

City of Coral Gables City Commission Meeting
Agenda Item D-2
October 13, 2009
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Yolande Davis

Public Speaker(s)

Chief Judge Joel Brown, Coral Gables Branch Courthouse
Rick Martinez, Director of Facilities

D-2 [Start: 9:27:50 a.m.]

Chief Judge Joel H. Brown, on behalf of the Eleventh Judicial Circuit of Florida, Administrative Office of the Courts, requesting an amendment to Resolution No. 28447 to allow for a third court room and chambers within the existing space for the Coral Gables Branch Courthouse, located at 3100 Ponce de Leon Boulevard, Coral Gables, Florida.

Mayor Slesnick: Now we have a very special guest in our audience here on D-2, but I guess we have a presentation from staff on D-2. First of all D-2 is the Eleventh Judicial Circuit of Florida, Administrative Office of the Courts, requesting an amendment to Resolution No. 28447 to allow for a third court room and chambers within the existing space for the Coral Gables Branch Courthouse, located at 3100 Ponce de Leon Boulevard, Maria.

Assistant City Manager Jimenez: No, actually, we are going to have personal appearances from the courthouse staff, and then we will follow up with any available questions you may have.

Mayor Slesnick: Well we have some very special guests and we have our Chief Judge Joel Brown who has been with us before; and Joel since we saw you last you have taken office, we congratulate you, from all that we hear your administration is off to a flying start and despite the budget challenges we all face in government. We congratulate you, and I know you had some other people with you that you probably would like to introduce.

Judge Brown: Thank you Mayor, let me introduce the people that are here with me. Judge Saenz, these two judges are Gables Court house judges, Judge Saenz, next to her is Judge Hague and our General Counsel Linda Kearson, Rick Martinez is our Director of Facilities, or Amy Madsen who is our Director of Branch Court Operations and also Jose Montoya, who is from GSA County who is the Project Manager for the Gables Courthouse.

Mayor Slesnick: Let me welcome everyone and we appreciate greatly what the court system does for the citizens of this area, I mean for the whole nation, but obviously ours is the 11th Circuit, and Judge, Judges we appreciate and all of your staff; we appreciate what you do.

Judge Brown: I'll try to be brief, first let me thank you Mayor, Commissioners for this opportunity on behalf of the 11th Circuit to present our request to amend Resolution 28447. Simply this amendment will enable the court to renovate the interior of the existing courthouse by adding one courtroom and a chamber. We are mindful of the concerns of the citizens and residents of Coral Gables, so first I would like to tell you what we are not requesting, there will be no exterior renovations, we are not requesting to increase the size or the configuration of the building. There will be no public traffic increase, parking spaces and public traffic will not be increased. There will be no change in hours of operations or the type of cases that are set. There will be no criminal cases added, there will be no holding cells built. We will not have hours expanded. What we have now in terms of no court on weekends, no court on holidays, that will remain. What we are requesting is simply to add a courtroom and a chambers, to do this all that we are requesting is to reconfigure the existing space to increase the allowable accessory use from 10% to 16%. To do this the clerk of the courts has moved to the second floor, this we have already accomplished and have extended the money to do so. Let me briefly go over the basis for why we are making this request, simply we are unable to adequately and safely schedule trials and hearings for the residents, the citizens, the lawyers, and the businesses of Coral Gables, between 1994 and 2008, there has been an increase in case loads by residents and citizens from 10,082 cases to 21,706 by the end of 2008, and we expect by the end of 2009 we will have exceeded the 2008 figures; we now have four (4) judges, but only two courtrooms and one judge uses a hearing room for chambers. The funds have already been approved by Dade County. Dade County recognized the need for us to add this additional courtroom and chamber, which I am happy the project director is here, that is no small task in these times to obtain funding of this magnitude in this time, so they recognized the need. We can no longer continue to operate with only two courtrooms. What we are left with is a choice of either rescheduling cases to downtown and moving one of the judges downtown, or expanding the inside of the facility. Moving a judge downtown, moving cases downtown is our last choice, that is our least desirable scenario and that is why we have come to you to ask to expand the interior of the building. We have had a long term partnership with Coral Gables. I am old enough to remember the courthouse in the second floor of the Police Station, I was there as a lawyer, I was there as a judge, what I am asking us to do now is to go forward again. We had the vision back then to renovate this building to obtain a courthouse, the overcrowding that existed then, the overcrowding that warranted the move to this courthouse is again upon us. So we are asking you all to move forward like you did in '94, so we can continue to provide the same quality of court service to Coral Gables. Finally, I would like to thank your Zoning Department and also your City Clerk, who were extremely helpful to our court staff in preparing for this presentation. I've brought these people from the court system with me, if you have any questions, we have diagrams with us. So you know the

