

City of Coral Gables City Commission Meeting
Agenda Item I-3
January 12, 2016
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

Public Speaker(s)

Cori Lopez Castro
Edwina Prime

Agenda Item I-3 [10:13:15 a.m.]

Status update regarding Chapter 164 Resolution to Miami-Dade County concerning a seat for the City of Coral Gables on the MPO.

Mayor Cason: Item F-1.

City Attorney Leen: Mr. Mayor, there's a time certain at 11. Mr. Mayor, I...

Mayor Cason: You have a time certain on the...

City Attorney Leen: I-3.

Mayor Cason: I-3, okay.

City Attorney Leen: I'm going to take, with the Mayor's permission and also because Ms. Prime is here and our two attorneys, I-3, I-2, and I-1 in rapid succession. All three involve the County and issues between the City and the County. I'm going to start with Item I-3. Cori Lopez Castro, who's our special counsel, is here. Commissioner, this is the MPO item. Do you want us to wait? Do you want me to wait? I'm sorry. The -- I know how important this item is to you.

Cori Lopez Castro: Commissioner, I can wait if you need to...

Mayor Cason: No, no, no, no, no. He can hold it.

(LAUGHTER)

Ms. Lopez Castro: I didn't want to say anything.

Commissioner Lago: You know what the sad part about it is that the Mayor is 100 percent correct.

Ms. Lopez Castro: It's not good for you.

Commissioner Lago: And so is our City Attorney. This is a very, very important issue not only to me, but the entire Commission as a whole. I've just been the loudest on this issue so.

City Attorney Leen: Before Ms. Lopez Castro speak, just to frame the issue, the Commission has asked the County and is prepared to go forward with Chapter 164 and wants us to prepare a

resolution initiating those dispute resolution procedures related to the City's membership on the MPO, the Metropolitan Planning Organization. The City has been estimated to have a population of 51,227 people, based on the most recent estimated census. If you look on the Census Bureau's webpage, that's the number they will give you, at least the last time I looked, which makes it an urbanized area of over 50,000 people. The Commission would like the MPO to recognize the fact that it has over 50 -- the City has over 50,000 people and provide a seat on the MPO, which is important both for transportation dollars and also for the ability to effect policy related to transportation. And this Commission has informed me and has informed the public how important transportation is for the City because we're a pass-through city, so this has been a top priority of my office and the City Manager's office. And so, the issue I wanted to raise with you, though, was the estimate itself has never been considered to be enough. We always understood that we would have to go and seek an inter-decennial census in order to establish that we had -- that the City had more than 50,000 population. And the issue with the County was we wanted the County to acknowledge that if we went forward and sought an inter-decennial census, which can be expensive and actually did one, and it showed we were over 50,000, that we would get a seat. So, that's why we brought in Cori Lopez Castro. We had had a bit of a dispute with the County, but we were doing it -- we were discussing it in good faith and trying to find a way to resolve the matter, and I'd like to turn it over to our special counsel.

Ms. Lopez Castro: Good morning. Cori Lopez Castro, with the law firm of Kozyak Tropin and Throckmorton. I'm honored to be special counsel for the City in this matter. I understand that the City has an important relationship with the County and there are several issues that you deal with the County. We've been engaged in discussions with the County regarding seeking a board seat on the MPO. I'm pleased to report that this week I had conversations with members of the County Attorney's Office, and they have advised us that they will have no objection to the City having their board seat on the MPO, if the inter-decennial census certifies the population in excess of 50,000, which is a requirement to be a member of the MPO. I may have further discussions with the County Attorney's Office, and we're also getting an estimate for that inter-decennial census, because I think we need to know that number. But I told the County, the City

is not going to proceed with an estimate and actually paying for that -- because that's a prerequisite; the City has to pay for it -- unless we have sufficient assurances from the County and from the MPO that once that census is certified, that we will be granted a seat on the MPO. The County Attorney's Office thought that was an extremely reasonable request. They are going to get back to my office with what assurances we will have that that will happen because they understand the City is not going to spend the money unless we have that. Because we could, at some point, go a different avenue, if they were not willing to provide those assurances.

