

City of Coral Gables City Commission Meeting
Agenda Item I-5
August 27, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Pat Keon

Commissioner Michael Mena

Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

Deputy City Attorney, Cristina Suarez

City Clerk, Billy Urquia

Historic Preservation Officer, Dona Spain

Arts and Culture Specialist, Catherine Cathers

Public Speaker(s)

Agenda Item I-5 [0:00:00 p.m.]

A Resolution approving Sale of Art and Copyright Limited License Agreement with atelier Cruz-Diez; approving Artwork Installation and Preservation Agreement with Logistics Fine Arts, LLC; and approving additional costs for the installation of the Artwork Induction Chromatique Coral Gables painted crosswalks by Carlos Cruz-Diez as a permanent installation.

Mayor Valdes-Fauli: Okay, I-5, Carlos Cruz-Diez crosswalk.

Deputy City Attorney Suarez: Good morning, Mayor and Commissioners. Back in May of 2018, you all approved the acquisition of the crosswalk designs of the permanent acquisition. We've been working on negotiating the terms with the atelier representing the artist and Logistics Fine Arts, which is their authorized representative in the United States for the installation and maintenance. And so, what we have for you for your review today are two agreements. There is a sale of art and copyright limited license agreement with the atelier, and then there is an artwork installation and preservation agreement with Logistics Fine Arts. I'm just going to run through some of the key terms with you all so you're aware. The sale agreement provides that the City will pay the atelier the amount of \$180,000 for the acquisition of the artwork. The artwork that's being conveyed does not include the -- the shape and the colors are not exclusive. The atelier represents that it has -- owns and has the right to license the artwork. They retain all intellectual property rights and they're granting the City a limited license for noncommercial uses, as defined in the agreement. The permitted uses include noncommercial and not-for-profit photographic reproductions, displays, images relating to the City's municipal purposes. For other uses, the City must request their permission. The City will initially paint the design within the edge lines of the crosswalks. And upon request, they'll be repainted in full. The City has the absolute and sole discretion to remove the artwork, if necessary, at any given time, providing notice to the atelier. And we are, you know, required to maintain the artwork pursuant to their instructions or recommendations. Any repairs require their approval. And it's important to note that Logistics Fine Arts is their sole authorized representative that kind of does their quality control. And we agree to indemnify and hold them harmless, including for failure to obtain any required permit. Now, the artwork installation and preservation agreement with Logistics Fine Arts includes the following key terms: an annual fee of \$18,000, payable in two installments; the installation by Logistics Fine Arts, with the City being responsible for all costs of preparation for the site, which the latest estimate from staff is that it will be \$13,300, approximately, each time that it's painted. That would include the cost of off-duty police. The initial preparation of the site may require that we paint the asphalt black to cover the existing artwork that's there so they can repaint it. And all of that -- the -- you know, the -- all the maintenance, the traffic plan implementation, like the

barricades, et cetera, is all on the City. Again, the initial installation may have to be within the edge lines of the crosswalk and they've agreed to that. If they -- we have to call them back to repaint it and it doesn't coincide with the annual repainting, then we have to pay them an additional fee if we...

Vice Mayor Lago: Like a touchup?

Deputy City Attorney Suarez: Want them to...

Vice Mayor Lago: Like a touchup fee?

Deputy City Attorney Suarez: So, what I'm -- if they initially paint it within the edge line and then we ask them to come back because we have approval from the County to do it outside the edge lines, we'll have to negotiate a fee for them to do that. We have said, though, if that's the case, we would like to schedule it, so it coincides with the annual repainting. And then, if that's the case, then we can, hopefully, do it at that time so it coincides. The agreement is a for a ten-year term, and during this time, they're going to do an annual cleaning. And again, an annual painting, a new surface coating to the artwork each year.

Commissioner Mena: This is a ten-year term?

Deputy City Attorney Suarez: It's a ten-year term for the -- the installation and preservation agreement has a ten-year term because, once a year, they're going to come and repaint it and we're paying them \$18,000 a year.

