

City of Coral Gables City Commission Meeting
Agenda Item L – Discussion Items
October 10, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Maria Cruz

Agenda Item: Discussion Items L [12:49:34 p.m.]

Commissioner Lago: Commissioner Comments – this will be quick. Vice Mayor, do you want to go first?

Vice Mayor Keon: No, I'm good, thank you.

Commissioner Lago: Sunshine meeting, Sunset Elementary, Commissioner Mena, you want to have a meeting down the street?

Commissioner Mena: Absolutely.

Commissioner Lago: Alright. Madam City Manager can we put it together? This is going to be like my third meeting, I think, we've done two already, this is my third, so we'll keep doing them till we can figure this out.

Mayor Valdes-Fauli: And, I also called and asked for a Sunshine meeting on the Public Safety Building and its adequacy, etc., Madam City Manager will you set it up?

City Manager Swanson-Rivenbark: Yes.

Commissioner Lago: In reference to that, maybe we should invite someone from the School Board to come out if they want to come to our Sunshine meeting.

City Manager Swanson-Rivenbark: And, the School Community Relations Committee are your partners in this, maybe we could, if it's alright with you, check with the Chair through Naomi, we know it's an important issue.

Vice Mayor Keon: And, we should notify our School Rep.

Commissioner Lago: One last issue, I don't know how everybody else feels. I'm getting a lot of calls on bulk pickup; I talked to the Manager about this. I know that a lot of individuals in our team right now who are doing an exceptional job, I think it is the sixth time I said it today, they are helping out with debris pickup, which is moving very well, but in my yard, I need some help. I had somebody who literally came to dump up and down our street everything. We are all getting e-mails. I have probably about 150 tiles, roof tiles on my side yard that somebody just came and dumped a ton of garbage, to the point where I've actually spoken with staff and the City Manager and I will be removing my trash pit. Once this is all said and done in about two or three months, I've already spoken with my neighbors, they weren't very happy about it, because everybody comes on my yard, but I will no longer have a trash pit.

Commissioner Quesada: You know I've been getting calls non-stop, I'm sure everyone has and the e-mails. It's a hard thing, how do we police that?

City Manager Swanson-Rivenbark: There are multiple issues, all of them important. On the issue of FEMA reimbursement, once we begin collecting bulk pickup, which is a mixture of landscape and garbage, is Diana here?- no, so I will share with you what she explained to me. Then we are no longer able to apply for FEMA reimbursement. I asked her knowing how important it is, I asked her, what is the financial implication, because if it wasn't that much we could go ahead. Unfortunately, with another 70,000 to 100,000 cubic yards of debris expected, it will cost about \$1.7 million to \$2.5 million dollars impact if we start collecting bulk early. Thank you Diana, you can up. I am regurgitating what you had explained to me. We can continue to work on the ficus trees, which are a separate issue, and yes, we've lost almost 50 trees and that is a complicated process that is singularly related to our contract teams, but if we move to the question of bulk pickup and the mixture of landscape and non-landscape materials and how you

spoke to Witt O'Brian, our FEMA monitors and you discussed with them what happens and then we are also talking about at what point can we institute bulk pick-up again and I'd had a conversation with Ed Santamaria, so he can answer that, but on the financial impact on bulk pick-up and bringing it together while we still have not completed our FEMA collections. I shared with them the gross estimates based on the 70,000 – 100,000 cubic yards remaining. Again, I shared with all of you that this storm, although it's a tropical storm created more debris than Hurricane Wilma; Hurricane Wilma being 215,000 cubic yards for Coral Gables and already as of Monday we were 231,000 yards if not more – thank you 245,000 cubic yards, so we are already 30,000 cubic yards larger. The cost?

Finance Director Gomez: Based on that 70,000 to 100,000, its anywhere from \$1.75 million to \$2.5 million dollars, plus maybe another \$50,000 to \$100,000 for tipping fees or other incidentals. That's just based on the cubic yard rate times the volume, so somewhere between \$1.75 million and \$2.50 (million).

City Manager Swanson-Rivenbark: Commissioner Lago, I also spoke knowing how important the issue is to Ed Santamaria as to when we could anticipate moving forward with bulk pickup, because it was an important issue and can you share with me the discussions?

Public Works Director Santamaria: Certainly Madam. It's all contingent upon how this process unfolds in terms of collecting hangers and also doing leaners, this is all part of the methodical process defined by FEMA in the reimbursement; and also what we are going to be doing is going to generate more piles. We are going to be coming back for subsequent passes through the City. Once we are done with these subsequent passes, we will be able to start putting back things in the proper order in terms of offering services that we normally do. We anticipate that this could take maybe two weeks, it could be a little bit longer, because there is a lot of debris out there and there is still a lot of work that needs to be done.

