

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

**Agenda Item C-8**

**December 14, 2010**

**City Commission Chambers**

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

### **City Commission**

**Mayor Donald D. Slesnick, II**

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

**Commissioner Maria Anderson**

**Commissioner Rafael “Ralph” Cabrera, Jr.**

**Commissioner Wayne “Chip” Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

**Public Works Director, Glenn Kephart**

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

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C-8 [Start: 10:11:13 a.m.]

Resolution approving two (2) change orders to the Ponce de Leon Boulevard Median Installation and Roadway Improvements Phase II Project under Section 2-829 of the Procurement Code in the amount of \$303,044.82 for modifications to the median landscaping plan; further authorizing an amendment to the 2010-2011 Annual Budget for an appropriation of \$159,620 for the amount to be reimbursed from Miami-Dade County Road Impact Fees.

Mayor Slesnick: OK, now we are back to C-8. Mr. Cabrera, I think you pulled it, and Mr. Kerdyk said he was going to pull it, so.

Commissioner Cabrera: OK. Mr. Kerdyk. You OK with me starting off with this?

Vice Mayor Kerdyk: Please, please, I'll just tag on, thank you.

Commissioner Cabrera: Ladies and gentlemen what I have pulled is Item C-8, which is a resolution approving two change orders to the Ponce de Leon Median Installation and Roadway Improvements Phase II Project under Section 2-829 of the Procurement Code in the amount of \$303,044.82 for modifications to the median landscaping plan; further authorizing an amendment to the 2010-2011 Annual Budget for an appropriation of \$159,620 for the amount to be reimbursed from Miami-Dade County Road Impact Fees. I have a number of questions for the City, and I'd like to start off by better understanding the exact location of this change order, simply because the package...it's interesting you said, you know, we have all the information, well unfortunately on this one I don't have all the information because the package as presented to us provided no real rendering of the location. So, I'd like to start with that, and I'd like to move further down the road with some other questions. So let me just begin by asking, where is this change order going to take place along the Ponce median? Mr. Manager?

City Manager Salerno: Thank you Commissioner. Glenn I think just stepped out. Oh, there you are; you have the boards?

Commissioner Cabrera: Mr. Kephart, good morning.

Mr. Kephart: Good morning. Good morning Mayor, Commissioners. While Ernesto is getting the boards; to answer the question as to the location of the project...

Commissioner Cabrera: Yes sir.

Mr. Kephart: To answer the question as to the location of the project, the change order number one refers to the Ponce de Leon Phase II Project, which is the current project under construction, which southern limits is Alcazar and the northern limits of Salamanca; and the change order number two is for what was the Ponce de Leon Phase I Streetscape Project, which will go from just north of Ponce Circle to the southern end of the current project.

Commissioner Cabrera: I'm curious, now I'm fully familiar with it, and I know you have some boards you are going to show us. Before you were here, before the City Manager was here, before Mr. Pino served as interim, we went through a fairly painful presentation by an outside consultant who provided us with a complete master plan of the Ponce median; and I recall that day because it was a long day for this Commission, and it was done in the afternoon, but this individual, and I don't recall the firm's name, this individual went into great lengths to explain the...I would say the macro as well as the micro reasons for the way the design needed to go. We then approved it, and to the best of my recollection based on driving by there, we've got trees there; we've got live oaks, we've got a particular specie of palm, that incidentally when it was first planted did create an obstruction for vehicles making left hand turns along the median, but

they have grown now, they are at a height that I just can't understand why we would be tearing out live landscape material and replacing it with another specie of plant live, and if we are going to do that what's the "rhyme and reason?" and if in fact this Commission decides to support this, what's going to happen to the existing landscape that's there now that's becoming somewhat mature?- because I can tell you the live oaks from what I have seen have grown very quickly in a very short period of time. That's the second part of my question.

Mr. Kephart: To answer the question of what happens to the trees, none of the trees would be destroyed, they would all be replanted in City right-of-way, and we have a neighborhood, Old Cutler Bay Association, who is redoing their entrance, City right-of-way portion, and they would like to have those trees and have offered to relocate those trees at their expense, no expense to the City, from the Ponce median right-of-way to the right-of-way at the entrance of their facility.

Commissioner Cabrera: You answered my question about what you are going to do with the trees, so I appreciate that, what's the "rhyme and reason," or the genesis for this change?- because we've got mature landscape material there that's....are you at liberty to tell me how long it's been there?- do you know how long this plant, this landscape project has been there?- this streetscape?

Mr. Kephart: The current trees that are in there have been there since that project has been completed, which was three years ago.

Commissioner Cabrera: Three years ago. OK, so they had three years to mature. OK, so we are going to take mature trees, mature palms, somewhat mature, I'm not a landscaper expert, but we are going to take somewhat mature plant life and bring it up from the ground, and put something else in there, and get money from the County to do so.

City Manager Salerno: No.

Mr. Kephart: Actually, the money from the County would not go toward the trees, this is a....as noted in the memo on the financial situation this project, the Phase II Project, is a grant funded project with both ARRA, American Recovery and Reinvestment Act funds, and County Impact Fees. The ARRA portion of the project allows us to change the landscaping in the median and even spend more money on that landscaping, if this Commission so chooses to do.

