

**City of Coral Gables City Commission Meeting
Agenda Items E-1 and E-3
September 22, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

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

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant Historic Preservation Officer, Kara Kautz
Planning and Zoning Director, Ramon Trias**

Public Speaker(s)

**Don Slesnick
Vincent Damian
Raul Valdes-Fauli
Nick Di Donato
George Velsky
Bob Liu
Melissa Kothari
Reed Horth
Fadi Bahri
Aldo Busot
Dan May**

Agenda Items E-1 and E-3 are related [11:00:00 a.m.]

Historic Preservation Board Appeal - CASE FILE COA (SP) 2014-002 (997 N.
Greenway Drive - Country Club of Coral Gables)

City Commission Meeting
September 22, 2015
Agenda Items E-1 and E-3 – Historic Preservation Board Appeal
Ordinance requesting conditional use with site plan review pursuant
To Zoning Code Article 3, “Development Review”, Division 4, “Conditional Uses”

Donald and Jeannett Slesnick and Vincent and Carol Damian, applicants, have filed an Appeal to the Coral Gables City Commission, from a decision of the Historic Preservation Board at its regular meeting held on Thursday, May 8, 2014, to permit the laying of keystone pavers over the front yard of property located at 997 N. Greenway Drive, (Coral Gables Country Club), which will result in reducing the set-backs and the amount of required landscaped open space.

Ordinance on First Reading. Conditional Use with Site Plan Review. An Ordinance of the City Commission of Coral Gables, Florida requesting conditional use with site plan review pursuant to Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses", and Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-204, "Special Use (S) District", for an amendment to an approved site plan and previous conditions of approval (Ordinance No. 2009-47) for an existing country club located within a Special Use (S) zoned district, for the property commonly referred to as the "Coral Gables Country Club" and legally described as Lots 1-9 and 37-39, Block 32, Coral Gables Section "B" (997 North Greenway Drive), Coral Gables, Florida; and including required conditions; providing for a repealer provision, a severability clause, and providing for an effective date. (PZB recommended approval, Vote 4-1)

Mayor Cason: City Manager or City Attorney? Who's going to do E-1?

City Attorney Leen: E-1? I'll do E-1.

Mayor Cason: Well, hold on. Commissioner Slesnick.

Commissioner Slesnick: But, I want to excuse myself because I was part of the appeal to the Historic Preservation Board in May of 2014, and I would like to join the audience for this one.

Mayor Cason: That's fine.

City Attorney Leen: Mr. Mayor, let me read the item, E-1, first. Item E-1 is an appeal. It's case file COA (SP) 2014-002. Donald and Jeannett Slesnick and Vincent and Carol Damian, as aggrieved parties, have filed an appeal to the Coral Gables City Commission from the decision of the Historic Preservation Board at its regular meeting held on Thursday, May 8, 2014, to permit the laying of keystone pavers over the front yard of the property located at 997 North Greenway Drive, Coral Gables Country Club, a contributing structure within the Country Club of Coral Gables Historic District, legally described as Lots 1-9 and Lots 37-39, Block 32, Coral Gables Section "B," as recorded in plat book 5 at page 111 of the public records of Miami-Dade County, Florida, which will result in reducing the setbacks and the amount of required landscaped open space. This item is an appeal to you from a decision May 8, 2014. You may ask why has it been over a year since it's come to you. The issue is that when the appeal was filed, this application was still going through the conditional use review. It was much earlier in the process, and the Commission, in the Zoning Code, passed an ordinance a year to two ago, which indicated that when we have provisions that may -- pardon me, when we have applications that may come before you more than once, we will consolidate them for purposes -- for the procedural rules, purposes of procedure; have them brought to you at the same time. Just so you're aware, there's item E-3, as well, which is an ordinance. What E-1 does is it's simply a review of the Historic Preservation Board regarding these specific pavers. You can decide E-1 one way and you can decide E-3 another way. E-3 is the conditional use review, which relates to outdoor dining and site plan review at the Coral Gables Country Club. This relates only to the pavers. Now one other issue I needed to raise at the beginning is Commissioner Slesnick recused herself from Item E-1. She is the appealing party -- one of the appealing parties, and that is appropriate. We also have a written opinion that we're going to place in the record regarding that matter. As to E-3, which is currently consolidated, it's up to the Commission whether to do this or not, but presently consolidated, the issue has been raised whether they could be unconsolidated, so that she could participate in Item E-3. The opinion of the Deputy City Attorney and myself, after looking at the matter and looking at state law and the County law related to ethics, is that if the matters are not consolidated, she could participate in Item E-3, but they would require then

separate hearings and votes. If they are -- if they remain consolidated, she will not be able to participate.

Mayor Cason: You know, I think we'd like to get staff's presentation and then we'll hear from...

City Manager Swanson-Rivenbark: Do you want to do it as a consolidated item?

City Attorney Leen: Well, I'm recommending they be separated because she's a -- because the two items can be separated. I mean, I -- let me say that differently. I never make a recommendation of that nature. It can legally be separated. It can legally be separated.

City Manager Swanson-Rivenbark: So, if it's the Commission's desire to hear each item individually, I can call up Historic Preservation staff.

Commissioner Lago: I guess my request would be whatever is easier for staff and more efficient for all of us.

Mayor Cason: I think they're two separate issues because you could vote to allow the pavers and not vote on the second issue. So, I would suggest we do them separately, and she's recused herself from E-1, and that we get a presentation from staff as where the City staff stands on this. Then we can hear from the appellants, and then we can hear from Mr. Di Donato, and then the public, and then we'll vote.

City Manager Swanson-Rivenbark: Then I'll call Kara Kautz up...

Mayor Cason: Okay.

City Manager Swanson-Rivenbark: To give the presentation on behalf of Historic Preservation.

Commissioner Lago: I agree.

Unidentified Speaker: Okay.

Assistant Historic Preservation Officer Kautz: Good morning.

City Attorney Leen: It's unanimous consent.

Unidentified Speaker: Good morning.

Assistant Historic Preservation Officer Kautz: Craig gave you a little bit of background on the item. In May 2014, the operator of the country club came to the Historic Preservation Board to request two items. The first was the installation of pavers of approximately 350 square feet to the south of the building, which is between the country club building and North Greenway Drive. They also requested the installation of a staircase that led to the pool deck. Because the building as it exists now is built up to the setback, and in certain places, encroaching onto the setback, anything that happens within that area between the club and the street would require a variance. The pavers required three variances; two for encroaching into the setback and one for landscaped open space. The stairs, however, did not because stairs are allowed by the Zoning Code to encroach within the setback. At the time, it went to the Board, the Board's purview only was whether or not the pavers impacted the historic integrity of the site. Staff recommended in favor of the variances, their removal. They're temporary in nature, in our view. They're not construction that's added onto the building. The Board did find that the integrity of the site would not be harmed by the installation of the pavers.

Mayor Cason: What was the vote?

Assistant Historic Preservation Officer Kautz: They voted on each variance individually, and they -- some members voted in favor of one variance and not the other, so there was a staggered vote. It's in your packet. I can get it for you, if you'd like. For the setback on North Greenway Drive to encroach into that setback, it was a -- one, two, three, four, five -- it was 6 to 1 and 1 abstaining.

Mayor Cason: A question on the abstention. If I recall reading the record...

Assistant Historic Preservation Officer Kautz: Yes.

Mayor Cason: The abstention was somebody that said that they would have abstained if they -- at the beginning of the discussion. At the end, they didn't do it, and so they tried to abstain, which is not allowed, so it was counted as a negative.

Assistant Historic Preservation Officer Kautz: I believe that's right.

Mayor Cason: Craig?

Assistant Historic Preservation Officer Kautz: Is that right?

Mayor Cason: Abstention...

Assistant Historic Preservation Officer Kautz: Is abstention...

Mayor Cason: Is not possible, so it counts as a negative; is that right?

City Attorney Leen: The abstention counts as a -- well, her not being here -- you need three votes to uphold the appeal.

Assistant Historic Preservation Officer Kautz: No, no, no, for the Historic Preservation Board. One member abstained at the end, but didn't declare it until the end of the proceeding. Robert Parsley.

City Attorney Leen: She abstained?

Assistant Historic Preservation Officer Kautz: It was Robert Parsley who abstained.

Unidentified Speaker: He abstained?

Assistant Historic Preservation Officer Kautz: He did.

Mayor Cason: He abstained, if I recall, it's because he's a member of the...

Assistant Historic Preservation Officer Kautz: He was. He's a...

Mayor Cason: Of the gym. And therefore, thought that he should abstain, but didn't at the beginning so...

City Attorney Leen: You're allowed to abstain for bias. We have typically treated abstentions as negative votes.

Assistant Historic Preservation Officer Kautz: Okay.

Commissioner Lago: Well, please explain to me why is that the case.

City Attorney Leen: Well, because...

Commissioner Lago: Why would it be treated as a negative vote?

City Attorney Leen: Under state law, you're not allowed to abstain. And honestly, he should have abstained at the beginning of the proceeding. State -- there's a statute that says you cannot abstain unless you recuse. To go through the whole proceeding and then recuse at the end, there's an issue with that. In order to protect him, it is better to record it as a negative vote. Otherwise, he could be in violation of state law.

Mayor Cason: But, I just want to make a point. That was not necessarily the intention of the negative vote. It was...

Assistant Historic Preservation Officer Kautz: Correct.

Mayor Cason: Our categorization of something that was...

Assistant Historic Preservation Officer Kautz: Correct.

Mayor Cason: Illegal basically.

City Attorney Leen: Yes.

Mayor Cason: Okay.

Assistant Historic Preservation Officer Kautz: Correct. He was a member -- just -- had just joined the club -- the athletic club.

Mayor Cason: Okay.

City Attorney Leen: Can I add one other thing? Understand that an abstention -- normally, to take any action requires the majority vote, positive vote of the group. So, an abstention is

identical to a negative vote for legal purposes. So, we treat -- under the way that our Code is structured because we require always Commission and for the quasi-judicial boards, a majority of the whole. So, an abstention doesn't -- you still have to get four votes if you have seven members, or five votes if you have nine members. So, it's better to treat it as a negative vote; otherwise, it could cause legal issues for the person.

Mayor Cason: On the other two votes that were taken, was it the same person for the same reason?

Assistant Historic Preservation Officer Kautz: Yes. And then on the encroaching into the Granada side setback, there was one additional nay vote because he felt that the pavers could be shifted slightly so as to not need that variance.

Mayor Cason: Okay, thank you.

City Attorney Leen: I mean, I'd like to -- one other thing. In the future, we need to be clear with them that they need to recuse at the beginning, and they need to follow the appropriate procedure and not cast any vote, including abstention at the end.

Assistant Historic Preservation Officer Kautz: Again, the Board did find that the integrity of the site as a whole, as a historic site, would not be harmed by the pavers. Interestingly, it did feel that the stair addition would have had a negative impact on the building, and voted denial of that feature. They did understand the opposition to the outdoor dining, but felt that the venue wasn't the correct venue in which to hear that. They only were looking at the impact on the historic property.

Mayor Cason: Okay. Anything else the staff wants to say on this?

City Manager Swanson-Rivenbark: No, sir. Just to review, in addition to the abstention on the three actions, there was one no vote for one action by one individual, and a separate no vote by another individual on this, the third action. So, Alejandro Silva, on the action related to the variance in connection with the special certificate of appropriateness; he voted no. The others voted yes, with the one issue of the abstention. And the third action, which was the green space, the amount of open space, Carmen Guerrero voted no. The remaining voted yes, with the abstention by Mr. Parsley. So, you had asked how did they vote each time. Different members voted differently in the process.

Mayor Cason: Did any other boards raise this, the Board of Architects, anyone else?

City Manager Swanson-Rivenbark: The issue of the sidewalk cafés were reviewed by other boards, but this issue was the issue of the pavers.

Mayor Cason: Okay.

Assistant Historic Preservation Officer Kautz: Every item that comes to the Historic Board is reviewed by the Board of Architects prior to their recommending body to the Historic Board. So, they did review the application with no comments.

Mayor Cason: Okay.

Commissioner Lago: Did we review the potential pavers in reference to ADA issues? I know -- just maybe the configuration that was proposed?

Assistant Historic Preservation Officer Kautz: No. We did...

Commissioner Lago: There were maybe any concerns in regards to ADA?

Assistant Historic Preservation Officer Kautz: Not from us. Also, prior to going to the Historic Board, we send all of the plans to Zoning for their review so we can identify issues and variances before they get to our board, and that was not raised as an issue by the Zoning.

Commissioner Lago: No, I asked because in most historic buildings you have potential ADA issues.

Assistant Historic Preservation Officer Kautz: Absolutely, but it was not.

Mayor Cason: So, did Planning and Zoning opine on this as well on the paver issue?

Assistant Historic Preservation Officer Kautz: Yes. We -- our board makes recommendation to you all and then the Planning and Zoning Board takes our recommendation to their board as well, so -- and then they'll come to you with their recommendation.

Mayor Cason: And what was their vote?

Assistant Historic Preservation Officer Kautz: I don't know.

Mayor Cason: What was the vote, Ramon? Come on up.

Planning and Zoning Director Trias: Mayor, I have a PowerPoint presentation that summarizes the content. The vote was 4 to 1 in favor of the request.

Mayor Cason: In favor of it, okay. In favor against...

City Manager Swanson-Rivenbark: The issue was...

Mayor Cason: In favor of the pavers?

City Manager Swanson-Rivenbark: A position on the pavers. Was the position on --? Excuse me, Ramon. Ramon, the Mayor was asking was there a position taken by Planning and Zoning Board on the issue of the pavers?

Planning and Zoning Director Trias: Right, no. That was not the issue discussed.

Mayor Cason: Was not, okay, yes.

Planning and Zoning Director Trias: Sorry about that.

Commissioner Lago: No worries. Thank you. I appreciate it, Ramon.

Mayor Cason: Now, we have a number of people who want to speak. I'm wondering, do all of these people want to speak on the pavers first? Do you want to --? Because we're discussing pavers now. And we'll start with -- if you do, then Don Slesnick, start with...

Don Slesnick: Well, Mr. Mayor, yes. I would appreciate if Mr. Damian and I could start as the appellants, and not speaking, per se, as the public, but as appellants. And I appreciate the opportunity to come here before you, Mayor Cason, and Vice Mayor Quesada, Commissioner Keon and Commissioner Lago. This is my first appearance before the Commission and -- in many years, and it's my first appeal of any action of any board of the City. But, I think, as you can tell from me being here, how important I feel this is, and how important it is to me and my neighbors and my household; neighbors and I who have put much of our life savings into our homes on the Greenway Drive. This is an appeal, and I wanted to stress this because, obviously, it has put my wife into a somewhat embarrassing position. But, this is an appeal of a May 8, 2014 decision of the Historic Preservation Board, and the appeal was first filed on May 18, 2014, some 16 months ago and some 11 months before she ran for office and was elected. Because this is an appeal and a somewhat legal action, I feel -- not to impress you all or not to impress

anybody, nor am I running for anything, but I should name my qualifications, I believe, for the record in speaking to the thing. First of all, this is a neighborhood issue, and I am a resident of 827 North Greenway Drive and have been since the late '80s. As far as my qualifications and my relationship to the country club and its history, I served as its president when it was still a club, a private club leased from the City in the early 1990s, and served as the president of its golf group years before that, and founded the foundation that once existed to help support the existence of the country club. My qualifications in historic preservation range from being president of Dade Heritage Trust, being president of the Florida Trust for Historic Preservation, being the chair of the Miami-Dade County Historic Preservation Board, being the chair of the State of Florida Historic Preservation Advisory Board to the Secretary of State, and being on the current University of Florida Board at St. Augustine, which is in charge of the historic properties there. In the neighborhood issue, let me suggest to you that we have turned in the petitions provided to us by the City to fill out. These petitions, by the way, were not set up in my front yard or by a stand selling lemonade or anything. This was a house to house canvass at the time, allotted for myself and for Mayor Valdes-Fauli and some others to go out and visit with residents face to face, conversations in their living rooms. And you will find on a collection of several of the petitions that were collected by different people approximately -- I counted while I was getting ready for this -- about 73 names appear on the petition. These are all in the immediate vicinity. There are no Brickell persons. There are no Pinecrest persons. There are no Little Gables, but these are in the immediate vicinity. Thirty-one homes on Greenway Drive are represented. And to be honest, I just ran out of time for being able to go visit other Greenway Drive residents. The two homes directly across the street from the country club on Granada are represented on the petition, both of which I visited personally and had conversations with the residents. Every home on the first block of Greenway Drive -- south -- North Greenway Drive, headed east, every home, except the one that is unoccupied, is represented in the petition. Every home on the second block, Mayor Valdes-Fauli's block, except for two, one of which one resident is very sick -- and I will say in all candor that -- and one resident who did not wish to sign the petition on that block. And we have four homes that are immediately behind the country club on the Alhambra side of the country club on the petition. The petition includes three former

mayors of the City, all of them neighbors of the country club. Now let me express to you that I don't believe that former mayors have any higher standing than any other citizen in the City, but you would think that they might have at least a particular understanding of the historic context of the club and of the neighborhood -- of their own neighborhood and so forth. And one of the nay voters last year on the Historic Preservation Board was Mayor Dorothy Thompson, a fourth former mayor. And it includes two former members of the Historic Preservation Board and Bob Fuel (phonetic), who is known to be quite a supporter and benefactor of this city, is on the petition. The specific points that I want to make, I mean, I think that addresses the neighborhood issue. When this came to the Planning and Zoning Board on the next issue you'll consider on the dining, you know, people were waving around petitions. And one of the members of the Board said, I want to know how the neighbors feel, which is an important question on a neighborhood issue. And Mayor Valdes-Fauli rose to speak about the neighbors and was demanded that, do you have a petition. And he said, no, we don't have a petition. And then the country club had a petition, 500 names, which I think he will talk about later. But, I expressed to you the petition not because it controls your vote, not because you have to vote the way a petition says or does, but I do want to stress that in sitting with all of these residents that have signed this petition and all the Greenway residents, that these people feel strongly that this is an appropriate incursion into their neighborhood. Commissioner Lago talked earlier about the people who moved downtown and people who understand that they are moving into a downtown urban setting and that there's going to be events and so forth. But, people who live on North Greenway and who have bought their homes and have made their homes, the beautiful homes that they are, bought their homes with a country club there with a certain expectation that the country club, even though it's gone through several iterations would remain in what it was always considered as that nice club, and that the corner of our block, with its nice green grass, which mirror images all the other yards on North Greenway. I mean, and if you go back historically and look at any image of the country club, including the early golf images that we always see close to the 1920s, you will see a green yard in front of the country club. The country club has outdoor dining. The country club has an outdoor dining access around the fountain room, where there's an outdoor fountain, which is walled and protected from its Granada residents. It has lots of access to