Commissioner Lago: May I just interject, you guys are doing an exceptional job, seven times today I've said it. I want to make sure that you guys are under the understanding that everywhere I drive in the City and I've noticed there is garbage everywhere, and I know that we are low on manpower, because we are picking up the debris, but people are taking advantage and they are dumping in our City and now it's becoming more and more prevalent because it happens on the normal, because people use the trash pits, but now that nobody is picking them up the piles are just getting bigger and bigger. You can see it on 57th Avenue, couches, there are all kinds of pieces of furniture that are not from the City of Coral Gables, like for example my yard, and my swale, there is 100 to 150 tiles that were thrown there. None of my neighbors have white concrete 8 inch tile, none of them do. They all have Spanish S tile or gray tile like myself, so I know it's not coming from my neighborhood. Why would anybody drag 150 tiles that probably

weigh I don't even know hundreds of pounds down the block to drop it on my swales. Somebody came with a massive truck and just dumped it there. I know we are trying to do the best we can, you guys are doing an exceptional job, but I just don't know, I don't know two weeks could be a long time.

Commissioner Mena: That's a long time.

Commissioner Lago: It could be rough out there and it's a health hazard, you know it's a lot.

Public Works Director Santamaria: It's hard for us to say exactly how long, but it's going to be about two weeks, I think, that's my opinion. Now one thing that can actually help us tremendously is if folks continue to observe the mantra that the debris pile supposed to be separated and to the extent that you can control that as a resident, you should do it. If you absolutely put something out on the swale that is not vegetative it should be separate from the debris pile.

Commissioner Lago: And, another issue that we've gotten several e-mails about is the fact that when these individuals come to pick up the debris piles and there is contaminated garbage in the sense of, not radioactive, but there are items that are not going to be picked up as per FEMA requirements, it's just thrown all up and down the street and the swale, of course the swales are going to be destroyed. I tried to explain to people, because their next statement is, OK, is the City going to pay for my swale?- and I try to explain to them as gently as possible, the City is not going to replace your swale. This is an emergency issue and we have to try to be as cooperative as possible. I'm going to replace my entire swale on my side of the street, it's going to cost me a lot of money, but I understand that and people are under the false impression that for some reason the City may be correcting the swales and I've told them very clearly, no it's not going to happen. Are you getting that also?

Commissioner Quesada: I've gotten ten phone calls in the last few days. They just started the phone calls on that issue just started coming in the last few days.

Commissioner Mena: Not just this...but the mess that's being left behind after it's picked up. The conditions that sometimes are being left behind. I understand they are in a rush, I understand they are trying to get to as much as they can every day, but we've just got to be mindful of that, because it really upsets the residents.

Public Works Director Santamaria: I can tell you what happened to me personally where there was debris that was left in my swale that I had nothing to do with and it was not vegetative debris, it was actually just discarded shutters and just miscellanea and that is because in the

process of picking up, they had centralized points to facilitate the collection of debris and they left the non-vegetative stuff behind, so it's a complication.

Commissioner Mena: You know you were making the point earlier about putting FEMA reimbursement at risk, is that if we combine, sort of non-vegetative with vegetative, is there a way to do some sort of pickup of just purely non-vegetative that would not risk FEMA reimbursement?

Finance Director Gomez: So, once you resume your bulk trash pickup, FEMA assumes that you are done with the removal of the debris related.

Commissioner Lago: But how can that...

Finance Director Gomez: Because you are back to normal operations.

Commissioner Quesada: So, in other words we're prevented...

Commissioner Mena: We are not in an emergency anymore.

Finance Director Gomez: Right – because how do you know which pile was what and it gets very complicated and things get...

Commissioner Quesada: Even if we have a separate team performing that service, that's interesting, that gives a lot of clarity that statement you just gave me.

Assistant City Manager Iglesias: We have already started our first pass as of Monday, we are probably 99 percent.

Commissioner Quesada: And is that not risk?- from what I just heard from...

Assistant City Manager Iglesias: We are looking at doing and we discussed this yesterday, we have two production meetings every day and that is to look at our crews and have our crews go behind – we can't pick up a sofa, but we can pick up certain things, for instance, a fence, tile, things like that, so we are trying to coordinate our crews with the contractors crews. They are on production, we are not, we can be more gentle, so we are looking at coordinating their crews with our crews so we can pick up everything at the same time. It's going to be difficult because our crews are only 16 trucks, but I do think that we are trying to make the best of it right now.

City Manager Swanson-Rivenbark: But, we haven't announced that yet, so we wouldn't want the public to quickly start putting things out.

