

City of Coral Gables City Commission Meeting
Agenda Item 2-1
September 25, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Assistant Public Works Director, Jessica Keller

Public Speaker(s)

Robert Ruano
Deborah Swain

Agenda Item 2-1[9:24:50 a.m.]

A Resolution by the Transportation Advisory Board adopting a Zero Concurrency Policy for collector streets for the City of Coral Gables.

Mayor Valdes-Fauli: A Resolution by the Transportation Advisory Board adopting a Zero Concurrency Policy for collector streets for the City of Coral Gables.

Vice Mayor Quesada: Do we have anyone presenting on the item? No one's presenting on the item.

City Attorney Ramos: I assume a member of the Board.

Vice Mayor Quesada: Is any member of the Board here present want to discuss the item with us?

Commissioner Lago: Have you filled out a card already.

Mayor Valdes-Fauli: I have four cards here, but anybody from the Board wishes to speak?

Vice Mayor Quesada: They all wish to speak.

Mr. Ruano: Good morning Mayor and Commissioners, Mr. City Manager congratulations. Robert Ruano, 1544 Murcia Avenue. I'm going to put these up...

Vice Mayor Quesada: And a member of the Traffic Advisory.

Mr. Ruano: And, a member of the Transportation Advisory Board. I think some of you have already seen this, if not provided by me, provided by staff, but this was presented at Transportation Advisory Board. Incidentally, the item before you was presented at Transportation Advisory Board was pass unanimously there, urging the City Commission to take this up. It was presented at the Sustainability Board, passed unanimously again, asked the Commission to take it up; and then the Parks Advisory Board did look at it, but had a small modification. So basically, the item before you is zero concurrency on collector roads. Collector roads are highlighted in brown over here on this map on the left. Those are roads like Alhambra, Riviera, Granada, Ponce, and a couple of others in between there. But you'll see, they are larger roads that go through our City, Sevilla, that take up to 8,000 cars a day, a significant amount of traffic going through these roads. I'll tell you, Blue Road there, which is in red, it's technically kind of a collector road, but it is not listed that way because it is a county road, I believe.

City Manager Iglesias: County.

Mr. Ruano: County road – but it kind of serves the same purpose. And Deb, if you can put the other map up on the easel, that one, so I'll show you how they relate to each other. So this is a map that was done by John Swain actually, who is in the audience today. This is a map that looked at collector roads and these are the areas where there are missing sidewalks. The red part, if you see onto the left, there's a big straight line there; I am very personally interested in this because I live off Alhambra in that area, but that big red line that means there are no sidewalks on Alhambra. So for example, all the way from Bird up to the canal, not a sidewalk on either side; Bird south is a large portion is missing; Granada has a large portion missing. The areas in yellow or orange, I guess, is where a sidewalk is missing on either side. So see there's significant gaps here on major, major roads in the City of Coral Gables; and currently, in order for the City to put a sidewalk on any of these roads, two-thirds of the affected residents on that road would have to agree. What we have passed and what we are proposing is that the City adopt a zero concurrency policy, much like a lot of the things that you do. You take input from residents, but you make a decision, as a City or as a Commission, you make a decision whether this is a public safety issue and whether you should address this issue. This particular issue and knowing it and living across from it, I see it every day, I see people, older people with walkers, I've seen people in wheelchairs, I've seen parents pushing children all in the road, all by cars going by them at 30

and 35 miles per hour. This is a serious public safety issue, maybe ACM Fernandez wants to talk about the public safety issue, I'll put him on the spot there, but essentially all we are asking is for this: We are asking that the City provide a safe, convenient, accessible and contact sensitive facility for all modes of travel and for all users of all ages and abilities. We ask the City to better serve the needs of transit users by providing access to transit systems. We'd ask the City to improve access and safety for those who cannot or choose not to drive motor vehicles. We'd ask the City to provide safer routes to school for children and finally, that the City provide opportunities for improved mobility for people with disabilities as their needs are specifically considered; and all that I ask are not my words, they are your words. This is your complete street's policy. This is what you passed this year. This is the policy that you said was important to the City that you would comply with. So we are asking, take this policy, make it a reality, and allow for zero concurrency on collector roads. Thank you.

Mayor Valdes-Fauli: Thank you sir. I'll like to call Deborah Swain. Good morning.