courtroom is only 1,256 square feet, the additional chambers is only 592 square feet. Please, please amend this resolution so that we can continue to provide the service that we have done in the past. Thank you for listening.

Mayor Slesnick: Thank you Your Honor.

Judge Brown: Any questions?

Commissioner Anderson: I have one quick question; I fully intend to support this, this is the right thing to do. I was just wondering if you all had any idea of...it took fifteen years to get to these levels, now I won't be here, but I was wondering, you know, what are the projected case loads, or are things supposed to level out, because at some point that question may rise again for the future; and I'm not asking for an answer now, but I'm asking you all to think about what might happen.

Judge Brown: Let me find out. Rick has there been any projections done in the future?

Audience Member: [Inaudible – off mike].

Commissioner Anderson: I'm kind of asking you to vision that, because the issues with the neighbors are always a concern.

Rick Martinez: Rick Martinez – we had a master plan completed a few years ago and it does show incremental increases across the board to maintain County population growth, and so that is the plan. Physically we don't think it's possible to withstand any more at the current courthouse...

Commissioner Anderson: That's actually an answer that I was wondering about. It would have to be in another facility, wherever that would be located, OK. I appreciate it; I fully intend to support. I don't know if you need a motion or just...

Commissioner Withers: Let me ask a question real quick. Where does everybody park now?- just in that one surface?

Judge Brown: Yes and I guess the surrounding area. Adding a courtroom is not going to increase the parking.

Commissioner Withers: No, I understand that, but there is a current situation now...

Judge Brown: That parking is a problem.

Commissioner Withers: Yes.

Judge Brown: That parking is a problem. I don't know. Is there any additional parking plans?

Mr. Martinez: Well we've recently instituted some plans to have employees, give stickers to employees to park which we felt...actually we met with the City in the past that would open up additional off-street parking, so employees wouldn't have to take those spaces. So we've done studies and it seems all our employees can fit and still have extra space for residents and also freeing up off-street parking.

Commissioner Withers: Have you looked at any of the parking garages possibly?- with the new, well not the new, but with the trolley?- is there an option to park at Merrick Park and trolleying folks in.

Mr. Martinez: We haven't addressed that directly, but of course we'd be open to any suggestions.

Judge Brown: I know that's a problem and I would love to look at that problem to see if we can address it to expand the parking there in order to provide other lots; its an issue in other branch courts and sometimes it takes some creating thinking, but you can find excess parking. I have not looked in the Gables, but I promise you that I will.

Commissioner Withers: Because I think the only....I think the courthouse is a good fit for the neighborhood there, except for one issue and that's the burden it places on residents; and it's the calls you get that somebody is blocking my driveway, and its...and mostly its attorneys from what I understand that are running late, believe it or not. So there is very little sympathy for that confrontation. I know a lot of folks in the downtown parking at the Merrick Parking Garage is relatively inexpensive, and you get a free trolley up to your...it's a five or ten minute trolley ride.

Judge Brown: I will ask Rick to meet with the folks in the City to see what we could do. Like I said, this has occurred in other cities; it has happened in North Dade, was a tremendous parking problem. Since I've been Chief Judge, I went up there and we were able to find some additional parking a half-a-block away, which is going to add forty spaces. So there are ways to do it, we just have to look at it; I'm happy to do it.

Commissioner Withers: Do your folks pay for parking now, I guess?- when they find it throughout the neighborhoods?

Mr. Martinez: Yes – off-street parking, yes.

Vice Mayor Kerdyk: You are talking about his folks?- the people that work...

Commissioner Withers: Yes, the employees that works there.

Mr. Martinez: If they don't park in the main lot, they pay on either lots.

Vice Mayor Kerdyk: How many employees do you have there on a day-to-day level?