Assistant City Manager Iglesias: No, no, no. Once we officially start trash then FEMA stops, so what we are doing is picking up hurricane debris, not furniture, not things that are trash. So for instance, if the roof tiles that came from a house where the roof is damaged, then that can be reimbursed by FEMA. If somebody throws away a couch in a non-flood zone then that would not be reimbursable, so we would take the debris that's reimbursable along with the vegetative matter and try to do the best we can from that perspective, but that's kind of the distinction between what FEMA will pay and what FEMA will not pay.

Commissioner Lago: The main focus here is obviously if there is an audit in the near future, we are as transparent and clear with no arguments here whether we did everything on the up and up.

Assistant City Manager Iglesias: That's correct Commissioner.

Commissioner Lago: But, let me tell you it's going to be tough for them the next two weeks.

Assistant City Manager Iglesias: The first pass was getting as much as we could, we took care of 233,000 cubic yards by Sunday and we ended the first pass at 99 percent, maybe a nook and cranny here a small part that we didn't catch, so that's why we are not saying 100 percent. But, now comes the second pass and in that second pass we have to sort it out that way to make sure that we are clear as far as FEMA, as far as FEMA reimbursement.

City Manager Swanson-Rivenbark: You also explained to me that in second pass we are going to be using different equipment, so we'll be more gentle in the collection.

Assistant City Manager Iglesias: We try to use grapple equipment that grabs instead of scooping up and putting up to be more gentle. It's very difficult to collect a quarter million cubic yards with very gentle equipment, it would have taken us forever to do that and that's just the way things are done. If we start scooping by scooping a quarter million cubic yards we'd be here forever. Second pass is more gentle, if we have to do a third pass we will do a third pass, but now comes the more difficult stage of that debris that's out there whether we get the roof tile versus the actual sofa, which we cannot take and get reimbursed for. And by the way, they go to different areas; vegetation goes to one of our mulching sites, the other general debris has to go to the waste facility for Dade County.

Commissioner Mena: Are we at full capacity for lack of a better term as far as 80 trucks or so that we had in the past, are we going to have that through second pass?- the same manpower?

Assistant City Manager Iglesias: We are having pretty much the same trucks, there is less debris now, so we are probably collecting one-third of what we were collecting.

Commissioner Mena: But, are we going to keep the same amount of manpower out there collecting that less debris, so that it gets picked up more efficiently?

Assistant City Manager Iglesias: Yes we are. We are just trying to do neater job second pass.

Commissioner Mena: Right – I just want to say again, cut back, hey we have less debris now, so let's cut it in half.

Assistant City Manager Iglesias: We are not cutting back. We are trying to keep as much as we can with our resources, as you know everybody is stealing from everybody else and we have kept our prices, you've kept our efficiency and we are going to try to keep as much resources as we can.

Commissioner Quesada: Just want to clarify something you said, stealing from everyone else, meaning that other municipalities are stealing trucks, not stealing, but offering different rates.

City Manager Swanson-Rivenbark: Poaching.

Assistant City Manager Iglesias: Poaching – whatever you want to call it. We have been able to maintain our prices through our efficiency.

City Attorney Leen: Can I raise one issue and this is from our FEMA attorney. The Mayor, remember we talked earlier about the Mayoral Emergency Orders why we need them sometimes. Right now the City is picking up debris in Journeys End and Tahiti Beach by direction of the City Manager and an emergency order of the Mayor and the Manager, and we believe that that's sufficient and we are going to do our best to try to get FEMA reimbursement, although we may not be able to and we've been told that by Ms. Parsons, the FEMA attorney, nevertheless she gave us a number of things that if we did would make it more likely. One thing she mentioned to me was that it was helpful that the Public Health Authority of the City would make a finding that the City should be doing this, in particular that the picking up of debris in Journeys End and Tahiti Beach that right now that debris is an immediate threat to the public safety and health and a threat to real property, which we believe it is, it poses a danger to the public to have that debris stay there, it can cause a public hazard, it smells, it could lead to people driving and having issues with visual distraction, with blocking driveways, there are a lot of issues, they are all in the Mayor's order. I would ask Mr. Mayor if it's OK, whether the Commission could do a

resolution on that order supporting that order and making those same findings. We are just doing it for that order in an abundance of caution in order to show that our public health authority has made that determination.

Mayor Valdes-Fauli: In order to allow us to pick up the debris in Journeys End and Tahiti Beach.

City Manager Swanson-Rivenbark: You circulated that.

City Attorney Leen: Yes and you've all seen the order, its signed, you'd be making the same findings as an order that's been published to you and it would be a motion to support that.