Commissioner Lago: Ms. Castro, if I may, through the Mayor. I wanted to commend you first on your incredible effort to get this done. This is incredibly important to the City of Coral Gables because I know that all of us get phone calls from the residents in regards to traffic and congestion. And sometimes, it's a little bit difficult to properly articulate why certain things are out of our control as a city. I've had the pleasure of attending the last two MPO meetings, and I'm going to be attending a third. They've treated me with the utmost respect. The chairman and the vice chairman have acknowledged my presence and the City of Coral Gables presence. But the purpose of my being there was to represent the City and to ensure the fact that we will not accept an ex-officio type position. Currently, the Governor had named Commissioner Marc Sarnoff, from the City of Miami, that was termed out last month as a position. The City of Miami had two seats at one point on the MPO Board. We're 100 percent sure that we have over 50,000 residents living in the City, and we need and deserve a seat at the table. It is critically important because as decisions are being made in this community, in this county based on traffic, based on congestion, we, as a city, are a donor city and it is time that we sit at the MPO's table and make those decisions which benefit our city. As the City Attorney mentioned before, basically, our city's like a sieve. We're surrounded by many municipalities and the County and we're basically being used as a cut-through with a main thoroughfare, US-1, you know, traversing the center of the city. So I wanted to commend you in reference to your efforts in getting this done and moving the ball as quickly as you've been moving it, and ask for my Commission that if you'd like to attend the next MPO meeting, you're welcome to attend. Again, I don't know if we need to call for like sunshine or something, but just being there and

attending shows, number one, that we're interested. Number one, that we're committed to the future of the MPO and that we're committed to trying to have a seat at the table and making sure that when plans are drawn up -- because as our staff has mentioned before and we're working on a multimodal transportation plan, that's going to take a year. And in my opinion, I think that we not only should work on the multimodal plan, but I think that we need to have -- we need to take a dual path to reaching our goal is being at the MPO and also having the multimodal transportation plan give us an idea of one year from now in reference to how we're going to address these issues.

Mayor Cason: I agree. I think it's extremely important. If you just look at -- I think we've mentioned this before, but we have over 189 entrances into the Gables; and just 19 of the principal ones, we have almost 750,000 cars a day coming into the City. So, there's no city that's more impacted by traffic and we have to have a seat and a voice on plans to mitigate to the extent we can and control everything from sequencing of lights and all of the bikes and everything else.

Commissioner Slesnick: Whether we have a population or not -- and I'm sure we do with all the new condominiums filling -- it's really important, as Commissioner and the Mayor say, we're a pass-through city. And not only US-1, but Bird Road and Alhambra, everything to the west and the south comes through Coral Gables. And it's really important for us to have a representation on there. And I commend Commissioner Lago. I think he should be our appointee to the MPO because he's the most interested and seems to have a passion for it, and he's done...

Commissioner Lago: I hate traffic.

Commissioner Slesnick: He likes traffic. And I commend you. I'd like to go some time, but I -- you represent us so well that I think you should be our representative. And because you fought for this and it's something that Coral Gables deserves, whether we have the population or not. But I would approve paying money for...

