lease, because I think Mr. Dotson brought up some very, very interesting comments and facts in reference to whether the lease was followed accordingly and whether they're in breach of the agreement...

Vice Mayor Quesada: You know something? If we're reaching a settlement, there's no determination whether they did or they didn't.

Commissioner Lago: Okay. No, and I just want to be...

Mayor Cason: Yeah, ten-year lease. I have no problem.

Commissioner Lago: Again, that's exactly the type of answer that I wanted.

Vice Mayor Quesada: Just to be clear...

Mayor Cason: And I have no...

Commissioner Lago: I want it to be very clear that -- because I met with Dr. Halebua and his counsel on several occasions and he's only wanted to do what's right by the City.

Vice Mayor Quesada: But, to answer your question...

Commissioner Lago: He has an agreement with the City and I hope that -- I would want to...

Vice Mayor Quesada: To answer your question directly, they will have never -- been found to neither complied nor breached the lease.

City Attorney Leen: We'll do whatever we need to...

Mayor Cason: Yeah.

City Attorney Leen: To extend the lease ten years.

Mayor Cason: Yeah.

City Attorney Leen: Maybe after we do -- I don't know. We'll have to...

Commissioner Lago: My issue...

City Attorney Leen: Vivian, do you have any thoughts?

Commissioner Lago: Again, I'm not an attorney, but again...

Vice Mayor Quesada: But, you play one on TV?

Commissioner Lago: When I sat down with the gentleman who has that lease and with our staff, I got the impression that he was caught in the middle and there was a situation where it was -- both sides were pulling and he was in a situation where -- an uncomfortable situation. Now, you may have -- you may disagree...

Assistant City Manager Iglesias: This will resolve everything for everyone.

Mayor Cason: That's right.

Vivian de las Cuevas-Rivas: I just want to clarify a point that should be discussed is the lease does not allow for a ten-year term extension. The request was made for a ten-year term extension, so there is -- should be a clarification.

Commissioner Lago: Are we allowed now...

Mayor Cason: Or two fives.

City Attorney Leen: But, we would amend the lease to allow that.

Mayor Cason: Two fives.

Ms. de las Cuevas-Rivas: Or...

City Attorney Leen: Under your settlement.

Ms. de las Cuevas-Rivas: Right, but it's five at a time. They wanted to exercise both fives now. So, again, point of clarification. That's not what the lease says. That's what the request on the table is.

Mayor Cason: Alright.

Commissioner Lago: But, I'm willing -- what I'd like this to go is five and five, me, personally.

Ms. de las Cuevas-Rivas: Yes, five at a time.

Commissioner Lago: Five at a time.

Ms. de las Cuevas-Rivas: Stick to your lease. Let's all agree to settle, but then you can move forward.

Commissioner Lago: I think that's in good faith. I think that we're coming in good faith.

City Attorney Leen: But, you need -- I do believe -- I don't mean to interrupt, but I do believe you need to talk to Starbucks about that because what they have told us is that they're not going to -- they're only going to put the menu board in if they have ten years.

Vice Mayor Quesada: So, let me...

City Attorney Leen: You need to address that with them.

Vice Mayor Quesada: Let me give you my thoughts on this.

Commissioner Keon: And they can find another site, too.

Mayor Cason: Go ahead and make your...

Vice Mayor Quesada: That is true. I'm in favor of the -- giving them the ten years. They're going to put a substantial amount of money into this. They've already put a substantial amount of money in. I know that we're looking at a major -- one of the biggest corporations in the United States. I understand that, but we're talking about a coffee company that's putting in hundreds of thousands of dollars to resolve this issue. When you look at, you know, tenant abatement, allowances and landlords give, this is a lot of money that they've put in to resolve this issue. And I think the requirements that we're putting on them are going to resolve...

Commissioner Keon: But...

Mayor Cason: And as long as we have the safety taken care of, we have no desire not to keep Starbucks in the city.

Commissioner Keon: No, but -- well, but, Mayor, I think that you need to differentiate between the hundreds of thousands of dollars or whatever that they are putting into their property is to conform with their -- where they would normally place a menu board five things back, which is just part of, you know, their operating procedure; whether what they've put inside is to enhance the aesthetics of their building...

Vice Mayor Quesada: No.

Commissioner Keon: Or their...