Mayor Valdes-Fauli: Motion? Second?

Commissioner Lago: So moved.

Mayor Valdes-Fauli: Will you call the roll please.

Vice Mayor Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Assistant City Manager Iglesias: We are documenting that completely separate to make sure there is no issue as far as FEMA is concerned, we want to be as clear as possible in everything we do to make sure that we get as much reimbursement as possible.

Vice Mayor Keon: Thank you. There is about an 8-foot wall of debris on Edgewater Drive.

Assistant City Manager Iglesias: They should be there, I believe today.

Vice Mayor Keon: OK. It's enormous.

Assistant City Manager Iglesias: We are cutting all the hangers and leaners, so we don't want a branch to fall on someone. So, in some areas it's generating quite a bit of new debris and we are coming back and picking that up on the second pass. We are almost through with the City on hangers and leaners and probably be on our second pass by the end of the week.

Vice Mayor Keon: Thank you. What do we do about, I've gotten a couple of people have asked about, I think that their cable and AT&T lines that are hanging down.

Assistant City Manager Iglesias: We have contacted AT&T and Comcast. As a matter of fact, Commissioner Lago, the light that you saw that you sent, I've moved that light and put bags on it to safe it up, a week before we contacted FPL, a week or two weeks before that, so actually it was lighting. I saw that the conductors were OK, physically moved it and if you notice there are two bags in front of it, I did those myself, because it was such a danger there and the Director contacted them two weeks ago, so we've contacted them again to make sure that they get that job done.

Commissioner Lago: There are three lights.

Assistant City Manager Iglesias: Yes, the three lights.

Commissioner Lago: Three lights that are down.

Assistant City Manager Iglesias: They are down in that area, yes, one was by UM and we've done the best we can.

Mayor Valdes-Fauli: Thank you very much. You've done a great job as always.

Vice Mayor Keon: Does FPL also replace like the globes that go over the street light?

Assistant City Manager Iglesias: Those are day lights and we straighten them up.

Vice Mayor Keon: Do we keep a list of those to tell them?

Public Works Director Santamaria: We assessed all the lighting in the City, including the ones that we own and there are a number of light fixtures that were damaged during the storm, there are a number on Bird Road that are quite visible, and we have also brought everything that we saw to the attention of FPL.

Vice Mayor Keon: Thank you. You really have done a great job. I need to really compliment you and tell you what a great service all of you have provided to the City.

Commissioner Lago: Incredible job. One last item. As many of you are probably aware or not, I'll tell you right now, 475 Biltmore Way could potentially be coming on the market again, it's probably been like two or three times that the property has come on the market, I think under the

same ownership. It's an interesting property in the sense that we control the parking, so that could be something that we could consider in the near future or not consider.

Commissioner Quesada: You said 475 Biltmore Way?

Commissioner Lago: Yes, the building next door. So, that's the last remaining piece to finish off the block.

Mayor Valdes-Fauli: Maria Cruz wanted to speak.

Ms. Cruz: [Inaudible – off mic]...The smoking mirrors...

Mayor Valdes-Fauli: Smoking mirrors continue, why?

Ms. Cruz: I have a list right here of all the places that haven't been picked up.

Commissioner Lago: If you have areas come up please and tell us what the areas are, so we can address them.

City Attorney Leen: Ms. Cruz you are speaking as your individual capacity here.

Ms. Cruz: Of course. When I do otherwise I identify myself.

City Attorney Leen: Of course you do.

Ms. Cruz: You know I sit here and I listen and we would like to believe and we meaning most of us that we live in a place that's so wonderful there are no issues. But you know what, there are issues and there is nothing wrong with recognizing the issues. Unless we recognize them they don't get fixed, OK. I just heard we picked up 99 percent of the hurricane debris. From my house on Miller Road to this place this morning I saw one, two, three, four, five, six, seven, eight, nine, ten places that the first pass didn't go through. How do you know?- because you can tell the old stuff from the new stuff, it's very clear. In my neighborhood in front of the priest's house there was a tree that fell down, the limbs from that tree they were blocking the sidewalk are still there. The first pass never went there, OK. I'm sorry, you know we are very concerned about our image, no sand bags because it doesn't look good; no ice because it doesn't look good. There are people that are sending me pictures, there are toilets, there are wet mattresses all over the place and that doesn't affect our image, that's OK, come on.

Mayor Valdes-Fauli: That means we have slobbs throwing mattresses and toilets.

Ms. Cruz: I know, but meanwhile you know there are other things that we are concerned about. Let me tell you something. I can see – if we keep this up and we keep holding those things in front of our homes, you know we do have rats in the City of Coral Gables, because all you have to do is look at the wires on the top and you see them. Well rats come to that kind of garbage and unless we do something, that's number one; number two, what's wrong with picking up our garbage the regular way?- why are we asking people to still take it outside? I'm sorry, a lot of people like me, I can't take my garbage can outside.