Commissioner Cabrera: Where is that money going to come from then?- where you are, you're going to take the...I understand the Phase II, where Phase II is coming from, I appreciate you clarifying that for me and I apologize if I mislead you or mislead the audience, but the bottom line is, where is the money going to come from to transplant those trees and buying new trees?

Mr. Kephart: The transplanting of the trees is being offered to be done by the Old Cutler Bay Neighborhood Association at no cost to the City; the funding for the new trees as we identified in the memo comes from City funds on the Phase I project.

Commissioner Cabrera: See Mr. Kephart here's the problem – if I had received complaints from citizens, if I had gotten complaints from merchants, if I had received complaints from motorists, if I had gotten any kind of complaints as a resident of the City, as a part of the business community, I would say, look I understand, I think that we need to make a correction, there is a problem here, but we've got beautiful, mature trees or maturing trees that are flourishing, they are doing well, and we are going to go and spend money, I mean I could see us spend money on so many more important projects than something like this. What happened?- Who didn't like it?- Who got up one morning and looked at the Ponce median and said, you know what?- these are the wrong trees, we need to get the right tree in there, let's go figure this one out.

Mr. Kephart: I think what we have is a proposal for consideration by the Commission...

Commissioner Cabrera: From whom?

City Manager Salerno: From staff.

Mr. Kephart: From staff.

Commissioner Cabrera: For what reason? What is the genesis?

City Manager Salerno: Let me add, let me respond to that Glenn. First of all, the information that was alluded to that was not before you is in the resolution; the resolution specifically explains that this is a partnership working with the homeowners association, this is a win-win, and we were able to put together the opportunity to increase the beauty of that corridor and also help a neighborhood association who made the decision that they wanted to replace some coconuts at their entrance way and the public rights-of-way with oak trees. We happen to have oak trees in the area that we were needing to relocate, we were able to put them together with staff; they were going to relocate the trees to the public rights-of-way at the entrance to their subdivision without cost to us in that relocation with pruning and relocating. They get a bigger better oak than they would otherwise be able to obtain, and that's what you know, working together with homeowners associations, you do. As far as the reasoning behind this, we don't need to wait on complaints from residents to tell us or make suggestions to us and staff as to things to do better. If I wait for only complaints from anything, I can tell you that I can give you countless examples of situations we would not have addressed that I think clearly everyone on this Commission

would have wanted us to take advantage of. This was presented at the December Landscape Advisory Board, they overwhelmingly and unanimously support the replacement of the oaks with the midules, that is your committee that gives recommendations as to what they think is an improvement, so this committee has opined strongly that they think replacing the oaks with midules is the way to go. That's staffs job; staffs job is to make things better in this community and not to wait on people to complain about a matter before addressing them. That's why this matter is before you; I think it is a great opportunity to upgrade the landscaping in this community. On a major north-south corridor of this City the likelihood some day it will be in the far distant future, but some day those oaks, particularly in Phase I, are going to outgrow the median in that location because the width of that median is relatively narrow for such a tree; the midules will not outgrow the median because their root structure and such goes down, it does not grow laterally. So we think we have presented an opportunity here for a major upgrading and beautification and landscaping of the corridor and the community. Landscaping is one of the best ways we have of increasing property values. Studies have been done that show that by increasing landscaping on streets and in other areas can increase property values by over five percent (5%). So this is an investment in this community, that's what it is; it's an investment in beauty and it's an investment in property values for the properties that front that corridor. So this was an opportunity that staff didn't believe we should turn our heads to and the Landscape Beautification Committee unanimously agrees with us.

Commissioner Cabrera: I'm delighted that you are taking direction as much direction from the Landscape Beautification Board, because that's the same Board that opined very strongly against the Segovia Street Median modification, but I think we ignored that particular opinion.

City Manager Salerno: Not the same Board.

Commissioner Cabrera: I'm speaking, I'm talking. Back to the issue of complaints, I misspoke, I got lots and lots of positive comments when we first did this landscape median, and I'm curious, we spent a lot of money when we came up with that design, and again I'm repeating myself, I think it's starting to rub off on me, we spent a lot of money and time in designing this project, did we go back to that consultant that helped us with this project?- because I'm listening to the Manager give us all kinds of expert advice in this landscape material, did we go back to anyone to seek additional input to change the design here?

Mr. Kephart: I'm not aware that we went back to the original consultant.

Commissioner Cabrera: OK. So it's done internally to the best of your knowledge, OK?

City Manager Salerno: Internally, with the exception that Robert Parsley who is chair today of the Landscape Advisory Board, is a professional landscape architect and before doing and investing any staff time we approached Mr. Parsley directly, asked him for his advice on this matter, and he said it was a far superior option and direction to go than to put oaks. So we went to the entity that...and a professional landscape architect who is now chairman of the Landscape Advisory Board. Glenn maybe if you could just show the renderings as well just for the Commission's advice.

Commissioner Cabrera: Mr. Kerdyk, Mr. Kerdyk...?

Vice Mayor Kerdyk: Yes, you are finished?