Vice Mayor Quesada: That's not what he said.

Commissioner Keon: Character -- what are they doing?

Vice Mayor Quesada: He said what they approved internally was the efficiency to be able to serve the coffee and whatever...

Commissioner Keon: Well, but...

Mayor Cason: Faster.

Vice Mayor Quesada: Quicker.

Commissioner Keon: Wouldn't -- right, so wouldn't that be...

Vice Mayor Quesada: And if it wasn't for this coming up, that never would have been done. At least, I don't think it would have because...

Commissioner Keon: So, they would have maintained inefficient systems if this hadn't come up, as opposed to moving themselves to become more efficient?

Vice Mayor Quesada: Well, I mean...

Commissioner Keon: Is that what you're saying? Is that right?

Vice Mayor Quesada: I think in their opinion...

Commissioner Keon: Mr. Dotson.

Mr. Dotson: When I'm recognized, I'll be happy to speak.

Commissioner Keon: Okay.

Vice Mayor Quesada: I think, in their opinion, they believe they were sufficiently efficient, but they're making these improvements for us.

Commissioner Keon: Well, okay. Can I ask -- Mr. Dotson, are you...?

Mayor Cason: Go ahead.

Commissioner Keon: Mr. Dotson.

Mr. Dotson: Yes, ma'am.

Commissioner Keon: Are they upgrading their facility and their menu board and all of their things internally to increase their efficiency or they would rather remain inefficient?

Mr. Dotson: Okay, if those were the only two choices, I would answer your question directly, but those aren't the only two choices.

Commissioner Keon: Okay, what are the other choices?

Mr. Dotson: Actually, what occurred is that the City brought to our attention an issue of queuing.

Commissioner Keon: Yes.

Mr. Dotson: There was no issue of efficiency inside Starbucks at that time.

Commissioner Keon: Okay.

Mayor Cason: That's true.

Commissioner Keon: Right.

Mr. Dotson: But, the -- what we actually did was we added another oven, so that I'll be quicker to cook to avoid the queuing issue, not to add efficiency inside the building.

Commissioner Keon: Okay.

Mr. Dotson: What we also did was we upgraded our communications systems and we actually increased the bandwidth so that you could actually hear the order in multiple places within the store. So, what we did is we address the queuing issue by making changes inside, not simply to

add efficiency. We were addressing the issue that was brought to us by the investment that we made.

Commissioner Keon: Well, it would strike me that you have probably done a great deal of what you're doing to add efficiency and have -- maintain the same policies with -- to where you place a board or whatever, you know, throughout your people. So, I'm -- you know, now, I have no feeling one way or the other. I think if, you know, people desire to use that for a Starbucks, its fine. There is two other Starbucks along the highway, so it's not that we're never going to have a Starbucks in the city, so I don't -- that isn't an issue for me. I mean -- , but if they have a lease and they're there and they want to stay there and -- you know, they can work out these issues and make it safe, then I would agree. I still would like to see it done in five-year -- five -- there is no reason to not...

Commissioner Lago: Mr. Dotson...

Commissioner Keon: Consent to another five-year period.

Commissioner Lago: Are you willing to appease Commissioner Keon on this point? Let's just get this done. Let's get this done today.

Mr. Dotson: Yeah, I have been accused of a lot of things, but appeasement is not one of them. One of the things...

Commissioner Lago: You're always -- you're the consummate gentleman.

Mayor Cason: The word was accommodate.

Commissioner Slesnick: Mr. Dotson, you need to appease me too, and I'm (INAUDIBLE) the five years.

Commissioner Lago: Are you -- let's get this done. Let's close this up. Let's put a bow on it. Come on.

Mr. Dotson: Two things. If I can go through the list that the Vice Mayor went through...

Commissioner Lago: No more lists.

Mayor Cason: Five things -- the five things.

Mr. Dotson: I just want to make sure we understand...

Mayor Cason: Why don't you...

Commissioner Keon: Okay, go ahead.

Mayor Cason: Why don't you repeat -- turn your probable into an actual.

Mr. Dotson: The sketch 7, with additions. We're okay with that.

Commissioner Lago: Okay.

Mr. Dotson: The menu board moving back...

Commissioner Lago: Yes, sir.

