

**City of Coral Gables City Commission Meeting
Agenda Items 2-1 and 2-2
July 9, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez**

City Staff

**City Attorney, Cristina Suárez
City Manager, Amos Rojas, Jr.
City Clerk, Billy Urquia
Police Chief, Ed Hudak**

Public Speaker(s)

**Doug Yoder, Chair of the Waterway Advisory Board
Maria Cruz**

Agenda Items 2-1 and 2-2 [10:43 a.m.]

2-1: A Resolution of the Waterway Advisory Board recommending the City Commission amend the City Zoning Code to require notice to all properties along the Mahi Canal for any new MX Developments on the Mahi Canal.

2-2: A Resolution of the Waterway Advisory Board requesting the City Commission, through the City Manager, to direct the Development Services Department (Code Enforcement) and Police Department (Marine Patrol) to provide monthly summary reports reflecting waterway related activities and citations issued to waterfront property owners and their status.

Mayor Lago: We have a time certain 10:30, items 2-1 and 2-2.

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[Date]

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Agenda Items 2-1 and 2-2 – Resolution of the Waterway Advisory Board recommending the City Commission amend the City Zoning Code

Mr. Yoder: Good morning Mr. Mayor and Commission and Mr. Manager, my name is Doug Yoder, I am the Chair of your Waterway Advisory Board. There are two resolutions that have been approved per your consideration by our board.

Mayor Lago: First off, you're my neighbor so I know exactly where you live, but for the record, would you mind putting your address on the record.

Mr. Yoder: Yes. My address is 4800 Alhambra Circle.

Mayor Lago: Thank you, sir.

Mr. Yoder: I have the distinction of being the only member of the Waterway Board that doesn't live on the waterway.

Mayor Lago: You're right there. You're a stone's throw, not that far.

Mr. Yoder: The first of these resolutions has really arisen out of the proposed development along the Mahi Canal with which you may be familiar because its currently going through the city's review process. This is the Gables Waterway Development, its 6100 Galiero Boulevard, which is a significant change in the density of use. We had several area residents come and speak to us. We also had the developer come and speak to us; and the waterway issues concerns there are, this is an area which has quite a bit of Manatee activity during certain times of the year. The Mahi Canal is also a waterway that tends to be constrained in terms of navigability. It actually wasn't built according to the design standards at the time that it was built. So, it's quite narrow at points and with the addition of docks and so on, navigability and safety have become issues. So, this resolution just speaks to ensuring that the people who live on the Mahi Canal receive notice when the city has a scheduled action in connection with redevelopment of this sort. And I think the City Attorney concluded that probably an amendment to the zoning code that would extend the notice area from the standard 1,500 feet, particularly in this case to include all of the property owners along that stretch of the canal would be a good idea. So that is what the board our board has recommended. I would say just in connection with our discussions about this project, I mentioned the Manatees and so, water quality, maintaining water quality is an issue that relates primarily to a drainage plume that will ensure that no overland runoff during or after construction goes directly into the canal. The developer assured our board that the plans call for that, with drainage wells that will provide a degree of filtration of all the stormwater generated on the site. Another concern was the kind of density of boat storage. Currently there are 19 slips there, I believe. The developer indicated that they were not going to increase the number of slips. So that aspect of the development shouldn't develop more traffic. They also indicated that they would not be authorizing jet skis to be launched from that area, and that they intended to include pump-out, sewage pump-out facilities for the boats that are parked there. So those would all contribute to

maintaining or improving conditions there. The other resolution that is before you is a request that our board receive monthly summary reports from both the Marine Patrol and the Code Enforcement group regarding their activities on the waterway. We have been receiving regular verbal reports from the Marine Patrol and we've had some from Code Enforcement, but our thinking was that having a written record will better facilitate identifying trends and issues that may help us find solutions.

Commissioner Castro: The first resolution really aligns with all my communication efforts and initiatives, and I would like to adopt it. Would you like me to move because I know you have to prepare it.

Mayor Lago: Why don't we let him finish first.

Commissioner Castro: I thought he just closed. Were you just finished?

Mr. Yoder: I'm sorry.