Ms. Swain: Good morning, morning Mr. Mayor, Commissioners and congratulations Peter. Debbie Swain, 4015 University Drive. I was on the Transportation Advisory Board for 8 years and now I'm on the Parks Advisory Board. I'm also a resident on a collector street, University Drive. I live on University between Blue Road and Bird Road. It's a street that's heavily travelled by Doctor's Hospital vehicles and employees, by University of Miami students. It's a major route for UM students who ride bikes and walk to get to the downtown area. It's also a very popular running area, because it is so pretty and we actually have four houses on that street that do have sidewalks in front of them, but not the rest of the street. We have people with children and strollers; we have people on wheelchairs; we have caregivers and domestic assistants that come off the bus and walk down the street and we have heavy traffic; and that is the definition of a collector street without sidewalks. It's a safety issue. We actually have been trying, my husband and I have been trying to get sidewalks on University Drive for about ten years and we are getting closer. There was actually a ballot on my street about a year and-a-half ago, and we have well over the two-thirds, but it really brought to bear that this process is very arduous, perhaps not going to be as easy on other streets and yet it's a safety issue; and a couple of things came up that really made me think about it. One is, the comments that people had against it that were relatively nonsensical. For example, one woman said she loves sidewalks, she walks across the street to those four houses where there is a sidewalk and walks on those sidewalks, but she doesn't necessarily want one on her front yard. Well we all need to have safety. On her side of the street the neighbors voted very significantly to add sidewalks, but I'm just thinking about the comments. They are worried about people coming on the street that wouldn't normally. Well we have a lot of people that walk and come to the street anyway, sort of like...

Mayor Valdes-Fauli: I live on North Greenway and we have a lot of people walking and strollers and everything and I think it's delightful...I think it's wonderful to see people enjoying themselves...and everything. I'm sorry to interrupt it, but I echo your comments.

Ms. Swain: Thank you – and it is a very active street. We are a very close knit street, but there are people that are against it. One person doesn't like the idea of construction. Another person is worried about pulling out of their driveway and hitting somebody on the sidewalk. Well, we've already talked to the engineering department about ways that might mitigate, that would help to mitigate that by offsetting the sidewalk away from any walls.

Mayor Valdes-Fauli: And by looking both sides.

Ms. Swain: It's also training, yes, look before you go over a sidewalk; and so there's a lot of things that can be done to mitigate all the comments that we've heard and really that I know of, there was only one person on our street that didn't like the idea of a sidewalk actually interrupting his lawn. There are people that are concerned about their plantings on the right-of-way and those are being addressed also by the Public Works Department, but how much easier this process would be if the collector streets were made safer for everybody without having to go through such an arduous process. Yes, have the community meeting, explain the process to them, but it could be easier; and then just quickly on the Parks Board. We had several people that didn't like the idea of completely excluding the residents and we had many of us that felt that it's not an exclusion completely, it's just not depending upon a two-thirds vote. But, our Parks Board actually and I'm not here speaking on behalf of the Parks Board, I'm here as a resident, but I'm going to relay to you, what they said is at least based on...they have a two-thirds. A simple majority would be much, much better even than where we are right now, but of course I strongly support not requiring any concurrency whatsoever.

Mayor Valdes-Fauli: Thank you. Thank you very much Ms. Swain. I'm thinking of a new park on Alhambra Circle and I felt that there would be people against it, because it brings people to a neighborhood. Roberta Neway.

Commissioner Mena: Can I ask a quick question?

Mayor Valdes-Fauli: Sure.

Commissioner Mena: The current concurrency standard is that block by block? In other words, its two-thirds of what?- of each block?

City Attorney Ramos: Peter, is it two-thirds of each block?

Assistant Public Works Director Keller: It's by block.

Mayor Valdes-Fauli: Is it two-thirds?

Assistant Public Works Director Keller: Correct.

Mayor Valdes-Fauli: OK. Roberta Neway.

Commissioner Keon: Can I ask a question about that too? Is a block considered like on University, on the east side of University because the waterway is on the other side, there is no interruption. What makes a block?

Assistant Public Works Director Keller: It would be from intersection to intersection. So, if on one side you have there are no interruptions...

Commissioner Keon: On the east side there is no interruption, so is it the entire extent of the east side from Bird Road to Blue Road?

Assistant Public Works Director Keller: Yes.