Commissioner Mena: That's not a requirement though.

Ms. Cruz: Well then it doesn't get picked up.

Commissioner Mena: That's not true. That's absolutely not true.

Ms. Cruz: Excuse me, I had to call twice, because twice they missed my...because they didn't take it out.

Commissioner Mena: Nobody is disputing there are going to be houses that get skipped or small areas...that's not a requirement...

Ms. Cruz: Wait a second. I'm sorry and if they take it out they leave it out, because I have a neighbor that sent me a picture, she did not take it out, they took the garbage can out and then left it outside.

Commissioner Mena: Understood.

Ms. Cruz: There are issues.

Commissioner Mena: Of course there are issues that's why we are here.

Ms. Cruz: All I'm saying is, let's fix the issues instead of pretending that nothing is wrong.

Commissioner Mena: But who's saying, who's pretending nothing is wrong?

Mayor Valdes-Fauli: Who is pretending Maria?

Ms. Cruz: 99 percent picked up.

Commissioner Mena: They didn't say 99 percent, they actually said we picked up 245,000 cubic yards and that there is a remaining 70 to 100, so that's not 99 percent ma'am.

Ms. Cruz: They said 90 percent was picked up on the first pass.

Commissioner Lago: What they said was 99 percent of the first phase was picked up, correct?

Ms. Cruz: I'm telling you the first phase it hasn't been picked up.

Mayor Valdes-Fauli: Thank you very much. Thank you.

Commissioner Lago: I have a list of five or six areas that I drive through every day that needs to be picked up, but again, its areas is it first, is it second phase, there are some hangers, there are some large ficus trees that fell, we are going to get to it, but I agree about the bulk issue; the bulk trash is a major issue and I think we all agree on that, we all agree on that.

Mayor Valdes-Fauli: Mr. City Attorney you wanted to say something?

City Attorney Leen: Yes. So the last item....

City Manager Swanson-Rivenbark: No. I have a discussion item too, because of the Miracle Mile Carnival on the Mile at some point, because we have a difference of opinion in the Commission and it would be helpful for me to get direction.

City Attorney Leen: OK. So, you better go now because this is the last item.

City Manager Swanson-Rivenbark: Mr. Mayor if I may, Carnival on the Mile is March 3rd and 4th, it was last year on Alhambra, the streetscape was being built, it worked well on Alhambra. They come to us and said are they going to be on Alhambra or are they going to be on the Mile this year? A couple of things happened – we asked the Business Improvement District to survey their merchants and asked what was their opinion. Their first result was just forwarding us individual findings and we said no, we need the Board to take a position. The Board's position is they would like Miracle Mile, Carnival on the Mile brought back to the Mile, point one. We asked the Carnival on the Mile, they were very kind, they said they could do either way, but their preference, their strong preference would be coming back to the Mile. I also chatted with Peter Iglesias on March 3rd and 4th the concerns about the streetscape, what are his thoughts and he felt that one, we would be ready in time and that from a protocol standpoint it could work on the Mile, but when I polled each one of you and I had the poll and I did it individually, there are differences of opinion on yes, come back to the Mile, no preference, or no don't come back to

the Mile for fear of the condition of streetscape. Clear good opinions, good observations, but they are not unified, thank you sir, so I'm just asking because I need to be able to tell the Carnival Little Havana Kiwanis are they going to be on Alhambra or are they going to be on Miracle Mile. So, I'm throwing it out to you all to decide amongst yourselves.

Mayor Valdes-Fauli: I think my opinion is that you have done a wonderful job for Miracle Mile and that is to be used and their strong preference you tell us is they should be back on the Mile and I'm very much for that.

Commissioner Mena: The only thing I would say though is, Madam City Manager correct me if I'm wrong, they did some sort of survey you gave us the results for, and it was like 50/50, right?

City Manager Swanson-Rivenbark: And so we went back to the B.I.D., the individual merchants were not unified, so we said to the B.I.D., we said B.I.D. you've given us this survey, some are in favor and some are against, what is the B.I.D. Board's recommendation. So, we forced them to have a recommendation rather than just forward us the individual findings and they came back saying, the recommendation and Javier you facilitated that that their recommendation is to come back to the Mile.

Mayor Valdes-Fauli: And that would be wonderful, it's bringing traffic and bringing people to the Mile.

Vice Mayor Keon: How many days is it?

Mayor Valdes-Fauli: What?

Vice Mayor Keon: How many days is it?