Mr. Martinez: I believe thirty-five total...

Vice Mayor Kerdyk: How much?

Mr. Martinez: About thirty-five park...

Commissioner Withers: That's almost the whole surface lot.

Mr. Martinez: It's about seventy spaces in the surface lot, and we found during peak times it does get full, but that seems that off-street parking really help alleviate it.

Vice Mayor Kerdyk: I think its unfair to ask the people that are coming to visit on an occasional basis to go and find parking at a different location, but to have your employees park in auxiliary lots around the City and be shuttled in by the trolley or walk, there is one at the Police Department only two blocks away, I mean, that is a very viable thing I think you need to explore; and our Parking Department is also the one that takes care of our trolley now, and I think you can go to the one stop shopping so to speak and talk to them, and maybe you can park your employees off and free up some spaces on that lot, because like Chip says that is the one issue that cuts hard with the City Commissioners up here when the residents call us and tell us we have a parking issue and somebody's parking in our front yard.

Judge Brown: I'll absolutely address that, I'm happy to come back at a later date and give you a report on the progress.

Commissioner Withers: Can we schedule that maybe 90 or 120 days, a follow up report, doesn't necessarily you all don't need to be here, but just maybe during the City Manager's item to report if there is a parking contingency plan. I think in the long run its going to work out better for you all also, save you money probably.

Judge Brown: Oh absolutely!

Commissioner Withers: And you won't be hearing all the tickets that would be given to all the employees.

Judge Brown: It's a court problem; when parking is a problem, it's also a court problem, because when people can't get into court, they are late, they might dismiss a case, I mean, we want people to be as accessible. I promise you I will address that. Thank you for bringing it to my attention.

Commissioner Withers: Good. Thank you.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: We have one speaker who signed up to speak, and that is Ileana Varela, 308 Romano Avenue.

Ms. Varela: I haven't done this in a long time, so please forgive me. I live on Romano Avenue, which is about 3-4 blocks away from the courthouse, and I'm not impacted as much as those folks who live on Santander and San Sebastian, so they are more of a buffer for me; I do get the

occasional person who parks on my swale on the day that they come to mow the lawn, so they have to mow around, so. But its those folks that mostly get impacted by the people who are obviously upset that they got a parking ticket, and I'm speaking for some of those people who could not be here today because they have to work or otherwise not be here, and one of the things that concerns me is with all due respect to His Honor, by their own admission the case load has increased dramatically over the years and will continue to increase, especially if the Parking Department in the City of Coral Gables has anything to do with it, I can vouch for that; but if it continues to increase with the case load of four judges in what has been described as cramped spaces, I think its naive to think that according to the study it will not increase public traffic with an added courtroom. I know that they say it will not increase public traffic, but I personally find that hard to believe, and I think the figures of course will speak for themselves, but unfortunately once the courthouse, the added courtroom is in place it will be too late. So I would ask you to consider that, and the fact that in my mind, I think when you add another courtroom, and you open up space for added judges to come in, I think it's a given there will be a further case load, and yes there will be increased traffic, and that's precisely what the neighbors have complained about over the years; and the quality of life in the neighborhood is what Coral Gables is about. When I see brochures about Coral Gables, I don't see the picture of the Coral Gables Branch Courthouse in there; I see pictures of beautiful neighborhoods and quaint little houses like we have in this little neighborhood and other neighborhoods. I don't see you advertising, oh, we have this wonderful branch courthouse where you can pay your parking tickets...

Commissioner Cabrera: Because it's not ours, it's not our courthouse.

Ms. Varela: I understand it's not yours, but it's in the City...

Commissioner Cabrera: But we don't manage it...I'm just trying to be responsive.

Ms. Varela: I know that you don't manage it, but you do have control over, for example, that's why we are here today, Mr. Cabrera, you do have control over certain things that go on...

Commissioner Cabrera: Just like anybody else that would apply...

Ms. Varela: Well we wouldn't be here today if you did not have control.

Commissioner Cabrera: Just like anyone else that would apply for a change of land use, a change of zoning, it would be the same...

Ms. Varela: I understand that, but if you didn't have some control over it, we wouldn't be here today...

Commissioner Cabrera: And its not that pretty, I wouldn't put it on any pictures.