Commissioner Mena: And is each side treated...

Commissioner Keon: Differently on the north side because it has blocks.

Commissioner Mena: So each side is independent of each other?

Commissioner Keon: Yes.

Assistant Public Works Director Keller: No because we want them on both side of the street, so let me think about that a little bit more.

Commissioner Keon: On Campesano it's the same, there is no interruption.

Commissioner Lago: Peter had a comment.

City Manager Iglesias: The issue is that a collector, the residents are not charged for the sidewalks.

Mayor Valdes-Fauli: OK – good. Now for the fourth time go ahead.

Ms. Neway: Good morning everybody, my name is Roberta Neway, I live at 1236 South Alhambra Circle. My street, thank goodness, has sidewalks, it makes my life much, much better, because I agree with the Mayor, I like having people walk up and down my street. I think it's safer crime-wise. I think there are more eyes on the street; and I know when I drive down University or Riviera, the portions without sidewalks, I feel so bad for the people who have to use those streets without a car. I think this is very important and that's why I came today. Thank you for your time and have a good day.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Lago: Appreciate that.

Mayor Valdes-Fauli: John Swain.

Commissioner Mena: He's not going to speak.

Mayor Valdes-Fauli: What?

Commissioner Mena: He's not going to speak.

Mayor Valdes-Fauli: OK. Yes, it says do not wish to speak. OK.

Commissioner Mena: I have a couple more questions.

Mayor Valdes-Fauli: Go ahead.

Commissioner Mena: And, this is for either the individuals who has spoken or Jessica. The map here, obviously shows both streets that have zero sidewalks on either side and/or streets that have only on one side; and you just stated, obviously there is a preference for both sides.

Assistant Public Works Director Keller: There is a preference for both sides, and so...

Commissioner Mena: What I want to understand is on the ones which already have one side, I'm not talking about where we have none currently, but where we already have on one side, to the extent there is pushback from residents on doing the other side, isn't the fact that there's a sidewalk – in other words, on my street actually only has sidewalk on one side and people use the sidewalk plenty, trust me, and it's great. But if you want to use it, you can just cross the street and you've got your sidewalk and you take it wherever you want to go; and so, I want to just sort of understand the distinction and how we treat when we have sidewalks on neither side and then when we have it on one side.

Assistant Public Works Director Keller: Under the current program, which I can speak to, is a resident can come to the Public Works Department and ask for sidewalks on their side of the street; and under the current program we would ballot that side of the street for that block and we would move forward with two-thirds concurrency; and if we were to change concurrency would have to work through what that policy would look like and how we would move forward. I don't have an answer what it would be today, but under the current program we look at whatever side of the street that particular resident would be requesting.

Commissioner Mena: But, I guess my question is from a public works/public safety perspective, why is it imperative to have it on both sides of the street, on the streets where there already is on one side?

Assistant Public Works Director Keller: Well, I guess from the standpoint of trying to work through the neighborhood issues, because now we are put in a position to make people figure out well what side of the street it's going to go on, as Ms. Swain had mentioned. There are times when people say, we want sidewalks, we want them on the other side of the street. So, you still get into that neighborhood argument about what side of the street should they go on.

Commissioner Mena: But, I'm looking at situations like the ones on the map where there already is on one side of the street, so that ship already sailed. There is already a sidewalk on one side of the street and how imperative is it to have one on the opposite side of the street?

Assistant Public Works Director Keller: You know it's the will of the Commission, if you would like to have them on both sides of the street, it's great to have at least one side of the street, but you know, if you had a community come to us, if they came to us and requested it on their side of the street too, we would want to move forward.

Commissioner Mena: Of course. No, no, no – understood.

Assistant Public Works Director Keller: But in the case where you have no sidewalks, its best to move forward with both sides of the street.

Ms. Swain: I just wanted to add about the ballot itself. The ballot that's sent to the homeowners currently asks, do you want a sidewalk in front of your house? That's it. It's not talking about it across the street, your neighbors, anything. So, that's what the concurrency ballot currently looks like.