City Manager Swanson-Rivenbark: March 3rd and March 4th; they do set up March 2nd, the Friday night they begin setup, so it all depends. If you decide to stay on Alhambra then they'll setup March 2nd and it will be the 3rd and 4th. If you come to the Mile then there is a possibility that the March 2nd setup, which is the Friday night setup happens a little bit earlier and you grab it as the opening, because it's the first thing that will have happened on the Mile that you grab it as an opening to streetscape, the celebration of streetscape.

Commissioner Lago: I'm in favor.

Mayor Valdes-Fauli: You make a motion?

Commissioner Lago: Personally after seeing what we've been through with the Mile, I'm in favor of moving it to Alhambra.

Mayor Valdes-Fauli: Alhambra? Why?

Commissioner Lago: I think the material is incredibly sensitive, I think it's porous. I didn't vote for the material myself, but I walk it every day, I see it, and I don't think personally that that area can really withstand the thousands of people on top of it. It's an issue and it's an issue I think we should try to keep it as pristine as possible.

Mayor Valdes-Fauli: Yes, but the point is to use it and to keep it as pristine as possible means an issue to put traffic on it.

Commissioner Lago: I don't have an issue with traffic. I don't have an issue with...

Commissioner Quesada: Stages and the setup, it can crack and scratch.

Commissioner Lago: I don't have an issue with smaller scale events that are there; smaller scale a few hundred people. This is thousands of people, stages; this material is very soft.

Commissioner Mena: The stages and booths don't go on the – they stay on the street, do they?

Commissioner Lago: They spill over into certain areas, you have the railing, you have certain things....

Vice Mayor Keon: And, there is stuff that gets spilt on it as you walk along there.

Commissioner Lago: It's porous, it's a porous material.

Vice Mayor Keon: I'd rather see it moved to Alhambra although no matter where you move it the businesses will tell you that generally they don't do any business that day.

Commissioner Quesada: It's a mix, I used to think that and then I try to frequent the Mile businesses and honestly they either love it or they hate it, there is no in between, no one does mediocre, they either do great or they do horrible.

Commissioner Mena: The B.I.D. survey asked about that and I actually asked them how they did relative to...

Vice Mayor Keon: For me it's more just to preserve the material.

Commissioner Mena: Is there a distinction in terms of like traffic impact from the City staff perspective, does one location have a lesser impact on traffic than another logistics as far as public safety, anything like that?

City Manager Swanson-Rivenbark: From a special events standpoint in delivering it, the staff said they could do either one. We don't want to tell Little Havana Kiwanis one thing and then have it change, they need to be able to plan, so they've been very nice about it and so we just want to get since there was not a clear consensus on the Commission it was easier for us to toss it to you all as a discussion.

Vice Mayor Keon: Well then let them go back and let them try it and you really need to evaluate what happens afterwards and there has to be some sort of a security deposit of something that's going to pay for that, because if those tiles and that sidewalk – well I can't say it has to be scrubbed, I don't know, because it hasn't been there, but I think you need to evaluate the effect that it has on the Mile and the plants and everything else, that large of an event and if its negative then I think going forward you don't do it on the Mile anymore.

Commissioner Lago: Can I ask for Peter's opinion, I really value his opinion. I don't want to put you on the spot, but I will, we were there the first day we broke ground when we were milling that night at 10:00 o'clock...

Assistant City Attorney Iglesias: We call this tile a science experiment, we really do, because...

Commissioner Lago: You've gone with the Vice Mayor's give it one shot with a security deposit and then we take it away from you?

Assistant City Attorney Iglesias: It's an experiment. I think Giralda is granite, so we know that. This product, I don't know if anybody has used it before, so it's really an experiment to see how it's going to, how things are going to hold up.

Commissioner Quesada: Wow. You saying that changes my opinion, because I was for Miracle Mile and if you think it could cost significant damage.

City Manager Swanson-Rivenbark: Wait a minute – before I talked with Little Havana Kiwanis, I called Peter and said look, what do you think?

Commissioner Quesada: Your honest opinion, forget about what we think.

Assistant City Attorney Iglesias: I think there will be issues, it will be cleaning, it will be expensive. Since we don't have – there is very little information out there as to a long term performance of this tile, but I do think that we could – it could be something as the Vice Mayor said, maybe something...

Commissioner Quesada: I remember when we were voting on this, on this tile and we were told...

City Manager Swanson-Rivenbark: It wasn't Peter, Peter wasn't here.

Commissioner Quesada: No it wasn't you, no it wasn't you.

Vice Mayor Keon: We were told that it was natural stone.

Commissioner Quesada: We were told it would be durable, resilient. We heard all these positive, wonderful things that made me think, this is it, this is the magic...