Commissioner Castro: Were you just finished? Yes, he just finished. He closed his book.

Mayor Lago: But I wanted to ask some questions.

Vice Mayor Anderson: Yes. I had some questions as well.

Mayor Lago: I'm in favor of it. I just want to take the moment to be able to have – This gentleman, Doug Yoder is an institution here in South Florida. He's been involved in everything that deals with water and has expert knowledge, that's why he's the only person that's sitting on that board that doesn't live on the waterway. So, when you made that comment I didn't want to interrupt you during your presentation, because you deserve to be on that board because of the knowledge and the years of service that you have given to this community, so it's a privilege for the city to have you on that board. So, thank you for your service. My question to you is, is there anything else that we can do as a community to make sure that the Waterway Advisory Board, through this legislation, the city has the necessary teeth to move in a direction which is affective, not just, I don't want to legislate just to legislate. I want to be really affective.

Mr. Yoder: Well, I think the objective of the board is to consider conditions and make recommendations, and so, hopefully the Commission will find those to be productive and beneficial. One project that has currently in the Capital Budget is a park on Blue Road which will provide better access to people using the waterway that would have access for people with canoes or whatever, boats on the waterway, and also would enable the neighbors in that area to have access. So, that's a kind of an example of things that we have recommended. So, I think our job is to identify things that you can do that hopefully aren't too expensive, and you can.

Mayor Lago: The reason I bring that up and I agree with you in regard to the Blue Road open spaces, a project that I've been working on for a long time. For the first time ever we're going to have actual connectivity there when the sidewalks are installed, hopefully within the next year. I know that Hermes and his team have been working tirelessly on that front. One of the issues that we're going to face there is that there is no parking. There is no parking in that location and the residents don't want parking. The residents want to keep it as a neighborhood park.

Mr. Yoder: Right. Right.

Mayor Lago: So, it's going to be very difficult to drop off kayaks and canoes, unless you are a neighbor and drag it to or carry it to the location. I just want to leave you with one thought before obviously the rest of the Commission speaks and we move on this item is, I want to harness your years of expertise in the county and a lot of the residents that serve on the waterway, they are passionate, they're all passionate about the waterway, but you bring a different touch. You bring a different level of understanding and knowledge when it comes to water quality, accessibility, and what we're facing as a community. So, I appreciate you taking the time to be here and really stepping up and getting on that board. I know that even though you are retired, you have a litany of things that you're doing; projects, community efforts, so thank you for you being here. Madam Vice Mayor, you have something you wanted to say.

Vice Mayor Anderson: I need to follow up with you on a couple of things and thank you for being here. I met you many years ago and we started talking septic to sewer, and I appreciate you bringing these issues to us as well. You specified MX projects and I believe a good portion of the project you were discussing, if not all of it is MF, but we haven't had that project come in front of us yet, so I would urge that the notice deal with any multi-family as well as any MX project, because the bilge pump issue is a critical issue. I've kayaked next to all these docks, all the way out from one end to the other of this waterway and whatever we can do to improve the water quality and get notice to people and I think we need to have a notice mechanism, not only for this, but for other issues that we have ongoing on the waterway. I have wonderful pictures I can show people of stuff that has been dumped out on the waterway. We need to take care of. I would suggest that we do it both for MF as well as MX in order to improve the water quality there. There is a tremendous amount of algae in the water and that's not beneficial to Manatees at all. They need the seagrass and seagrass is not going to grow with this degree of algae in the water. It's going to deter seagrass from growing. So that's one of the things and aside from notification of the residents along the waterway, I think also the board needs to be notified of these projects, because I look to you as being the experts, you guys are out there on the boats. You can also call in water quality experts for suggestions for things that you don't know necessarily – what's the best bilge pump or what are the water quality issues right now. I can tell you from the last time that I looked at some of the water quality issues, its from soup to nuts, as far as what's in that canal. You have at a certain point

your fecal counts, you have your sircoless counts, you have all kinds of things ending up in the waterway that we need to deal with and as many times that we can get rid of the point source locations of that its much better. And I should share with you my youngest is now a water quality expert, working for a state, so she's taught me a lot about the testing methods out there. So that's my comments to you on that and how we can improve it. I'd like the City Attorney to work on this and bring it back to us for August.