outdoor dining, which used to be the case around the pool. In fact, there's a large area on the west side of the pool, just outside of one of the dining rooms, which has a large area for tables and so forth and a very nice overview of the golf course. It is behind the wall and it's within the property. And as I had pointed out in the letter that's in your (INAUDIBLE), if you go back historically to the country club, not only did they have the front yard, but historically, the entertainment, the dining and so forth, were behind the walls of the club. And behind the walls doesn't mean inside. It means around the pool too. And so there's always been that definition. Even when there was -- and I was a member there as a child -- well, actually, when I was in college and came home for New Year's and Christmas to celebrate those holidays and go down to the club, there was still a band shell there, and the band shell and outdoor dance floor. But, it was within the property, and it was not on the street, facing the street. We feel very strongly, as you know, I mean, we're not here to debate all the traffic issues and so forth. But, the Greenway Drives are a wonderful neighborhood, but we do put up with a lot for our fellow citizens in the City. Our bikers, our joggers, the traffic, which we are now an overflow of traffic for not only Coral Way, but now Alhambra because of the four-way stop at Segovia. We now are assuming more traffic because people are avoiding Alhambra and the backups. And we have -- I think last weekend we had like the fourth 5k run around the golf course in just a couple months. I mean -- and we have a golf course, which we all bought knowing we have a golf course, and we love our golf course. But, I'm just saying, we are a center of activity, and we are asking you to consider our humble plea that this is one more intrusion that really isn't needed, isn't wanted, isn't desired. The names that you'll see on the petition for it -- by the way, the names on our petition include people who've signed the petition now at the country club. And as I talked to them, they said, well, we didn't know anything about the pavers; said we went in to buy gelato and there was a petition there and we signed the petition that said we like outside dining and so forth. And the fact is is that we put up with a lot on North and South Greenway as far as our lifestyles, and we don't come down here on a daily basis to complain. We -- and we have complained about some of the parking issues associated with the country club, but we're asking for your consideration that this historically is inappropriate. It's not in keeping with the historic country club. And in the neighborhood, it's not keeping with what our neighborhood is. We may have

plazas downtown that are great for outside dining and great for special events. But, now you're talking about pavers, and the only reason for the pavers is the outside dining. I would hate to think that we would pave over the front yard and then do nothing with it. And it's just not the appropriate use of our neighborhood space. It's inappropriate. It's not in context and it's not historically contextual either. And I just have to say that there's a lot of unanswered questions too. If you stay opened at night, well, they have to have lights. I don't know how many people want to eat in the dark. And it's just things are introduced to the neighborhood. I mean, and those are the kinds of things that you got to have Code Enforcement officers sitting down there every day about the lights. And I've raised the issue in my letter about the trash and so forth. Anyways, that is my presentation. I ask you to please consider the residents of the Greenway Drives, and I would ask -- I'd also say that I was Mayor when the contract was struck with the country club, and Cathy was one of the principal architects of the contract. And at that time, this Commission decided that outside dining was inappropriate. It has subsequently been decided that outside dining was inappropriate. And obviously, the applicant continues to come back hoping for new faces and new thoughts, and we would ask you to stay consistent with the past, consistent with the history of this and deny -- in my case, overturn the Historic Preservation Board and not allow for the paving over of the green grass at the corner of Granada and North Greenway. Thank you very much, Mr. Mayor.

Mayor Cason: Thank you.

Mr. Slesnick: Commissioners.

Mayor Cason: Vince Damian.

Vincent Damian: Thank you. Good morning and thank you for giving us this opportunity to speak. I'm Vincent Damian. I live at 1115 North Greenway Drive, and I'm one of the appellants of the decision of the Historical (sic) Preservation Board, to allow a variance to put these pavers in and violate -- what otherwise would be in violation of the Zoning Code. I'm

going to speak not to the greater issue of whether or not we should allow the outside dining onto North Greenway Drive, which Mr. Slesnick has very well addressed. I will say very, very briefly, I bought a home there 40 years ago. I bought it. I knew there was a country club there. I participated in the country club, and as Don said, as the activities take place within the walls of the country club, even though many of the activities are outdoors and they will continue to be. And outdoor dining is available there. I bought on the country club and I bought at the golf course knowing full well that my house would be bombarded with golf balls. I'm not here to say stop the golf balls. I knew what I was getting into when I bought a house on the golf course, so it's there. But, I did not buy a house knowing that there was going to be a commercial establishment selling liquor and food into the evening out onto the street. That being said, I'm here specifically on the issue of the granting of this variance. The Historical (sic) Preservation Board, in hearing this matter, had two separate functions, or maybe even three. They look at the appropriateness of the use as an historical function, and that is sort of a subjective determination, not an objective determination. They made their decision. Obviously, we all disagree with it and we will argue the same to you. The other function that the Historic Preservation Board served was as a board of adjustment. Normally, variances go before the Board of Adjustment and it's governed by our Code. Well, the Historic Preservation Board looks at variances and sits as a board of adjustment. And I have requested the Clerk to give to you the criteria that the Board of Adjustment and the Historical (sic) Preservation must use in determining if there's to be a variance. And this was in your package, but I asked them to give it to you separately. I would ask you to look at D, that the little interpretation in the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the Zoning Code and would work unnecessary and undue hardship on the applicant. They must determine that is the case, and that clearly is not the case. The country club operates now and will continue to operate without these pavers. Look at number (sic) E, that the variance granted is a minimum variance that will make possible the reasonable use of the land, building or structure. The country club has been used for 60 years, 70 years for all sorts of purposes and continues to be used for all sorts of purposes. The country club does not need these pavers and variance on the pavers in violation of the Zoning Code in order to continue to operate as a

country club. They need it because they want to use other uses, but they're not being deprived of the use of the country club. And look at G, that the granting of the variance will be in harmony with the general intent and purpose of the Zoning Code, and that such variance will not be injurious to the area involved and otherwise detrimental to the public welfare. Again, it clearly is not in accordance with the zoning plan of the City of Coral Gables to place a commercial activity outside onto a residential street. Now, what does it mean that the applicants for the variance would suffer an undue hardship? What does that mean? The meaning of it is absolutely clear as been determined by the Third District Court of Florida at appellate court, in the case of *Maturo versus the City of Coral Gables*, in which they interpreted the Zoning Code of the City of Coral Gables and variances. And what the Third District said was this, hardship -- it's one of the criteria we were just talking about -- required for a variance will be found only where a property is virtually unusable or incapable of yielding reasonable return when used pursuant to the zoning regulations, and hardship must arise from circumstances peculiar to the property itself. In other words, hardship means that if you don't grant the variance, that the applicant can't use the property, that he will be deprived of the use of his property. Well, this applicant is not going to be deprived of his use of the property if you don't grant him a variance to allow him to put down pavers from the building setback all the way up to the street. He will continue to operate that country club in every fashion that -- in every other way and get the revenue that he has had for the past five years and the country club has enjoyed in the past 65 years or 70 years. So, as a matter of law, the Historic Preservation Board went beyond its powers in granting this variance. It should have been denied, and the appeal should be upheld and it should be denied. Thank you.

Mayor Cason: Thank you. City Attorney, do you want to opine on that?

Commissioner Lago: Yeah, would you like to opine in reference to Mr. Damian's last comments in regards to the Historic Preservation maybe...

City Attorney Leen: I have several things to say. First, I don't doubt Mr. Damian's citation to that case. The issue here is there -- there's several issues here. First, this is City property. I

understand that there's an applicant that leases this, but this is City property. And my view is that, with City property, the City has a tremendous amount of authority to approve things. And I've always taken the view that the Zoning Code does not bar us from doing that, if you have a public hearing and make that determination that it's in the best interest of the City, that's first. Second, this is an historic property. And because historic properties are so limited in their ability to change, the tradition of the City has always been to be a little more lenient on variance issues related to historic properties. That's been the practice. Otherwise, you cannot place things here. Ultimately, though, there is a conditional use review, which is separate, but in my opinion, you could approve this as part of that review anyway. So, you're making a determination right now solely on historic preservation and whether these pavers should be placed here and whether there was a -- there was a special certificate of appropriateness and variances granted related to it. In determining that, I believe that you have discretion to either uphold the Historic Preservation Board or change that decision. Ultimately, your decision has to be supported by substantial competent evidence in the record, and by record, I mean the record before the Historic Preservation Board. And today, you heard argument. You should also hear argument from the applicant.

Mayor Cason: As we will.

City Attorney Leen: It is a public hearing item. Although, what I would say to people in the audience regarding the public hearing is that this is not testimony. This is argument today. The - - when we get to the conditional use matter, that's when we're going to swear people in, and that's when you would provide testimony. This really should be limited to the historic preservation issue.

Mayor Cason: Okay, Raul Valdes-Fauli.

Raul Valdes-Fauli: Mr. Mayor, Mr. Vice Mayor, Commissioners. I want to speak on the second issue, on E-3, and not on the historic preservation issue.

Mayor Cason: (INAUDIBLE). Could we...

City Attorney Leen: Mr. Mayor, do you mind waiting? Mr. Mayor, do you mind waiting?

Mr. Valdes-Fauli: No, no, no, not at all. That's...

Mayor Cason: Yeah, I would like to -- Since we've separated these two things, I would like those who would like to speak on the pavers and the appeal to speak, and then we'll get -- then we'll go into the next. Anybody else that's -- we have Fadi Bahri. Do you want to speak on the pavers?

Fadi Bahri: No. I want to speak on E-3.

Mayor Cason: Okay. Do we have anybody else that has given cards that wants to speak on the pavers?

(COMMENTS FROM AUDIENCE OFF THE RECORD)

Mayor Cason: Okay. Let -- could you...

City Attorney Leen: Mr. Mayor, I'd recommend the applicant speak. I recommend the applicant speak first.

Mayor Cason: All right.

City Attorney Leen: Just so that you can hear their legal position.

Mayor Cason: Okay, let's do that, and then we'll -- State your name, please, sir.

Nick Di Donato: My name is Nick Di Donato, president and CEO of Liberty Entertainment Group, who operates and runs the Coral Gables Country Club on behalf of the City of Coral Gables. Mayor, Vice Mayor, Commissioners, thank you for giving us the opportunity to be here today and present what we think is something that's fairly important to the community. With respect to the pavers, I just wanted to point out that this has gone through Historical Board now two times, and Zoning and Heritage. And both times, the results have been the same from those departments and your staff that this should be an approved project. So, the first time we made our submissions, we went through all the Zoning, Heritage and so on, were approved and had a tie vote at Commission when it came to the final approval for this project. So, the pavers and this project has been reviewed by your staff two times already, and both times they came back with an approval on their areas of expertise.

Mayor Cason: Could you tell us about the pavers? No one's talked what kind of pavers are they going to be. They were approved by the Board of Architects? What are they going to be? Is there going to be space between them? And I'd like to know from staff if they're considered a landscape item or if it takes away from landscaping.

Mr. Di Donato: Board of Architects approved this and Heritage approved it. The pavers will be similar to other pavers which have been approved at the country club, which are natural stone pavers, which are permeable, so it allows water to come through, and it's a very small area and it will only serve as a ground for tables and chairs, which is up for discussion in the next item.

Mayor Cason: And what is the reasoning you want the pavers?

Mr. Di Donato: Well, a couple of reasons. Number one is it will be -- it will serve as the support the tables and chairs, which will be coming up for another item. But, also, we're finding difficulty in terms of maintaining the grass in the front area based on the foot traffic and people sitting in the area and dogs and carriages and bicycles and so on. So, the grass has been very

difficult to maintain and we believe that the pavers will be more suitable grounds, and will have a much better appearance from the street than the grass, which is very, very difficult to maintain based on the use.

Mayor Cason: I'm not mistaken, as it is right now, there's mulch there, so there's not grass there right now; is that correct?

Mr. Di Donato: Right. Currently, there's mulch there because, as I said, it's very difficult to maintain the grass on a regular basis. And so as opposed to grass, now we have mulch. I do have photos, which I can present later. I don't think I have them here.

Commissioner Lago: Yeah, I'm happy Mr. Slesnick is standing up because in reference to Mr. Slesnick's previous comments, the pavers were supposed to extend all the way to the sidewalk, if I'm clear. I just want to make sure because I'm looking at this photo and I'm also looking at the proposed layout, and I'm not exactly sure the mulch.

Mr. Slesnick: The mulch does not cover the area that the pavers would. The mulch is...

Unidentified Speaker: Correct.

Mr. Slesnick: Around this bench, two benches. It has nothing to do with...

Unidentified Speaker: Right.

Mr. Slesnick: The size of the pavers. And the grass, we can all go down there today, looks as nice as the rest of our yards.

Mr. Di Donato: The pavers will not go to the street. There's a significant distance between the street and the pavers. We will do additional landscaping and there will still be grass. From the sidewalk, you'll see mostly grass and traditional foliage around the area.

Commissioner Keon: I thought the required setback is 35 feet. Is that the required setback? And I think what you're asking for is a 13-foot setback, is that right?

Mr. Di Donato: Yeah. I think that's correct.

Commissioner Keon: So, what they're asking for, what you would see is that the pavers would start 13 feet back from the sidewalk...

Unidentified Speaker: From the sidewalk.

Commissioner Keon: As opposed...

Unidentified Speaker: From the sidewalk.

Commissioner Keon: To 35 feet back from the sidewalk, which is now the current -- which is what looks like is...

Unidentified Speaker: The benches.

Commissioner Keon: What exists.

Assistant Historic Preservation Officer Kautz: Thirty-five feet is to the existing building face.

Commissioner Keon: Right.

Assistant Historic Preservation Officer Kautz: It sits on the setback. So, if -- this is a closer...

Commissioner Keon: Right. Yeah, so...

Mayor Cason: Where did the idea of the pavers come from?

Mr. Di Donato: I'm sorry?

Mayor Cason: Where did the idea of putting pavers in lieu of mulch come from?

Mr. Di Donato: We worked with the Architectural Board and Historical Board to find something that would work for them and be suitable and approved by them.

Commissioner Lago: Vice Mayor, if you go to L-1 on the packet, it will give you more.

Mayor Cason: Let me ask -- we'll have you back again in a second.

Mr. Di Donato: Okay.

Mayor Cason: Let me ask -- Bob Liu didn't indicate which item. Is this on the pavers or on E-3?

Bob Liu: I'd like to speak on both.

Mayor Cason: Well, let's speak on the pavers now.

Mr. Liu: Yes. Hello. Bob Liu, 1411 Sienna Avenue. I've been a resident in Coral Gables for over 10 years, and I extensively use the golf course. I'm there every Sunday morning, 7 o'clock teeing off. And I want to thank the City to take the necessary monies that they're investing back

in the golf course. I spoke to Frank in the past about that, that it needed to be done. It's a gem of the City. But, in due respect with the country club, I would like to also remind the neighbors and the community that the country club was a failure. They couldn't give away memberships. The new management has done a great job. I've been a member of the country club. My family uses it extensively. And I think that what we're really talking about is an 18 by 19 area of pavers. And I don't think being an ex-Mayor holds any more validity than a young resident, like myself. And in reference to the petitions, I mean, I'm a developer myself and petitions are very jaded. You could really champion your petition in the way you word it, you know. If you're going to look at petitions, you should really look at the petition and see if they're clearly, you know, explaining the situation properly because a lot of neighbors are misinformed and they're signing something that they don't really know. And to the point of the Historic Board, they've already had recommendations for approval and they're the professionals and appointed officials for that. And in reference to the Mayor's comments about Granada Golf Course and old pictures, I have one in my office where it shows that the existing building was a lot smaller and modifications have happened over the years because times have changed. And just for instance, golf carts. You had to accommodate golf carts. If this was an issue about changing the façade of a historic landmark, then you shouldn't allow golf carts in Granada Golf Course. You shouldn't have enabled to stage an asphalted area to accommodate golf carts, but you have to because, you know, times change. So, I really feel that we're really talking about a small area here that already opens to public spaces. I think the use of it is really good for the community. And like one -- the gentleman said here, you know, he bought into the neighborhood knowing the country club exists, knowing the golf course is there, knowing this is public space, public use. So, they can't complain about the traffic. They can't complain about the residents or people that are using the facilities to exercise and to walk and to use. And I'll say more on the other half.

Mayor Cason: Okay. Next, Reed -- is Reed Horth want to talk on the pavers?

(COMMENTS MADE FROM AUDIENCE OFF THE RECORD)

Mayor Cason: Next issue, okay. Aldo Busot.

Aldo Busot: I'm going to speak on the next issue also.

Mayor Cason: Okay. And then Dan May, are you speaking on the pavers?

Dan May: Yes. Good morning, everyone.

Mayor Cason: Morning.

Mr. May: I'm Dan May. My address is 808 Majorca...

Mayor Cason: Speak into the microphone.

Mr. May: 808 Majorca. And these pavers here, I believe, are just a continuation of a decrease of the front yard. Back when the club was a club, we had grass and we had one beautiful tree in the corridor there. Over neglect, the tree did get old and it did look bad and it banged into the roof, tore a hole in the roof. And so we went out and paid -- the City went out and paid an arborist \$600 to look at the tree and declared that it was damaged and it should be removed, which we did. And so then, guess what happened? When they chopped it down, they didn't dig up the roots, and so you had nine suckers come up. And so then we had nine trees in the front yard, and then we had a real intelligent man come up with the idea that we've got to cut those suckers down or they'll never make a tree. Well, what do you think happens in the wild? Trees come up, trees make suckers, more trees; they die and more suckers, more suckers. So, any way, we went along with the story, went ahead and cut down nine trees. And then when this group comes along, we replace the tree with another sidewalk. So, we got a -- now we got two sidewalks in the front yard. That wasn't part of the club. I don't know exactly what little rule put that in, but we put in a second tree and we put it right over where the old tree was so we can't replace it now because it's got a sidewalk there. I mean, you could but it's not logical. Next thing we do to the

front yard, we put out the rules that there'll be no tables in the front yard. There will be no umbrellas in the front yard. There will be no chairs. So, the group that's there now, very ingenious people, they looked down the list and benches weren't on the list. So, they threw three benches in the front yard. Well, okay, so it's -- the contract is silent on benches, so nobody complained. They put the three benches in, put them in a circle, and then people started -- the crowd started taking food outside, buying take-outs. Once again, the contract does not give them the right to sell takeout food, but they do; nobody objects. They take the food out and sit on the benches. So, what do we got to do? We got to create a drip (INAUDIBLE) so that when people eat cookies and (INAUDIBLE) gets on the grass and make a little 6-foot circle there for all this to go into the -- to go in with the mulch. And then over time, we make that 6-foot square or circle bigger and bigger and bigger, and my guess now it's about a 14 foot in diameter circle so that people can sit in the chairs and eat their unauthorized takeout food and drip on the ground. But, they're, you know, very efficient. The place looks clean. I don't know how often they change it, but it must be quite often. There's nothing there that makes it look bad, but that eats up more yard. Our yard disappears. And now the third story is now they want to come along with some pavers, so now we got pavers, you got drip (INAUDIBLE) and we got extra sidewalks, and that place is getting smaller. And I think, you know, we've reached the limit. I don't believe that we should cut it down. And in a few minutes, I'll talk to you about food in general on the outside, but this has to do with the pavers. Once again, I want to say I believe the pavers are just causing the yard to decrease and decrease. Thank you.