Commissioner Mena: We're paying them per time, right? So, what does it matter if there's a term on it?

Deputy City Attorney Suarez: We're agreeing that it's going to happen for ten years, so...

Commissioner Mena: Right.

Deputy City Attorney Suarez: Each time they do it. They are warranting -- they've agreed to warrant the quality of the work, but with some qualifying language, so I'm just going to read it to you. It says except if the crosswalks are damaged, or defaced or otherwise experience extraordinary erosion, wear and tear due to vandalism, force majeure, exposure to extraordinary elements, the service provider warrants the quality of the work preservation activity and restoration treatment for a period of up to one year after each reapplication of a new paint surface coating. And that is -- that's a change from the version that was uploaded. I sent you the updated version this morning, and that is one change.

Vice Mayor Lago: I mean, that sounds vague to me, and I'll tell you why. If you were talking about it was a standard crosswalk where it was only pedestrian accessible, where people are just walking on it, I could understand it'd have a one-year warranty. But you're talking about 1,000, 2,000 cars that drive on it every single day. Of course, there's going to be wear and tear. I just -- to me, that was -- I think -- I feel like we're setting up ourselves for disaster.

Mayor Valdes-Fauli: No. I think we have basically been -- or I've been told that \$18,000 a year will cover the refreshing of the crosswalks, and I have offers from people that wish to subsidize that, if necessary.

Commissioner Mena: But I...

Deputy City Attorney Suarez: Just to be clear, though...

Commissioner Mena: What you're telling us...

Deputy City Attorney Suarez: They're going to...

Commissioner Mena: It doesn't say that.

Deputy City Attorney Suarez: Paint every year, not refreshing.

Mayor Valdes-Fauli: Yeah.

Deputy City Attorney Suarez: They said they are going to repaint.

Commissioner Keon: They'll repaint every year.

Mayor Valdes-Fauli: Not just refreshing, yeah, yeah.

Commissioner Mena: But if, six months in, there's wear and tear and it looks bad...

Deputy City Attorney Suarez: Not only will we probably want it repainted, they're going to require that repainting because it's not going to be up to the standards and conditions...

Commissioner Mena: And then we have to pay another \$18,000?

Deputy City Attorney Suarez: If they -- we'd have to have a discussion as to whether that's extraordinary wear and tear or just normal -- or something different that, you know, it should have stood up.

Commissioner Keon: How long has it been...

Commissioner Mena: That's very vague.

Vice Mayor Lago: So, the handcuffs come out and we're basically, you know, in a tough situation.

Deputy City Attorney Suarez: One other -- so, one significant point is that we -- we are going to have to get approval from the County and FDOT for the road closures because they're saying that we need to close down three separate 24-hour periods -- or three 24-hour periods for three days. So, we're going to need approval from that from the County and FDOT. We have asked them to make the agreements -- we wanted to include the payment terms to be subject to getting that County and FDOT approval. They said no, that they couldn't agree to that. So, we're -- our recommendation to you all is that if you do approve this, in the resolution, that your approval be contingent on getting approval by FDOT and the County because, otherwise, we're paying and then what if -- it's beyond our control. If the County says no...

Commissioner Mena: Right.

Commissioner Fors: And will getting permission from the County and FDOT...

Deputy City Attorney Suarez: For the maintenance and traffic plan.

Commissioner Fors: So, for every...

Deputy City Attorney Suarez: It'll happen...

Commissioner Fors: For ten years.

Deputy City Attorney Suarez: Each year, correct.

Commissioner Fors: And what about approvals from the County and FDOT, not just for the maintenance road closure, but just to actually have the artwork on the crosswalk.

Mayor Valdes-Fauli: We have the approval within the lines, and we're seeking approval to come out of the lines.

Deputy City Attorney Suarez: So, my understanding from the City Manager is that we've hired a consultant to prepare a report that will be presented to the County so we can do the full design outside of the edge lines.

