

City of Coral Gables City Commission Meeting
Agenda Item F-6
June 13, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Works Director, Ed Santamaria
Assistant Public Works Director, Jessica Keller

Public Speaker(s)

Agenda Item F-6 [3:04:39 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 62 of the City of Coral Gables Code to authorize the City Manager to declare and establish Play Streets, providing for a repealer provision, severability clause, codification and providing for an effective date.

Mayor Valdes-Fauli: Next is F-5 – Ordinance.

[Note: The Mayor mentioned F-5, but the City Attorney read Item F-6 into the record]

City Attorney Leen: F-5 is An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 62 of the City of Coral Gables Code to authorize the City Manager to declare and establish Play Streets, providing for a repealer provision, severability clause, codification and providing for an effective date. This is Item F-6. This item came up before the Commission related to, although this is not being addressed today, it is related to a property, I think it was

Gables by the Sea, where there was an area that had a fence that it was part of the right-of-way, and it was a passive part of the right-of-way in the sense that it was green space; and it came up in talking to Mr. Iglesias and Mr. Santamaria. Miami actually has an ordinance that allows for the City Manager to declare a play street, it's the City Manager or is it the Public Works Director of Miami?- OK. So the City Manager to declare a play street; and what that is, it still remains a street, it's still part of the public right-of-way, you don't have to vacate it, you don't have to make it a park, but it allows you to have a more passive use such as putting up landscaping or foliage or it could be for a short period of time or it could be for a longer period of time, but in the end its not vacating the right-of-way and you could restore it to a street. Did I get that right Mr. Iglesias, Mr. Santamaria? So, I think it's a very useful authority for the City Manager to have, it essentially adds to her special events authority which is useful in case the City needs to do something on short notice, close a road or something like that, we'll ask her to do that.

Commissioner Quesada: The issues related to near parks; can you explain that a little bit further?

Ms. Keller: And just to clarify Mr. City Attorney, this is Item F-6, not F-5.

City Attorney Leen: It is F-6. It is F-6. Did I say F-5? OK. So its item F-6, but I did read the title right, didn't I?- OK – good, forgive me. I'm sorry about that.

Commissioner Quesada: So the play street, the way I read it, it just seems that it gives us the authority to close a street, certain types of streets. Do we need to have this ordinance in place?- what additional benefit does it give us?

Mr. Santamaria: You are not technically closing the street, just restricting vehicle access and you are promoting a recreational use of the street.

Commissioner Quesada: As was mentioned, that one pocket in Gables by the Sea.

Mr. Santamaria: That's correct. It's a street end that's green and it abuts against the bay, it's never been used as a street before.

Commissioner Quesada: The neighbor has actually put up a fence to almost pretend to take it over.

Mr. Santamaria: Correct.

Commissioner Quesada: OK. So defining a play street allows us, gives us that additional autonomy over the street.

Mr. Santamaria: The use will only be applied to where it's appropriate.

City Attorney Leen: It's based on a state statute.

Ms. Keller: Yes, there is a state statute that allows....

Commissioner Quesada: We can't do without this designation?

Ms. Keller: To close the street to vehicle traffic, which is a power that state statutes allow municipalities to have, we wanted to enact this ordinance to make clear that the City Manager has that power and to lay out --- Just to point out one difference from Miami-Dade County and the City of Miami both have these ordinances too. We did add one section that's a little bit different to allow the City Manager to include landscaping benches or play equipment on a play street.

Commissioner Quesada: So why can't we just designate it a park?

Mr. Santamaria: Because it's public right-of-way.

Commissioner Quesada: Oh, OK. I missed that part. OK.

Ms. Keller: So this applies to streets and rights-of-ways.

Commissioner Quesada: This street, I don't know whose familiar with this area, it's a great place to put a little pocket park, it really is, to put a bench, its right on the canal, the manatees come back there all the time. So just keep it in mind for future. It's a real easy pocket park for the future.

Commissioner Lago: Are you talking about the property which is currently a little bit contentious right now with the owner who says he's got some sort of agreement with the City, is that the property you are talking about?

Commissioner Quesada: Does the owner say there is an agreement with the City?

City Manager Swanson-Rivenbark: There is a resolution that exists, allowing him to put up the fence, but there is also a provision that allows the City to have the fence removed.

Commissioner Lago: As a matter of fact that resolution was not under Mayor Valdes-Fauli.

Mayor Valdes-Fauli: Yes it was.

Commissioner Lago: ...and I met with the homeowner...

Mayor Valdes-Fauli: And it very much gives us the authority to remove the fence.

Commissioner Quesada: Well, my opinion is we should remove the fence.

Commissioner Lago: The homeowners concern is about people congregating in the area. I agree with you we should remove the fence. I actually spoke to him about moving the fence further in so that people couldn't get into his side yard and maybe building a fence that would hedge that blocks peoples view into his property.

Commissioner Quesada: That's fine – but look, it's a great location for the neighborhood to have a place to walk up and see the manatees and hang out and you know, there is another park in that neighborhood that's it's always children from the neighborhood. I know the neighborhood well, my parents live in that neighborhood, but it just doesn't seem fair if we can have a pocket park that cost us next to nothing, why not do it.

Ms. Keller: That would sort of apply as if it would be a play street rather than a pocket park given that's it's the City's right-of-way, so it's the same idea...

Commissioner Quesada: So we can achieve the same goal.

Mr. Santamaria: And it wouldn't be able to be designated a pocket park because it's the public right-of-way, it will be subject to revisionary rights.

Commissioner Quesada: That's fine – a play street allows us to achieve the same goal -- so moved.

Mayor Valdes-Fauli: Second?

Vice Mayor Keon: Second it.

Mayor Valdes-Fauli: Call the roll please.

City Attorney Leen: It's a public hearing; I just wanted to check if there was...thank you, sorry Mr. Mayor.

Commissioner Lago: Yes
Commissioner Mena: Yes
Commissioner Quesada: Yes
Vice Mayor Keon: Yes
Mayor Valdes-Fauli: Yes
(Vote: 5-0)

[End: 3:10:00 p.m.]