Assistant City Attorney Iglesias: By its nature it's going to be a little brittle.

Commission Quesada: But brittle means cracked, scratch.

Assistant City Attorney Iglesias: It's not like granite where Giralda is granite where it's been used everywhere and I have used it for decades and we do have a lot of experience. This is the first time it's been installed, that I'm aware of, for this application and so what I think we can do is maybe get the correct bond to go ahead and make sure that we can clean it afterwards and we are learning, it's been a new experience to install this new product. I do think that maybe a trial would be and...

Commissioner Quesada: And what does that mean, what does a trial mean? Let Miracle Mile have damage and then...

Commissioner Lago: We are not like other areas in Miami-Dade County where there is an event of this magnitude week in week out, you understand, like Bayfront; Bayfront is exposed to huge events of big magnitude. We have, I think one event on the Mile...

Assistant City Attorney Iglesias: Project will be done...

Commissioner Lago: ...for two days it would be rough on the Mile, but listen, I'm willing to try it, even though I'm not in favor of it and see what happens.

Assistant City Attorney Iglesias: I think the project in March we'll be ready. I think it will highlight the project from that perspective and we can do it and I do think we've tried certain materials of cleaning and we've been effective, so I'd like to see if maybe we can give it a shot.

Commissioner Quesada: Madam City Manager, I think the Vice Mayor brought up a great point. I think we need to go back to the Kiwanis, I mean if we are all in favor of Miracle Mile. I am, but I've got to tell you, your opinion is what's controlling my position on this, because when I spoke to Cathy it's like, you know something, what do the businesses want and I was focusing on that. Assuming that, again we are calling the representations that were made to us by that outside consultant related to the stone that damage was not going to be an issue, but hearing what you are saying it makes me rely on your opinion more. So, what I'm saying is that I think we need to go back to the Kiwanis and say, hey look, we have no problem with you using Miracle Mile, however, we need to be more strict than in years past on a security deposit and other protective measures prior to doing anything. Put the ball in their court and just let them know that it's going to be more restrictive and more supervised than in years past.

Assistant City Attorney Iglesias: Cleaning is not like cleaning concrete.

Vice Mayor Keon: Right – it requires a special material. Also all of those benches in white...

Commissioner Lago: It's done with a special machine that brushes so it takes time, it's costly.

Assistant City Attorney Iglesias: So it's not cheap to clean, but I do think that it would be interesting to show off the project, because it is such a unique project and we do have the benches to consider too, but I do think that the project will be ready. It's in March, with the hurricane we have not deviated from our January construction finish, we lost about two weeks, but we are trying to make it up right now and I do think it will show off the project and if we can get the Kiwanis to cooperate on the cleaning afterwards, I think we can make it happen.

Vice Mayor Keon: But, it's cleaning the pavement as well as those white benches and all that white stuff too. You know what it is, it's just a massive amount of use in a very short period of time, but if it works, it works.

Mayor Valdes-Fauli: What representations were made to us when we bought into this product?

Assistant City Attorney Iglesias: I do not know Mayor, I was not here.

Vice Mayor Keon: That is was a stone, it was a natural stone and that it could be...

Commissioner Quesada: I mean it was repeated several times, I vividly remember.

Vice Mayor Keon:...over and over.

Commissioner Quesada: Because we were excited, because they had some great colors and they are like look, and this is durable and it's proven and it comes from a quarry, I don't know where.

Assistant City Manager Iglesias: If you use a color like white there is always going to be a problem no matter what you use, because it's like putting white rug you probably use it once in your life and never use it again, anything that falls on it will be visible, but that doesn't mean that we can't use it and clean it and try to highlight it. I think it's really a magnificent project, I don't know of any other City has anything of this kind of magnitude as far as quality is concerned. Everything in this project is custom, even the pipe is custom and...to guard the pipe, but it's just a marvelous project and it would be nice to highlight it.

Commissioner Lago: And, if you maintain it well it should age well.

Assistant City Manager Iglesias: If we maintain it well and that's the thing, work with Kiwanis on the cleaning and I think we have worked out a cleaning procedure where we actually don't pressure clean, but we actually scrub it with steam and it looks like it works out well, and we are working on a contract now to proceed with that type of cleaning procedure.

Vice Mayor Keon: I just wanted to ask for an estimate; you'll provide Kiwanis with an estimate to clean the benches although it's white and the sidewalks and whatever if they are willing to.

Assistant City Manager Iglesias: We can come up with estimates.