Mayor Cason: Okay, thank you.

Commissioner Lago: Thank you, sir.

Mayor Cason: Anyone else want to speak on the paver issue?

Mr. Slesnick: I'd just like to close for the appellants.

Mayor Cason: Okay.

Mr. Slesnick: And this is very short and brief, and it goes to the heart of why this breaks my heart and makes me so sad because this is an issue that has been inspired that has driven a wedge between residents. Because if I lived on Sienna, I would never feel like I had the right to come in and say, I'd like to come to your neighborhood to come eat outdoor food, and you have no right to complain about the traffic in your neighborhood, and you have no right to complain about the parking. I just -- it breaks my heart that we've come to this, but again, thank you for the time that you've given us.

Mayor Cason: Thank you. The applicant, do you want to say anything else before we --? And I'd like to read into the record, I have -- I was given a note that two residents are in favor of the pavers and Item E-3, and that's (INAUDIBLE), who daughter lives next to your facility. And Eric and Michelle Bethel, 1024 Alhambra, in addition to the other petitions that have been submitted.

Mr. Di Donato: May I speak to the broader scope here in terms of the pavers and where we're going because I think it's very important? Liberty Entertainment Group is my company, and we formed about 25 years ago. And we are an organization which really listens to the community. In terms of my background, I have sat on the board of directors for the City of Toronto's Toronto Transit Commission. I've sat on their Tourism Commission. I've sat on many boards and basically the City of Toronto always looks to my organization as the liaison between hospitality and business and the community and the rights of the community because we have these kinds of issues where neighbors don't want noise and don't want traffic in their neighborhood, and we have always been the spokesperson of fair and what is reasonable. And in Toronto, we're regarding as that in the community, and that's why I sit on the Mayor's Advisory Committee and have done so since 1998. When I come to Coral Gables, we had made an RFP. Within that RFP, we identified what we were going to do with the Coral Gables Country Club. And part of that RFP was the patio and a restaurant within the facility. We had received approval of -- from this

Commission to move forward with the RFP. And the only item we had to get through Zoning, Historic Heritage and so on, all the boards, to receive approval for our outdoor patio seating. This was back in 2008. We did go out and receive approval from all the different boards, and we did receive approval from the Heritage and Architectural Boards to proceed with that. It came back to the Commission, the Commission which gave us the approval in the first place on our RFP and was denied based on a 2-2 vote. We were disheartened and upset about the situation, but we moved forward with it because we believed in the country club. But, one thing we realized when we were here, we had in our RFP the proposal to build a 200-seat restaurant within the Coral Gables Country Club, and that restaurant would require valet parking, access from North Greenway Drive. It would require us to bring in 4 to 600 additional people, starting at dinner from 8 o'clock to midnight to 1 o'clock in the morning. Resoundingly, what I had heard from the neighbors was that we don't want that much more traffic in our area. We don't want noise. We don't want people drinking. And we, as an organization, chose not to install our restaurant within the Coral Gables Country Club specifically for that reason, because we did not want to fight our neighbors. We are not an organization that wants to fight our neighbors on a daily basis with respect to noise and traffic. And we knew a restaurant that we would be bringing in there would bring that kind of traffic. And what we've done, and I've worked with the City Manager Pat Salerno, to come up with an agreement to remove the restaurant from the Coral Gables Country Club component because it was not the right thing, based on what I heard from the community. We opened that restaurant on Miracle Mile. We opened Cibo Wine Bar. And currently, we are doing 3 to 400 people on a Thursday, and 5 to 600 people on Friday and Saturday night with traffic and valet, and people are having a good time and celebrating. And we looked at that and said, this was the right decision for the community because the community would have been right. If this is a residential area and introduced a whole new purpose, a whole new commercial activity within the country club which was not there before. And we, as an organization, an organization which respects the community and respects our neighbors, made that decision and did not create this restaurant within the facility. The café is a completely different situation. We have lost money with operating a café for the past three years. And actually, in the past two, have now turned it around and become a little bit more profitable. It

represents 10 percent of the income for the Coral Gables Country Club, which is very insignificant. But, what it represents to us is that olive branch to our community. It represents an opportunity for our neighbors to come and enjoy the country club when they want to; come for breakfast, come for lunch, come for an early dinner with their children, walking their dogs, or while they're out exercising in the area. So, we looked at the café not as a revenue generator. It was actually a cost center for us. But, what it provided us was the opportunity to engage our community, to engage our neighbors, to engage the people that live in the area, and to let them enjoy a facility, a beautiful, historic facility, which is part of the Coral Gables culture. And it has resonated. The community comes to the café, and it's not people who are driving. We found that perhaps maybe 10 percent of the people would drive to the café. Ninety percent of the people enjoying the café are neighbors within, I would say, a mile. Those people come for breakfast. They come, bring their children. Our most popular day -- or one of our most popular -- is gelato Tuesdays, where we offer half-priced gelato. And what happens is all the community comes, the schools come. We are with the country club involved in a lot of the community activities, including the runs. So, when the runs come by, we give them free water. We lead that. We are a health conscious environment at the country clubs. We are not out there to provide drinking. We're not providing -- the country club and the Liberty Café has provided us that opportunity to engage with our community, which we would never have without. And I'm not here today asking for this because I need 20 more seats on the patio because we don't need 20 more seats on the patio. We currently have benches, which can accommodate 20 people on the grass area. I'm here because our customers, our neighbors are asking us to do this. And when we got denied this application in 2008, we were told, look, we're denying this. This was the Commission. The Commission said to us, we -- it's the fear of the unknown. We don't know you as an operator. We're concerned. We're putting you in a residential area. We want to get to know you. Come back in a year and make your application again. Then we'll have some - - a track record. We know who you are and what you're doing. We waited five years. We waited five years to prove to the community that we are embracing the community, that the Coral Gables Country Club is part of that community. And we have been asked by our neighbors -- you know, the petition we put out there was not to garner, you know, the

information to tell you that this is what the people want. It was actually something I asked my team to put out there because every day they're asking me, why do we not have this patio? Why do we not apply for the patio? And I -- we are not an organization that wants to cause turmoil and, you know, grief in the community. So, I said, before this even come up -- and we did a petition a couple of years ago, and we found people were supporting this.

Mayor Cason: Can you tell me, we have two sets of petitions.

Mr. Di Donato: Yes.

Mayor Cason: How many petitions do you have? Tell me about the community that they represent.

Mr. Di Donato: Give me one second. This is a petition -- and again, we're not out there soliciting people. We have this on our table at the café -- lemonade stand, you may want to call it. We've put this there because we want to know what the community is saying to us and if you want -- do you want to sit outdoors. And all they're asking for us input from those people. We have here a petition which is almost 600 signatures, 134 of those signatures are within half a mile of the country club. And 365 of those signatures are within a mile of the country club. So, we are talking about 365 people who voluntarily, with nobody asking them and nobody knocking on their doors and saying please help us, nobody saying any promises other than we're going to give you an opportunity to sit outside while you're having your gelato. And we have these number of signatures and they are all neighbors. For us, it's, you know, been the request from dog owners who were walking their dogs and don't want -- cannot come inside the café with their doors. It's a request from families who have their kids in strollers and, you know, have three or four kids, and instead of sitting inside the café, they'd rather have their kids run around so they can be able to sit outside, have a quick lunch and watch their kids. And it's at the request of joggers or people who are using the Coral Gables Country Club who, out of respect for their neighbors, they don't want to come in sweaty or smelly and sit inside and want to be outdoor. So, I'm not

here representing my organization in terms of making more money. This is not about making more money for my organization. This is about providing a much needed and asked for service within our community, within your community. And we want to make the Coral Gables Country Club a place for the community, not just a place where we're bringing people from outside to do events.

Mayor Cason: The square footage for the pavers, how did you reach that? Is that the minimum that you think you need? I mean, I can see mulch, if you got dogs and, you know, that you got to change it from time to time. And if you -- maybe if kids sit in the mulch, it could be wet and moist and who knows what's in it. I can understand an argument for pavers. I'm wondering for the square footage that you asked for.

Mr. Di Donato: It's based on the 20 seats because our original proposal back in, again -- you look at our original proposal and what was approved by this Commission on our RFP, we had over 40 seats in that area. We've reduced that to a reasonable number. I think it's 22 right now in terms of seats. It's a very small area. It follows the footprint of the original café, and it allows for significant amount of green space towards the sidewalk and allows for us to be able to put some foliage, a greenway to cover some of the pavers and from the street side. So, from -- virtually from the street side, you will not -- it's not that visible and it has more foliage. And I think the most important thing is that sit-down area is not even visible from anywhere east of us on North Greenway Drive.

Mayor Cason: Craig, as a matter of right, can they cover the whole area with mulch, if they wanted?

City Attorney Leen: As a matter of right? I would ask the Zoning Director to come up to...

Vice Mayor Quesada: While he's coming up, just a quick question for...

City Attorney Leen: No, but that's up to the -- remember, when I said that the City -- it's City property, so if you decide something, I believe you can do that in the best interest of the City. But, the applicant, day to day, whether they could fill it with mulch, I think you should hear from Zoning.

Planning and Zoning Director Trias: I agree with the City Attorney. However, this would have to be reviewed by the Board of Architects for aesthetics. He also has to provide a minimum amount of landscape. So, no, I don't think that's possible, if you're thinking about the whole front yard as mulch.

Mayor Cason: So, back to the Board of Architects, they approved these particular pavers in lieu of the mulch?

Planning and Zoning Director Trias: In the same location, and it also includes some additional landscaping, so the site plan includes several things, not only the pavers.

City Attorney Leen: And just, Mr. Mayor, one other thing. When you do the conditional use review, as a condition of approval, if you want to require mulch, you can do that. So, you certainly could do that. It's just I don't know if they could do it as a matter of right, though. I would think no, and it sounds like the Zoning Director has the same...

Planning and Zoning Director Trias: No. You have an approved site plan that has conditions, and to change it, the Commission must approve it.

Mayor Cason: Vice Mayor, you had a question?

Vice Mayor Quesada: Yeah, I had a question for the Manager. Mr. Donato was talking about the original RFP. From my understanding, correct me if I'm wrong because I believe you were

around at the time, dealing with this item at the time. The original RFP did not have any requirement in place, not by staff or the City, to have outdoor dining, correct?

City Manager Swanson-Rivenbark: Correct.

Vice Mayor Quesada: And then they put it as a part of their response to the RFP, I think it was nine tables, and then that was denied by staff and Commission, and then they asked for maybe eight or seven tables after the fact, maybe a year or two after. Is my chronology correct? Is that or is that...

Mr. Di Donato: I think we've only come that one time. We never came back a second time for any tables.

Vice Mayor Quesada: Because I thought in the -- in our coversheet, in the last paragraph on the first page -- or the first paragraph on the second page of the cover memorandum, it gave that chronology.

Mr. Di Donato: I think we reduced the number on our original proposal because we had some concerns (INAUDIBLE).

Vice Mayor Quesada: I guess my biggest question is, the original RFP, if we put a burden on you for the outdoor dining, and I don't think that was the case. That was just something you guys added to it.

Mr. Di Donato: The City requested for an RFP, and part of our proposal was that this outdoor dining was part of what we would like to do when we were accepted as the proponent.

Vice Mayor Quesada: Got it.

Commissioner Keon: Right. It wasn't part of the RFP.

Vice Mayor Quesada: Correct.

Commissioner Keon: It wasn't requested by the Commission or by anyone else to do it. And it went before the Planning and Zoning Board and was denied. And it went to the Commission and was denied.

Mr. Di Donato: It was only denied by...

Vice Mayor Quesada: Got it. I'm clear.

Mayor Cason: Any more discussion?

Vice Mayor Quesada: Yeah. I have one item. I can't vote on Item E-1 without voting on Item E-3 at the same time. They're so...

Commissioner Keon: Yeah, it's connected.

Vice Mayor Quesada: Intertwined that I feel if I were to vote on E-1 right now, I'd be doing a disservice to those individuals who wanted to speak about E-3 because I think when you look at our cover memo on E-1 and the statements made by Mr. Donato and the statements made by the residents, it's so intertwined that I would like to hear from E-3 as well before I vote on either item.

Mayor Cason: I think we could hear and then vote separately because...

Vice Mayor Quesada: We could do that as well.

Mayor Cason: You could approve the pavers or not, and you might want to keep the pavers even if you didn't have any more...

City Attorney Leen: Mr. Mayor, why don't you hold the matter in abeyance and then we will do E-3.

Mayor Cason: Yeah, and we'll vote separately. Alright, so let's -- anybody -- who else who has not spoken or who has spoken wants to speak on E-3, which is -- let me start with -- okay, Raul Valdes-Fauli.

Commissioner Keon: Can we have five minutes?

City Attorney Leen: Item E-3...

Mayor Cason: You want to take a five-minute...

Commissioner Keon: Five minutes.

Mayor Cason: Alright, five-minute break of some sort.

City Attorney Leen: Item E-3 is a broader matter, and I know that there's a staff -- staff's doing a report on that matter, right? So, we would -- it would not proceed as an appeal. They would come and make their presentation.

Mayor Cason: Alright, that's fine. We'll take a five-minute -- only five minutes.

(BRIEF RECESS)

Mayor Cason: Alright, if everybody would please take their seat. Everybody please take your seat. We're going to resume. Alright, we're going to take up Item E-3. We'll first start with the attorney and then Ramon Trias, and then we will...

City Attorney Leen: Thank you, Mr. Mayor.

Mayor Cason: Continue on.

City Attorney Leen: Let me start by reading Item E-3 into the record. This is an ordinance on first reading. Conditional Use with Site Plan Review. This is an Ordinance of the City Commission of Coral Gables, Florida requesting conditional use with site plan review pursuant to Zoning Code Article 3, "Development Review", Division 4 "Conditional Uses", and Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-204, "Special Use (S) District", for an amendment to an approved site plan and previous conditions of approval (Ordinance No. 2009-47) for an existing country club located within a Special Use (S) zoned district, for the property commonly referred to as the "Coral Gables Country Club" and legally described as Lots 1-9 and 37-39, Block 32, Coral Gables Section "B" (997 North Greenway Drive), Coral Gables, Florida; and including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date. This is a public hearing item. Mr. Mayor, the -- in considering Item E-3 and holding the public hearing today, the Commission should not consider E-1. E-3 is complete in itself. Ultimately, you're being asked to determine whether to allow outdoor dining and the site plan at this particular property. Implied within that, in my opinion, is the ability to approve the pavers as part of this item, regardless of what happened with Item E-5 (sic). So, what you should do is you should proceed and hear the whole matter as part of E-3 and then once that is complete, you should then act on Item E-5 (sic) separately and then that --

Unidentified Speaker: 1.

City Attorney Leen: Pardon me, E-1, forgive me. Item E-1 separately, and Commissioner Slesnick would then leave the dais. We have given an opinion. As long as E-1 and E-3 are separate, that she can participate in the hearing today. Ms. Ramos looked at state law and County law, as I mentioned, and as a resident, she may -- pardon me, as a Commissioner, she may participate today. She is not an applicant or an appealing party in -- on item E-3. Thank you.

Mayor Cason: Ramon.

Planning and Zoning Director Trias: Thank you, Mayor. If I could have the PowerPoint. I'll try to be very brief, as the item has been discussed already extensively. Just for the information for everybody to understand the location. Most of the discussion has centered on the North Greenway Drive, which is the southern end of the property. The property is highlighted in yellow in this image. And as you can see, the context of the property is mostly single family. Many of the individuals that have presented testimony today live within very, very close proximity of this building. The land use is institutional. The zoning is special use district, which means that this property allows, as a conditional use, which also means it has to have an approved site plan, the use of a private club. So, the use and the specifics of the use and the conditions of the use are up to the Commission, a hundred percent up to the Commission through this process and processes that have happened in the past. The application request is a site plan amendment and the amendment, in the past, the Commission very clearly spoke that the outdoor seating would not be allowed. This is something that was decided deliberately in the past, so they're trying to make an amendment of that condition. The location is in the front of the building and highlighted in yellow. And as it has been discussed before, currently, there are three wood benches with mulch in that location, and that is where the request would take place. The site plan information and data is within the allowed Code requirements and it has really not been altered too much. This is a relatively small item. The review that has taken place, this did not go to the development review committee because it was too small, but it did go to the Board of Architects in March; also, the Historic Preservation Board in May of 2014, Planning and

Zoning Board in July, and now it's before the Commission. In addition, there were several public notifications that are required by Code, including a public meeting, the notification of property owners within 1,000 feet, the posting of the property, advertisement, posting on the City webpage and other various ways of communicating with the public. And as a result of that, we've had some significant input from the citizens and some of it has been reflected today. The legislative history, as you can see, there were two times where the Commission approved a site plan in this location. The last time was in 2009, and that's when it was decided not to have any outdoor seating. The Historic Preservation Board reviewed the setback issues related to the request. As the City Attorney has stated, you have the authority to approve this anyway, as part of the conditional -- as part of the site plan approval process. However, they did review it and, as you can see, there were some issues that are fairly clear; a 35-foot setback required, 13 feet provided. So, as you can see, the pavers don't go all the way to the sidewalk. There's still 13 feet or so of landscape. Also from Granada, 50 required, 46 provided. And then the last issue, which is the landscape area, the required 35 percent is not -- right now is not provided. The existing is very much -- very close to the 19.4, which is the requested landscape. So, as you can see, the site plan is approved within certain parameters in the past, and one of those was the no outdoor seating requirement. The Planning and Zoning Board recommended approval 4 to 1 with several conditions recommended by staff. The location, as has been described before, is very hard to see because it's relatively small. It's just on the left side, there's a note in that drawing that shows the 350 square feet of pavers that are required -- that are requested. In addition to some landscape that is depicted in this image, some landscape that would buffer the activity and shield the activity from...

Mayor Cason: Let me ask you, is the landscape -- would it completely block the view? Could it?

Planning and Zoning Director Trias: It could, it could. And certainly, you could make a condition to enhance that landscape if you believe that's important, sure.

Commissioner Lago: Ramon, quick question. Also, in reference to the two walkways that you see -- I think they're in the Greenway entrance looking east. There's two walkways. There's one that goes directly into the café.

Planning and Zoning Director Trias: Yes.

Commissioner Lago: And there's one that goes into the corridor. Did the applicant even consider maybe putting the seating there, more tucked away?

Planning and Zoning Director Trias: The applicant could...

Commissioner Lago: Instead of being exactly in the proposed location.

Planning and Zoning Director Trias: That's one option. You could ask the applicant. This is what they have requested at this point, which is the same area where the mulch is right now.

Commissioner Lago: Did any of the residents who object or have input in regards to this matter bring that up as a potential option that it would appease them, or is that still not in mind?

Planning and Zoning Director Trias: My recollection of the input from the neighbors is that they were opposed to the outdoor seating period, and I don't know if they would consider other options, but it's 350 square feet, 22 tables, two umbrellas...