Assistant City Manager Santamaria: That's correct. The report has been drafted. It's a preliminary draft that indicates it inconclusive at this moment whether it can go outside the lines or stay within. So, we're -- we're still -- we may ask for an experimental case. Whether we're granted one or not by the maintenance jurisdiction or the jurisdictional authority, it hasn't been really decided yet.

Commissioner Mena: How often does our Arts Advisory Panel and/or Dona's department, whoever the appropriate person to chime in on this estimate that we would have to repaint this? Do we know the answer to that? If the answer's we don't know, then that's the answer.

Mayor Valdes-Fauli: The answer -- okay, go ahead.

Historic Preservation Officer Spain: This agreement says every year.

Commissioner Mena: I'm not asking what the contract says.

Historic Preservation Officer Spain: You're saying how often do you think?

Commissioner Mena: I'm asking based on the materials that are being used, is there a reasonable expectation that the paint will last and survive the wear and tear of traffic on LeJeune for 12 months before needing to be repainted?

Arts and Culture Specialist Cathers: Part of the original recommendation was that they do a test patch to see how it would survive. They initially were not comfortable or confident that once a year would be enough, so we felt that...

Commissioner Mena: They -- the company...

Arts and Culture Specialist Cathers: Doing a test would be (INAUDIBLE).

Commissioner Mena: We're contracting...

Historic Preservation Officer Spain: No. This is the Arts Advisory Panel.

Commissioner Mena: Arts Advisory Panel.

Historic Preservation Officer Spain: Yeah. In fact, the resolution says they wanted a test batch. But I think they're using different paints. Is that right?

Arts and Culture Specialist Cathers: They're -- they're adding a -- I'm sorry. They're adding a primer to what the original paint was. So, it would definitely last longer than what the original treatment was.

Unidentified Speaker: Right.

Vice Mayor Lago: Let me ask you a quick question because I'm starting to hear a lot of the same word over and over again and it's consultant, consultant, consultant. The County is drowning in consultants to the tune of hundreds and millions of dollars. How much are we paying a consultant to help us now figure this out? Because I'd just -- I'd love to know...

Commissioner Keon: Who would that be?

Vice Mayor Lago: No, no, no. I'm saying Ed -- they mentioned a consultant for some line consultation, for whether we can be in the lines or not and deal with the County.

Historic Preservation Officer Spain: Oh, I think that...

Vice Mayor Lago: Because I'd like a -- what are we doing with that? What's going on with that?

Assistant City Manager Santamaria: Okay, so that consultant...

Vice Mayor Lago: I'm asking you. I just want to -- we're making a ten-year commitment here. It's not only buying the work. We're making a ten-year commitment and if we're looking at the MOT, which is at \$12,000 and you're looking at the \$18,000, that's 30; plus, we have a consultant who's helping us get in -- get outside the lines, I want to know where we're at before we make this long-term investment. I love -- listen, I love the work. This is spectacular, world-class art. But I want to make sure that, again, we don't have money for trolleys, so I mean...

Commissioner Fors: And the 180's...

Vice Mayor Lago: We've got to figure this out.

Commissioner Fors: And the 180's nonrefundable, right?

Commissioner Keon: Right.

Commissioner Fors: Even if FDOT or the County does not allow us to do this in the future?

Assistant City Manager Santamaria: So, the consultant that we've hired is being tasked to look at this in a global range. In other words, it's not just for these crosswalks, but it's for any special

treatments that we want to do in crosswalks citywide. And I believe -- I'm just pulling a number out of my head. Don't hold me to it. But I believe it's in the neighborhood of 10 to \$15,000 for this particular study as the scope is defined right now.

Vice Mayor Lago: And is there a...

Assistant City Manager Santamaria: I can get you a precise number on that.

Vice Mayor Lago: And also, is there a reason why we chose these crosswalks versus a crosswalk in downtown, which has a lot more traffic and more visual...

Mayor Valdes-Fauli: Because this is close to City Hall and it is more visible, and it is easier to close. You know, we close it for Christmas. We close it for the farmer's market. We close it for other things. And it is easier to close than smack in the middle of downtown.