Mr. Yoder: Certainly, the board in discussing the notice item did not get into the details of zoning classifications, which represent a certain degree of mystery sometimes and so, we would defer to the City Attorney and the zoning folks and you all to determine what makes sense for a public notice requirement with respect to particular zoning actions.

Vice Mayor Anderson: Right. And if we could enhance this with electronic notices. If we had a database of all the individuals on the waterway it would be a wonderful database to be able to send them information on issues that we're having like, don't fertilize, don't have your lawn crews after they trim the hedges to allow all this stuff to fall into the waterway.

Mr. Yoder: The state has something to say about that issue. The issue of fertilizer.

Vice Mayor Anderson: As far as sending them notice.

Mr. Yoder: Obviously the management of drainage is kind of critical to avoiding excess nutrients getting into the canal. Also, the management of wastewater from the developments. So those are matters. Also, a development like this does require a permit from the County Environmental Resources Management Division. So, they would be looking after issues related to Manatee protection and so on.

Vice Mayor Anderson: They will be looking at how the water drains, and you have to retain the water on your site, as opposed to coming off into the waterway itself, whether it's building a berm or having another drainage method that percolates down through the substrate. On 2-2, my comments on that and bringing it forward is if it was a vanilla type of an item where you didn't identify names necessarily, but where issues happen for identity of individuals, I think it would be easier to deal with. You are talking about monthly summary reports reflecting waterway related issues and citation issued on waterfront property owners and their status to omit the names of the individuals just to the citation and the issue that was identified.

Mr. Yoder: You mean the names of the people against whom enforcement has been taken.

Vice Mayor Anderson: Right.

Mr. Yoder: Yes.

Vice Mayor Anderson: Sort of like the reports that the full Commission gets from the Police Department on crime reports. We don't have the names of the individuals on a report, so this is the modification I'm suggesting on 2-2. I fully support notice. I've been trying to expand those in the city for since the time I was on the Planning and Zoning Board. It's always been a bit of a tussle to get notice expanded and I'm glad to see that the board itself is taking an active role here. I remember I used to go visit you guys who didn't have quorum, so we weren't able to get much done, but you guys are busy this year. Thank you.

Mr. Yoder: Okay. Thank you.

Commissioner Fernandez: I agree with the concerns that you had. Regarding 2-1, I would open it up to any development projects that are not single-family homes, because I think there may be an impact from multi-family projects, is there anything else that's really pitched in this area. I know Commissioner Castro had made a motion to support this, if you're willing to entertain that amendment, I would be happy to second that. 2-2 – I agree with the Vice Mayor. I think a summary report and I think that's what you're requesting that does not include detailed information as to who was involved in the incident, where the incidents took place, that allows for some privacy, I would have no issues with that. I think it's beneficial to the Waterway Advisory Board because you are able to see what is taking place, if there has been an uptick of Code Enforcement issues, or police issues on the waterway, so it would be beneficial for the board to offer suggestions. I also agree with the fact that the board should take up projects before they come to the Commission to give us an advisory input, not as a quasi-judicial board, but when I was on the School Community Relations Committee, we requested that the Commission bring any development projects that were within 1,000 feet of a school to the board, so that we can basically make any recommendations or any concerns that could be related to the schools in the area. I think the same would apply here. I would like for the City Attorney to work towards next Commission meeting to maybe bring a second item where we would send the Waterway Advisory Board any projects that are going before the Commission they are going to be within 1,500 feet of the waterway.

City Attorney Suarez: So, we can look into that. We can certainly...

Commissioner Fernandez: I don't want an answer now. I want to work on it between now and the next Commission meeting.

City Attorney Suarez: Because that would be adding another layer, another step in our development review process.

Commissioner Fernandez: But this wouldn't be part of the development review process. This would just be – I'm not expecting developers to come and pitch the project, similar to what was done with the School Community Relations Committee where the project is presented and if there

are any concerns they are shared with the Commission just as an FYI, so that we're aware of any concerns that the Waterway Advisory Board has. At the end of the day, our advisory boards are here to advise us on these projects, and they may look at it from a perspective that we as non-waterway residents would be able to appreciate the concerns that you have and something that we may not be taking into consideration because we don't live on the waterway. So that's what I would like to see.