Ms. Varela: Well, I understand that; that's why I'm saying that you know, there has to be a balance between the quality of life in the neighborhoods, because that's really what the City Beautiful is about; its about maintaining the quality of life in the neighborhood, and this is a very

particular neighborhood because it borders on basically what is the beginning of downtown Coral Gables, and a lot of people think this is what cities of the future should be like, it incorporates life around a downtown area, but it's a balancing act; and I think so far its been a wonderful balancing act because we've kept the courthouse to its proposed size, and we've kept it a civil courthouse, and I commend all of you for doing that, and I'm only here to ask you to please consider that an added courtroom will almost certainly add to the case load, and I just question that point about not increasing public traffic; I really, really question that, and I want you to consider that, and that basically is why I'm here today.

Mayor Slesnick: Thank you.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: Thank you; appreciate it very much. OK, we have no other speakers, so the public hearing will be closed. Do I have a motion on this?

Commissioner Anderson: I'll move it with the proviso that we a report back, Chip, did you want one in about 90-100 days, on the issue of the resolution of the parking?

Commissioner Withers: I think 90 days is plenty of time.

Mayor Slesnick: Do I have a second?

Commissioner Withers: Second.

Mayor Slesnick: OK, before we proceed though, Your Honor, I have to ask you if you would you please come to the mike and confirm for us that Miami-Dade County, the Eleventh Judicial Circuit does accept the conditions that were part of the resolution?- we'd like to know that you accept these, are you familiar with them?

Judge Brown: Yes, I've read through it, that's why I pointed out the only amendment is changing from ten percent (10%) for the allowable accessory use to sixteen percent (16%), which is provided in the original resolution, and also...

Mayor Slesnick: Yes – no, no, you are right; that's included in here. I just want to make sure you confirm that listed in the "Whereas" at the bottom of page two of the resolution, there are the following conditions: "the interior renovations will not increase, but merely reconfigure the square footage of the Coral Gables Courthouse will only increase the allowable necessary use from ten percent to sixteen percent of the facility. No exterior renovations are contemplated; there will be no increase in public traffic; the renovation work will comply with all City Codes and regulations including construction activities and staging".

Judge Brown: Yes Mayor, absolutely.

Mayor Slesnick: Thank you very much.

City Attorney Hernandez: And will provide to you your office a copy of the restrictive covenant that would need to be filed.

Judge Brown: Yes.

Mayor Slesnick: Thank you, thank you. I'd like to personally address Ms. Varela's concerns, since she took the time to come here and speak to a subject which is near and dear to my heart, and we are going to be addressing a similar subject in a few minutes; and I can assure you in this case, number one, is that the courthouse is a part of, as you said, the downtown area, and it is immediately adjacent to other downtown buildings and other businesses, its also adjacent to a neighborhood; and I think the Commission has shown particularly, concern about the impact to the neighborhood before and continues to show concern, and will; and I appreciate your, I don't want to say distrust, but your caution, as it comes to believing what you heard today as far as the increase in traffic, but we are moving forward as you heard on those conditions that we are not increasing the space, we are not allowing outside activities, we are not changing configuration of the building; and what I also always think about when I think about this building it used to be food fair, and the usage as a food fair was much greater than it is even as a courthouse. It was an active supermarket for its entire life until it became privately owned by someone else, so. I think that Mr. Withers, Mrs. Anderson and others have expressed their concern about the parking issue, which is legitimately the major issue impacting the neighborhood at this time; and I hope in working with the courts that we will in fact maybe find some solution that may even alleviate the current issues with parking, or at least impact them in a positive way, so. I think your message is heard, and I hope that even if we approve this over your objections that you'll understand that we are taking that into consideration and we are looking into the impact of the neighborhood, because you are right, our neighborhoods are important. Thank you. We have a motion and a second; we have confirmation by the Eleventh Circuit that they agree to the conditions, and Mr. Clerk if you would call the roll.

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Mayor Slesnick: Thank you all. Thank you. One of the things that we should point out to people about this courthouse, is that this is where, no one wants to get a traffic ticket, but for our citizens who might get a traffic ticket, this is where their cases are heard, so that we wouldn't want those to be moved downtown, and so if we have to go through the pain of traffic tickets, we at least will have a local place to be heard. So thank you.

[End: 9:49:40 a.m.]