Assistant City Manager Santamaria: And there are existing -- there are existing crosswalks now there. Same -- it's going to be the same artistic treatment, except it'll be inside the lines.

Mayor Valdes-Fauli: And it is more -- I mean, it's...

Commissioner Keon: You don't close Coral Way, though.

Mayor Valdes-Fauli: At the end of -- it's a very nice ending to Miracle Mile. I think it's -- it'd be beautiful with the art we're installing everywhere.

Assistant City Manager Santamaria: So, as the Deputy City Attorney did mention, there is a concern about approval from the County and from FDOT with regards to the road closures required to perform the work as been defined by the artist. We don't know whether it should take that long

for them to do the work. It was done last time. I think it was done overnight. And so, those are things that we may be able to work out.

Vice Mayor Lago: I don't think their concerns are more related to MOT or road closure. Their concerns are just in relation to the aesthetic look of it because they're closing roads every single day in Coral Gables for not one day, but -- not an evening, but you know, for a week at a time. So, I don't know why they would be so concerned all of a...

Mayor Valdes-Fauli: Look at...

Vice Mayor Lago: Sudden, the County.

Mayor Valdes-Fauli: Look at your -- I mean, the County or WASA with the piping and whatever they close the street for...

Vice Mayor Lago: Weeks at a time.

Mayor Valdes-Fauli: Weeks at a time.

Assistant City Manager Santamaria: The concern is it's Coral Way and it's also LeJeune Road.

Vice Mayor Lago: That's...

Historic Preservation Officer Spain: It's my understanding that they were very clear that they needed -- they initially said four days, and they're now down to three days, but...

Mayor Valdes-Fauli: Okay.

Historic Preservation Officer Spain: That was like a nonnegotiable thing for them. They wanted to be able to do it during the day when the sun was out so that it would dry properly because there were issues when they did it overnight. And that test patch was not done, just so you all know. I just need to clarify that.

Commissioner Mena: I just -- my concern -- it goes back to a comment I made earlier on the barrios thing. When you go buy a product, there are certain warranties that are made to you about how long they last and will function for their intended purpose. I'm really disappointed that they would balk at us getting permission from the County before committing to the funds. To me, that's just bad faith. To be completely honest with you because that's -- because we're not...

Mayor Valdes-Fauli: Commissioner, this...

Commissioner Mena: It's not something that we're requiring. It's something that's a perfectly reasonable request, at least the first time. So, that bothers me, number one. You know, I love this project. I think it's a great addition and I love it. But my issue is with this contract. It needs to be conditional on that approval, in my opinion. And in an ideal world, we would pay an amount per year, with a warranty, that it would last for a certain amount of time. And if it doesn't, they will come and repaint it, just like any other service that you get -- that you contract for of this nature. That's my problem with it is it's -- how are we supposed to know how long it lasts. They're -- we're hiring them to do it.

Mayor Valdes-Fauli: Because it lasts...

Commissioner Mena: And if they don't know, then we should be able to do it.

Mayor Valdes-Fauli: It lasts in Vienna and Dallas and Los Angeles and in many other places, and...

Commissioner Mena: Then you should be comfortable warranting that it will.

Mayor Valdes-Fauli: This is -- okay, but the company that's doing this work is not the one that did it in these places. They are talking about the quality of the paint and this is world-class art, and I would urge everybody to vote for this. It is world-class art. This artist has just died. It's in the forefront of the art world today. And I'll be very disappointed if we are the only city in the world that turns it down.

Commissioner Mena: My -- again, my issue is not with the art; it's with the contract.

Vice Mayor Lago: Is there any way that we could flush out and maybe come back at the next meeting so that we can finalize the issues?

Historic Preservation Officer Spain: I have to thank...

Vice Mayor Lago: Whatever minutia of the contract that...

Historic Preservation Officer Spain: I have to thank Cristina and Catherine that have been diligently trying to get this to the Commission.

Deputy City Attorney Suarez: I'm sorry. What was the question?

City Attorney Ramos: That if we can flesh...