Vice Mayor Anderson: Commissioner, I have a question for you. You said 1,500 feet of the waterway and I think the board was concerned with what impacts are the most developments that touch the waterway in some fashion, so that would be a lot of items that could potentially come in. I don't see that there's a lot of commercial or multi-family coming in near the waterway, but I would say anything contiguous with the waterway touching the waterway would be relevant. That's a lot of mileage because there's a lot of waterways, there's not just one waterway, there's branches to the waterway that we're dealing with, including the portions all the way up to Red Road. It's a large area.

Commissioner Fernandez: But there could be an impact from a project that maybe not adjacent to the waterway that would have an impact on the waterway. That's the only reason and I think 1,500 was what we went with the School Community Relations Committee, we can obviously work on that number and reduce it to maybe 500 feet from the waterway, it would be a couple of properties away where there may be an impact on the waterway depending on what is built.

Vice Mayor Anderson: So, I think you need to sit down with staff and understand what impacts the waterway, how water drains, what's necessary to do, sit down with the Waterway Advisory Board and work on this together, because 1,500 feet away, you know, DERM – you can help us out on this. You've been doing this your entire life. Talk to us about what is the relevant distance from the waterway that the Waterway Advisory Board would be interested in, and I know that the Board hasn't sat on this, but your personal opinion, what's the relevant distance from the waterway.

Commissioner Fernandez: Why don't we just have the board sit on it and give us their recommendation. That way you can have further discussion and see what potential impacts would be.

Mr. Yoder: We can do that. We have in mind, I think because of the particular project that kind of initiated the discussion, development that was occurring on the waterway, but obviously there can be developments that occur not directly but could have an impact. It is difficult to put a number on that because it kind of depends on the nature of the project and the scale of the project.

Vice Mayor Anderson: Let me make the suggestion. I think it's a discussion you need to have with the board, and you might need a waterkeeper there to help inform, and some of the scientists in the

room that deal with this. If you have a drainage pipe coming from a project, the distance, and it's discharging a fluid into the drainage system that is not being properly taken care of, whether its something that's being pumped out of when the parking garage is here on Biltmore Way or elsewhere, its something that would need to be addressed. There are many different ways to slice the bread.

Mr. Yoder: Yes.

Vice Mayor Anderson: But there's got to be defining terms in there to determine when something impacts the waterway and each of these projects have a process that are not touching the waterway and that process may be sufficient. So, I'm going to suggest that the board take up this issue, have a robust discussion, invite any experts and then make a decision on what's relevant for the board to be occupying its time.

Mayor Lago: If I could add something to the Vice Mayor's point. I can't remember the last project that was developed on the waterway here in the City of Coral Gables. I can't. Everything on Edgewater is fully developed, unless they knock it down and they redevelop it. I don't know of anything on the waterway that's been developed, unless you're talking about now, we're going to start dragging in residential homes to go before the board. I think it's a little much. In my opinion, I think that we should let the board decide. Let the board decide, your board decide in reference to, are we going to now start looking at projects 1,500 feet, 2,000 feet away and get their input. Remember, as everybody knows here, every project in South Florida affects the water. What do I mean by that? – If you are not properly staging, if you are not keeping the water inside your property when you are in construction, everything that goes down the catch-basin ends up in an outfall, as you know. That's why I mentioned in the beginning, if there's anybody that knows about outfalls or anybody that knows about water in this community it's you. So, we could talk about every single project in South Florida could potentially affect our water quality and affects our water quality and that's why you see in the Bay the giant plums after a large rainfall, because if there's a construction job site near when heavy rainfall comes, a lot of that sediment goes into the catch-basins and at the end of the day, in that same day or the following day ends up in the middle of the Bay. So, I don't have a problem with more oversight and more review and more advisory, its fine, but I don't see there being that many projects outside of this one that are planned for the waterway, because there just isn't really any commercial properties that are potentially up for redevelopment on the waterway.