Mayor Cason: 22 tables or 22 seats?

Planning and Zoning Director Trias: I'm sorry, 22 seats, 6 tables.

Unidentified Speaker: 6 tables, correct?

Planning and Zoning Director Trias: 6 tables, 22 seats and 2 umbrellas. That is the request from the applicant.

Mayor Cason: Can you tell us about the characteristics of the seats? Are these movable seats? Are these seats that could be brought in in the evening? Are the umbrellas permanent, can be brought in?

Planning and Zoning Director Trias: They're included in the – there are photographs included in your package. And I would probably prefer the applicant to explain that in more detail. And the findings of fact is that the required findings of fact of the Code are satisfied as far as the site plan review criteria and the request is consistent with the Comprehensive Plan. And staff had recommended approval prior to the public input and so on with several conditions. We were concerned about some of the things that they have discussed more recently, which is the hours of operation. So, I -- we do recommend that (INAUDIBLE) some limits on the hours, if you decide to go – to accept this request, and that no other activities be permitted, such as perhaps, music or some other things that may happen. And that they enclose – there's an area that, in the past, has been requested for outdoor seating, that that would not be used for outdoor seating. And that's what we describe as the outside colonnade plaza, which is this area in red. That is not part of the request. However, in the past, that has been a discussion, so that's why it was included in our conversation. With that, I conclude the presentation, and I'll be happy to answer any questions.

Mayor Cason: Let me ask the applicant to come up and...

Planning and Zoning Director Trias: And the applicant has that presentation also, that PowerPoint.

(COMMENTS MADE FROM THE AUDIENCE OFF THE RECORD)

Mayor Cason: I'm sorry, we have the applicant first. Then we have a public hearing afterwards.

(COMMENTS MADE FROM THE AUDIENCE OFF THE RECORD)

Mayor Cason: I'm sorry. I'm sorry, I'm sorry. We're having the applicant first. You'll be able to speak when we have the public hearing. Please sit down. Please sit.

(COMMENTS MADE FROM THE AUDIENCE OFF THE RECORD)

Mayor Cason: Please sit down. Otherwise, you won't be speaking later. The applicant, please.

Mr. Di Donato: Thank you. And if I may, I'd want to present the petition I spoke to earlier. Again, we'll start – may I give it to the Attorney?

Commissioner Lago: Have you put that into the record with the City Clerk?

Commissioner Keon: This is it. He's passing it down to us.

Mr. Di Donato: What we've done with that, we've submitted the application before, but what we've done is actually researched where they live in terms of proximity, so that's why there's a change and we've just presented it today. Again, Mayor, Vice Mayor and Commissioners, thank you so much for allowing us.

Commissioner Lago: Let me ask you some questions.

Mr. Di Donato: Yes, sir.

Commissioner Lago: Do the homework for me, okay, so I don't have to leaf through that and kind of do an average. Can you give me an idea of how many residents that signed this petition live in Coral Gables out of the 600 plus that supposedly signed it?

Mr. Di Donato: We have, I'd say, almost 500 live in Coral Gables; 138 live within half a mile and 340 live within one mile on this application. And we did not go out and solicit these. We did not go knocking on doors. We did not try to gain support. This was as much for our information as yours in that who wants this and who does not. We weren't saying – we weren't asking people to sign it. It was just there and this is the result we have. And the reality is...

Commissioner Lago: How did you frame the question?

Mr. Di Donato: Sorry, let me find that out.

Unidentified Speaker: This is the petition in favor of outdoor seating.

Mr. Di Donato: It doesn't say anything other than petition in favor of outdoor seating at Liberty Café.

Mayor Cason: So, to piggyback on this question, so all of those that signed were obviously clients, were people that were buying something that were inside?

Mr. Di Donato: This was on our service station inside the restaurant, and people just voluntarily signed. We did not ask them to sign it. It was there. They asked what it was for. Basically, saying – and again, it's because we've had this request over and over again. We've refrained from coming back to this Commission. It's been five years. We were told when we were denied, come back in a year when we get to know you; we did not. But, it's sort of the kind of thing, it comes up over and over again from the customers and you can see they are customers who are mostly within walking distance. And it's mostly about the convenience for them to be able to sit outside.

Commissioner Lago: What was the timeframe in reference to the petition?

Mr. Di Donato: This one here was – has been out for about two months, I think.

Commissioner Lago: Thank you.

Mr. Di Donato: So, if I may. Again, I'm Nick Di Donato. I'm the president and CEO of Liberty Entertainment Group. Our organization has over 20 facilities, several of them are city-private partnerships. We own the Liberty Grand in Toronto, which is a 100,000 square foot facility in downtown Toronto, a historic site for the City of Toronto, and we operate that for the City. We also operate Casa Loma, which is one of our most significant heritage structures in Toronto, and much like the Coral Gables Country Club, is in a residential community and is actually currently utilized as an event space, much like the Coral Gables Country Club. One thing I'd like to point out is that, you know, we presented an RFP to the City of Coral Gables back in 2008. And on that RFP, I think we fulfilled every one of our commitments. And if you can review that and the City Manager was here at the time in terms of our presentations and said we would do some things at the Coral Gables Country Club to not only engage the community, not only support the City of Coral Gables, but also to encourage some great events to help this city identify as a leading city in South Florida. And we've had some incredible events. We've hosted art gallery exhibits during Art Basel with Robin Rile Fine Art. We've hosted the Miami International Film Festival. We had People Magazine and their Most Influential Women. We've had Southeast Italian Association 60th Anniversary. These are all fairly large, significant events which draw attention to Coral Gables and the wonderful city that it is. And I think part of the Coral Gables Country Club, which is the bigger picture and not the café, is that it is bringing people from outside of the community to some degree, but really representing Coral Gables in a very positive light. And we do everything at Coral Gables Country Club to reflect positively on the City of Coral Gables. What's important, though, is throughout all these events – and we have turned down a significant number of events because as an organization we believe in working with our neighborhood. So, we only choose the events that are great in nature, which complement the nature of Coral Gables. And the events that, you know, bring too many people, we've turned

down. I've had people wanting to come do an event for a thousand people. And any event that goes over 400 people, which perhaps exceeds some of our parking, my management team has called me directly and the decision has to come from head office as to whether we will actually execute that event. Why? Because it's more important for us to have a good, balanced relationship with our neighborhood, and it's not always about how much money we can make on each individual event. So, we take the neighborhood and our impact on the neighborhood very seriously, and I do so myself. As I said, we've had some significant events. We've had some celebrities, and these are the kind of things we promised to deliver to the Coral Gables Country Club and to the City of Coral Gables. You know, having the Miami Film Festival, and we're actually working with them again to come back this year, working with People Magazine, this highlights the City of Coral Gables as a very important city in South Florida. What's more important is we said when we developed our proposal, that we were going to support charities. We were not going to be an exclusive facility which would not give back to the community. And I'm proud to say that over five years at the Coral Gables Country Club, we've contributed over three quarters of a million dollars back into charities. We work with the University of Miami. We've worked with the Children's Hospital, Salvation Army, Special Olympics. And in terms of how we work with them, I'll give you one very specific example. The Miami Children's Hospital, looking for fundraisers, and had an idea to create a Wine, Women & Shoes event, which had never happened before. And I reached out and said we will work with you. We will work with you as a partner. There is no commitment in terms of payment. We will fund the event for you because we believe in giving back to the community and supporting those. This even, now in its fifth year, has become one of the most prolific and highest-generating event they have right now. And we started that and we gave them the opportunity to get that because some young lady had a great idea about an event and didn't have the funds or the ability to do it, but had a cause and a desire to give back. Our organization had a desire to give back as well and these are the kind of events that we embrace and continue to embrace. So, this is how we reached \$750,000 in contributions to charity. And this is not only us; it's a City property, so the City of Coral Gables is giving back. The City of Coral Gables is embracing charities and notable causes. The other thing we're very proud of is we have become the pinnacle event space of

Coral Gables. This is a place where people are having their significant events; their weddings, their marriages, their quinces, their anniversaries. It's become a space where people respect what we do and what we deliver and respect the City of Coral Gables. They're not here making noise and getting drunk and having parties where they're disrupting their neighbors. When you consider the magnitude of the events and the number of events we have at the Coral Gables Country Club, we have had very, very few incidents where we've had issues at all. And I think the biggest issue, and which is a little disappointing, is sometimes we have parking issues with respect to pile-ons outside of outside our properties. And I can assure you every time there is an issue with parking, it's usually related to a charitable organization or an event because those are the ones that have more people and cause more traffic. So, many times we have to say no to these organizations because we don't want to impede on our neighbors. But, typically, on a private function, we have more than ample parking to have our guests park in our facility. They're usually very high-end events. We don't have any problems. But, the most important thing is a lot of these events are bringing some people from outside because when you have a wedding, you're bringing family from outside of Coral Gables. And people who are from Coral Gables having events in our facility, people who are having events in your facility are coming here and being proud of Coral Gables. They don't have to leave the Coral Gables community and get married in South Beach or somewhere else. They have a place that they can take pride in, a place that provides them heritage and provides them quality of service and a beautiful venue. And what it does is allows them to bring in their neighbors and their friends from around the world to see Coral Gables, and this is what's going to perpetuate the success of Coral Gables as a city in the long-term and in the future, bringing other people who are flying in and coming here to Miami and coming to Coral Gables for a wonderful event. And were also supporting a lot of the hotels in the area because when people are coming here to Coral Gables and getting married, they're actually having their guests stay at the Marriott or at the Biltmore. So, we, as an organization, have contributed immensely, I think, to the success of Coral Gables in the long-term. And we have created a facility which is viable, self-sustaining and provides income to the City. What we took on was an old, dilapidated building, a heritage building, which is not respected at all, which was left to ruin, and we took that on, invested \$3 million into a property

and have done some great things. And done some great things and also turned away some events because we understand there's a delicate balance between commercial activity and residential activity. I'm here today with respect to the café. You have the history of the application. We were denied this once before in 2009, not twice; only one time we were before the Board. And we went from looking at 80 seats on the outdoor patio, and now were looking at 26 seats. It's a very small footprint. It will not impact anything with respect to traffic. I can assure you that. We've done this because we've been asked by the community to come back and do this. I could have come back a year after we took on this property. I waited five years. I waited five years because – not because the people here had changed because I think I had a lot of support on the Board. And I could have come back a year later because Mr. Cabrera, after the vote, said, Nick, you're doing a fantastic job. Come on back and we'll support this application. And the other Commissioners that were here all saw that we had done the right or were doing the right thing and were ready to support us. And I did not come back in a year because I wanted to ensure that this Commission and this community believed in us and what we were doing and we were doing the right thing. So, we've gone through a process again and your City staff and your professionals and your – the people who you entrust to make the decisions for you in terms of doing the right thing – and they are citizens – have all given us approval on this process to here. And now the decision will sit with you at this point to make the final decision for us. I want to show the Coral Gables – the Liberty Café, if you haven't seen it before. I think some of you have been there before. And when we first developed this café – I mentioned this earlier – this was not designed to make money. We lost money at this café for the very first three years that we were in operation and continued to operate it because it was an integral part of how we can relate to the community and how the community can engage at the Coral Gables Country Club. We, as an organization, didn't feel it was appropriate for a large facility of this nature to be sitting in a residential community and not engage their neighbors; that would be able to come and sit in a café and have a coffee and a drink when they're not specifically invited to an event because the nature of our business is by invitation mostly. And so this café allows that opportunity. It allows the opportunity to bring in our members at the gym to come in and enjoy a coffee and have a bite to eat. It allows the golfers to come and have a different variation from

Burger Bob, a healthy style of living is what we condone. At our café – this is the area we’re looking at. And currently, we do have seats outside. So, why am I here? I can have 20 seats on park benches at the front. I’m permitted to do that. And I have mulch and I have areas to sit in, which is what’s happening now. We have three park benches, which accommodates 12 people, but it’s not convenient for our customers. So, in terms of incremental seating, there is no incremental seating because I can have 22 seats. It’s just the nature of the seating and how my customers can actually sit there and drink and have a bite to eat. It’s about how I can support the neighbors who have baby carriages and kids who want to play in the grass while they’re having a bite to eat. It’s about how I can engage the customers that have dogs and don’t want to leave their dogs outside and can sit at a table. So, I’m here not because it’s going to be incremental business. It’s not going to make me an extra nickel in revenue. I know that for a fact. But, we’ve spent money and time and effort to be here because, you know, it’s our customers, our customers who are loyal to us, who have found this as a community hub, who are actually a neighborhood watch team for you. That’s what we’ve developed here. It’s an area where people – instead of an old, dilapidated building with no grass in the front of the building, we have a community, a community base, young people who have an open mind to having a wonderful event and being able to sit outside and have their coffee and dessert. You’ll hear a couple of concerns. You’ll hear concerns with respect to traffic. My answer to that is we’re not going to have any incremental traffic. There’s no impact whatsoever on traffic because we’re not increasing our capacity by any means because we have the capacity already. If people want to come to the café, they’re going to come. The extra 20 seats outside is not going to make any difference whatsoever. But, also, we do have the parking for these should that happen. We have, you know, 200 – over 200 spots on our facility and the café is open until 8 o’clock. Those spots sit empty all day long. So, people coming in will be able to park should they come in, and I would say when I look at the statistics, probably another two people a day might come because of increased seating. We have more than ample parking for those people. You’ll hear the concern about drunkenness and partying outside. First of all, the café closes at 8 p.m. Most people getting drunk are not getting drunk in the afternoon, unless they’re – have issues with alcohol, but typically, you’re not going to have noisemakers and people getting drunk if we’re

closed at 8 p.m. in the evening. But, the other thing is you have to look at our history, you know. We sell less than 3 percent alcohol at the café, and we have lots of seats and lots of potential to sell alcohol. We can have beer specials and wine specials and so on. We choose not to because this is not the business we're doing here. Our business is a café. It's a family environment. We want young children. We want families. We want people who are health conscious so our menu is based on health conscious items. It would be a complete turnaround in what we're doing to start serving beer because – and alcohol to an extent that would get people drunk based on, you know, 20 new seats in the patio. It would be inconsistent to our business and would be detrimental to our business, so we will not allow it.

Mayor Cason: Right now you serve just beer and wine?

Mr. Di Donato: We're serving alcohol, but I would say maybe about .5 percent is alcohol. I'd say in total 3 percent of our total sales is beer and wine.

Commissioner Lago: In reference to your outside seating arrangements currently, what is your opinion, just give me a quick percentage in reference to the amount of people that are using those seats and how many of them would you say are actually having snacks or beverages outside?

Mr. Di Donato: I'd say a hundred per – well, currently, people are – you know, and it's more about the people who are jogging in the area. It's people with baby carriages. It's people with their pets. So, it's the same number of customers. They're actually sitting on the grass or they're sitting on the benches, and we're just trying to provide, based on their request of us, a more comfortable seating area for them. And it's typically people with carriages because it's a small café. There's not a lot of room for a carriage. And a lot of people – you know, I do say this with a lot of respect for the people of Coral Gables. They have a lot of respect for our other customers, so they don't want their screaming kids in the café when somebody's trying to sit there and do some work on the computer because we have a lot of people who come in, use their computer and sit there for a coffee. So, out of respect for those people, they're saying we don't

want to be in here with screaming kids and they're outside. So, I see this all the time. There are people, their kids are playing on the grass in the front. It's a family environment. And I would say 99 percent of the people in that area are based on community driven.

Commissioner Lago: So, when the exterior seating is activated, you say that 99 percent of the time someone is eating or drinking a beverage of some sort?

Mr. Di Donato: I would say when the seating is activated, it's the same customer base as we have right now. It just allows them to go from sitting on the grass or sitting on a park bench to sitting at a table and chair.

Mayor Cason: Could you talk about the question I asked earlier about the --? Right now your benches are fixed. They stay there all the time, so a couple of questions. Do you find people after 8 o'clock sitting around drinking on those benches? And secondly, the chairs, are they going to be removable? And your umbrellas, in the evening, are they going to be taken in? I presume they're movable, right?

Mr. Di Donato: The chairs will be removable and the chairs will be taken in every night, so there's no potential for people hanging out, milling around outside. The umbrellas are a little larger, so they may not be able to be moved every night. But, if we find there's an issue, we're here to work with the community and work with the Commission. So, we're here to work with you. But, the chairs definitely will be removable and will be brought inside. And if the Commission decides we don't have benches outside, we'll take away our benches. So, we're basically replacing benches with tables and chairs. And you have this floor plan. This identifies where we are in terms of the space. Commissioner Lago asked about moving this space across to the other side. Our original proposal, when we first came to the Commission, was having the patio area in the center area as well. And people had more concern about that because that façade is the only historic original piece of the historic component of that building and people wanted to make sure it was visible. So, we've chosen this location because it's in front of the

area which is a newer addition and does not block off the arched promenade that's in front of the building.

Commissioner Lago: And when you say people, you mean staff?

Mr. Di Donato: The Historic Board staff, and I think, generally, the general public. I think our supporters are supporting generally a patio area, but we've tried to locate it – we've minimized the size of it to a very small number, 5 tables, 20 seats. And we've tried to place it in a spot where it's less disruptive to the historical nature of the building.

Mayor Cason: If I'm not mistaken, at least once or twice the Historic Preservation Board has allowed changes to be made in the last four years to the front of the building; is that correct? I think the walkway, the door, the windows; wasn't that...

Mr. Di Donato: They've allowed to – one door and a walkway into the façade, which didn't disrupt the historical nature of the building and it allowed for an entrance into the proper country club area, as opposed to just into the café.

Mayor Cason: And part of that was a sidewalk, was a walkway?

Mr. Di Donato: That is correct.

Mayor Cason: A paved walkway.

Mr. Di Donato: A paved walkway, and again, designed based on, you know, indigenous materials that would allow for water – it's been tremendously successful. It works and it's engaging.

Mayor Cason: And reading through the transcripts – I forget which one it was – somebody referred to the facility as a party hall.

Mr. Di Donato: Well, I think we're the farthest thing from a party hall that you can imagine. I think we've treated this facility with respect. I think our organization has elevated the level of events that come into the space. And you know, it is not a party hall. And trust me, we have a lot of requests, you know. We're next to the University of Miami and, you know, our organization runs a lot of nightclubs, you know. We can do a lot of other things. And I turn away the engineering party and the frat parties and all those things. We turn those away consciously, not because we have to, not because we're not allowed to; because of respect for our neighbors, respect for the facility and respect for what we're doing here. So, we, as an organization, I can assure you, can be 15 to 20 percent busier in terms of volume through our doors and 50 percent less successful in the eyes of our neighbors and the eyes of the City because of the kinds of things. So, we turn those events, those party hall events away all the time.

Mayor Cason: Has anyone ever been arrested after 8 o'clock in front of your...

Mr. Di Donato: Not that I'm aware of.

Mayor Cason: Because reading again through the transcripts, I mean, somebody said all the drunks are going to come to sit there. Partly it was when you have the stairway that went up to the pool area that is no longer on the table.

