

**City of Coral Gables City Commission Meeting
Agenda Item H-3
December 6, 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 Works Director, Ed Santamaria**

Public Speaker(s)

**Ronald Ponzoli, Banyan Trail
Robert Barlick, Jr., Banyan Trail
Jasmine Zeledon, Kerwood Terrace
Vincent Signorello, Oakwood Lane
Lauren Diamond, Banyan Trail
Mayra Grande, Banyan Trail
Matthew Pellar, Kerwood Oaks Dr.
Kolleen Cobb, Kerwood Oaks Dr.**

Agenda Item H-3 [10:56:05 a.m.]

A Resolution authorizing the creation of a Special Taxing District by Miami-Dade County for Banyan Drive, Coral Gables, Florida, for purposes of providing for twenty-four hours stationary security guard service subject to compliance with applicable Miami-Dade County and City requirements, approving construction of a guard house facility, operation of traffic control devices and requiring execution of Interlocal Agreement between City and Miami-Dade County.

Public Works Director Santamaria: Good morning Mr. Mayor, Commissioners, Ed Santamaria, Director of Public Works. H-3 is the resolution authorizing the creation of a Special Taxing District by Miami-Dade County for Banyan Drive and it's for the purposes of providing for purposes of providing for twenty-four hours stationary security guard service...

Vice Mayor Quesada: Can you speak into the mic a little better; it's a little tough to hear.

Public Works Director Santamaria: Sure, let me adjust that – so its for purposes of providing for twenty-four hours stationary security guard service subject to compliance with applicable Miami-Dade County and City requirements, approving construction of a guard house facility, operation of traffic control devices and requiring execution of Interlocal Agreement between City and Miami-Dade County. Any questions?

Mayor Cason: What is the role of the City in this whole process?

Public Works Director Santamaria: The role of the City is basically a ministerial role. The County takes leadership on this particular function the way it's set up. The County receives a petition from the residents and with that petition they certify or validate the petition and they proceed. One of the steps is where the City is involved; the City is required to pass a resolution allowing the process to move forward. So once the process moves forward the County then does a feasibility study, a plans and cost review, to see how much it would cost to build the improvements required, and then they will bring it up to a ballot process with the residents to see if the residents, the affected members of the Special Taxing District would like to proceed.

Mayor Cason: What percent of the residents?- and this has nothing to do with an association or anything else. They are not going to go at a later stage assuming we do our ministerial and pass the district, the citizens, the residents that live within that area, whatever you define it, will have the right to vote, being counted by the County, right?

Public Works Director Santamaria: Correct.

Mayor Cason: What percent?

Public Works Director Santamaria: It's a majority that's required to go forward with the process.

Mayor Cason: OK.

Public Works Director Santamaria: And it's actually a majority of the registered voters who have happened to have Homestead exemptions in its Special Taxing District, that's how the County determines who is eligible to vote.

Mayor Cason: So we have no role whatsoever in terms of... I see there is a dispute of whether or not the County counted the signatures or validated them or not, that has nothing to do with us.

Public Works Director Santamaria: That's correct.

Mayor Cason: And even if they were to come back later on and say, well we didn't do it, or we did it wrong, if we were to pass this today that would not have any impact whatsoever, right?- it would just die.

Commissioner Keon: Don't they generally, isn't the County, because it is within the municipality they ask the municipality to approve it so that there is not any disagreement between these two legislative bodies or the two governmental bodies with regard to an action taking place within the municipality. So they ask that we do it so that they are aware of our feeling on this subject, isn't that correct?

City Attorney Leen: Yes, I would like to add something here. The City's position is that these special taxing districts are subject to the City Code, for example our guardhouse ordinance, and we placed that in here. We think just like the City has a ministerial duty to vote on the district, the County in my view, has a ministerial duty to apply our law, they can't just ignore our law. These Special Taxing Districts aren't special areas where the law of Coral Gables does not apply; I want to make that very clear. In addition, there has been a Charter Amendment that does all the cities to take over these Special Taxing Districts with approval from the County Commission. I know that staff is looking at that, that's not before you today, but in those situations where, for example, there was a problem, there would be a way for the City to look into perhaps taking over a Special Taxing District. Lastly, I just want to make the point, in this particular case, there is the ministerial aspect of going forward with the vote, there is also in this particular case, the City will also be building, is my understanding, the guardhouse and then turning it over to the County, but retaining ownership, that's not ministerial, that the City has, it's up to the City whether it wants to do that or not. It seems to me from a legal perspective a good idea, because we can make sure that it's done according to our standards.

Commissioner Keon: Can I ask a question with regard to, I'm sorry.

Mayor Cason: I'm just sort of confused – we have people here, I'm opposed, I'm in favor, but that will be decided in a referendum later on, right?

Public Works Director Santamaria: That's correct.

Mayor Cason: So I mean it's nice to know that we have people in favor and against it, but we'll go through the cards, but I'm just wondering is it relevant to what we are doing today.

Public Works Director Santamaria: Well to the extent that these folks are being give a public forum to put their positions on the record, yes.

Mayor Cason: I understand.

Commissioner Keon: I had a question with regard to – I was going to ask you, I don't remember what the outcome was of that amendment that was on the ballot in November.

City Attorney Leen: It passed.