Mr. Dotson: We're okay with that. The six months with the traffic facilitator and then we'll reassess...

Vice Mayor Quesada: I need to clarify that one, but continue.

Commissioner Lago: With -- and let's clarify really quick. With the Manager's statement in regards...

Mr. Dotson: I was going to come to that, yep. Six months with the traffic facilitator, then we'll reassess. And it'll be a Coral Gables police officer was your motion, but the suggestion was it would be someone other than Coral Gables...

Commissioner Lago: FOP.

Commissioner Keon: FOP.

Mr. Dotson: FHP.

Mayor Cason: Sworn officer.

Mr. Dotson: Which is fine...

City Attorney Leen: Or the County -- or Dade County.

Mr. Dotson: The one thing I want to clarify is the reduced hours. As you know, right now we have the traffic facilitator there throughout our entire business day. If it's just during the conflict time, we're prepared to do that.

Vice Mayor Quesada: So, I noticed from looking at one of your tabs, the hourlies, as they were coming in, the stacking...

Mr. Dotson: Yes, sir.

Vice Mayor Quesada: You get it about 8:30 in the morning, about 9:30 in the morning, and about 12:30 is what I noticed the stacking gets above eight, nine, ten. Please correct me if I'm wrong on that. But, I would say during those -- I would say between 8 and 10 and 12 and 1:30 to 2 and 2...

Unidentified Speaker: There's a 3 o'clock, too.

Vice Mayor Quesada: Is there a 3 o'clock as well? Is that different from what you were...

Mr. Dotson: Yes.

Vice Mayor Quesada: What do you consider the peak hours to be?

Mr. Dotson: 8:30...

Vice Mayor Quesada: I'm basing it off the documentation you provided to us.

Mr. Dotson: 8:30 to 11:30.

Mayor Cason: Okay.

Commissioner Lago: Alright.

Mr. Dotson: The next one was you asked for a Starbucks info program. We're fine with that.

Commissioner Keon: What does that mean?

Mr. Dotson: The running of the...

Commissioner Keon: What is the info program? I'm sorry.

Mr. Dotson: I believe the Vice Mayor wanted to make sure that Starbucks...

Mayor Cason: Educate people.

Mr. Dotson: Informed their customers...

Commissioner Keon: Oh, oh, they...

City Attorney Leen: Educational program.

Mr. Dotson: Educational program. Is that what you were asking?

Vice Mayor Quesada: Correct.

Mr. Dotson: Okay, we're okay with that. The renting of the three spaces, we're okay with that. The resolving of the pending lawsuits, I believe, was added by the City Attorney. We're okay with that. The extension of the lease, we believe it should be ten years, and let me tell you why. We can exercise those extensions at any time, so long as we're not in default. And we exercised two of them -- we could exercise them tomorrow, if we wanted to. So, I don't want to play games with you. Because of the nature of the investment that is taking place here, we're prepared to exercise those options, but you don't lose your rights as the City.

Commissioner Lago: Mr. Dotson, again, with all due respect, we're being flexible in regards to the current status. So, obviously, I see our outside counsel shaking her head where she disagrees with your comments, but let's put a bow on this and let's end this discussion.

Commissioner Keon: Well, I think before we start, can we ask how many -- can we do a straw ballot on the length of the lease?

Vice Mayor Quesada: From what I'm hearing, I think it's either 3-2 or 4-1 for the two five-year options.

Mayor Cason: Not necessarily.

Vice Mayor Quesada: I'm ten year.

Mayor Cason: I'm for ten.

Vice Mayor Quesada: So -- and the rest of you...

Commissioner Keon: I'm with five.

Vice Mayor Quesada: Are for five, so...

Commissioner Lago: You don't have the votes.

Commissioner Keon: So, you're not going to get ten...

Commissioner Lago: So, let's go.

Commissioner Keon: On the lease.

Ms. de las Cuevas-Rivas: And just a point of clarification, not only on the terms of the lease as five or ten, there is a need with all of this for an amendment of these leases to make sure that going forward it's clear. It's just that...

Vice Mayor Quesada: Well, to be consistent with today's vote.

Ms. de las Cuevas-Rivas: With today's and just how we measure that, because I think it's very important that there are certain things that need to be done now and continue to be done depending on what you vote.