Commissioner Keon: The other issue that I know, when you went to University and you were talking to the people on University about their sidewalks, one of the biggest objections that

people had to having sidewalks placed there was they were told that they had liability for anyone that fell or was hurt or whatever on the sidewalk, and they were also told about their legal requirement that they replace any broken sidewalk. It wasn't explained to them if it's a tree on the swale that create the problem with the sidewalk that it is the City's responsibility to fix it, if you have worked on; and the biggest objection that people had to it was their fear of liability. So, if you are going to deal with it you need to deal with that issue too. If you are going to put sidewalks in on collectors as a mandate from the City then we have to assume responsibility and liability for those sidewalks.

Mayor Valdes-Fauli: We are talking about concurrency...

Commissioner Keon: But, if you are going to do it and when you explain to people you have to tell them that we need to make a decision is, if we are we will assume the liability for sidewalks. Now if you have work done in your house and you break the sidewalk there is always a bond that you go back and you fix the sidewalk, so that's not an issue. But from time to time, they get broken, nobody seems to know when they got broken or how they got broken, if we are telling them they have to have the sidewalk, do we assume responsibility for those sidewalks and liability for those sidewalks? Then you have to tell people that, because that's not what is currently being told.

Commissioner Lago: We had a pretty in detail conversation over the last week on several issues. Like number one, when there are trees on the swale, avoid the trees at all cost, so that we don't destroy the trees and there is no damage. I also wanted you to touch base, so that my colleagues could become a little bit more familiar with what the code dictates already and we are not following the code, and I think this is important that my colleagues understand this, because currently people – there is a misconception in the City of Coral Gables that when you renovate your home or build an addition, you are already supposed to build those sidewalks in front of your home already.

Assistant Public Works Director Keller: Correct.

Commissioner Lago: And we are not following a code that's been in the books for years. Please go over that in detail. Can you go over in detail?

Assistant Public Works Director Keller: Yes – section 58-57 of the Coral Gables City Code states, sidewalks, curbs and gutter shall be constructed, reconstructed or repaired when any property located within the corporate limits improved, altered or modified by construction, reconstruction, renovation, remodeling or repair of any type of the building structure or parking facility seeking \$15,000 in value or when such building to be constructed, reconstructed,

renovated, remodeled or repaired extends 600 square feet in floor area for which a building permit is required.

Commissioner Lago: So, I'm happy you brought that up, so we can really put it out there, that's the code right now.

Mayor Valdes-Fauli: Can you say that in lay terms, so people would understand it?

Assistant Public Works Director Keller: If you are doing a renovation on your home that exceeds \$15,000 or a renovation that is 600 square feet, which is not very big, you are required to install a sidewalk.

Commissioner Mena: That's...to my house. Question – So you are saying, for example, somebody is doing a new roof or windows or something and it exceeds \$15,000 that they have to repair the entire sidewalk in front of their house?

Assistant Public Works Director Keller: They have to construct it, they have to build it.

Commissioner Mena: So, this only applies to where there is none or you said reconstruct as well?

Assistant Public Works Director Keller: Reconstruct. I mean the way that its written is anything that you do to your home is \$15,000 or 600 square feet improvement, 600 square foot improvement, requires the construction of a sidewalk adjacent to your home.

Mayor Valdes-Fauli: What is the pleasure of the Commission?

Commissioner Lago: I just want to touch base in regards to that issue. When I did the renovations in my home, they came in and before they gave me the final to close out my permit, they required me to rip out all the sidewalk on Rubino and replace it, but I should have been required to put a sidewalk in front of my house, no questions asked. It's the law.

Mayor Valdes-Fauli: Are you referring to Code Enforcement?

Commissioner Lago: I'm throwing myself under the bus, because when I had a conversation with Ed and Jessica this week over this issue of sidewalks, she brought this to my attention...why have we not been following through with this, if this already has been in the books. It would have saved a lot of the discussion today if we would have been following this over the last few years. Somehow, someway I'm going to say this fell through the cracks.

Commissioner Mena: I think it's kind of a bizzare law to be perfectly honest with you.

Commissioner Keon: I do too.

Commissioner Mena: I think if you are doing a driveway or something that impacts that area, great, I get it. But, if you are switching a roof or putting in impact windows or whatever else you might be doing that has absolutely nothing to do with that. I'm not sure I follow. I also think it's a little bizarre, frankly. They had houses with 75 foot sidewalk in front and then the rest of the street doesn't have any.

Commissioner Lago: That's what I have.

Commissioner Mena: It's just bizzare.

Commissioner Lago: I don't have any sidewalk in the front, I have sidewalk on the side, so...