Commissioner Lago: If I could just say one thing. And going off what the Mayor said -- and it was the last point that I was going to make -- is our City grows 50,000 residents to over 100,000 individuals during the daytime, you know, people who come to work here, people who come to provide a service, people who come to eat, to dine. And I know that this Commission -- and I'm holding a town hall meeting, and I'm going to invite all of you to attend. We're going to talk about a lot of great projects that are forthcoming, a lot of great projects that have been achieved, and we're going to talk about the future. But a real hot button in the city -- and this is why I wanted to make sure you understand how grateful I am for all the hard work that you and our City Attorney are doing along with the City Manager -- when someone comes up to you and says, how are you going to deal with congestion? How are you going to deal with the traffic? And like Commissioner Slesnick said right now, Bird Road, Coral Way, 8th Street, Flagler on certain points of the City, US 1, Sunset; you know, those are out of our control. So, what do we, as a city, need to do? Without a seat at the table, our hands are tied. So, decisions are made at the County level in reference to the MPO where we don't actually have a say at that -- say in regards to the future. So, I think that being able to join the MPO, not in an ex-officio capacity, which is something that I mentioned to our City Attorney, actually having a rightful seat at the table, a voting seat, is going to be, I think, very important for the City.

Mayor Cason: A question on the census. If we go ahead and pay for this, can we do more than just how many people? Can we get more census data that could be useful for us since we're going to be paying for it anyway? In other words, what you would get on the full census when we have a lot of really great data, including how many cars per capita so you get a sense of how many of the cars belong to Gables residents...

Commissioner Lago: Good idea.

Mayor Cason: Ages, everything else. It would be interesting to know if we go ahead and pay, do we get a short version of the census, or can we get a full one for our price?

Commissioner Lago: Or can we just pay just a tad bit more and get some information that we can disseminate to our staff and that's -- and they can use that, you know, just quality of life issues, you know. Find out more in depth information of the people who are in our city or actually coming to our city on a daily basis.

Ms. Lopez Castro: Well, we're in the process of preparing the application for the estimate, and I'm sure that those data points will become available. And if I need to come back before this Commission to advise you what the differential is in cost and what you get in addition to that, I can certainly do that.

Mayor Cason: Perfect.

Commissioner Keon: I think that the Manager can -- will have a conversation with them as to the type of information, the data that we may need as planning tools for -- you know, with regarding to the different ages, you know, the age spans in our community and planning for the elderly...

Mayor Cason: (INAUDIBLE) schools and everything.

Commissioner Keon: Yeah, the schools, the children for -- you know, and all of the different demographic identifiers that we get is wonderful. In addition to -- the census not only -- we know how important it is that we be at the MPO. It identifies us -- if we're over 50,000, we are considered federally -- by the federal government as a small city, and there are things that can come to us as a small city and that we qualify for that we haven't up until now because we are regarded as a rural area by the federal government. So, it -- us doing that census, I think, will prove well for all of us. And we wonder if -- for the federal government, will this census also qualify for some of those issues. Do we know?

City Attorney Leen: We would have to verify that.

Commissioner Keon: Okay, can we?

City Attorney Leen: Because a lot of it will depend on what their statutory rule framework says.

Commissioner Keon: Right.

City Attorney Leen: But this is -- this will be a federal census...

Commissioner Keon: Okay.

City Attorney Leen: You know, by the US Census Bureau...

Commissioner Keon: Okay.

City Attorney Leen: So that will be the updated number.

Commissioner Keon: Okay.

City Attorney Leen: And they're going to actually -- we actually identify the census tracks that we're asking to be looked at, and we do -- it is a very official process. The application is quite significant.

Commissioner Keon: Okay.

City Attorney Leen: We're going to go forward and do that.

Commissioner Keon: Good.

Vice Mayor Quesada: Just to -- if we're going to go through the process, obviously, we're going to get some estimates on prices and what it's going to cost. City Manager, it might not be a bad idea for you to look into it for part of the annexations that we have been discussing, maybe to, you know, run an informal search of how many residents are on those neighborhoods for -- so we can get a better idea of the prices for, you know, additional police force, fire force, you know, Public Works Department and public safety, all of those kind of issues that we need that exact population analysis to help us form a proper analysis whether annexation makes sense and what it would cost.

Commissioner Slesnick: Would you say we would have the census in those areas to see what the population would be?

Vice Mayor Quesada: If it's possible, but it's easy to carve it out. I'm just saying have the City Manager take a look at and see if it's possible.