Mayor Cason: Let me ask this. The only reason we would not allow them to exercise the second one would be if there was some violation, safety issue...

Commissioner Keon: Absolutely.

Mayor Cason: That came up and they were recalcitrant and didn't do anything and...

City Attorney Leen: Really the same because...

Mayor Cason: Other than they would...

City Attorney Leen: It's really the same, Al, because -- Mr. Dotson, because, you know, if you breach in like two years, we could evict you. And if you don't breach in ten years, we can't evict you if you renew. So, it's all whether you breach.

Vice Mayor Quesada: But here's the thing, though, you can evict them if they have the ten anyway.

City Attorney Leen: Yes.

Vice Mayor Quesada: I mean we're talking about the same thing.

City Attorney Leen: So, even if you were to do ten...

Ms. de las Cuevas-Rivas: Right, it's a matter of the discussion point.

Vice Mayor Quesada: But, the only difference is they're investing hundreds of thousands of dollars to get to this point.

Ms. de las Cuevas-Rivas: Agreed.

Vice Mayor Quesada: It's the same impact.

Ms. de las Cuevas-Rivas: That's up to you guys as far as if they stay five or ten years. I'm just saying that there has to be an amendment, and that's why I reached over and asked Al...

Mayor Cason: Right. That could be done...

Vice Mayor Quesada: However...

Mayor Cason: That will be done.

Ms. de las Cuevas-Rivas: To make sure that we clarify not only -- forget about the terms, just what you're asking for and that this rolls into a reporting situation, you guys know what happens in year six, seven, eight, nine, ten.

City Attorney Leen: But, I don't want this to come back unless it's for the review after six months. So, you would be granting us authority, consistent with the settlement, to do the -- in a ministerial way, to do the lease amendment.

Vice Mayor Quesada: This is very simple.

City Attorney Leen: Yeah.

Vice Mayor Quesada: I mean my motion includes the five-year provision, because that's what the vote is going to be.

Commissioner Keon: In addition to the...

Vice Mayor Quesada: I'm not going to put something in that's going to kill it.

Commissioner Keon: In addition to the parking spaces, they -- the City is willing to flip the permit and the metering of the spaces, so that they will have metered spaces back there. So, they don't have to be dedicated just to them, but they can be available to them, because there will be metered spaces there, you know, that they can use -- I mean, but you hate to see parking spaces sit empty when, you know, it's primarily used as a drive-through when you can leave spaces on the street.

Mayor Cason: Alright, listen, we're going to do this. We're going to take a two-minute break and we're going to come back. Two minutes, in place. Don't move unless you're going to the bathroom.

(BRIEF RECESS)

Mayor Cason: Alright, if everybody would have a seat, we're going to move forward.

Vice Mayor Quesada: Mr. Mayor, if I could just explain.

Mayor Cason: Yes. Everybody please have a seat. We're proceeding.

Vice Mayor Quesada: So, I had -- just -- I want to clarify on the record, you know, what just occurred. I had leaned over to the Mayor, who runs the meetings, and asked if he could take a two-minute break. So, thank you, Mr. Mayor, for allowing me to take a two-minute break. During the two-minute break, I met with the -- our City Attorney, the City Manager, and I also met with a representative from Starbucks to see if what had been proposed was something that was palatable to them to see if we can resolve this issue. And for those watching at home, those who are watching outside, what we were discussing relates to their existing lawsuits and resolving this issue of the stacking on South Dixie Highway or US-1. Starbucks is in agreement with all of the proposals that were suggested by this Commission. The last sticking point was whether to extend the lease ten years or to leave it as is currently under the lease of two five-year periods. So, that was the discussion that I had and that's what came out of that conversation. So, I apologize for you in the audience or those at home that were watching. We're a little bit delayed. I know we're behind schedule, but that's what really was discussed. So, at -- we also had a straw poll prior to that break, which showed that three of the Commissioners were in favor of the -- keeping the same two five-year period extensions. And the Mayor and myself were for the ten-year extension. So, right now, the consent -- the majority is for the two five-year periods.

Commissioner Keon: Can you explain why? Why do you feel the ten-year is better?

Vice Mayor Quesada: Because of the monetary investment that Starbucks is placing into making these renovations to this parcel and to this location.