Historic Preservation Officer Spain: He said can we flesh it...

City Attorney Ramos: This out...

Historic Preservation Officer Spain: Out for the next...

City Attorney Ramos: Our concern is that without further direction from the Commission, that the atelier understands is your position, they're not going to budget. This is -- they've been working at trying to flesh this out for months.

Deputy City Attorney Suarez: So, if you give us some clear direction and we go back and -- I think maybe then between now and next meeting, if you gave us clear direction, we say...

(COMMENTS MADE OFF THE RECORD)

Deputy City Attorney Suarez: This is what the Commission is going to approve.

Commissioner Keon: I would make it condition -- contingent on the approvals from the County. Just make it...

Vice Mayor Lago: So...

Commissioner Keon: Contingent on their -- I mean, we can do this for ten years, allow like a -- what is it, \$30,000 a year -- 180 up front, and then an additional \$30,000 a year.

Vice Mayor Lago: Make sure you're clear, Commissioner Keon, so the residents are aware. This is not coming out of the general fund, right? This is coming...

Deputy City Attorney Suarez: So, the...

Mayor Valdes-Fauli: Art.

Deputy City Attorney Suarez: \$180,000 is from the Art Acquisition Fund.

Vice Mayor Lago: Yes.

Deputy City Attorney Suarez: You all, when you approved this back in May, said the \$18,000 would be from the general fund. And then the rest of the costs, I'm assuming...

Commissioner Keon: Well, it's \$30,000 coming out of the general fund. It's not -- it's not 18. It's 18 for the actual paint, and there's another 13 -- 18,000 for the...

Vice Mayor Lago: I don't -- I...

Commissioner Keon: Police and the OT and...

Vice Mayor Lago: Thirty thousand a year...

Commissioner Keon: All this other stuff.

Commissioner Keon: Pardon me?

Vice Mayor Lago: Thirty thousand a year...

Commissioner Fors: Thirty thousand a year.

Vice Mayor Lago: From the general fund.

Historic Preservation Officer Spain: Thirty thousand a year.

Commissioner Keon: From the general fund to maintain this.

Vice Mayor Lago: So, I don't have a problem acquiring the art. I think it's world-class art. And I'm sorry to interrupt you, but I think we need to have a discussion about where that money comes from. I don't want it to come from the general fund. Maybe we just take it from the Art Acquisition.

Historic Preservation Officer Spain: Okay, the problem I...

Vice Mayor Lago: I saw you rolled your eyes there.

Historic Preservation Officer Spain: The problem I have with that is that, like this year, we would have it because there's been all kinds of construction.

Mayor Valdes-Fauli: I suggested...

Historic Preservation Officer Spain: But if we...

Mayor Valdes-Fauli: And I offered...

Historic Preservation Officer Spain: But if we have years where we're low on that fund, that \$30,000 hit every year.

Mayor Valdes-Fauli: I offered...

City Attorney Ramos: In addition.

Mayor Valdes-Fauli: I offered that I would raise the money in order to acquire this beautiful art or the maintenance of this beautiful art, that I commit to raise the money.

Commissioner Keon: Okay. But then put that in.

City Attorney Ramos: In addition...

Commissioner Keon: Mayor...

City Attorney Ramos: Dona, can you speak to the...

Commissioner Keon: Commits to -- that no money will be...

City Attorney Ramos: The restrictions on the...

Commissioner Keon: Taken from the general...

City Attorney Ramos: Art Acquisition Fund.

Commissioner Keon: Fund for...

Historic Preservation Officer Spain: The restrictions on the Art Acquisition Fund are that it cannot be used for routine maintenance. It can be used for extraordinary maintenance. I don't know what to tell you. We started with them saying that.

Commissioner Mena: I could get behind the annual number, if I knew it was once a year.

Historic Preservation Officer Spain: That's right.

Commissioner Mena: The other problem I have with it is I don't know that.

Historic Preservation Officer Spain: That's right.

Vice Mayor Lago: Well, that's why...

Deputy City Attorney Suarez: And I believe the concern...