Mayor Valdes-Fauli: The point of this was to force, at one point after a number of years for everybody to have a sidewalk, and that's the whole point of this.

Assistant Public Works Director Keller: Correct – and that's what I would assume, is that this was a mechanism to fund construction of sidewalks throughout the City of Coral Gables.

Commissioner Mena: What would that run for a 75 to 100 foot wide lot?

Assistant Public Works Director Keller: I'm sorry?

Commissioner Mena: How much would that cost give or take?

Public Works Director Santamaria: Permission through the Chair, Ed Santamaria, Director of Public Works. We are talking about \$3-\$5,000 in construction; and so, I would also like to add that this is a very complicated situation. This matter, I think, really requires a lot of deep exploration and perhaps some further discussion with reselected body and would be happy before you make any kind of final decision to put together a memorandum or perhaps discuss this on a one-on-one basis or a workshop, so that you can make the best and most educated decision possible for this very, very important issue.

Commissioner Mena: So let's be clear about something, because I think this is an important distinction. I think Mr. Ruano touched on it when he spoke. We are not here to decide that all of these streets will get sidewalks.

Commissioner Keon: That's what he's asking you to do.

Mayor Valdes-Fauli: We are not here to decide.

Commissioner Mena: No, no, no, that's not what we are here to decide. We are here to get rid of the concurrency requirement, that doesn't mean that on a given street we will or will not put a sidewalk. All it means is that, if and when we look to do that on a given street, we don't have to have two-thirds of the block say yes.

City Attorney Ramos: That's correct.

Commissioner Mena: So that's an important distinction here. We are not deciding to put sidewalks on all these streets or not.

Mayor Valdes-Fauli: We are deciding that a lot of streets that don't have sidewalks create a danger to the public; create a danger to strollers, to people walking to wheelchairs and to pedestrians.

Vice Mayor Quesada: No I think that's a consideration in the determination if we should change the procedure, if that's correct. The conversation really we are having that's before us today is a procedural mechanism not a substantive. Now everyone has their own rationale why the procedure should stay the same or change. The way I see it is, and I agree with you Mr. Mayor, I think your position, I'm for the zero concurrency for reasons based that you said. But, I think Commissioner Mena is correct.

City Manager Iglesias: If I may say, these streets are streets that have 1,000 vehicles per day. These collectors right now, the sidewalks will be charged to the residents, so there is a zero cost involved, so they meet with zero concurrency because there is a zero cost involved. We have now if you pull a building permit you are required to have a bond Commissioner, and that is for repairing sidewalks and right-of-ways. I think we need to look at this. That's been on the books for some time and I think there's been some waivers, I think our Public Works Director is looking to see what documentation has been – properties have agreed to provide the sidewalks when needed. I think it's something the director is looking at right now. However from a liability, Commissioner Keon, they only have a liability if you are fixing a roof and roofing contractor...destroys a sidewalk...and creates an unsafe condition.

Commissioner Keon: But there is also a bond for that. The way that it was explained and the way that it is written in the code, it doesn't say that clearly; and so, they were very concerned about if anybody slipped, even if there was mildew or something on the sidewalk, because there was a lot of rain or soil had washed onto the sidewalk and it made it slippery and somebody fell that they would be liable. Those are the concerns that they raised. I agree with Mr. Santamaria that if we

are going to move in this direction that we need to allow staff to look at all of the issues related to putting in sidewalks for safety reasons with zero concurrency. I'm going to assume that the reason you want the zero concurrency is because, you want to start looking at putting in sidewalks.

Mr. Ruano: Sure.

Commissioner Keon: So, I'll assume that. So, the fact that we say zero concurrency is not putting in sidewalks, that's another step.

Commissioner Mena: My point is just, I would still want community input on anyone of these streets that we are looking to do sidewalks on; and then we'll have to evaluate that, but it's not like we are not going to get community input on anyone of these. I mean we've been down that road before and I'm not interested in going down it again.

Commissioner Keon: I mean I know you went down it on University and you didn't get the answer you wanted.

