

City of Coral Gables City Commission Meeting
Agenda Item H-3
October 25, 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
Assistant Public Works Director, John Osgood

Public Speaker(s)

Agenda Item H-3 [1:12:15 p.m.]
Discussion regarding the Button Ordinance and Removal Plan Update

Mayor Cason: Alright H-3 and then we'll go to I-2.

City Manager Swanson-Rivenbark: So we'll call for the Public Works Department to come up and give you your button ordinance and removal plan update.

Assistant Public Works Director Osgood: Good afternoon Mayor, members of the Commission and Madam Manager, John Osgood, Assistant Public Works Director for Field Services. It's a very brief presentation that supplements the cover memo in your packet and outlines our plan for removing the remaining buttons from the right-of-way and implementing existing and modified permit processes for addressing subsequent requests for buttons or signage. After adoption of the ordinance prohibiting buttons and other encroachments in the public right-of-way without City approval this past April, residents were given 90 days to remove the buttons. Based on the large

volume of calls, e-mails and visits with residents during that 90 day period and visual inspections of residential streets, we observed the following: There was a reasonable amount of compliance during the 90 days in terms of removing the buttons and residents largely cited two primary reasons for utilizing the buttons in the first place in over the years, parking pressure/grass swale protection and then off-road traffic movements. These next few slides will go very quickly and outline solutions and permit processes for helping residents and neighborhoods address parking and certain traffic related concerns they experience on a regular basis. So this slide illustrates sort of the key tools in our toolbox and also tries to graphically represent our understanding of which solutions best reflect the City's vision of preserving and maintaining the aesthetics of our swales. So as staff works to solve specific problems in neighborhoods, for example, our approach would be to follow this type of hierarchy with the full planting of the swale as our preferred solution for most scenarios and the "no parking" signs and buttons are sort of a last resort and "no parking" signs and buttons those could flip-flop a little bit depending on the situation, but that's how our understanding of what the preferences would be.

Commissioner Lago: John may I just interrupt you for one second, if you don't mind.

Assistant Public Works Director Osgood: Yes.

Commissioner Lago: In reference to, for example, South Miami excuse me, Sunset Elementary, I apologize, and I don't know why I said South Miami. How would – if everything has been exhausted, every remedy, and I've been on site a few times and I know I've gone there with staff and the residents have gotten to the point where they are pulling their hair out twice a day from just a complete lack of respect from people who don't live in the City, who are instead of dropping of their sons or family members or whatever it is to go to school using the provided drop-off system, they are basically using the neighborhood and invading the neighborhood and peeling out and destroying the swales. I've been there, I was there this week. I called the Manager from the location. What I'd like to find out is, are we going to discuss the option of using curbs in certain areas?- is that being, again, I know maybe you don't have an answer for me today, but I want my colleagues to understand that there are certain areas where none of these applications may work, and that people are to their last width and they are exhausted and they need to see some sort of action.

Assistant Public Works Director Osgood: Great point and we are going to touch on, in terms of the warrants or the evaluation criteria that we'll look at, but speaking without having a definite answer to that.

Commissioner Lago: I'm putting you on the spot.

Assistant Public Works Director Osgood: But I think we have to be open, I think we have to be open to sensible solutions, all sensible solutions.

Mayor Cason: Why don't you run through what your solutions are and....

Commissioner Lago: The only reason why I brought it up was because again, there are certain areas and this is a very specific location that's invaded and I hate to use that word, but it is, twice a day, significantly the residents are impacted and the frustration is palpable and it's getting to the point where I don't want it to boil over. I know that we have several meetings scheduled for; I think one meeting at least on site with several residents. They've gotten to the point where they need an actual answer.

Assistant Public Works Director Osgood: That's completely understandable. So just real quickly – so in terms of the appropriate permit our review process for specific conditions, the landscape and button request, for instance would be through the Public Works permit process and the “no parking” sign request would involve the Parking Department and the Police Department, and in terms of – and similarly the residential permit parking request would come through the Parking Department and their existing process. So this may get a little bit to the point Commissioner Lago just raised, in terms of a modified Public Works permit process that we working hard to finalize. You may remember that the 90 day grace period for removing the buttons coincided pretty closely with the July discussion we had on planting in the swales and alternatives for that, and it came together about the same time where we are finalizing the permit process on that; and the permit process that we are developing and finalizing incorporates warrants or specific criteria that would be used to evaluate and recommend the best solution for a particular condition or hardship. For example, it may make sense to utilize buttons or swale plantings, or other solution in sort of these neighborhood protection zones that I think we are touching on, which your area is immediately adjacent to schools or commercial districts where residents are experiencing parking pressure, traffic on a regular basis. Relatedly, there may be traffic conditions due to tight turning locations or off-road traffic movements where vehicles are leaving the road to by-pass stacked or queued traffic at intersections that are creating safety issues or damaging swales and pavement, where again, buttons and other solutions may be the right....