Commissioner Cabrera: Yes, but let me tell you what I'm going to do, OK. I'm not going to support this because this is what in my opinion this boils down to, this boils to somebody not liking the design as it is today and figuring a way to get rid of trees and giving it to another community, and I'm glad to hear that Old Cutler Bay is working with us, but they could find trees elsewhere. So I just can't in good conscience support something that I don't believe is good government. I think it's a waste, I think it's excess, and I think its personal taste that's what it's really about here. So, I'm not going to support it today, I don't know how you feel, I think it's going to get at least three votes, if not four, but I would not be comfortable with myself if I allow this to happen, which probably will.

Vice Mayor Kerdyk: Thank you very much. This is a project I'm inherently understanding of since I came up with this concept ten or twelve years ago...

Mayor Slesnick: [Inaudible]

Vice Mayor Kerdyk:...you always say that when it's my idea (laughter). The fact is I remember going to Pinellas about trying to get the funding for this, and what we wanted to do, we wanted to tie in 8<sup>th</sup> Street all the way down to the circle there, and yes, I love the oaks the thought process on the oaks, and I like how they look. When I first heard about this, I pushed back because I thought maybe the oaks and the coverage of the oaks would be the ideal way to continue, but the more I thought about it the more I thought how good Miracle Mile looks and how stately Ponce would look all the way down to 8<sup>th</sup> Street. So, I'm grasping the concept, I'm grasping it, and one of the questions I had though, is like the existing irrigation and electrical system, what goes on with the existing irrigation and electrical system?

Mr. Kephart: The existing irrigation system is adequate for these trees.

Vice Mayor Kerdyk: They are adequate for these trees. You know, one of the complaints I do get about, the one complaint I get about the Ponce median and it's not many is the underbrush and the fact that sometimes people can't see cars coming up from the other side. That is an issue and I think it's mostly the underbrush, but it could be somewhat attributed to the oak trees because they are more of a bushy tree, but anyway you said the irrigation and electrical system is going to have to be replaced, is that what you're saying?

Mr. Kephart: No, I'm not saying they have to be replaced; especially in the project they are working on right now its included in part of the project and the irrigation system on Phase I is adequate with some minor extensions or movements of some heads may occur, but nothing significant.

Vice Mayor Kerdyk: I'm more concerned when we are going to get the project completed up on the north side; when is that going to be complete?

Mr. Kephart: At the end of April.

Vice Mayor Kerdyk: End of April for sure?

Mr. Kephart: Yes.

Vice Mayor Kerdyk: Done – tied together and that's going to Salamanca, is that where it's...

Mr. Kephart: Yes, yes, Salamanca.

Vice Mayor Kerdyk: Alright. And there are going to be the trees extending from that north portion down to the...

Mr. Kephart: Circle.

Vice Mayor Kerdyk: Right. We still need to get those last 8 or 10 blocks down north at some point here in the future, but at least we'll have a good grasp of what's going on. You know, I personally believe that the downtown is a quality of life type of experience, and landscaping is a key component on that experience, you can argue back the oaks versus the palms. I again, initially not being for it, but I think I am supportive of the midules going in there now.

Commissioner Withers: Can we light them while we are doing this?

Mr. Kephart: We can certainly look into that, it's possible.

Commissioner Withers: I just think it would make – tie in with, since it was my idea in the beginning, it would tie in (laughter). Maybe just take a look at that and see if....

City Manager Salerno: We'd be glad to look at the costs associated with it and benefit Commissioner – absolutely.

Commissioner Withers: Maybe the homeowners would help us out on that Pat. No, I'm just kidding.

Mayor Slesnick: OK. Do I have a motion?

**Commissioner Withers: I'll move it.**

**Commissioner Anderson: Second it.**

Mayor Slesnick: Moved by Mr. Withers the originator of the idea, second by Ms. Anderson. Mr. Cabrera?

Commissioner Cabrera: What?

Mayor Slesnick: I just think that you deserve a response from somebody, and I'm going to give you one. I'll be voting for this because if you go back to the record I supported palm trees in the beginning only to be ruled over by the majority of the Commission...

Commissioner Cabrera: I remember that.

Mayor Slesnick:...But Mr. Cabrera on your behalf, I would say Mr. Manager on something like this, and you weren't here during that discussion and I don't think you have an appreciation for what a lengthy and long discussion, and planning process we went through for this. Maybe City officials being too much involved in details, but we were for better or for worse, and maybe if we get to a point in the next era where we are changing something like this it might be nice to have shown like this board to each of the Commissioners and so forth, because it certainly gives us a better understanding of looking at it in color and this size.

Commissioner Cabrera: Sure is pretty.

Mayor Slesnick: So anyways, I would say that I understand Mr. Cabrera's shock and misunderstanding, not misunderstanding, but I didn't mean misunderstanding, but I mean...

Commissioner Cabrera: I know we are spending money on something we don't need. Alright, let's vote.

Mayor Slesnick: Mr. Clerk would you call the roll please.

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Commissioner Cabrera: No**

**Mayor Slesnick: Yes**

**(Vote: 4-1)**

[End: 10:31:24 a.m.]