Commissioner Lago: We are talking about zero concurrency and this is an issue like Commissioner Mena mentioned, we go above and beyond in regards to public input, but there is going to be a moment when you have to make a very tough decision; and again, I'm going to have to face that tough decision with some neighbors in my community where you are going to have to say, OK, do you want the individual who goes down my street in a wheelchair to have to cross San Amaro and then head south then cross San Amaro again, because there is no sidewalk in front of my house. I don't own the swale. There is a big misconception in this community that people own the swale. We have to think about others, especially the elderly in this community, the people who are sick, the people who are bound to wheelchairs. For example, I think the Mayor mentioned, this is my only comment on this issue. I think it's a travesty, number one, on two points what's happened on Alhambra, the Alhambra Park. Number one, the park is not completed that's another conversation for another day, and I will discuss it at today's budget hearing. We will be finishing that project as we talked about it, that's number one. And number two, you see families and you see elderly individuals having to walk on grass or in the middle of the street on Alhambra to get to that park to take their children to that park, it's just not correct. It's not correct. And, we have to take a tough stand in regards to certain residents that may tell you and again, this is not the conversation that some people want to have, but it's a conversation that we must have, because I've had family members fall in front of their homes, because they are trying to walk on a long patch of grass and they trip over something. And it's an issue; and it's an issue that we need to address and I think that this is the time to address it. It's in the books already, it's already law.

Commissioner Mena: Which part you talking about now?

Commissioner Lago: The fact that if you remodel your home you are already supposed to put the strip of contiguous sidewalk, it's already there.

Commissioner Mena: I think that's...

Commissioner Lago: And I'm not saying – again, I agree with you, but it's there already and I think that it should be modified where you have major construction if you build an addition, I mean \$15,000 back in 1988, anything is \$15,000 now, a bathroom remodel is \$15,000.

Commissioner Mena: That's the problem.

Commissioner Lago: And I agree with you. We have to face this issue, we've got to face it; and Alhambra is a prime example. My in-laws live on Alhambra and I drive by constantly.

Mayor Valdes-Fauli: Look at Granada.

Commissioner Lago: I'm not that familiar with Granada, because I don't drive Granada every day, I'm just telling you from what I see. I live a stone's throw from Alhambra, the family lives on Alhambra, we are there constantly, and you see that park full of individuals, especially elderly individuals taking their grandchildren to that park, and it's a problem. We could do so much better, we could do so much better.

Mayor Valdes-Fauli: What is the pleasure of the Commission? We've discussed this and I call on you to make a motion.

Commissioner Lago: I know where you are going and I agree with you. I think we should listen to what Ed said.

Commissioner Mena: I think we should listen to Ed, the Director of Public Works, like to evaluate.

Mayor Valdes-Fauli: Do you move, is there a second? I'll second.

Commissioner Lago: Second for discussion, that's fine, I'll second for discussion, we can second it for discussion, that's fine. But I want – do you mind Mayor, if I may...

Mayor Valdes-Fauli: No, go ahead.

Commissioner Lago: Can I have Robert to say one comment, because he's been itching to get up here.

Mr. Ruano: Mr. Santamaria and I spoke before this, we've been speaking over the last four months and Ms. Keller and we spoke to the City Manager last week. I believe I'm interpreting what he said differently than you are, because and maybe he can clarify, because the issue of zero concurrency is very simple, it's just taking the concurrency away its not requiring anything. It's just taking something, a very onerous policy that you don't have for anything else, like when you purchase properties for parks you didn't say 500 feet around this property, three-fourths or two-thirds of residents had to agree that you bought it, it's just a very onerous process. You can still take feedback. I think what he's talking about is the whole grander issue of the \$15,000 and the sidewalks in front of homes and all that. Can you clarify please, because I'm getting a very different feeling about that?

Public Works Director Santamaria: In essence we are getting into a discussion that has broader implications than just collector roads, because the code that's cited by Ms. Keller indicates that its every property within the corporate limits, corporate boundaries in the City of Coral Gables. And so, I think that we need to explore this. I believe that having an approach on collector roads is appropriate. It's up to the Commission to decide whether this is the time to decide or not. What I was saying basically is that we would like to inform you as best as possible to have a basis to make your decision that has all of these facets under covered. We do believe that sidewalks are a city amenity. We do believe that they enhance public safety; and so we believe that this discussion that should be had.

Mayor Valdes-Fauli: Let me question in a way and we'll get to talk. We are not discussing whether to put sidewalks on specific streets or not. We are discussing removing one specific requirement that will allow us to have a rational discussion on whether to move sidewalks or not, and that is the issue that's before us today. Removing one impediment to our deciding whether to have sidewalks or not.