Historic Preservation Officer Spain: (INAUDIBLE) still concerns...

Deputy City Attorney Suarez: Is that they have also, in the exhibits that they -- you know, we have had to push back in changing is that they are -- Logistics Fine Arts is all over the exhibits as they are the sole authorized representative. And so, while we built in a termination clause into our service agreement, the atelier is saying they are the sole representative. They're the ones who can say if the quality of the artwork is what it needs to be. And so, the concern is that...

Commissioner Mena: Say it.

Deputy City Attorney Suarez: That they may come back and say...

Historic Preservation Officer Spain: Right.

Deputy City Attorney Suarez: This needs to be painted.

Commissioner Mena: If they're the only ones that can say it...

Historic Preservation Officer Spain: That's right.

Commissioner Mena: Then put your money where your mouth is and make a contractual obligation that you warrant that it will last for X amount of time. And if it does not, you will come back and repaint it.

Historic Preservation Officer Spain: That's where we started.

Commissioner Mena: If they're the experts and they're the only ones that can do it, why are they having such a hard time doing that? That's my issue with it.

Vice Mayor Lago: And if they're the experts, it concerns me that they won't give you a warranty that makes sense.

City Attorney Ramos: Commissioner, are you willing to move it with those two amendments, assuming that they agree to them?

Vice Mayor Lago: But why? Why not just let us come back to the next Commission meeting and...

Commissioner Mena: Yeah, it's the same thing if they agree to it.

Vice Mayor Lago: Yeah, yeah.

Commissioner Mena: As long as they agree to it.

City Attorney Ramos: Because I think they need to understand that's a Commission...

Vice Mayor Lago: I just don't want to put -- I don't want to -- this is a big decision. I don't have a problem acquiring the artwork. This is ten years. We may not be around here in ten years, okay. And we're making decisions and someone's going to have to live with those decisions, so I want to make sure that people are comfortable with it and the money comes out of the right pot and that the warranties are in place. Trust me, I get called back for warranty work, and they make us sign extended warranties. And when you get called back, you're responsible. You can't ask them, I need more money.

Historic Preservation Officer Spain: No. What they're saying is that...

Vice Mayor Lago: No, it was per the design documents.

Historic Preservation Officer Spain: You're the person responsible.

Vice Mayor Lago: You're responsible.

Commissioner Mena: And listen, can we be honest for a second? We're not asking them to come back and like...

Vice Mayor Lago: Touch up a little corner.

Commissioner Mena: No, like weld a new sculpture. Like, we're asking them to come back and paint.

Deputy City Attorney Suarez: Their concern is that if there's something...

Commissioner Mena: Do maintenance paint.

Deputy City Attorney Suarez: Like a car accident that -- something that damages the asphalt and, you know, we understand if it -- they're not going to repave the asphalt or do anything like that.

Commissioner Mena: Yeah, but you can define that as...

Deputy City Attorney Suarez: But they...

Commissioner Mena: Ordinary wear and tear, okay.

Deputy City Attorney Suarez: Aside from ordinary wear and tear.

Commissioner Mena: Yeah. If there's like a lightning strike...

Vice Mayor Lago: Unforeseen...

Commissioner Mena: On the road...

Vice Mayor Lago: Condition, you know.

Commissioner Mena: That's different.

Vice Mayor Lago: Unforeseen condition.

Commissioner Keon: A pipe bursts.

Commissioner Mena: Yeah.

Vice Mayor Lago: There you go.

City Attorney Ramos: Force majeure, which is...

Vice Mayor Lago: Perfect example.

Commissioner Keon: (INAUDIBLE) or whatever. But I think...

City Attorney Ramos: We had included force majeure. They pushed back.

Deputy City Attorney Suarez: They've agreed -- no, but they've agreed with these qualifications, though, but it's just -- they're a little bit extensive.

Commissioner Mena: Ordinary wear and tear is what we currently see out there...

Deputy City Attorney Suarez: Right.

Commissioner Mena: Right?

Unidentified Speaker: Yeah.