Mayor Cason: Let me stop you right there. I don't think buttons are the solution, because if you see what happens, it's a truck pulling a garden trailer behind it, they go around and they run over them. It doesn't work, curbs work perhaps, but buttons do not work to stop people from on the curbs and that's where I very much favor on a case-by-case curbs, which will help protect the grass, and you won't have the mud and all that, but a button you are not going to convince me ever that a button is going to stop that from happening because it's not done on purpose, these people are careless.

City Manager Swanson-Rivenbark: And Mr. Mayor we are going to continue to explore it, but you know that if curbs are there, then there are also drainage issues and other issues that it's not just a matter of applying a curb there, it is a matter of is the infrastructure there to properly manage the water and the other...

Mayor Cason: But you see areas like on Granada, on Bird Road, you see curbs in there; curbs doesn't have to be a solid curb, there are ways you could let the water drain, but it just seems to me that if – what we are looking for is something that would be effective in the cases where nothing else is, and I do not think a button, they are underground in most places because they run over them so many times, so they don't work.

Assistant Public Works Director Osgood: Mr. Mayor we definitely will assess all possible solutions, and curbs are, the only thing that we see with curbs is the fact is that there are some concerns regarding drainage, you could work around those. The other concern is also you change the nature of the neighborhood in certain cases when you add the curb.

Mayor Cason: Well we had an argument six years ago on Segovia when, I used to call them “menoyos curbs” when people came forward and claimed how terrible the City would be if you put curbs along the median there where the oak trees are, nothing's happened there. We are not saying we are going to curb the whole City, but I think there are areas if you really want to protect the grass since that's what we are doing, you've got to have a curb, doesn't have to be a long one, it could be a short one.

Commissioner Lago: In certain areas, it has to be very, very specific. Just touching on that point, I've been meaning to do this and again since we are in front of the Commission, I get a chance to maybe garner some support from the Commission. I'd like to, like I mentioned to you Madam City Manager, I'd like to schedule a meeting with our School Board Representative, I'd like to address...

Commissioner Keon: We don't have one.

Commissioner Lago: I know. I know we don't. I'm praying to God we have one after November 8th, which I think will obviously happen, so I'd like to schedule one hopefully they can come in and enjoy the City of Coral Gables and meet their constituents as soon as possible, maybe November 9th start the job running...

Mayor Cason: He or she.

Commissioner Lago: He or she, excuse me, and I think it's critical because I really want to address the issue with Sunset. I want to make that person aware of what is happening in that area and get buy-in immediately from them.

Mayor Cason: And just one more point in terms of the efficacy of a button and a "no parking" sign, if the idea is not have people park it's got to be a "no parking" sign with police, not a button which people just park on top of, so again, what are you trying to accomplish?- it's got to be enforceable and to Pat Keon's concerns expressed many times, there are certain areas where you have these signs that may have been put 30 years ago and there is no reason for them to be there, so it goes both ways.

Commissioner Lago: And again, talking about signs and I'm reiterating it myself again, I know it's the third time I mention it, come in the morning 8 o'clock Sunset, signs are meaningless – people park in people's driveways and they leave their cars, they turn their cars off and they walk their kids to school. So that person is trying to leave, that person is trying to leave their driveway and they can't. It's a free-for-all, I'm telling you. I'd love to do another site visit with whoever would like to attend, we could even call a Sunshine meeting.

Commissioner Keon: I think everybody, everyone has seen that and part of it is the school system has chosen to reduce the number of neighborhood schools and to make all schools, schools of choice and the sad thing is with Sunset the vast majority of the children that attend Sunset Elementary are not from the neighborhoods, so there is no neighborhood buy-in for that school either and there is no tolerance for that school because the kids that live across the street don't have access to it. I mean I think that whole policy of magnet schools and schools of choice in a lot of instances have caused havoc in some neighborhoods.

Mayor Cason: "When the cat's away the mice will play" unless you have a policeman there, they are going to continue doing it no matter what we say.

Commissioner Lago: It's not even that. I was there this past week and I called the Manager. We probably had two or three City of Coral Gables vehicles patrolling the area and the residents were still had a lack of complete respect for any of the residents in that neighborhood. They didn't care. They don't care. I saw people pulling out destroying swales. There has to be – if we are not going to have enforcement there to a certain level where we have somebody on every single block patrolling the neighborhood and forcing people. What is the point of having a drop-off system at Sunset if you are not going to use it? The issue is that nobody wants to wait in those lines because everybody is in a hurry. I've seen people open their doors, the kid jumps out into the street and they walk to school, young children. We have to be a little bit more diligent that's why I'm calling for that meeting. I welcome you to come that way we can introduce the

future representative from the School Board that would be representing us and I think it's a good opportunity just to get on a one-on-one conversation in regards to what are our needs and what are the needs of the students in that area.