Commissioner Quesada: One last thing, I would have like to have asked through the City Manager to speak to the Clerk's office, because the Mayor asked a question, I cut him off, what representation were exactly made to us. I would like to have someone go back in the transcript. I want to know that, because if we were misled in any kind of way by an outside consultant, we need to be aware of it, whether we do something or not or do something else, but I think we need to be aware of that.

Assistant City Manager Iglesias: I think, Commissioner, I think the product is going to work out, I really do. I think that we have a cleaning solution for it. The fact that it is colors that require a lot of cleaning that's just a fact.

Commissioner Quesada: That's fine, but this is not a conversation I ever anticipated when I voted on that stone. When I voted on that stone I thought, Oh we are never going to worry about this because of all these statements that have been made to us of how amazing the stone is. So, I feel like the wool has been pulled over my eyes.

Assistant City Manager Iglesias: I'm not sure if it's the stone or if it's the colors.

City Manager Swanson-Rivenbark: Peter, I want us to be careful. We do have design issues and we intend on evaluating those and bringing your recommendation to you regarding the design of the project.

Commissioner Quesada: We just need some clarity.

City Attorney Leen: We'll look into that too, we've reserved all our rights, but I would recommend that we wait till this project is complete. We've already told the architects, we've told the contractors that we want them to finish on schedule and then we'll take a look at what happened everything, and we'll meet with them and try to work it out, and this will be another item that we'll take a look at.

Assistant City Manager Iglesias: Commissioner Lago let's do a test, let's do a test and look at our procedures and see how we fair afterwards and I think we've got the cleaning and those solutions, I think in good shape, and I think it will be a good test.

Mayor Valdes-Fauli: Miracle Mile it is then, right.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Mr. City Attorney.

City Attorney Leen: So, we are going to be going to Executive Session, which I'll start reading into the record and you can go, but before I do, I want to say something.

Commissioner Quesada: Just one quick item before we go into that. There is a homeowners association, Gables by the Sea, I got invited to on the 17th, I would just like to ask if I could have someone from staff there, because I'm sure they are going to want to have debris discussions and just sort of follow up.

City Manager Swanson-Rivenbark: We'll make sure that you are included.

Commissioner Quesada: Thank you – sorry.

City Attorney Leen: So, this is the case between the City of Coral Gables and Instagram and Facebook Miami. I do want to say something for the public record, because this matter has been reported on by the Herald and by other entities and I want to make clear that the City did reach out to Facebook and Instagram and seek to settle the matter. We did propose to them two potential settlements, one of which was based on something that they said in their own motion to dismiss in the case. That was that the City could go forward and issue a subpoena in California to try to get this information based on a suggestion that was made in their filing. In addition to that, the City offered to try to settle this matter similar to how we settle our case with Air B&B, whereby the Facebook and Instagram would agree to a process whereby if the City's trademark is used again, the City could alert the General Counsel's office and we could address that together, if this was a recurring issue. At that point, the City could then raise again determining who was doing this so that we could send them a cease and desist letter. I just want to report to the Commission that that settlement offer was rejected completely by Instagram and Facebook; they did reject that settlement offer. So I want to be clear, we did try in good faith to resolve this matter. We will be having an Executive Session first, so I can determine if the Commission wants to make any further settlement offer, but in addition to that to also discuss litigation expenses, that's one of the permissible areas for an Executive Session. So, with that I would just like to read into the record that we will be going into an attorney/client Executive Session, closed to the public, for purposes of discussing the litigation styled City of Coral Gables v. Instagram LLC and Facebook Miami Incorporated, Case No. 17-017450-CA-01. This session may be attended by the following individuals, Mayor Raul Valdes-Fauli, Vice Mayor Patricia Keon, Commissioner Vince Lago, Commissioner Michael Mena, Commissioner Frank Quesada, City Manager Cathy Swanson-Rivenbark, City Attorney Craig Leen, Deputy City Attorney Miriam S. Ramos, and Special Counsel who is in the audience Annie Hernandez-Gamez. A certified court reporter will be present to ensure that the session is fully transcribed and the transcripts will be made available to the public upon the conclusion of the above stated litigation. At the conclusion of the attorney/client session the public meeting will be reopened and termination of the attorney-client session will be announced. This is the last item, so there'll be nothing further once I come back to record that the session is closed. With that I would also like to emphasize again, just to be clear since the media is here as well, that the City's focus in this case is its trademark, protection of its trademark, it has proprietary right to do that and at least in my view we are having difficulty with Instagram and Facebook recognizing the importance of those proprietary rights and that's why we have to bring an action like this. We offered to settle with them in a way that I believe was reasonable, and they rejected it. So, with that we'll go into the Executive Session.

Mayor Valdes-Fauli: Thank you.

[End: 1:33:03 p.m.]