Commissioner Slesnick: It makes sense so we have all that information...

Vice Mayor Quesada: Exactly.

Commissioner Slesnick: For areas we're thinking about annexing.

Vice Mayor Quesada: Yeah.

Mayor Cason: So, you'll come back to us with a status report later on.

City Attorney Leen: Well, Mr. Mayor, can I add something to that? We're supposed to identify the actual census tracts and census blocks, so the cost could expand if we do include other areas. What I would suggest is that maybe we do two applications. It's \$200 each, but maybe one

that's as limited as possible to achieve our goal, which is to show the 50,000, and then maybe a second one...

Vice Mayor Quesada: So, we don't get a price until we put in this application?

City Attorney Leen: Yes.

Ms. Lopez Castro: Yeah, it costs 200...

Vice Mayor Quesada: We can't just call someone and say...

Ms. Lopez Castro: No.

City Attorney Leen: No.

Vice Mayor Quesada: What does it cost per block or per city or per...

Ms. Lopez Castro: No. This is a very -- as he said, it's a very official process. And by the way, the County did say it has to be an official census by the federal government. It can't be -- we can't...

Mayor Cason: Right.

Ms. Lopez Castro: Get an informal survey. We can't get one from a private company. It has to be...

Commissioner Lago: That's why I have a feeling that they're going to come back and say, listen, it's all great and dandy, you know, what you want to add on in reference to finding out further information of the individuals who live in your city or visit your city. It's got to be, you

know, very vanilla and you've got to cover the following bases, you know, one, two and three and that's all you can really discuss. I have a feeling that's what's going to happen.

Mayor Cason: We'll find out once you...

Commissioner Lago: And by the way...

Mayor Cason: Do the application.

Commissioner Lago: If we don't do this now, we've got to wait four years -- correct me if I'm wrong -- until 20...

Ms. Lopez Castro: You have to wait four years. And besides that, I think it gets certified a couple of years after...

Commissioner Lago: Two years. That's what I was going to say. I want to make everybody aware that...

Commissioner Keon: So it's six years.

Commissioner Lago: It's not only four years. It's actually six years. And I'm under the impression with -- from what's going on in the City of Miami, from what's going on in the County, all the other municipalities around us who are at the -- who are sitting at the table currently, these transportation plans are being expedited because people, you know, they see the amount of growth that's currently happening, so we need to move quickly.

Commissioner Slesnick: Will it take two years to get the survey results back when we pay for it especially since...

Ms. Lopez Castro: I don't think so, but we will have all that information once we submit the application.

City Attorney Leen: So, Mr. Mayor, if I could ask -- the Commission had asked us to come back with a Chapter 164 resolution. What I will suggest is that we continue to work with the County to get the assurance in writing so that we can go forward and get the inter -- and bring back to you -- and I -- we're going to get the estimate for how much it will cost and we'll bring that to you. And obviously, if it's a small amount, we could handle that administratively with the City Manager. But if it's a significant amount, we would bring it back to you. And then at that time, we could proceed. Now, if for some reason it doesn't work out with the County, we can always come back with a Chapter 164 resolution...

Ms. Lopez Castro: And other -- and there are some other...

City Attorney Leen: At the next meeting.

Ms. Lopez Castro: Suggestions that we have already contemplated.

Mayor Cason: Okay, that makes sense.

Commissioner Lago: I make the motion.

Commissioner Keon: Second.

Mayor Cason: I'm not sure that we need a motion. Do we on this one?

Commissioner Keon: No, it's just to continue.

City Attorney Leen: A motion of support would be...

Mayor Cason: Alright, Commissioner Lago makes the motion.

Vice Mayor Quesada: Second for support.

Mayor Cason: And Commissioner Keon, I think, jumped in first.

Commissioner Keon: Yeah.

Mayor Cason: City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 11:29:10 a.m.]