Historic Preservation Officer Spain: Right.

Commissioner Mena: It's faded. It's been walked on, driven over. That -- we know that's going to happen. That's not a...

Deputy City Attorney Suarez: So, it should last a year.

Commissioner Mena: That's not a force majeure.

Deputy City Attorney Suarez: Right.

Commissioner Mena: That's ordinary wear and tear. If there's something different in that, we have to dig up the road because a pipe burst or -- I don't know, you know.

Historic Preservation Officer Spain: Yeah.

Commissioner Mena: I get it. Fine, we would have to pay again at that point. But otherwise...

Deputy City Attorney Suarez: They've agreed with this qualifying language, except if the crosswalks are damaged or defaced or otherwise experience extraordinary erosion, wear and tear due to vandalism, force majeure, exposure to extraordinary elements and so forth.

Commissioner Keon: Okay.

Commissioner Mena: Exposure to extraordinary elements?

Deputy City Attorney Suarez: Extraordinary elements.

Commissioner Mena: What -- does that include the sun and the rain or not? And cars and trucks?

Deputy City Attorney Suarez: We can -- with your direction, we can tell them that we need it to be more clear.

Historic Preservation Officer Spain: And do they decide whether it's worn away or do we decide whether it's worn away?

Deputy City Attorney Suarez: That would be...

City Attorney Ramos: That's one of the items.

Historic Preservation Officer Spain: And that's the issue...

Commissioner Fors: Or (INAUDIBLE) decides...

Commissioner Mena: And all that needs to be fleshed out.

City Attorney Ramos: We agree. But what we need to flesh it out is the Commission to say, atelier, this is what is important to us and this is what we will agree to. Because we have been trying to flesh it out and they keep pushing back. And so, this is where we're at. So, if that's what the Commission says, then I think maybe they're in a different position to consider it very seriously.

Commissioner Fors: And for me, the biggest thing -- I don't know if my colleagues share it -- is having more certainty that we will actually be able to apply and install this artwork and maintain it for the next ten years, in terms of approval from Miami-Dade...

Commissioner Mena: No, no. That's...

Commissioner Fors: And the FDOT.

Commissioner Mena: Certainty that they're going to do it.

Commissioner Fors: No, not maintain it.

Commissioner Mena: Right.

Commissioner Fors: That they're going to...

Historic Preservation Officer Spain: That they'll actually get to do it.

Commissioner Fors: Permit us to have it on the actual road.

Commissioner Mena: Oh, from the County, you mean.

Commissioner Keon: Yeah. And that they're going to allow us...

Commissioner Fors: And the FDOT.

Commissioner Keon: To close the road.

Commissioner Fors: Like in eight -- in five years, are they going to tell us to remove it...

Deputy City Attorney Suarez: Right. Each year, we...

Commissioner Fors: If there's an accident there?

Deputy City Attorney Suarez: We will -- well, yeah. That's...

Commissioner Mena: If, five years from now, the County and FDOT say you can't have it, that would be unfortunate, but our contractual obligation to pay them annually would not continue at that point. Is that right?

City Manager Iglesias: The -- let me clarify...

Vice Mayor Lago: The 180's gone.

Deputy City Attorney Suarez: No, let me clarify.

City Manager Iglesias: The issue...

Commissioner Mena: No, the 180's gone.

Deputy City Attorney Suarez: The 180's gone.

Commissioner Mena: Right.

Deputy City Attorney Suarez: Each year, we're obligated to pay them \$18,000 in two installments. They want the...

Commissioner Mena: If they do the work.

Deputy City Attorney Suarez: They want the agreement to be that -- or what's in here now is that January of each year, we pay them the first installment, and then we apply for the MOT whenever it is, and we do the work later. And then after we do the work -- after they do the work, I'm sorry, then we pay them the second installment.

Commissioner Mena: No payment until...

Deputy City Attorney Suarez: We said we have to condition the -- you know, each payment on approval of the MOT each year. And they've come back and said that when this was initially proposed, they contemplated an upfront \$18,000 payment. And then, they've agreed to two payments and so they can't wait for the MOT approval each year.