Mr. Yoder: We can certainly talk about this specifically and come back with any ideas that we have, but I think the residents of Coral Gables are fairly astute about such things, so they didn't have any trouble finding us to come and talk to us at our board meeting on this particular project. I think they will do that, and we were very clear at the time that we are not a quasi-judicial board, and I don't think we necessarily want to be a quasi-judicial board, but it is useful for the agencies

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and perhaps other quasi-judicial boards of the city to be aware of issues that we have identified so that they can consider those.

Mayor Lago: I think leveraging your experience and your guidance with a project like this can tell us, listen Commission, over the last forty years I had all this projects come before me in Miami-Dade County and this is how we remedied certain situations and this is what we proffered and this is what we got a developer to proffer to alleviate a contentious issue or gridlock or something, to find community support in regards to a project. That's why I'm grateful that you're serving on that board. Madam City Attorney, do we need to take action today. We have a motion and a second.

City Attorney Suarez: Certainly, we can take action. I think there's consensus and we have the direction we need, but if you all want to vote that's fine too.

Mayor Lago: That's why I was asking.

City Attorney Suarez: This would have to come back as an ordinance because it would be an amendment to the zoning code, so it would have to come back as an ordinance.

Mayor Lago: Okay.

Commissioner Castro: So, the motion would be to direct staff to draft an ordinance.

Vice Mayor Anderson: That's why I asked for it to come back in August to our next meeting.

City Clerk Urquia: Mr. Mayor, before moving on, we have a member of the public requesting to speak on the item, Mrs. Maria Cruz.

Mr. Yoder: I would note in August, we are, our board is in recess for July and August, so our next meeting will be in September.

Mayor Lago: Okay.

Vice Mayor Anderson: So, we can time it appropriately then.

Mr. Yoder: Yes. Thank you.

Mayor Lago: Thank you, sir.

Mrs. Cruz: I remember my name, Mrs. Maria Cruz, very short. I think Waterway Board should be commended for bringing this up and I am really, really very pleased because having talked to many of those residents, they would be really happy that this was brought up and that there was a good discussion about it, and I couldn't do it any better than he did. So, I really, really thank you all for taking the time to discuss it.

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Mayor Lago: Alright. We have a motion and a second.

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: We need to take one for 2-2, Madam City Attorney.

Vice Mayor Anderson: I'll move it.

Commissioner Fernandez: Second.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)

City Attorney Suarez: And can we just clarify that that would be a summary report which includes the type and number of violations.

Mr. Yoder: Correct.

Mayor Lago: Police Chief come on up. Thank you. My bad, I jumped the gun.

Police Chief Hudak: My only concern on doing just sending out numbers without any kind of analyst or analysis by my people is that a board could jump to a conclusion and not know what is going on. So, if there is a confidential report that happens on the waterway or on a boat or if it's a fatality that is not something that we would necessarily give to the public. What I recommend is that our Crime Analysis Unit can do everything on the waterway. We can include the Code Enforcement citations at the time, do an analysis as we give to you all monthly, and then give that

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to the board. I'm leery of any entity and nothing against the board, of doing any kind of analysis outside of what the police department does, because it does kind of put us, because they are not going to know if arrests were made, they are not going to know if it was on the dock, so there is a little bit more than just giving those numbers. If everybody here is okay with that, that's fine, but I do believe we'd probably better serve the board by doing our own, the police department's analysis along all the waterways and hand that over, and then have a sub-category for Code Enforcement issues on addresses.

Vice Mayor Anderson: That's what I was referring to. The type of report that you provide the Commission.

Police Chief Hudak: Okay. And the way I interpreted this would be like we are just going to give them numbers. We wrote 30 citations on the water for weight-boarding, whatever, and then whatever Code wrote. If we're going to look at and I know Doug and his depth, they are going to start looking at what issues should the board be looking at, that's something that the police department should be as well. We can gladly send them the same type of report that we send you all about our crime analysis weekly down there and in the south end we would include the waterways and we can do a deeper dive analysis on our Com Stat meetings where we can say, hey listen, this is an issue that we see in that area, work with this homeowner's association.

Mayor Lago: Okay.

Vice Mayor Anderson: Thank you.