Mr. Di Donato: That was removed. The Historical Board didn't approve it.

Mayor Cason: Right. But, there was like a feeling – at least one or two people – that people would be coming down or would come and sit around there and party late into the night.

Mr. Di Donato: This area is exclusively for the café. It's proximity to the café and where it is is designed that way. And the café closes at 8 p.m. every night.

Commissioner Lago: Let me just – just trying to get more information so we can, hopefully, make a concrete decision. Let me expound on the Mayor's comments. Madam City Manager, I don't see anybody here from Code Enforcement. Do we have any existing information or records where complaints have been made in regards to existing noise or individuals? Again, you can drink beverages within the confines of Liberty Café. Eventually, somebody's going to spill outside to sit in one of those benches. So, is there anything that we could discuss on the dais which would give us a little bit more information in reference to previous calls by neighbors in reference to noise? Is there anything we have?

City Manager Swanson-Rivenbark: As you continue your conversations, we'll ask Code Enforcement to pull the files and bring forward because you have plenty of people from the public that want to speak.

Commissioner Lago: Yeah. I just want to – I want to make sure that we exhaust...

Mr. Di Donato: If I may make a comment on that, we currently have licensed area outdoors already at the pool area and...

Commissioner Lago: I have the utmost faith in you.

Mr. Di Donato: Yes.

Commissioner Lago: Even though I just met you today and we've met before this meeting in my office, but I want to hear from Code Enforcement because, at the end of the day, those are the individuals that have all the documents that are...

Mr. Di Donato: Correct.

Commissioner Lago: Public record so...

Mr. Di Donato: Right.

Commissioner Lago: I want to make sure that my Commissioners can have every bit of information before they make a decision.

Mr. Di Donato: I just wanted to point out that we do have an outdoor seating and license outside. There's people eating and drinking outside, so that noise and drunkenness issue could have occurred in those areas. So, it doesn't make sense that now there – we're doing this and not having any issues and we'll check on that. But, why would now having 20 additional seats in another area, you know, impose those kinds of things? That's not the culture of our operation.

Mayor Cason: Without the staircase going up, I think the context before was the people would come down because I walk by and see people having, you know, you have events. People come from the inside. You have a bar set up around the pool. People are sitting right along the edge drinking and so on. But, I guess the original worry was they would walk down the steps and sit on the bench after hours, but that's not possible now. You'd have to go all the – generally, you close off the café (INAUDIBLE)...

Mr. Di Donato: The café will be closed off so people couldn't get outside to those seats, and those seats will be gone. So, at 8 o'clock in the evening when those other events are typically going on, those seats are removed anyway, so there is no area for them to sit.

Mayor Cason: So, that's not going to happen. And you said that the sale of alcohol or wine and beer is really not that important. If that were a requirement, would you do away with – would you agree not to sell any wine and beer outside?

Mr. Di Donato: If this Commission thinks that's the appropriate decision and that's what you'd like, I will concede to that. I don't think it's the right decision in terms of, you know, impacting our customers particularly during the day, but I'm open to suggestions.

Mayor Cason: The vast majority of your people using the café, when I walk by, it's early, the joggers, early in the morning, kids with – I mean, after 5 – it gets dark at 5 o'clock certain parts of the year, so I doubt people are going to be sitting outside after 5 o'clock.

Commissioner Lago: I mean, again, like I told you when we met, I go to your facility a lot, especially due to the fact that you offer a healthy option in reference to some of the other restaurants, but I don't want to sit outside. In a suit and tie and pants and shirt, the last thing I want to do is sit in Miami's humidity outside. Now if –

Mayor Cason: You got to loosen up. (INAUDIBLE).

Commissioner Lago: Listen, and the last thing – but again, if I was jogging or taking my two girls out, you know, for a run, you know, then obviously I would want to sit outside and enjoy, you know, the beautiful weather but ...

Unidentified Speaker: (INAUDIBLE) beautiful in Miami. You got to sit outside. (INAUDIBLE) California...

Commissioner Lago: The humidity, the humidity. It's not the weather, the humidity.

Mayor Cason: I live roughly five homes away.

Commissioner Lago: How often are you out there sitting on the grass, Mayor?

Mayor Cason: When I have my grandkids and pushing baby carriages, I sit outside. I don't have a dog, but we do sit out there because they don't want to lick ice cream cones and drip on the floor, and I know he's kind of rambunctious and you certainly don't want to have them inside where they're disturbing anybody else.

Commissioner Keon: It's their behavior more than anything.

Mayor Cason: (INAUDIBLE).

Mr. Di Donato: It's the respect I alluded to earlier. It's those customers who have young kids and want to have somewhere to put them and don't want to disturb the rest of the customers who might be there for lunch in a suit and feel that they're, you know, inconveniencing people. So, it's really, I think the people who have signed this petition are those who are conscious of their neighborhood and conscious of their fellow neighbors and the people who are at the café and saying, you know, we don't want to be bothering people.

Mayor Cason: Any other points you want to make?

Mr. Di Donato: No, I think that would be all.

Mayor Cason: Okay. Let's open up now to public hearing portion. Raul Valdes-Fauli was originally...

City Attorney Leen: Mr. Mayor, we must swear in anyone who's testifying. Mr. Clerk.

City Clerk Foeman: Yes. Would you stand and raise your right hand, please? Do you solemnly swear or affirm that the testimony you will offer today will be the truth and nothing but the truth? Thank you.

Mr. Valdes-Fauli: Mr. Mayor, thank you for the opportunity to speak after this very long session and this lovefest. I have the privilege of speaking for the neighbors. And I have lived in my house since 1977, 751 North Greenway. That house was building permit number 16 in Coral Gables. I redid the house in 2003 and found out that permit 16 did not require foundations, did not require columns in the walls. And as a matter of fact, the carport fell the minute we, you know, knocked a wall inside. I will not go into the history of Coral Gables, but the Coral Gables Country Club, which is zoned commercial, which is zoned public use, was built in the '20s, when there were no restaurants in Coral Gables and when most houses in north Gables didn't and still don't have a swimming pool. That was the community facility and that was the purpose of that country club. I happened to be there in June 1983, on a Friday, a few hours before lightning struck and the country club caught fire. There was an art exhibit Friday, and thank god, I was part of the help getting the art out of there because if not, there would have been hundreds of thousands of dollars in art burnt too. It was destroyed for a long time. Insurance paid and the proceeds of the insurance were used for purposes other than restoring the country club as it was. But, that was the beginning of the downfall of the country club. And I disagree with Mr. Di Donato saying that he took over an abandoned property. The City did try and Cathy did try having other uses for that, including Stuart Bornstein and his partner, Mr. Potamkin had an operation that didn't go. But, the City fixed the roof. The City fixed a lot of other things. And finally, the Liberty Group came in and they made proposals. They invested in the club. They turned it into a wonderful facility. And by their own admission, it is a very successful operation, including the café. Let's look at what the operation is, however. The operation, I submit to you, is similar to Signature Gardens. Do you know what Signature Gardens is? It was a big party hall in South Dade that had the type of events that he's talking about; weddings, first communions, Miami Film Festival, Art Basel, which wasn't around at the time, but that type of facility. It is a party hall. It is very much a party hall. And as a matter of fact, they drove away the community organizations that met there. I'm talking about the Army/Navy club. I'm talking about the Kiwanis. I'm talking about rotary. They can't meet there because they're not welcome there because they make more money doing other things, including selling ice cream, or as it's called, gelato now. It's more elegant. North Greenway has always been there. It has always been there.

If you look at the first city maps, North Greenway was there. It is a historic street with fine residences. And us, we North Greenway residents and South Greenway residents are proud of the joggers. I'm glad to see the joggers jogging and the mothers pushing baby carriages and wheelchairs and walkers and the golf course, the wonderful golf course. It is a community street. Now that golf course, as a matter of fact, as an anecdote, many times it's been tried to turn into other things. I, being a City Commissioner in 1985, some police officers came to me and said they wanted to make it a landing strip for police airplanes. Then there was another proposal for having a riding academy and the people who were disabled who were going to go (INAUDIBLE). There was once a foxhunt, you know, because it would bring people and it would highlight Coral Gables having a foxhunt. Liberty Group has a party hall there and don't let them kid you. It is a party hall, and I'm glad it's successful. But, the Liberty Group specializes in party halls. I have an article here from the Toronto Globe and Mail, which I will quote to you. Last week, Tattoo Rock Parlour on Queen Street became the first of Mr. Di Donato's collaborations to open and occupies the footprint of a one-time resto-lounge Left Bank. Designed by 3rd Uncle, the \$2 million two-story space bears the sophisticated stamp of Mr. Khabouth, whose decadent destinations for debauchery include Ultra Supper Club and the Government/Kool Haus. And they also have a frighteningly beautiful surgeon's lamp suspended above a dentist's chair where people can get tattoos, care of Blackline Studios, late into the night. Neighbors have complained because of his efforts to close streets in Toronto, and I also have the article here. The Liberty Group is a very successful group, and I congratulate them for it, and I congratulate them for making the City-owned property a successful operation. But, think of the consequences of that. Many times I get cars – in these events, in these wonderful events – and many are more than 400 people, I'm sorry to disagree with him. I get cars parked on the golf course, which does something to the golf course too, on the golf course down to my house, which is a long block and a half away. And they back into traffic. The valet comes and it is a horrible inconvenience apart from the danger for joggers, mothers pushing carriages, wheelchairs, et cetera. It is very, very inconvenient and very disruptive and destructive for the neighborhood. It is the middle of a neighborhood. Some people living elsewhere and I – at the Planning and Zoning Board meeting, I got the petition. We were surprised that he brought a

petition. But, everything marked in green here is, you know, people who don't live in Coral Gables and live, what, 1541 Brickell, 1541 Brickell, 3111 Southwest – 2901 Southwest 102nd Avenue, 6459 Southwest 25th. A lot of those people don't live in Coral Gables or live more than several miles away, (INAUDIBLE), et cetera. Our petition has eighty-some neighbors within a thousand feet of the facility. That's a heck of a lot of neighbors within a thousand feet, including, I'm sorry to say, three mayors, which I wouldn't discount having the mayor because the three mayors dedicated a lot of time to the City. I think that the petitions -- because there was a petition to have outdoor dining – outdoor seating, I'm sorry, at the café, what is outdoor seating? Is that swimming pool seating? Is that on the west side of the building seating? Yeah, I mean, it's nice to have outdoor seating and the country club has always had always outdoor seating. I submit to you that this would be the first step in turning this into a major dining, drinking, whatever it is, facility. When they got the license, when they got the property to operate – to restore and operate, they were turned down for this. They requested it and they were turned down. In spite of what he says – and I have Mayor Slesnick here – they came before the Commission once again asking for 16 chairs and they were turned down. They were very much turned down. This is the third bite at the apple. And the circumstances for the neighbors, for the street, have not changed. I request and I implore you to save North Greenway. The consequences of adding – facilities adding activities to the country club property would be terrible for the residents. It's not just six tables or four tables out there. It is the drinking. It is the congregation. It is the traffic. It is the additional parking, and it would be another knock on the head of the Greenway residents in order to decrease or in order to indeed affect the quality of life in our city -- in our street. Thank you.

Mayor Cason: Thank you. Bob Liu.

Mr. Di Donato: May I (INAUDIBLE)?

Mayor Cason: Yes.

Mr. Di Donato: Just for a point of clarification, City Manager, can you just clarify so everybody's on record because I'm not sure. I've only been here the first time, which we were denied, and this is the only other time we've applied for this patio. So, I just want to make sure we have a clarification because either I'm...

City Manager Swanson-Rivenbark: We're happy to research that. I don't have that information in front of me, but we can look and see the number of times that this topic has come forward with a vote of the Commission related to sidewalk -- outdoor dining.

Mayor Cason: Thank you.

George Velsky: Mr. Mayor.

Mayor Cason: George, we've got first -- I'll get to you. Bob Liu.

Mr. Velsky: (INAUDIBLE) personal reasons. I made arrangements, someone with my wife. I thought this would be -- end at 12.

Mayor Cason: Alright, go ahead then. You have to take care of your wife.

Mr. Velsky: It's now almost 1 o'clock.

Mayor Cason: Go ahead.

Mr. Slesnick: Excuse me. Mr. Velsky wasn't sworn in.

Mr. Velsky: But, you weren't either.

Mayor Cason: Wait, you have to be sworn in.

Mr. Velsky: Well, neither was...

Unidentified Speaker: Yes, I was.

Unidentified Speaker: Yes, he was.

Mr. Velsky: Okay. I am going to swear...

City Attorney Leen: Okay, okay, let's maintain order. Everyone's going to get to speak.

Mayor Cason: City Clerk.

City Attorney Leen: We just need to do a swearing in. Mr. Velsky, do you mind being sworn in?

City Clerk Foeman: Raise your hand.

City Attorney Leen: Thank you.

City Clerk Foeman: Do you solemnly swear or affirm that the testimony you will offer today will be the truth and nothing but the truth?

Mr. Velsky: I will.

City Clerk Foeman: Thank you.

Mr. Velsky: Mr. Mayor and Commissioners, Madam Manager and Mr. City Attorney, I believe what you have here is really a historic event. Let me explain to you because, without bragging, I

have to say that I have known Coral Gables possibly before every one of you. I came here for the first time in 1947, December. I was just a young man. We just won the war and I graduated from (INAUDIBLE) school of economics, so I knew what was going on. I have good friends here and I saw -- fell in love with Coral Gables. Then I visited many times. In 1961, I came to live here. In 1947, I think most of you possibly weren't even born, but I knew then what the city was. It was always Coral Gables, Coral Gables, every area of Coral Gables. Now, for the first time, the City has been fractured. The key of the thing, looking overall, this is what I look at history of this City and its future, and I very much bewarned, if you read some of my stories, about fracturing the City. And what Mr. Valdes-Cauli said the other way is crux of the matter. He said -- I'm going to quote -- we, the residents of North Gables Drive --

Unidentified Speaker: North Greenway.

Mr. Velsky: North Greenway Drive and then he added south. I haven't heard anyone from south. Maybe Mr. (INAUDIBLE), who came in the other day -- actually, one legal item here, which I spoke to Mr. Leen, the address of where those six tables are going to be placed -- I'm talking about six tables, not about the other issue -- is 997 Greenway Drive. How it came about? When the contract was signed, it was on Alhambra Circle because this is the main entrance to the building. I don't know of anyone, any building which is fractured, which is two addresses. This is just one address, which is the main entrance. And I have -- every one of you has two address, two entrance to the house sometimes, not the street. It's always the main address. So, in other words, that's the point. I don't know how it came about. Apparently, Mr. Leen doesn't know either. So, then it cannot be the issue of North Greenway Drive or South Greenway Drive, which is on the other side of Dorcas. It could be, if anything, Alhambra Circle. But, even, I believe, Ms. -- the City Manager can confirm this, that when it's something of importance, it's usually, what is it, a thousand feet in a circle that people have to opine? So, in other words, it is my issue also. So, I cannot accept the premise that it is North Greenway Drive. I'll (INAUDIBLE) back to some years ago. There was a famous statement made by a famous statesman. Never in the field of human conflict was so much owed by so many to so few. Some people on North

Greenway Drive are turning it around. They have invented something (INAUDIBLE) they have created and they want to oppose (INAUDIBLE) this to the City because this is a City issue. You cannot regard this as an issue of six tables, vis-à-vis – how many is it? 86. And then Mr. Valdes-Fauli said there were two mayors. A few moments ago, I hear about three mayors. Now they're two mayors, you know. Things are being confused. In other words, history tells you that we have grown and become a city, become something national because we work together. We cannot be fractured into notion of creating something in one small area. What they have created, they said, an ambience, lifestyle, something – what is a lifestyle? Nothing. It's – someone mentioned earlier today that we've invested, I think. Well, Mr. Damian – and I understand that he's selling the house, possibly leaving this area. But, anyhow, let's not go there. They invested the money in the buildings and the placement of six tables, which they cannot even see, not even see because those six tables, they cannot see even the café. They would impinge on their investment. It's not true. I understand that all the values of property on North Greenway Drive is increasing, as is mine, and I live on Alhambra Circle. So, where they've created an illusion of lifestyle and that is something which is changing. I mean, because I've noticed North Greenway Drive has been subjected to change of hundreds of people, thousands of cars. The other day, as I rode, I saw someone walking in front of Mr. Valdes-Fauli house, someone in shorts covered with tattoos all around. It was an ugly, ugly view. And then think of lifestyle. What is the lifestyle of the people? Slesnick family has a nice house, but they, as I – neither do I – they don't live outside the house. They live inside the house. And if you look at Google, every house has a swimming pool and lifestyle goes back, so no, they cannot be affected by six tables. So, it all boils down to what something you have to consider. No area can be – can have the right to impose its view, even though it might be accepted on the rest. But, the issue is what is good for the City. I can tell you from experience -- because I watched this for a very long time – what Mr. Di Donato has done to Coral Gables Country Club, this is for the first time ever we're proud of this. I don't remember whether I walked before he took over with the café. I thought that building was going to go down. It was so incredibly, incredibly, I would say, foully stinking inside throughout, and that was what he inherited and he invested \$3 million, made it something that I am proud of. And I've suffered on this, suffered ten years of major part of the building

being -- actually, that is where the café is now -- burned. And I have complained to the Commission of Mr. Slesnick. Nothing was done. It stayed for years and years without anything. I have suffered indignities of foul smells from the kitchen, which I complained. The area has been -- the parking area, as you know, has been polluted, greatly polluted, and this is what it was. Now it's something entirely different. And I believe that this is part, Coral Gables Country Club is a part of the City and whatever happens there is a City issue, not the issue of a few people on North Greenway Drive. Thank you very much.

Mayor Cason: Thank you.

Mr. Velsky: And I hope you will regard this as a City issue, not a North Greenway. North Greenway Drive, they have obviously their right to protest, but they cannot regard themselves as owner of the last word on that City and that property. And I agree with description of Mr. Di Donato because I see every day what's going on there because (INAUDIBLE) window of my study where I am most of the day, and I can see the parking lot and I see what's going on there. And I, again, reiterate I'm proud of the building and, again, this is part of Coral Gables and it is not owned by North Greenway or South Greenway or Alhambra; by the City as a whole. Thank you.

Mayor Cason: Thank you.

City Attorney Leen: Mr. Mayor, point of order. Items -- how many cards do you have?

Mayor Cason: About 8 or 9.

City Attorney Leen: Okay. Items H-2 and H-3, we have a financial advisor here that has to leave at 1:30, so I'd respectfully request that a time limit going forward be placed of three minutes.

Mayor Cason: Yeah. We could stop here and put that in and continue on.

City Attorney Leen: And then we can go with that. Thank you.

Mayor Cason: Let's do Bob Liu. Could you come up, be sworn in and try to be as precise and short as you can, as we move forward. Anything new you want to add that we haven't heard? Could he be sworn in?