Commissioner Keon: Can we ask the County for that approval over a period of time, over ten years?

Deputy City Attorney Suarez: I...

Commissioner Keon: Or we would have to do it...

Deputy City Attorney Suarez: I would defer to Steph, but I think the answer's...

City Manager Iglesias: No, Commissioner.

Deputy City Attorney Suarez: No.

City Manager Iglesias: We can't ask for that for a ten-year period.

Unidentified Speaker: The County's not going to do that.

Commissioner Keon: We would have to do it annually.

Commissioner Mena: Can you ask for it longer than a year?

City Manager Iglesias: No. I think that we -- I don't -- we've closed that road, so I don't foresee a problem. We also have...

Commissioner Mena: Oh, you close it often?

City Manager Iglesias: Yes, we do. Yes, we do. We also have different kinds of crosswalks, as you saw on the Mile. They're made of stone. So, the question becomes painting outside the white -- the two white stripes, not inside. That's something that we have that firm looking at, and I think it's a good process to look at that because sometimes you have to challenge the County and say why can't we do this. And I think it's a good challenge.

Commissioner Keon: Okay.

City Manager Iglesias: So, I do think it's a worthwhile thing to do, just from the fact that we want to look at -- we -- they -- we want to look at -- we want to look at things outside the box and we want to make them look at some of these things outside the box. And so, I do think it's a good challenge, and I do think it's a worthwhile endeavor to go to the County and say why can't we do

this outside of the lines. Why doesn't this work? However, inside the lines, I don't think it's an issue.

Commissioner Keon: Okay. And so, we would have to go annually, though?

City Manager Iglesias: For outside the lines -- outside the two...

Commissioner Keon: Well, annually, we would have to go to the County.

Deputy City Attorney Suarez: For the road closures.

City Manager Iglesias: We are looking...

Commissioner Keon: For the road closures.

City Manager Iglesias: At that. We've got -- actually we're using some of our -- some of IT's cameras to look at that. We've had some interpretation of some of the illegal crossing and so forth that probably are not due to the crosswalk, but due to the fact that this building is here. So, we have a few issues that we need to resolve and then look at this as kind of a trial period, experimental period to kind of open up some of these things to the County. So, I do think it's a worthwhile endeavor for that and for other reasons to start looking outside of the box and start looking at not being maybe so visor minded as far as the County and the transportation is concerned.

Vice Mayor Lago: What do you want to do?

Commissioner Mena: Guys, the two conditions for me are the warranty for X amount of -- I think it should be 12 months or whatever they are willing to commit to. And if it -- if -- clear up the ordinary wear and tear language. And if it's just ordinary wear and tear, that they have to main -- that they have to repaint it...

Deputy City Attorney Suarez: Okay.

Commissioner Mena: At no additional cost.

Deputy City Attorney Suarez: Okay.

Historic Preservation Officer Spain: And the County.

Commissioner Mena: And that I would make it -- the payment conditional on approval from the County each year.

Deputy City Attorney Suarez: Okay.

City Attorney Ramos: The full payment. So, the initial 180, and then the yearly...

Commissioner Mena: The initial payment after County approval, the subsequent payment after they do the job. Right, I mean...

Deputy City Attorney Suarez: Right.

City Attorney Ramos: Okay.

Mayor Valdes-Fauli: Can we make a motion?

Commissioner Mena: Those are my thoughts.

Commissioner Fors: No, I...

Commissioner Mena: Does anybody else have...

Commissioner Fors: Agree with that.

Commissioner Mena: Anything on that?

Vice Mayor Lago: I think that's perfect. I agree with...

Commissioner Fors: Perfect.

Vice Mayor Lago: Your comments.

Commissioner Mena: I think those are reasonable requests.

Mayor Valdes-Fauli: Okay, make a motion.

Commissioner Mena: That's my motion.

Commissioner Keon: I second it.

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

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: I-6.

Historic Preservation Officer Spain: Thank you.