Mayor Cason: And I was saying because that and as well, I don't see any reason why we would not extend to the second five, unless they -- some new safety issue came up and they were recalcitrant and refused to do it. I think we want Starbucks here. They've been a good customer. I just don't see us not renewing the second five-year, and if they do, we can get them anyway.

Vice Mayor Quesada: And if they default on their two five-year period -- you know, two term five-year period or a ten-year period, either way, if they default, they're going to get evicted either way.

City Attorney Leen: I'll give you my own opinion on this. I have felt that the renewal of the lease aspect has complicated this matter unnecessarily. I mean, this is a regulatory matter. And so, in my view, getting ten years is fine, because then it takes off the renewal issue. And if they're in breach or if there is stacking, then we will just exercise our regulatory authority. And if they're found to be stacking, then we can exercise our proprietary authority.

Vice Mayor Quesada: So, Mr. City Attorney...

City Attorney Leen: It doesn't really change anything.

Vice Mayor Quesada: Mr. Mayor, I'm going to make a motion at this moment. I...

Commissioner Keon: Can we ask our outside counsel is that the case?

Vice Mayor Quesada: Well...

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Quesada: But Commissioner Keon, I can resolve this issue. My motion is...

Commissioner Keon: Okay.

Vice Mayor Quesada: Going to include the five-year because that's the majority of the Commission -- even though it's not my opinion, it's the majority will of the Commission and that's what I'm going to follow. So, I move to settle the matter with...

City Attorney Leen: But they're not agreeing to it, so it's not settling the issue.

Commissioner Keon: But if there...

Vice Mayor Quesada: Oh, okay.

Commissioner Keon: Is no good reason to...

City Attorney Leen: It should be ten years.

Commissioner Keon: You know, a five year lease -- two five-year leases, I don't really care. I mean, to me, it gives us a little more leverage and a little more authority in controlling what goes on at that site when it's taken us so long to just fix the issue that's there at hand. So, if you're telling me it...

City Attorney Leen: The leverage has been...

Commissioner Keon: Doesn't make any difference...

City Attorney Leen: Look, this is my own view on this. The leverage has been proprietary. I much prefer the regulatory authority. Let me just say something. If this stacking had been occurring in a lot that we didn't own, it would have been a lot easier to deal with it. The problem is that Starbucks claims estoppel, because we've agreed to this as part of a lease. I much prefer that this issue be regulatory, so I feel like we should resolve the proprietary issues. The lease clearly allows us to remove them, evict them, find them in default if they're in default, so I think that's resolved. And we're still going to be able to enforce our Zoning Code. So, if there's stacking, they're going to have to address it as a regulatory matter. We're going to be able to

cite them and they're going to have to address it. So, I feel that the five or ten-year, honestly, is a red herring.

Commissioner Keon: But, I would ask you...

City Attorney Leen: Just do the ten year, I believe.

Commissioner Keon: Does the lease -- does the current lease that exists today need to be amended in any way?

City Attorney Leen: Yeah. Well, because it's expired, so we're going to have to address it.

Commissioner Keon: And so, but are -- is there -- are there other issues in that lease that need to be amended?

Ms. de las Cuevas-Rivas: There is -- in speaking with Al, we talked about, for example, the clarification on when the lease starts. Why? Because it relies on another one. But, those are things to clarify. Really, the biggest reason for the amendment is to determine what you guys put in here and what timetables and what reporting mechanism, so that we know that whatever the agreement was carries through in your lease (INAUDIBLE)...

Mayor Cason: Let me -- before you make a motion, let me take another straw poll on the ten years. Who is in favor of ten years?

Vice Mayor Quesada: Hasn't changed. Mr. Mayor, I move...

Mayor Cason: Okay.

Vice Mayor Quesada: This Commission to propose to settle this dispute with Starbucks to implement sketch 7, as modified as we saw today -- and please bear with me. I'm going to read through it again just to be clear. A six-month period with a traffic facilitator that is either a Coral Gables police officer or a Florida Highway Patrol, as...

Mayor Cason: Or County.

Vice Mayor Quesada: I'm sorry?

Mayor Cason: Or County.

Commissioner Keon: Or Dade County.

Vice Mayor Quesada: Or a Miami-Dade County -- is that okay, Madam Manager?

City Manager Swanson-Rivenbark: I'm not sure.

Commissioner Keon: Well, anyone who has the authority to...