Mr. Liu: Yes.

City Manager Swanson-Rivenbark: Yes, he did.

Mr. Liu: Yes.

Mayor Cason: Oh, you have? That's right.

City Manager Swanson-Rivenbark: He was.

Mayor Cason: You did already.

Mr. Liu: Thank you, Commissioners, Mayor. I'd just like to start talking first, what are we really talking about? We're talking about 350 square feet of pavers on sand, which is not a permanent structure. It's pervious. It's more or less a landscape feature. We're talking about what the community wants. And I would like to state as a community – a person in the community, that I hope my voice, even though I have never been an elected official or have participated a majority of my life toward the City, which I plan to do, has less of a voice in this platform. We live in Miami. Outdoor spaces is something that we should have. The relationship between public space and relation to the people. The residents of this area know that they bought in a area which is commercial that has a public golf course, a public – a country

club, and that in the transition of over the years, you know, things have to progress. I really commend the Liberty Company that really took this dilapidated structure. And it was an embarrassment. I lived in Coral Gables over 10 years. I had functions there and it smelled like mildew. It was terrible. It was an eyesore. No disrespect for the Mayor, in 1990, you know, it was a failure. They couldn't give away memberships. It was just terrible. I went to look at it. I wanted to join, and you know, the other country club that I couldn't join was Riviera because I didn't have the funding to do it and that's another thing that this Commission board should also look at. That this gets – this facility gives the opportunity to people that can't afford a Riviera Golf Club Country Club to have these same type of facilities to use and, you know, they maintain it very well. So, you know, when I hear about people saying that the venues that they have here are inappropriate, I find that offensive. I think that is a matter of perspective and not something to judge. What we're actually voting on here today is basically an open – small open space in an open area of Miami, which is sunshine and palm trees. My family uses this facility a lot. When I was renovating my home, I joined the club. Every Saturday, every Sunday, we were there. I would golf every Sunday morning. I'd go to the country club, I'd work out. I'd go do my laps. I'd go to breakfast with my family; they'd meet me there. We walked up and down the street. It's a great relationship between public space and the community, and that's what you want to promote, people to run, to walk, to get eyes on the street. Having facilities open at night is actually a good thing, you know. There is a reason why the golf course was dilapidated, because there's no eyes on the streets. People take their cars and do doughnuts in the golf course, you know. There are people that will be hiding out in the parking. But, if you put eyes on the streets, you put facilities that are open to reasonable hours, then that gives the relationship between the people and the community. And that's one thing that people have forgotten about in design and urban design, and this is what it is. This is urban design. You have commercial and your public spaces mixed in with residential, and you need to have eyes on the streets. Designs of the houses used to have kitchens in the front of the houses because people used to play in the front of the houses. You used to have more eyes on the street. You know, we have varied from that and everything's in the backyard and no one has a relation to the street. But, this particular property is beautiful like that because you have the eyes on the street. You have the golfers.

You have the runners. You have the bikers. You have people that are going outside eating and enjoying the facilities. I also dispute when the gentleman bring up the 1920s there was no restaurants. Well, Burger Bob's was there and that's an awesome facility also. And I go there often, very often. And you now, one thing about the Liberty Café is that outdoor seating will also bring in great revenue for them because you really don't know it's there. You drive by there and you don't know there's a nice little café there that has gelatos, and fresh squeezed orange juice, and smoothies, and these awesome little pizzas that is probably the best pizza I've had, you know, in the area. I think, you know, it's also their business if – what they choose to be profitable. If the rotary club and those venues aren't profitable, then their – it's for them to choose. It's not for us to judge, you know. We're pro business. They've invested millions of dollars in this facility, and they've done a great job, and they've really brought up the area. I mean, this is a country club that I joined after they renovated. I would never have joined what was there before. It was terrible. It was horrible. And then also, in fairness to the petitions, if you ask them what their petition says, you should also scrutinize what their petition says because, in my history and my experience, activists in the neighborhood can easily spin a petition to favor their view. So, please look at what they have in the petition and what misinformation they're feeding the public because I will tell you – and I haven't seen the petition – but I will honestly say that it's probably a lot of misinformation, okay.

Commissioner Keon: I don't think that any of the petitions that are being presented to us today are really in a format that is required that would really -- you know, that you would use to vote on or whatever. It's sort of to give you a flavor of how people feel and on each side. So, I don't think that that's an issue...

Mr. Liu: And also, I'd like to say...

Commissioner Keon: That really would badly influence anybody.

Mr. Liu: I wasn't planning to participate today. I was up in the Building Department and I heard this was happening and I wanted to speak my voice. I would like to also say the majority of people here that are opposed to it, they're seasoned politicians. They're here. They have the time to spend here, but I will tell you, if you have – I would honestly say majority of people that are for it cannot afford to be here. They're working, and they can't be here.

Commissioner Slesnick: Point of order, please.

Mayor Cason: Any other comments?

Commissioner Slesnick: Do not disgrace everybody else that's here just because they can't come.

Mr. Liu: No, I'm just saying. I'm just stating a fact.

Commissioner Slesnick: And people are here...

Mr. Liu: I'm just stating a fact. Also, I hope...

Commissioner Slesnick: People are here...

City Attorney Leen: Okay, enough.

Commissioner Slesnick: Because they took the time to come.

City Attorney Leen: That's enough. We can't have this kind of argumentation. (INAUDIBLE)

Mayor Cason: Any other points you want to make?

Mr. Liu: No, that's it. Thank you.

Mayor Cason: Okay, thank you.

Unidentified Speaker: Thank you.

Mayor Cason: Rahm Kothari. Did I pronounce this right? Rahm? He's not here? Don Slesnick.

Mr. Slesnick: I need to be sworn in.

Unidentified Speaker: I thought you weren't going to...

City Attorney Leen: Everyone who's going to speak should stand and be sworn in now. Is there anyone else who hasn't been sworn in?

Melissa Kothari: I want to speak for my husband because he had to go.

City Attorney Leen: I understand.

Mayor Cason: Okay.

City Attorney Leen: Please stand and be sworn in.

Unidentified Speaker: Stand and be sworn in.

Unidentified Speaker: Your right hand.

City Clerk Foeman: Raise your right hand, please. Do you solemnly swear or affirm that the testimony you will provide here today will be the truth and nothing but the truth?

Mr. Slesnick: I do.

City Clerk Foeman: Okay, thank you.

Mr. Slesnick: So, help me god. Mr. Mayor and Commissioners, thank you. Don Slesnick, 827 North Greenway Drive. I'm not quite sure why the applicant wasn't sworn in because there was a lot of loose facts being thrown about and I don't quite understand that, but I'll let the City Attorney ponder that. I am – I take full offense at the allowance of someone that just came to the mike taking such loose attacks on people. First of all, I am not a seasoned politician. I'm a practicing lawyer who took his time away from his office to be here all day today, as is everyone else here that is a working person. I can count them all. We all work. We all –

Commissioner Lago: Commissioner – Mayor. Mayor, do me a – just...

Mr. Slesnick: Thank you. I'm sorry.

Commissioner Lago: Do me a favor. Address the Commission.

Mr. Slesnick: I understand and I apologize. But, also, I would ask you to look at our petition because it is factual, and it was the form that was given to us by the City Attorney, plus attached to it – so that everyone was sure what they were signing – were the appeals and was the original letter to the Historic Preservation Board.

Unidentified Speaker: The appeals, yes.

Mr. Slesnick: Everything was attached to the petition that was assigned. 997 North Greenway Drive is the traditional mailing address of the Country Club of Coral Gables. That is the historic address of the Country Club of Coral Gables. It was not a dilapidated building. It was not a success, as Mr. Di Donato has made. But, the fact of the matter is, it was this, my Commission, that threw out the country club, much to people like my own mother's dislike. We took the – we closed the country club down in the early 2000s and we brought in, over a period of time, another operator who we jointly spent – was it 5,000,000, Kathy? -- \$5,000,000 rebuilding the country club; the roof, all of the essential things. His business plan failed, yes, and he did leave. And when Mr. Di Donato came in, he spent a good bit of money on putting the club into the condition he wanted and has been a success, and to that, we compliment him. But, the things that we did ask for, about retaining the civic clubs, they're gone because they couldn't afford that and they weren't attempted to be kept. And I wish Mr. Di Donato lived at my house because if he did he would know that this thing about, oh, every now and then we have these parking issues. I think the Commissioners know. You've listened to us and I appreciate that, but we have parking issues on an ongoing basis with the club and the size of the parties and the parking of the parties. I'm not even sure – and I've asked if there's a plan that was approved to have the mulch and the seats outside. But, the residents didn't come in to complain about that. But, the fact is I don't think that those were ever approved by this Commission or by any site plan. The spots that are vacant all day long, when the golf course reopens, I'm not sure those spots are vacant all day long, so I'm not sure that that's a very accurate statement. So, I mean, I think that we need to work with accuracy here, and I think that we need to look at the entire picture. Let me say this, on our petition, yes, North Greenway Drive is a focus for me and for the others that live there and because this club is on North Greenway Drive. But, the fact of the matter is, is that our petition has people from around the surrounding neighborhoods. I said that, from neighborhoods north of there and just south of there, and South Greenway Drive residents. There are other areas of the City that much more are inward looking, Gables Estates and all of the private communities along Old Cutler Road, and they look inwards. We are a very (INAUDIBLE) city. We're a very open piece of the city and we respect that. And I think that

we're very good neighbors to the City, but this is one time when we're asking for your concurrence with us that this is one step too far. Thank you.

Mayor Cason: Thank you.

Unidentified Speaker: Thank you.

Mayor Cason: Is it Kothari? Was that the lady that would like to speak for her husband?

City Manager Swanson-Rivenbark: And Mr. Mayor, while the woman is coming up, we – you did ask questions regarding the number of times this has come before the City Commission and the number of times there have been Code Enforcement reports generated, and at your convenience, we have that information.

Mayor Cason: Okay. Mrs. Kothari.

Ms. Kothari: Hi.

Mayor Cason: I hope I pronounced that right.

Ms. Kothari: Yes. Hi.

Mayor Cason: Hi.

Ms. Kothari: My name is Melissa Kothari. I live in North Gables, a couple blocks from the country club. And I wanted to speak today because I feel really strongly about this issue. Me and my husband moved here four years ago from New York City and, honestly, we had a hard time adjusting. Miami is very different and a way to meet people – we didn't know one person in this entire city – we went around and passed out invitations in the mailboxes of everybody

within like a five-block radius of our house, at least like a hundred invitations for an outdoor barbecue. And that's what we did to try to build community. And we kept doing that for the last four years and we realized, you know, it's very hard to host this many families in your house with kids. So, what we did every weekend was have brunch at Liberty Café. And it was a place that, you know, I go to a few times a week and everyone that we know goes there multiple times a week because it's a place that builds community. And you know, we feel really strongly about it because we didn't know anyone and now we have a strong community of close friends, and Liberty Café has really been so essential in making that happen. We wouldn't be able to do that if it wasn't for the café. And we feel that, you know, if there – you know, we feel that six tables, eight tables, maybe 20 people that's sitting outside enjoying a coffee is not going to disrupt the neighborhood. We're – we've invested in this neighborhood. We bought one house, you know, a few blocks from the café. We loved it so much that we bought another house, which we've put – you know, we've been renovating now for a year because we want to invest in this neighborhood. And we believe in the neighborhood and we feel that any extension of building community in Coral Gables should be the highest priority, you know. I feel that 20 more people sipping coffee on a patio is a good thing because it encourages communication, encourages people getting together, people talking, strangers meeting strangers and not feeling alone and isolated. And it's – you know, if you look at the cost benefit analysis, I feel that the benefit of doing this greatly outweighs, you know, five, six, an extra ten cars that could be driving by, just to build community. I feel that – you know, that's why we love Coral Gables. That's why we've invested in Coral Gables, and that's why we are raising our kids in Coral Gables. And you know, that's – I wasn't planning on speaking today, but I feel that, you know, I have an obligation to tell you our story and tell you how much, you know, this does mean to us, and that every one I know in our community feels the same way. We're young families. We've just moved here. And in the last five years, we've, you know, all come together and I – you know, any extension that we can make to encourage this for more people to get together and meet, you know, we have to do. And I feel that, you know, maybe there are more important issues, like crime prevention and things that we could be spending our time on than preventing community, which is the most important priority, in my opinion, in Coral Gables.

Mayor Cason: Thank you very much.

Ms. Kothari: Thank you.

Mayor Cason: Reed Horth.

Reed Horth: Good afternoon. It was morning earlier. I really appreciate your time. I really respect a lot of the opinions that I've heard today. Obviously, people feel very, very strongly about this. I run Robin Rile Fine Art, and we curated an event several years ago at the Coral Gables Country Club, and it was very, very well attended. It brought a lot of people in who wouldn't normally go to the country club. It was the grand opening. People rediscovered it. People found that it was a place that they could go again, as Mrs. Kothari said, as a community, to build community. Since then, my wife and I have joined the country club. We're active members of the athletic club. We – and we also have a son now. And we're the type of parents who don't like to sit inside a café with an 11-month-old child and – who could potentially be making any sort of noise and/or throwing Cheerios at other patrons. So, we sit outside. We sit outside on the benches. You'll walk and see us out there. Sometimes I sit on the grass. As Nick was mentioning, there are people who sit on the grass; well, that's me and my son. My wife will walk around the golf course. But, we're the patrons. We are the people who are in this community and we are the people who are the patrons of the country club. Now, I have a great deal of respect for the residents. I have a great deal of respect for the people on both Alhambra, North Greenway and South Greenway, throughout the entire community. But, it is larger than those addresses. Coral Gables is a much larger community and it incorporates an awful lot more addresses than just those. We are those people. We are those people who come to the country club. We're patrons of the country club, and we're not kids who are going out getting drunk. We're kids with our kids. We're people who are having gelato. We're people who are having a wrap. We're people who are having our bagel with lox in the morning. It's not that we're going to be there at 9 o'clock at night or 10 o'clock at night raising Cain. We're the people who are

going to be in this community for a long time and our kids are going to be part of this. And this is a meeting point for us to bring our family. And so I would ask you, the six tables is not a make or break for this community because there's already the permission for me to sit on the lawn. There's already permission for me to sit on those benches. We're not raising any more noise than we would be at those tables. But, those tables would at least give us a place to sit where we don't get grass stains on us, and that's what we're asking for. Don't let us get grass stains. So, thank you very much.

Mayor Cason: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: Fadi Bahri.

Fadi Bahri: My name is Fadi Bahri. I live at 1015 Andalusia. Mr. Mayor, Commissioners, thank you for allowing me to speak today. Like the gentleman that came before me, you know, I run in the area, you know. I'm a member of the gym at the Coral Gables Country Club. And you know, my family and I also frequent – are patrons of, you know, Liberty Café. You know, and my wife takes my kids – we have three kids, so she takes them every Tuesday for a gelato day and, you know, she spends a lot of time there. As far as what Mr. Horth was saying earlier, it also bothers us a lot to have three kids, you know, screaming and making a mess, you know, and being unruly inside the store. So, we would really, you know, be grateful if this Commission, you know, approved the item so we could have outdoor seating. And as far as myself, you know, running a lot and, you know, coming into Liberty Café sweating and, you know, wanting a gelato or a drink would also make it a lot easier for me to have that drink or the gelato outside in an outdoor seating area. So, as a member, as a resident, you know, of the area, I ask that you guys approve the item.

Mayor Cason: Thank you.

Mr. Bahri: Thank you very much.

Mayor Cason: Milicia Milisic. Not here. Is Vince Damian still here?

Unidentified Speaker: No. I think he left.

Mayor Cason: Okay, Aldo Busot.

Aldo Busot: Good afternoon. Aldo Busot, 819 North Greenway. It's very easy to make decisions that don't affect you, and that seems to be what our opposition is looking at is the decisions that they want to make don't affect them, but they do affect those of us that are on the Greenways. We've been residents of the Greenways for 35 years. The last 16 or so in our present location, and prior to that, we owned the home directly across two fairways on South Greenway. So, the character of the neighborhood when I hear about what it should be or so forth, that's all wonderful. But, we've been here from the beginning, for a long, long time. Matter of fact, when it was mentioned that the country club, when it burned, that happened to be the year that we joined the country club. I don't know if that's a good or bad sign, but that was what occurred. And we've struggled along with the rest of you upon trying to revive it. And we compliment what Liberty Café has done there. They've done a great job, but it is a hall. It's a party hall. They do have the excess parking that comes down on our swale and you can't get in and out. And we have complained. And if you look at the record, you'll see that there have been complaints on parking. But, that's okay, that's okay. That's part of what's been done. But, when he did the RFP, he knew that it was indoor. You can do whatever you want indoors. And matter of fact, if you want to, you have a side area that is outdoor dining that they can use. We don't object to that. But, don't change the character of what our residential neighborhood is. And that really is what it is. So, when he's talking about putting the benches out there and so forth, I don't believe that the benches were part of the original RFP. That's – you know, we're big proponents in our city of greenspace. What's being proposed is taking greenspace away. We

didn't complain when that big tree came down to add the walkway so that he could have a separate access into the club – into the country club portion and not the Liberty. That's okay, but it took away greenspace. And don't fool yourself; you are taking away greenspace. You are taking away the character of what the history of Coral Gables is about. And this isn't Miami. This isn't Toronto. This is Coral Gables, after all, okay. And I thank you for your time.

Mayor Cason: Thank you.

Unidentified Speaker: Thank you.

Mayor Cason: Dan May.

Mr. May: Good afternoon. Dan May, at 808 Majorca.

City Attorney Leen: Mr. May, the microphone, please.

Unidentified Speaker: Thank you, sir.