Commissioner Lago: What I am willing to do and if Commissioner Mena's and my colleagues are willing to support it is, why don't we have staff prepare this memo. We have our next Commission meeting is a month from now in October and I'm willing to put it on the Commission Agenda to make a decision at the next Commission meeting, but I'd like to see that memo. I'd like to see that staff put something on the record and that we become a little bit more aware of what staff is recommending, if that's appropriate.

Commissioner Mena: My question to Mr. Santamaria is, again, I don't want to mix apples and oranges here. I understand the regulation that Jessica read from a moment ago, but that's not really what's before us right now, it's just the concurrency issue; and so, my question for you is,

what if anything would you be evaluating and reporting back to us on as it relates to concurrency.

Public Works Director Santamaria: Well Commissioner Mena, in my opinion you can't really disengage one from another.

Commissioner Mena: OK.

Public Works Director Santamaria: Because, it provides an inconsistency where you are saying, on one side you are saying that if you are affecting repairs to your property and we've talked that the limits may be too low, etc., etc., then you have to construct a sidewalk; and then on the other side you are saying well, if you are on a collector or if you are anywhere else and you have a concurrency standard of two-thirds as it stands right now. So, that needs to be reconciled and that's why we'd like to put out as much information as possible.

Commissioner Mena: Well look, I think I'm generally in favor of reducing the concurrency requirement, but I also don't want to rush into it if you feel like you need to evaluate that or report back to us before we make that decision.

Mayor Valdes-Fauli: Motion has been made and seconded. Will you call the roll please?

Commissioner Keon

Commissioner Keon: What are we voting on?

Mayor Valdes-Fauli: We are voting on passing this elimination of the concurrency requirement.

Commissioner Keon: No. I'd rather wait until I have a memo from staff.

Commissioner Lago

Commissioner Lago: No. I'd rather wait till I have that memo from staff.

Commissioner Mena: No.

Vice Mayor Quesada: Yes

Mayor Valdes-Fauli: Yes

Mayor Valdes-Fauli: It fails and we'll wait for your report. Thank you.

Commissioner Lago: Wait, wait, wait, before we go, stop one second. So let's put this right now, because I don't want this getting lost and the fact that it's not been before or I guess, gets lost in the shuffle. I want this on the next Commission Agenda; I want a memo from staff, whatever time it takes to put that together. I want this to be the first item on the next Commission meeting that we discuss, if the Mayor will allow it to be, if my staff approve that, excuse me, my colleagues.

Commissioner Mena: I agree. I'm not going to defer again after our next meeting, so I need you guys to get us whatever information you think we'll need. The individuals behind me took their time to obviously, prepare these maps and report to us and I appreciate that. I want to give you the deference you deserve as our Director of Public Works to get us whatever information you think is pertinent, but we need to vote on this next meeting.

Commissioner Lago: And by the way, just so you know, my vote next time will be a yes, as long as everybody falls in line. I just want to make sure that we cover every single base. I don't want to hear from residents that we didn't hear from staff and we rushed through this. I want to make sure – my vote will be a yes.

Mayor Valdes-Fauli: OK.

Commissioner Lago: So, this will pass next time as long as everything...

Commissioner Keon: I'd like you to bring...[inaudible]...Before we move on I'd like to ask...with all the issues and look at all of the Code issues involving sidewalks, so that we don't have inconsistency among them and if we do this, or at least that we change that they don't apply to collector roads or whatever else and that you differentiate between those two, so that its clear in the code that you are differentiating between the two. I also have a question – I know on county roads like, I think Blue you are required to have a ten foot sidewalk, is that right?- I thought on county roads you are required to have a ten foot sidewalk. Are collector roads the same way or is there a differentiation?

Assistant Public Works Director Keller: No – and I'm not aware of a rule or template sidewalks.

Commissioner Keon: OK. I was told by...I know when Riviera Country Club came before us and they were required to put a ten foot sidewalk. I thought it was because, I was told, it was because it was a county road.

Assistant Public Works Director Keller: No, that's not correct.

Mayor Valdes-Fauli: Alright.

Commissioner Keon:...or a six foot one, you sure?

Assistant Public Works Director Keller: Yes.

Commissioner Keon: OK.

[End: 10:01:56 a.m.]