Mayor Cason: Sworn officer.

Commissioner Slesnick: Sworn officer.

Commissioner Keon: Enforce traffic at that jurisdiction.

City Attorney Leen: Dade County, Florida Highway Patrol...

Vice Mayor Quesada: Got it.

City Attorney Leen: Coral Gables.

Vice Mayor Quesada: Coral Gables, Florida Highway Patrol, Dade County, for a six-month period. At the end of that six-month period, at the City's determination, if the City is satisfied, we can allow Starbucks to remove this traffic facilitator. If at any point thereafter we feel there's a need to bring that facilitator back, it's within the City's sole discretion to bring it back.

Commissioner Slesnick: And more limited hours.

Vice Mayor Quesada: And more limited hours, from 8:30 am to 11:30 am.

Mayor Cason: Correct.

Vice Mayor Quesada: For the City to swap the parking spots in the City parking lot north of this project on Ponce, to swap the metered spots closer -- I guess that would be southeast, closer to the Starbucks, so that patrons of the Starbucks and the Taco Rico can park at that location. Require Starbucks to put in a simple walking path to connect that location under the Metrorail to a place convenient where staff advises to cross over, because there are a number of locations there to put that walking path. For Starbucks to implement an education program letting their customers know that they can park at those spots and walk over safely using those meters on the northwest side of the Metrorail.

Mayor Cason: Diverter.

Vice Mayor Quesada: The diverter, which is modified -- the modified sketch 7, which we saw today. Extending the lease -- no, well, continuing the five-year periods, based on the majority consent of the Commission, with the City Attorney's additions, as he mentioned earlier, including the indemnity provisions and the other items that he mentioned earlier. That's my motion.

Commissioner Keon: Does that -- included...

Vice Mayor Quesada: Did I miss anything?

Commissioner Keon: In that motion was when you said the changes to sketch 7 -- are those the issues related to the safety issues?

Mayor Cason: Yeah, the diverter and the other...

Commissioner Slesnick: The diverter.

Vice Mayor Quesada: The diverter. The most recent version we saw.

Commissioner Keon: And so, who will sign off on that? Your intent is that Peter Iglesias will sign off on that?

Mayor Cason: The City Manager.

Commissioner Keon: On that...

Commissioner Slesnick: On the diverter?

City Manager Swanson-Rivenbark: It will require a permit, Commissioner, so as Building Official, he will be able to have the final sign-off.

Commissioner Keon: Okay, right.

Commissioner Slesnick: Second.

Vice Mayor Quesada: Did I miss something?

Mr. Dotson: Yes, you did.

Vice Mayor Quesada: What was that?

Mr. Dotson: The menu board. You forgot to mention the menu board moving...

Vice Mayor Quesada: I figured that's incorporated to sketch 7...

Mr. Dotson: Right.

Vice Mayor Quesada: But yes.

Mr. Dotson: And the resolving of the pending lawsuits. I think you referenced that generally.

Vice Mayor Quesada: Yes, that's included, as well.

Mr. Dotson: And I believe that was it.

Mayor Cason: Alright. Do we have a second?

Commissioner Slesnick: I second it.

Mayor Cason: Commissioner Slesnick. So, we have...

City Attorney Leen: Before you vote...

Mayor Cason: The Vice Mayor...

City Attorney Leen: Does Starbucks agree to this? I mean, this is settlement.

Mr. Dotson: Starbucks has authorized me to tell you that they appreciate that we have gotten as far as we have. We absolutely hope that the City will continue to operate in good faith. We don't find ourselves back here. We recognize that the five-year term is what is on the table and is likely to be approved. We have an issue with that. However, we're prepared to accept those terms.

Vice Mayor Quesada: Thank you, Mr. Dotson.

Mayor Cason: Alright, so we have the Vice...

City Manager Swanson-Rivenbark: I'm sorry, and you're speaking on behalf of Starbucks because they're shaking their heads behind you.

Vice Mayor Quesada: Good catch, Madam Manager.

Mr. Dotson: There's one issue.

Mayor Cason: Okay.

Mr. Dotson: We do have a ten-year lease that we have signed with our landlord who's represented here by Laura Russo. That's the other reason that the ten-year issue came up. So, I just want you to know you're not asking us to...