Mr. May: No problem. Okay. Well, there were so much comments made ahead of me here. I'm going to make my point in a little bit and speak to that first. I believe the one problem we have here with all these petitions is we're getting two things mixed up. There's people who object to having people running around and eating on the outside and the look of the club when you are doing that. The other set of people who I believe signed this thing are people that just want to have a happy time, eat, look at the people wave and go down the road or whatever. They like the looks of it. And I believe we'd have many, many more of these petitions for people who just want to eat, enjoy themselves in front of the club. When really the question is the club is in a residential area. It was residential for many, many times, and it was a big deal when the first operator come in here was to accept the fact that even though it's residential, we're going to have a commercial establishment in there. That was extremely contested. And then it was agreed we

would, but it had to be very controlled. And so the object was we'll have commercial here, but we'll keep it inside. So, the outside will continue to look like it looked before the fire and during the fire and after the fire and that was the plan, and that's what happened. Now, after we got everybody inside, got the place operating, unbelievable stuff here. Mr. Di Donato come in and got the food moving, the wine moving, the music, separating people from money (INAUDIBLE), taking a big share of it and dividing it up in the City. And we get big rent payments from it, and so that is all on the good side. But, now that all has to do with Mr. Di Donato, the inside man, what he accomplishes inside. The stories he gets up here and tells, they're probably – they're true, and there's probably some more stuff that he hasn't mentioned that he does well. But, the thing is he does not mention what he does outside. And so, but what we're looking for here, he wants to be the man working outside. And let's talk about the outside. What about Mr. Di Donato's operation on the outside? And he says that we should look at his last five years. He waited so he could show off and show us what he can do. And what he's done during his five years, he's really shown us something. So, let's just start out in front. Let's start out in the front and look at the flagpole. The flagpole sits there and Pearl Harbor Day comes, 9/11, Memorial Day, flies the flag, leaves it in the air. Mrs. Birdsill, who is a very competent City employee, takes on the job of training him, untrainable man. Four and a half years it took for her to get him to be able to recognize these holidays and let the flag down on the holiday. And then he – well, about three years, he kind of got the idea, but he also would take it down and then just leave it down an extra week. But, after four and a half years, the man learned and he got it going up and down, got it going right. Next thing she tried to work on him on the flag was about (INAUDIBLE) it. He has four choices every sundown. Every sunset, he makes these four decisions. Does he take the flag down and put it up the next day? Does he take the flag down and leave it permanently down? Or the final thing – or the thing that he can do that's not proper, just leave it there and let it fly in the dark. And that is the only flag in the City of Coral Gables that flies at night with no light. So, that's the untrainable part about that area of the City. As we move around to the side of the building, we've got a service area around there that's designed by our current City Manager in another lifetime. And the key part about it was it would be used for all incoming and outgoing movements of freight and services. So, it's set up. It's in

the setback area (INAUDIBLE). What does he do? I don't know exactly what he does, but he fills up the area there. He's got some flowers and things. And so all the delivery trucks stop and unload outside the area.

Mayor Cason: Could you direct the rest of your remarks to the two issues here, the pavers and the tables? Because that's -- I mean, we've read -- I've read your emails of this and all the other testimony.

Mr. May: Good.

Mayor Cason: We understand the other issues you've had, but I think this one specifically before us, we have five minutes. We have one more person to speak before we have to go to something else time certain. So, what were your points on the..

Mr. May: Okay. My very purpose is it all ties in. I got about another eight or nine things that he hasn't learned in five years, or it took him two years to learn or three years. And I'm saying anyone that can't handle all that, now we turn around, Mrs. Birdsill has to be on him for all of that. And now we want to add another activity where he can, you know, jerk her around. And so, I mean...

Mayor Cason: She doesn't work here anymore so I appreciate it that...

Mr. May: Huh?

Mayor Cason: She no longer works here.

Mr. May: Okay.

Mayor Cason: I think we've got your point.

Mr. May: Well, it gets back to the point. So, she failed during that time. The man didn't train and he didn't learn and he stayed the same. (INAUDIBLE) happened and what exactly -- and so with this point out here with the tables, you know, you see how he handles the other stuff outside, remember, not inside. Inside, great stories, you know. But, what else can he do with the tables? He can take those tables, shove them together and set up a, you know, set up anything else and have people standing around that's going to -- One of the stories he mentioned was about him having a charity event with the Children's Hospital. He didn't finish -- he didn't put in the part it happened where he had all the people come. There were too many of them to sit down, so he just told them stand up, walk around and show off your shoes. And that kept everybody -- nobody had to notice the fact that there were not enough chairs.

Mayor Cason: Okay.

Mr. May: So, he (INAUDIBLE), you know...

Mayor Cason: One more minute, please.

Mr. May: Alright.

Mayor Cason: You can tie it up.

Mr. May: Okay, well, alright, but this is -- Mr. Mayor, this is a serious, big deal here. Everybody else talked, have all these people here been -- I been here four years and all these stories. So, just about one more minute now. I'll do it.

Mayor Cason: Thank you.

Mr. May: Okay, alright. So, that's your story. The man has not been able to handle the outside things. And we entrust him with another one, then he's got to have another City employee to follow him around for that. And he also puts cars on Alhambra and you've heard the gentleman here talk about the cars in the golf course and all that. So, that's my (INAUDIBLE), and that's why I strongly suggest that we do not allow him to try to run an outside food area in an area that looks -- well, one more thing. Even though you don't live -- people who don't live on Greenway, we still drive by there, so we still have to look at the cars you park. We still have to look at the flag at night hanging up in the dark and all these things. So, his activities do affect more people than just try to downplay it and make it only a North Greenway area.

Mayor Cason: Thank you.

Commissioner Lago: Thank you, sir.

Mayor Cason: And finally, Rafael Peñalver.

Rafael Peñalver: Good afternoon. My name is Rafael Peñalver. I'm an attorney. I practice here across the street in Coral Gables, sole practitioner, with my sister and I have our own firm. And for the past 15 years, I have lived in South Greenway Drive. For the past 35 years, I have been highly involved in historic preservation across the state. I served for eight years in the Historic Preservation Advisory Board in Tallahassee, and led the effort to bring monies for the restoration of the fountains of Coral Gables. I was a member of Dade Heritage Trust. I led the effort through Dade Heritage Trust to save the Freedom Tower in Miami. And for the past 30 years, I have been involved with the restoration and the operation of the San Carlos Institute in Key West. So, I think I have a little bit of knowledge about historic preservation and what a community stands for. The Greenways and the golf course are a very special area for Coral Gables. Historically, it's a very essential part of our city. It's the lawn of our city. I salute Liberty for what they have done with the operation of the building, and I love to go there and to grab a sandwich or a coffee. It's highly enjoyable, and I salute you for what you have done

again. But, what's being proposed goes totally against what the Greenway and the golf course and what Coral Gables stands for. This is one of our most beautiful neighborhoods, and we're going to put a commercial operation outside the walls in one of the busiest corners that we already have. While this debate was going on -- and I heard a couple of comments being made here -- I left the room and I took the car and I drove over to see what they have there right now. This was 20 minutes ago. What I saw was a much larger area with mulch and three benches which I have asked and I doubt that that has been approved by the City for operation as an outside area with permission extending the seating capacity of the café. I have asked the City to provide me with that answer if that's been approved or not. I doubt it. And I doubt it because I don't think it's safe. I think that when you put cars there, when you put tables in that corner where people make those curves, honestly, I don't even think it's safe to sit there. But, beyond that, this is a residential neighborhood where everybody has paid a lot of money for homes to make sure that we have a truly residential neighborhood that's already besieged by high traffic, cars speeding, a number of accidents, people jogging around. But, the nature of the neighborhood is being challenged with this proposal when you're going to put a commercial operation, a sitting restaurant that starts with 22 seats, but we all know what happens. As time goes on, again, I would like to know if this particular operation going on right now has been approved or not; I doubt it. But, this is going to highly affect, in a negative way, the residential nature of our neighborhood. Let's keep in mind that statue that sits in front of City Hall with George Merrick holding the plans. Before we make a change in those plans, it should be for a very, very beneficial reason. And the operators of Liberty Café themselves opened this presentation by saying that putting those seats outside, those chairs and tables outside, that it's not going to bring in increased revenue to help operate the club. So, why are we going to risk deviating from that plan, affecting a highly-valued neighborhood for something that's not even going to bring in any revenues for the operation of the country club? I think we're opening a Pandora's Box by doing this. I don't think the City is going to benefit and the risk is too high. Thank you.

Mayor Cason: Thank you. And finally, Michael -- is it Favotto? I can't...

Michael Falsetto: Falsetto.

Mayor Cason: Falsetto.

Mr. Falsetto: Sorry. My handwriting is not so good. I just want to thank you for squeezing me in here at the end. I just want to say I have...

Commissioner Lago: Please state your address.

Mr. Falsetto: Oh, 1605 Country Club Prado, so I live a couple of blocks away. I have two children, a dog, and I frequent the café regularly, multiple times a week. I think that the Liberty Group has done a great job with the space. It's a community area that I'm able to meet people at, and I enjoy the space very much. And I think that an outside patio would be a great addition. And I think being able to spend more time outside comfortably will be great for all those who like to go there. That's it. Thank you.

Mayor Cason: Thank you. Craig, and just -- your -- the item that you wanted to squeeze in, how -- is it -- which one is it?

City Attorney Leen: Yes. I would ask that you -- It's H-2 and H-3. It's a significant -- it's a \$25 million loan issue. So, I -- and we have a financial advisor here, I've been informed, that has to leave. So, I would suggest that you table this and come back to it...

Mayor Cason: Alright, we'll do that.

City Attorney Leen: And hear those two items.

Mayor Cason: Go ahead. City Manager.

City Manager Swanson-Rivenbark: And as Diana comes up to the front, I've had an opportunity to brief each one of you on the financing associated with the streetscape project; two pieces, 25 million in the public right --

Mayor Cason: Let me just technically close -- you're correct -- the public hearing on the last issue.

City Attorney Leen: Just so everyone knows, the public hearing has been closed on Item E-3. There will be no more public comment on E-1 or E-3.

[AT THIS TIME, THE COMMISSION TABLED ITEMS E-1 AND E-3 TO HEAR ITEMS H-2 AND H-3.]

Mayor Cason: Alright, City Attorney.

City Attorney Leen: So, at this point, we could go back to E-1 and E-3. You're presently considering E-3, which is the conditional use review. In granting the conditional use review, you look at the -- it's quasi-judicial. You look at the record and determine if there's competent and substantial evidence, and then you can impose conditions of approval, if you decide to approve it. You don't have to approve it, but if you do decide to approve it, you can impose conditions of approval. Those conditions of approval could include pavers, could include all sorts -- everything that's in the related appeal, if you wanted to. Or you could take up the appeal now and then take up the conditional use review.

City Manager Swanson-Rivenbark: And Mr. Mayor, just as clarification, the issue of have they been denied twice, have they been denied once on the sidewalk cafés, Ramon can come forward. But, in 2002, separate applicant, different project, there was a denial for outdoor dining. In 2009,

this applicant, there was a denial. So, while technically, there have been two denials on the country club, only one of them is associated with this applicant.

Planning and Zoning Director Trias: The condition of approval is very specific about the location. In other words, no benches or chairs should be in the front next to Greenway Drive, and that's what both times the Commission had in the -- in 2002 and 2009, as a condition of approval.

Commissioner Lago: So, the two previous times that they came before the Commission, there was an issue in regards to benches?

Planning and Zoning Director Trias: There was an issue of tables as a condition of approval, not allowing those activity -- those furniture.

City Attorney Leen: But, you know, one thing you should understand then is that's in the public record. We looked into it. That means that the present benches could not be there.

Planning and Zoning Director Trias: Right.

City Attorney Leen: Unless you authorize it today.

Planning and Zoning Director Trias: What happens is that, typically, portable furniture, such as benches, does not require a permit. However, in this case, because there was a condition of approval that directly said no furniture should be in that location. Technically, there should have been an amendment to the site plan in order to have benches, in my view, at this point, based on what I've learned today.

City Attorney Leen: So, Mr. Mayor, the issue before you, though, first is do you want to hear the Historic Preservation Board appeal first -- you've already heard it. But, do you want to decide that, or do you want to decide the conditional use review first? You could do either.

Mayor Cason: I would suggest we do the appeal first.

City Attorney Leen: Okay.

Mayor Cason: I mean, that's how we originally started. You wanted to hear the E-3 and then --

Vice Mayor Quesada: I guess I'll give my rationale. I can go either way, but I mean, my --

Commissioner Lago: They just go hand in hand.

Vice Mayor Quesada: Mine are tied together. So, the reason I had asked that we join and we had the rest of the public speak for the -- for Item E-3 before we voted on E-1 is because I saw -- I believe what I saw on the original application, what I saw in the staff letter to us, the staff recommendation and I heard from Mr. Donato today was that the reason for the pavers is to put the outdoor tables. So, that's why I thought it made more sense for everything to be one in the same. So, my vote on both of them is going to be identical. Let me just give my thoughts on what I've heard today, what I've reviewed, and my impressions, essentially, so you guys know how I'm going to vote, unless you guys convince me otherwise. And before I say that, I just want to say, you know, thank you for all the impassioned speeches today. And remember, you know, I'm thankful that we have so many residents and partners with the City that love the City so much, so much so that we all get very emotional. So, you know, just everyone remember that we all have the greatest good in mind for the City. So, when this is all done, no matter, you know, how this ends up, just remember, you know, we're a community and we can continue working together just because we have a disagreement on one item. I think it's important to say today because I know some emotions were really worked up today. So, we've had a lot of -- I've

heard a lot of positive comments through the years. I guess this is my fifth year being an elected official now, related to -- and we've heard a lot of positives, a lot of negatives related to it. I mean, I have to agree with a lot of the statements that I heard today that, you know, Donato has done a great job in bringing the country club to being a successful location. My family remembers the country club prior, and obviously, it didn't work out prior, and I moved a little bit further away, so I'm not frequenting as often. But, at the same time, we've heard, you know -- I've heard plenty of concerns related to parking, and I think there was one meeting that we actually called you, the younger Mr. Donato, to come speak and to address some of the parking concerns that we've had in the area. And I guess I'll agree with both sides and I'll disagree with both sides. You know, that area, the way I see it, the way I think it's developed, the way I think the families are using it and residents are using it now and outsiders are using it now, you have the golf course there, which has got a lot of use. Burger Bob's does incredibly well. You have, and I think what one -- I forget who said it, one of the speakers today that, you know, you have the golf carts coming through. You have the golfers playing golf. So, it's a funny area in the sense that it's not -- I don't consider it to be truly residential or truly commercial. It's somewhere in between. So, I will tell you that I am -- after hearing everything, all the consideration, again, unless any of the Commissioners, you know, sway me in any kind of way, at this point, I'm against putting the additional tables outside. But, I'll tell you, it's not because I don't think the neighborhood is the right location. I think it's because of the congestion in the area and the use and traffic that would come through there that makes it very difficult. You know, when I think 20 additional seats, I think 10 to 20 additional cars. I mean, many times during the week I'm by myself. I've done a lot of breakfast meetings there and I've gone there quite a bit. So, I'm talking from my own personal experience, plus what I've heard here today and what I've read and what I've heard from other neighbors. So, I think the problem here is, you know, we have limited parking there. We have a lot of complaints about people parking in the surrounding residential areas, which causes a lot of strain. You know, there's been a lot of conversations of whether we should have, you know, whether we should construct something as a city to get more people off the street because of potential concerns. So, I think there's a lot of congestion there, which makes it tough. But, I would love to see the outdoor dining. However, I

just don't think it's compatible at this time with the congestion that we get in that area. That's -- those are my feelings.

Commissioner Lago: You know, I think we have a little bit of a situation here because, as Ramon mentioned before, you have some existing seating right now, which will probably be removed because they didn't follow the proper protocol. I think that's an issue for even the neighbors, which, again, I agree in respect with -- respect to comments by the Vice Mayor, but I think there has to be a happy medium here. I think that we have to understand that we have to do everything in our power to make sure that we protect the neighborhoods, but we also have to understand that there has to be a little bit of outside seating in reference to this facility. Now my plan is not a yes or no. My plan is let's meet in the middle somewhere. It would have to be a reduction in scope. I think that you can have a significant reduction in the size of the footprint of the existing pavers, and you could potentially go down to 8 to 12 seats that would be pressed against the wall, as the design details here. So, you would remove the first layer of seating, along with all the pavers that encompass those seats and those tables, and potentially reach something that's more uniform, remove those existing benches, and be able to offer that necessary seating that a lot of the residents are clamoring for. I understand -- and I agree with a lot of the comments from the residents that live in the area. But, I think that we have to also understand we are one community. We are one City of Coral Gables. Where I live, I live in front of University of Miami. I have to deal with excess parking. I have to deal with joggers at all times in front of my property. I have to deal with a multitude of issues that are pretty much comparable to what you face every day. I have hundreds of people running in front of my home on a daily basis. I have people who park on my street, in my driveway, every single day that are not authorized. But, there has to be some sort of flexibility, and I think that we should not just make this about yes or no. We should swing this back to staff, in my opinion, and see if we can reduce the scope, see if we can sit down with the individuals who are here who are representing this community, who are representing the residents of Alhambra, the residents of North and South Greenway, and see if we can have a reduction in scope from the 20 proposed seats and the

-- again, I apologize. Maybe Ramon could help me. Are these pavers 2 by 2 or 3 by 3, or what is the paver size?

Planning and Zoning Director Trias: I believe they're 2 by 2, based on the drawing they provided.

Commissioner Lago: Two by two, so you're -- potentially, you could reduce -- I was thinking maybe 3 by 3. I guess --

Unidentified Speaker: Two by two.

Commissioner Lago: I'm sorry?

Unidentified Speaker: Two by two.

Commissioner Lago: Two by two, so I mean, you could probably, you know, reduce the width by 6 feet if you remove three pavers, and you could -- and then I have about 13 -- so you're talking about an additional 26 feet across or 28 feet, depends. I mean, I think we just shouldn't discard this and make this an issue about yes or no. I think we should swing this back to staff and see if there could be a more flexible option.

Commissioner Keon: I'm ready to say yes or no. You know, I sat on the Planning and Zoning Board when it came before the Planning and Zoning Board the last time, and I didn't support it then, and I feel the same way today, for a number of reasons. One...

Commissioner Lago: But, you -- but could I inter -- I'm sorry, may I interrupt you just one second?

Commissioner Keon: Yeah.

Commissioner Lago: Because you stepped out for one second. But, you do understand that when we vote on this yes or no today, the seating that exists will be removed that's there?

Commissioner Keon: Maybe. I don't -- is that...

City Attorney Leen: I believe, by separate resolution after this, considering that that's been there for so long, you could just authorize it.

Commissioner Keon: We can still talk about that. I think that it is the City authorizing seating in that area for the country club. You know, and I really understand -- I was thinking back when the young lady stood up and talked about moving here from New York and finding it a very difficult place. I remember moving here in 1974, so I don't think that's changed a lot. I found it to be an exceedingly difficult place to move into and to meet people and become part of the community. But, obviously, it happens. So, it happens. I'm sitting here today. In '74, I really was ready to move back to New York because I found it so difficult. And I know having young children, you know, I know those issues, too. Now I have grandchildren that are, we were just saying, two and a half months, two years, three years, four years. So, I know what it's like to take children and go places, too. So, I do truly understand all those issues. But, I think that our responsibility is, you know, the maintenance of our residential communities and the protection of our residential communities from the intrusion of commercialism in them. I think that the country club is -- you have done a great job with the country club. It was a standard asset, whether it's a party hall, whatever it is, it's quite successful. It does give people an opportunity to go places, and it makes money. It makes money for you, and it makes money for the City. So, I think, all in all, it's been a very good thing for the City to have it there. It's very attractive. However, that one portion of the country club is probably the only historic resembles -- has any resemblance to the historic entrance and historic features of the country club is that particular entranceway. And I think that it is very important that we preserve it. I think it's important that we -- it maintains that look of having a grassy front, that it has that kind of entrance, that it

doesn't have tables with umbrellas or whatever else or landscaping that blocks the view from the street of that area. I also -- and so I think for that reason, I think to protect commercialism in our residential communities, you know, we have fought -- I mean, for those of us that have lived here for a long time, the issue of having any commercial development west of Le Jeune Road was a very -- has always been a very serious thing. But, we know that the country club is a special use. It is not zoned commercial. It is zoned special use, so that we can always go back and look at how it is functioning and how it relates to the residential community that it sits in, the same as with the Biltmore, and parks, and golf courses, and everything else. So, I would deny the request to place tables outside.