Mayor Cason: I'm all ears about hearing what you are going to do, a part from the exceptions buttons or signs or something, curbs, what are you going to do to end this discussion on buttons?

Assistant Public Works Director Osgood: We have one more slide, but I think I can... So with your direction today, we plan to move forward as outlined on this slide, remove all remaining buttons citywide, and develop and implement the permit processes for addressing the parking and traffic related conditions that we just covered within the next four weeks or so, but the general idea would be to complete the removal of the buttons and then we've got...

Commissioner Keon: And the signs.

Assistant Public Works Director Osgood: Excuse me?

Commissioner Keon: And the signs as well as the buttons.

Mayor Cason: The signs that have no purpose.

City Manager Swanson-Rivenbark: And we are working with the "no dumping" signs and the "no parking" signs also.

Mayor Cason: Not only that, but again, "no dumping" signs because you have those on South Greenway, nobody dumps there. There is a "no dumping" sign in front of somebody's garbage pit. Take a look at "no dumping" signs too.

Commissioner Slesnick: The reflectors too.

Assistant Public Works Director Osgood: Yes the reflectors. Thank you. The reflectors – there are the triangular pyramids that we've seen.

Mayor Cason: And you have the spikes, and then they do flags. I guess they figure the change in the color would have something to do. You can put them there when you have sod, but people think, well let's put yellow and maybe that will be OK. It's all designed to keep those people off my grass.

Assistant Public Works Director Osgood: Yes.

City Attorney Leen: You know I also, I did notify the County Attorney's Office that we would be removing them along county roads as well, and they just said to please keep them updated.

Mayor Cason: Well halleluiaah, please move forward so we can move onto other issues in the future.

Assistant Public Works Director Osgood: Yes, thank you.

Commissioner Keon: On Edgewater also.

Assistant Public Works Director Osgood: If I may, I'd like to emphasize that the way we wrote the presentation is the way we see this, which is that no parking and buttons would be the absolute ultimate resort. We understand based on the word of the Commission we will absolutely explore every possibility to address this problem. The reason we are handling this together is because to us it makes sense to have one unified process because it all involves the swale in terms of, if you have parking pressure on your swale and you want to address it, then you submit the permit and that way you can evaluate what alternatives swale treatment methods that might be available.

Mayor Cason: Well if you can report back to us on November 15th your success.

Commissioner Lago: Just very quickly since you mentioned swale treatments. I know that we met this morning to discuss this before Commission because we have several residents that have been in contact with us. When are we expecting to finally have a deliverable, so that we can implement the swale treatment options so that people can stop, like myself, stop replacing grass every six months because I want to make sure that it looks beautiful.

Assistant Public Works Director Osgood: Within the next four weeks we'll have that.

Commissioner Lago: Awesome, that's great, that's good news. Thank you – great work.

City Attorney Leen: Just one other thing. Miriam has been issuing cease and desists in conjunction with City staff on these issues. One thing I'd like to do is to come with an ordinance at some point regarding the cease and desist, saying that if they are not followed and they are causing an impact that could be a basis for a Code Enforcement fine as well, so that we could start fining them.

Mayor Cason: Not only the County, but ours originally said you had to pay \$100 and almost nobody ever paid the permit, so it was always money associated with doing these.

City Attorney Leen: Yes, we tried to work directly with Code Enforcement and Public Works and they'll tell us, and then we'll send out the cease and desist and you can always let us know. We are willing to do that just so you know, anytime.

Commissioner Slesnick: Before John leaves, I'd really like to compliment him on the two workshops he had last Thursday and Saturday for trash pickup, it was a very thorough discussion. I was really surprised at the Thursday group and the Saturday group has such different opinions, but well done.

Assistant Public Works Director Osgood: Well thank you. That was fun.

Commissioner Slesnick: I don't know if I'd call it fun.

Assistant Public Works Director Osgood: I know I said this at the meetings, but your participation was very helpful and I've been in this business for 30 years and I never had a City Manager attend both meetings and take notes and kind of address the crowd as that went on. That was remarkable to me.

City Manager Swanson-Rivenbark: It's a good team.

Assistant Public Works Director Osgood: It was a good team.

Commissioner Slesnick: It was excellent.

Mayor Cason: Thank you all.

[End: 1:29:35 p.m.]