Mayor Cason: No. You still have that lease with them.

Mr. Dotson: Breach our lease with the...

Vice Mayor Quesada: We are not asking you to breach your lease.

Mayor Cason: No. We're not asking for that.

Mr. Dotson: They have exercised -- I'll let them speak for themselves, but I believe they've exercised the ten years, which is why this came up to begin with.

City Attorney Leen: Just understand that Starbucks' view has been that they have the right to renew both of them, both of the provisions at the same time, so both five-year periods. The issue that's come up here is because the City's view is they're in default, we did not let them exercise either. That's been our position. So, they wish to exercise them both. The lease is not a great lease. Let's be honest about it. It's not a great lease. There's a lot of -- there's ambiguous terms. There's not really a date period for when you can renew. Is that correct? Is that correct, Vivian? There's not a date period where you exercise the renewal, so they've essentially renewed ten years on their sublease and now they have a five-year lease with us, which would automatically renew for another five years unless they're in default.

Ms. de las Cuevas-Rivas: And we would have to clarify the lease is with Ms. Russo's clients, so these amendments would have to be somewhat -- not only with Al, quite honestly, and Starbucks. It's directly with Laura Russo's client, so that it carries down into the sublease, just to be clear.

Vice Mayor Quesada: Ms. Russo, one simple question. Is your client going to agree to be consistent with what we are negotiating with Starbucks?

Ms. Russo: Yes. He will be willing to work with both Starbucks and the City. But to clarify, it wasn't Starbucks that exercised the two five-year options. My client did it, since we are the tenant under the...

Vice Mayor Quesada: Perfect.

Mayor Cason: Yeah.

Ms. Russo: Lease. We exercised...

Vice Mayor Quesada: Is he -- are -- okay, I'm assuming you're the landlord.

Ms. Russo: Yeah.

Vice Mayor Quesada: Will you retract that and execute something new with Starbucks, so that everything is consistent?

Ms. Russo: We have to -- yeah.

Ino Halegua: We want a settlement here, you know.

Vice Mayor Quesada: Got it.

Mr. Halegua: We've been here for a long time.

Mayor Cason: Okay.

Vice Mayor Quesada: Got it.

Mr. Halegua: We don't want a lawsuit. We want a settlement.

Vice Mayor Quesada: Perfect.

Mr. Halegua: And I want to let you know...

Vice Mayor Quesada: I think we all have the same interest in mind.

Mr. Halegua: There was also a third five-year option, because the initial lease with me and you was ten years with three five-year options. I picked to enforce only two of the three five-year options. But, technically -- at that time. I still have the opportunity, according to the lease, to exercise the third option of five years, okay, not that I want to.

Vice Mayor Quesada: Okay. That's fine.

Mayor Cason: You wanted to make a slight tweak to your motion?

Vice Mayor Quesada: Perfect. We're clear. Thank you for that. Thank you for clarifying that.

Mayor Cason: Thank you.

Vice Mayor Quesada: One quick clarification, I had said 8:30 to 11:30 for the traffic facilitator. I'm going to change it from 8 am to 11:30 am.

Mr. Dotson: If we can add what you just discussed with the landlord to the motion as one of the conditions, then we would be fine. Our concern is that we have a contract with them for ten and we want to make sure that we don't run afoul of that contract.

Vice Mayor Quesada: So...

Mayor Cason: Alright.

Vice Mayor Quesada: So added.

City Attorney Leen: So, it's going to be five years...

Mayor Cason: Thank you.

City Attorney Leen: For both with these automatic renewals.

Mayor Cason: Alright.

City Attorney Leen: I assume the lease between you and your landlord has an automatic renewal as well? Okay. So...

Mayor Cason: Alright.

City Attorney Leen: That's how it's going to be.

Mayor Cason: So, we have a motion from the Vice Mayor. Commissioner Slesnick seconds it.
City Clerk.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

City Commission Meeting

March 14, 2017

Agenda Item I-2 – Settlement hearing regarding resolution of Starbucks matter relating to drive through at 475 South Dixie Highway, Coral Gables, FL.

Mayor Cason: Thank you.

Vice Mayor Quesada: Thank you.

Mr. Dotson: Thank you, Mr. Mayor, and members of the Commission. We appreciate it.

Mayor Cason: Thank you very much.