Mayor Cason: On both?

Commissioner Keon: Well, you know, yes, and the pavers, too. I mean, I would -- I think we can go back and talk about the bench that exists there maybe later, but I think to allow them to put pavers in that area, that we're changing the actual setback from, I think, now it's 35 feet to a...

Commissioner Lago: To a proposed 13.

Commissioner Keon: To a proposed 13, you know, is inappropriate.

Commissioner Lago: But, like I mentioned, like I proffered before, if you would remove some of the pavers and some of the seating, you could probably get back in the twenty plus range. But, how about if there was a potential reduction, like I mentioned, in scope in regards to use. If no alcohol beverage sales were allowed outside...

Commissioner Keon: Alright, you know what...

Commissioner Lago: Outside on the terrace.

Commissioner Keon: I don't think that -- I don't really think that that's the issue. I don't think it's, you know, just the drinking alcohol. It's not, you know, just the number of pavers. It's not just the number of umbrellas. It is the preservation of a historic entrance into that facility I think is very important and the appearance of a very commercial feel to the outdoors. I mean, Burger Bob's has been there forever, and there has never been a need to put outdoor tables in front of Burger Bob's.

Commissioner Lago: When was the last time you stepped into Burger Bob's?

Commissioner Keon: About a week or so ago. And I have to tell you, we used to eat there every Sunday with three boys, and you know, they -- I wished at times they'd behave better than they did in there, too. But, you know, I think it's important that we maintain the aesthetics of a neighborhood, and it's every neighborhood. And it's not a matter of only for the people that live on North Greenway. It's also, you know, every one of our streets relates to another. And the more we maintain the aesthetics on any given street, it helps the neighboring street. So, this is not really just a North Greenway issue. This is a City of Coral Gables issue. So, I would not be in favor of allowing that. I mean, I think you can open your doors. You can have the same sense of outdoor dining by opening all of your doors and whatever onto, you know, a grassy lawn. I think that if children, you know, want to take their gelato and go outside and sit where their parents are sitting at a table, you know, that's right inside the property where they're still within your view or whatever, I don't think there's anything wrong with it. I mean, no one is going to have their two-year-old outside where they may run into the street or their three-year-old into the street. But, you know, kids that are seven or eight years old could go out and sit outside on the grass and eat their gelato and it's not going to make any difference one way or the other. But, I just -- I think we need to preserve that historic entrance as it is, and I think we need to ensure that we deal with the commercialism within our residential areas to the best of our ability. Now everything takes place within that facility and it's fine, and you do a wonderful job, and I'm very, very glad you're there. And I don't think that -- maybe it's inconvenienced to some

people, but you have said yourself it isn't a matter of whatever. It's not a financial issue to you. I mean, it is, you know, just the convenience and maybe that someone likes it. But, I think we have other responsibilities in preserving our neighborhoods beyond what someone might like. Although, I truly appreciate how they feel and I truly understand how they feel. But, you know, not there, not in that neighborhood, not at that facility, not in that place.

Mayor Cason: This is the difficult one. I live four homes away. I'm probably closer than Vince Damian, and certainly, people on South Greenway. I like the outdoor facility because of the reasons that were expressed. I have grandkids that come out. They are rowdy. I see the kind of people that use the area. I think it -- you know, part of this is the discussion of a street versus the community, and we had sort of a battle of petitions. But, you had 6 or 700 people in a wider community that like the ability to be able to sit outside and lick an ice cream cone. I have not bought the argument that there's going to be drunks. And I think you've indicated that you would be willing not to serve any alcohol outside. It's not what you're about. I don't see the traffic argument because, generally, probably in this time in the next months coming up, by 5 o'clock, you're not going to have anybody sitting outside. It'll be dark anyway. I think the traffic during the day, the parking is ample, unless you happen to have an event that takes up all the parking. But, generally, I don't see parking -- this as contributing to more traffic. It's a difficult decision, but I certainly would not want to lose what's there right now. I think that to take away...

Commissioner Keon: No, we can go back (INAUDIBLE) that.

Mayor Cason: It's been there. There's been no public concern about it. There's been no drunkenness. There's been no rowdiness. The people have a chance to sit down there. I would prefer pavers because I think that if you're going to sit -- I'd rather have kids sitting on a paver than sitting on wet mulch or grass or anything else. But, I think this is an amenity for the community. I don't think it's affected property values. It certainly hasn't affected mine. And but I don't -- I see the votes are not going to be here. I mean, I would be happy if we could find

some kind of a happy medium reducing the number of tables or something. But, the idea that this is going to destroy the neighborhood property values, the character of the Gables; I don't think so. And I don't think that people who live on South Greenway, which is a mile and a half away, if you drive over to Mr. Peñalver's house and all the way across the golf course, that that's particularly relevant to -- I can see North Greenway. I could see those homes. But, you can't see -- I walked yesterday. You cannot see the country club, other than from the house next door. And I just mentioned earlier those people said they were in favor of this, the house immediately next door, but...

City Attorney Leen: Mr. Mayor, may I ask the sense of the Commission regarding the present bench and what's there now? Is the sense of the Commission that you would want the approval that's been done previously interpreted to continue to allow that?

Commissioner Lago: Well, my concern is that you have several residents, Mr. Valdes-Fauli being one, who has stated that they've questioned the legality of those chairs that are there and whether it's appropriate.

City Attorney Leen: A resolution is sufficient, though.

Mayor Cason: To answer your question, yes.

Commissioner Keon: Yeah.

Mayor Cason: I have no problem with...

Commissioner Keon: I have no problem with (INAUDIBLE).

Commissioner Lago: I don't have any problems, but again...

Commissioner Keon: I have no problem with it being mulch. It doesn't -- it isn't the same as a permanent fixture, you know, in that area where pavers and chairs and tables and umbrellas, in that sense, are a very permanent fixture that invites people to -- for exactly what I don't think is an appropriate use in that outdoor space. That's like an invocational thing. You know, you walk by. You can sit and wait for somebody there if you want. You can sit and read if you're walking by and jogging. If you want to get an ice cone, you can. I mean, it serves -- it has a very different feel. I don't have a problem with that. I do have a problem with this.

Mayor Cason: Mr. Attorney, is it -- if the chairs -- say the tables are gone. I mean, no tables and no benches. Are they able to bring out folding chairs or the kind of chairs they were thinking about during the day and putting them out so people -- without a table, for example, so people can sit.

City Attorney Leen: Well, there's the one issue is there's this language about furniture. So, by resolution -- this is ultimately City property. If that's what you want for the community, my opinion, you could do it by resolution. It would essentially amend the plan. But, that's what we've been allowing now, although, it's come out in this hearing and it appears that it would need a resolution for you to allow that. But, that would be the legal document authorizing it.

Mayor Cason: Anybody opposed to a resolution that allows chairs to be brought out during the day for people to sit...

Commissioner Keon: I wouldn't...

Mayor Cason: And lick their ice cream cones?

Commissioner Keon: Yeah, I would be. I'm not opposed to what is the bench that's sitting there now in mulch remaining there. That's an existing that everyone knows about. You know the

effect; you know what it is. I don't have a problem with that. Beyond that, no, I wouldn't support it.

Mayor Cason: And your argument is?

Commissioner Keon: Why? Because I think that we need to maintain the integrity of the historic entrance to that building. It is the only part that is historic. I think it's an aesthetic issue, and I also think that we don't need to encourage more outdoor activity in a residential -- outdoor commercial activity in a residential neighborhood.

Mayor Cason: Vince.

Commissioner Lago: No, I mean, I -- again, you're just -- we're just in a very tough situation here because I understand when you mention in regards to historic and why this was not proposed on the right side of the property, which what I mentioned before would be kind of a little bit more secluded within the property and would be away from the corner and reduce the amount of greenspace that was needed. But, I mean, right now you have here in front of you, you have these benches. You have one, two, three benches. You have a bike rack. You have...

Mayor Cason: A dog pan, dog water pan.

Commissioner Lago: Dog water pan. You have, obviously, something covering you from the sun. I mean, so there's a few things that are covering the view of the historically important façade of this building. So, I don't have an issue at all with keeping this in place, but there isn't much of a difference than allowing maybe two tables and four chairs or two chairs per table so that people can sit comfortably and not have to hold their ice cream or their food, you know, on their laps versus what's existing there. I think we're just -- we're overcomplicating things. And I understand maybe that the residents don't want actual table service, but to force somebody to

sit on a bench, on three benches that are existing and hold a hamburger or a pizza in their hand or on their lap, I mean, to me, it's just...

Commissioner Keon: No, because they want to eat outdoors. They can go in, sit down...

Mayor Cason: Well, but you heard the arguments...

Commissioner Keon: Order their food and eat it.

Mayor Cason: You heard the arguments. This is for the community that can't go inside for various reasons.

Commissioner Lago: I just think we have to be a little bit -- listen, okay, let's scrap this idea. Let's scrap the reduction in scope. Let's scrap the alcohol sales on the outside. But, now let's be sensitive to not only the residents, but to the people who live in this community. I mean, you're telling people, okay, you can sit outside on these three wooden benches, with this -- in front of this building, which, by the way, in this photo here, you're covering the historic façade, which is so --

Commissioner Keon: Well, let me move it.

Commissioner Lago: Okay, then we move it. But, why don't we just offer, maybe one table so a person can sit there and have a pizza. Not that they're going to be served outside. We can memorialize into the agreement that a person cannot go out there and pay a tab or that a person cannot order from a waitress or a waiter.

Mayor Cason: That's not done now, is it?

Commissioner Lago: There's no table service.

Mayor Cason: Mr. Di Donato.

Commissioner Lago: But, that someone can maybe have a little table and sit there and...

Mayor Cason: It's not done now so...

Commissioner Keon: Look at, you know -- I mean, you look at Whip and Dip on Sunset. There's a few chairs out there and, you know, it seems to service people just fine. They figured it out, how to eat their ice cream.

Mayor Cason: I mean, ideally, I would like to see...

Commissioner Lago: Yeah, but Whip and Dip serves ice cream. But, we're talking about people who would maybe would like to eat a pizza or would like to eat a sandwich, and they just want to put a plate on a table instead of having to hold a plate and a beverage. And then what ends up happening is you have an individual that sits down, uses the actual bench as a table. So, what is the difference between a person who's using -- who's having a drink and eating a small sandwich and uses the actual bench as a table versus a simple bench. Would it be -- in my opinion, it would be a lot more aesthetically pleasing than what's existing there now.

Mayor Cason: I agree with you on that. I mean, I think that there ought to be at least a table, some place where you can put your pizza or your -- I mean, as you say right now, you're either going to sit on the grass or you're going to bring all your kids inside, or you're not going to go there. I think we're taking away an amenity.

Commissioner Keon: But, there's also decisions we make as adults and as parents as to where it is appropriate to take our children and what ages, and when it is and when it's not. And there are lots of amenities and lots of places in the city where we can take children.

Mayor Cason: Not in that area, when you're pushing a baby carriage or you're running your -- I think the argument is this was for people that are sweating, that are pushing baby carriages, that are on a bike and want to stop, don't want to leave it outside while they go inside and leave it unsecured.

Commissioner Keon: You know, I lived...

Mayor Cason: I don't want to take away what they have right now.

Commissioner Keon: For over 25 years at Andalusia and Granada, which is about four blocks or five blocks from there. And you know what, I still, if I'm out running, you still go in there and sit down. It's not a formal space. It's still -- it's not a formal space. And you still walk in there if you have on, you know, if you're walking or if you're running or whatever. If you play golf and you may walk in -- I mean, at any club or in a country club where there's a golf course, you know, after you're finished playing -- and let me tell you. In the summertime, particularly, you are hot and sweaty, and you walk in and you sit in whatever is there 19th hole or whatever, and there may be people there that are dressed in a coat and tie or whatever else. That doesn't stop you from that sort of thing so...

Mayor Cason: Well, let's do this.

Commissioner Lago: I'm not -- my only issue here is, like I mentioned before, it's just the size of the scope. So, I was hoping to trim this back significantly. Again, obviously, the votes are not even there to even have that discussion, so I don't want to take --

Commissioner Keon: Well, I don't know. It's 2 to 2 at this point.

Commissioner Lago: No, I don't want to take up more time of the residents that are here that are very busy, staff. I'm willing to move forward on this issue. We're not even going to discuss trimming this back. We just got to move forward and take this as...

Mayor Cason: Well, let's do three things.

Commissioner Lago: As a vote as planned.

Mayor Cason: Let's do three things. We'll vote on E-1. We'll vote on E-3, and then we'll vote on a resolution to keep or not what's there, whether it's portable or not and let's...

Commissioner Lago: And I want to make sure -- my vote's going to be based on the fact that I agree with what Commissioner Keon is saying with reference to the fact that I think 13 feet from the sidewalk is an inappropriate setback, especially when what's allowed as per the Code is 35 feet. So, I was always going to proffer removal of some of the proposed pavers along with some of the proposed seating.

City Attorney Leen: Mr. Mayor.

Vice Mayor Quesada: I move on Item E-3.

Mayor Cason: Let's do E-1 first.

City Attorney Leen: Mr. Mayor, you know, E-3 is the broader one. Would it -- do you mind doing E-3 first? Or do you have an -- you prefer E-1?

Mayor Cason: It's just easier considering Commissioner Slesnick...

City Attorney Leen: She'll have to recuse.

Mayor Cason: Has to recuse herself from E-1.

City Attorney Leen: You can go either way.

Mayor Cason: It doesn't matter.

Commissioner Keon: Commissioner Slesnick has to recuse herself from E-1, so -- but she can vote on 3 and she can vote on any resolution that would follow.

Mayor Cason: It's not going to go anywhere anyway, so let's do E-1.

City Attorney Leen: It's ultimately the Chair's decision.

Mr. Mayor.

Mayor Cason: Let's do E-1.

Commissioner Keon: Okay.

Vice Mayor Quesada: I move on Item E-1 to overturn the Historic Preservation's --

Commissioner Keon: Support the appeal.

Mayor Cason: Decision.

Vice Mayor Quesada: I'm sorry.

Mayor Cason: Support the appeal.

Vice Mayor Quesada: So, I move to...

Commissioner Keon: To uphold the appeal.

Vice Mayor Quesada: Affirm the appeal.

Mayor Cason: Do we have a second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon. City Clerk.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Mayor Cason: No.

(Vote: 3-1)

City Attorney Leen: Item E-3.

Mayor Cason: The motion?

Vice Mayor Quesada: I move to disallow the change of use, is it? Is that the correct phrasing?

City Attorney Leen: You can just deny the application.

Commissioner Keon: Deny the application.

Vice Mayor Quesada: Move to deny the application.

Mayor Cason: Second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon. City Clerk.

Commissioner Keon: Yes.

Commissioner Lago: I'm going to vote in regards to this issue, like I mentioned before. My vote is solely based on the fact that I still believe that there should be some sort of outside dining, but that the scope should have been reduced significantly. So, I am going to vote against. I'm going to vote no on this issue.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Mayor Cason: I vote no for the same reason as Commissioner Lago. I think we could have reached some kind of a compromise.

Vice Mayor Quesada: Well, I have no problem bringing it back if the residents and the neighbors and staff can sit down to discuss something else. I have no problems discussing it in the future.

Commissioner Keon: I mean, if what is existing there is acceptable to them, I don't have a problem with that. Actually, I don't have a problem with what is existing itself.

Commissioner Lago: I'm going to tell you how it's not acceptable, and I'm a resident with a four-year-old and a one-year-old. And when I have to take my one-year-old, who doesn't even walk and I've got to carry her on my lap while I'm carrying a coffee, you know, to me it's kind of a disaster, to be blunt with you. I mean, I think that we could do a lot better as a community. We're not offering over 600 people that signed a petition at least the minimum decency to have two seats and a table so they can sit down and be able to handle what they're paying for. I mean...

Mayor Cason: Mr. Valdes-Fauli.

Mr. Valdes-Fauli: Yes, Mr. Mayor. Can this be discussed at another time after we get time to consider it, to get together to consider possibilities? And we've been here all day and you've taken a vote finally. And if we can put this off to another day, that'd be...

Mayor Cason: City Manager, can we have those discussions and come back at the next...

City Manager Swanson-Rivenbark: So, as I'm understanding, the appeal has been affirmed.

Unidentified Speaker: Yes.

City Manager Swanson-Rivenbark: The decision to allow the conditional use has been denied. And the question as to whether or not the benches can continue to exist is something that you want to defer?

Commissioner Keon: We can defer that until there is another time.

Vice Mayor Quesada: I'm going to move right now to continue allowing the benches that have been in place to continue to stay there.

Commissioner Lago: And I would -- I'll second.

Mayor Cason: Alright, so we have a motion from the Vice Mayor and Commissioner Lago.

City Attorney Leen: So, what's there now you're allowing?

Commissioner Keon: And nothing more.

City Attorney Leen: Anything that's there.

Commissioner Lago: Nothing more.

Commissioner Keon: And nothing more. And if you have to replace it, you have to come back.

Mayor Cason: Do you want to say something?

Mr. Di Donato: Just one comment. Those benches, we just didn't put them out there. We were actually told by the City Manager's office they would be allowed, so I did have an email with the City Manager's office to determine whether they would be allowed, so just to clarify...

Commissioner Lago: When was that?

City Manager Swanson-Rivenbark: The prior City Manager or this City Manager?

Commissioner Lago: I just want to be clear out of respect for the current City Manager.

Mr. Di Donato: It was the prior City Manager, Maria (INAUDIBLE).

City Manager Swanson-Rivenbark: Yeah, but the prior -- it is -- even though he may have told you that, he didn't have the authority to tell you that.

Mr. Di Donato: My point is, I'm just identifying that we just didn't...

City Manager Swanson-Rivenbark: Okay.

Mr. Di Donato: Blatantly put the benches...

City Manager Swanson-Rivenbark: No, I understand.

Mr. Di Donato: Out there...

City Manager Swanson-Rivenbark: Yeah.

Mr. Di Donato: Because we just wanted to do it.

City Manager Swanson-Rivenbark: No, no, no.

Mayor Cason: No, it wasn't an act of piracy.

City Manager Swanson-Rivenbark: And we understand that.

Mr. Di Donato: It wasn't an act of piracy.

City Manager Swanson-Rivenbark: No, no, no.

Mr. Di Donato: We asked the question, and we were told yes, we could.

City Manager Swanson-Rivenbark: We understand that. (INAUDIBLE).

Vice Mayor Quesada: There's a motion and a second.

Mayor Cason: We have a motion from the Vice Mayor and Commissioner Lago seconds to continue to allow what's there now to continue. City Clerk.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Mayor Cason: Yes.

(Vote: 5-0)