Commissioner Keon: To allow us to take them over.

City Attorney Leen: Yes, it doesn't mandate that the City take it over now, but it does...

Commissioner Keon: No, no, no, but it allows us to do it.

City Attorney Leen: The City could take this over now with the agreement of the Board of County Commissioners, but that's a bigger issue, because there are a number of guardhouses and so I know that the City Manager has asked the Public Works Department to look at that and make a recommendation.

Commissioner Keon: OK.

Mayor Cason: OK. Since this is a public hearing, we have some cards, we'll open that starting with – please try to keep it at two minutes, because you either are in favor or against. I think we know the arguments we'll hear on both sides. Ronald Ponzoli.

Mr. Ponzoli: Mr. Mayor, Commissioners, my name is Ronald Ponzoli; I've lived here since 1979 at 5505 Banyan Trail, Coral Gables, Florida. There is an issue here, which should be addressed by this Commission. The City Manager took care of the South Florida Water Management District problem, which was an issue and which has now been resolved, however, after Thanksgiving I did receive the letter and I made an inquiry of what was happening and I was sent a site plan, which is to be approved, I believe, by the Commission here. Do you all have the site

plan? OK. It is important for this Commission to note that this site plan is dated in March of 2016. In allowing this to go forward, the County sent an e-mail letter saying that there were certain requirements that had to be done and as far as I'm concerned that affects this Commission. If you will all bear with me and look at the site plan, and if you don't have a copy, I have extras. You have it?- alright. If you will look at the site plan, one of the requirements that the County has is a life safety issue and I will read it into the record. There needs to be enough space on the sides of the roadway in the vicinity of the guardhouse outside the gates to allow pedestrian access for possible future sidewalk. If you look at the site plan there is no walkway, there is no way for pedestrians and bicycles to get through the gate.

Vice Mayor Quesada: I'm sorry, I was looking at something else, can I get a copy? I was looking at this map. Can you pass me a copy, I apologize.

Commissioner Keon: That's what's in our packet.

[Inaudible]

Mr. Ponzoli: This is what was sent to me from the City...you have it?

[Inaudible]

City Manager Swanson-Rivenbark: Mr. City Attorney as clarification, it's my understanding that we are not asking the City Commission to approve an actual site plan associated with the guardhouse, but rather to initiate the process and that the guardhouse location and the placement, which has not been included in the agenda will be brought back to the Commission for later consideration, am I correct?

City Attorney Leen: That's my view. The reason I say that is because what the item says is that we approving construction of a guardhouse facility, operation of traffic control devises, and execution of an Inter-local Agreement between the City and Miami-Dade County. It is my view that it would ultimately be the County that has to approve this as well, and we would in my view as the Zoning regulator, we would have control of the site plan and I am the City Attorney, and that's the way it is in Coral Gables.

Mr. Ponzoli: Mr. Mayor it seems like we are "putting the cart before the horse". If this site plan is not in compliance with the letter, and from the [Inaudible]... The site plan does not allow a pedestrian walkway. In all deference to the Mayor and I have great respect for him, there is a person on a skateboard that has a dog that runs down there and everything else. Look this is a

walkway where, Mr. City Attorney, there is only fifty-five feet side by side. You have to have a pedestrian walkway.

Vice Mayor Quesada: Is that a County requirement of a City requirement?

Mr. Ponzoli: It's the law, County and your City too.

Vice Mayor Quesada: It's interesting, sorry I don't want to interrupt you, I don't want to preclude you from continuing with your points, but if I think of all the guard gates that we currently have within the City. Gables by the Sea, my parents live there, I am there all the time...there is no sidewalk. Snapper Creek doesn't have a sidewalk. Cocoplum has a sidewalk. There are a few that I can think of, that I frequent, that don't have sidewalks.

[Inaudible]

Mr. Ponzoli: I heard about trucks, the life safety issue, because of trucks. Can you imagine the life safety issue of people to walk through a gate guard to walk through a gate?

Mr. Santamaria: If I may, I don't mean to interrupt...

[Inaudible]

City Manager Swanson-Rivenbark: Excuse me Sir, as Public Works Director, I need him to be able comment on these items.

Mr. Ponzoli: It does have to have a walkway for pedestrians.

Mr. Santamaria: The site plan that you are looking at is merely schematic.

City Attorney Leen: Mr. Mayor, I have taken a look at the item in full again and there is no site plan attached, there is no...

Vice Mayor Quesada: if you would just let him finish, it is a good point to be made, it is not saying it's a final design; it is obviously a consideration for us to consider moving forward, it's an important one.

Mr. Ponzoli: This is important, because it's a life safety... Also, we have a City beautiful. One of the requirements is quote "needs to show where the attendant will park". I assume there is a parking place by Gables by the Sea for the attendant to park. You would need to construct a bay

or pull out within the vicinity of the guardhouse. You would need two. Obviously the guard coming has to park and the guard leaving. You can leave his post and come. There is no place to park, it's not on here. And there is one other thing that I am very curious about, I was always taught that you weren't allowed to put a permanent structure on a right-of-way, correct? Here they have a septic tank and a drain field on the right-of-way. Now is that allowed?

Public Works Director Santamaria: Yes.

Mr. Ponzoli: I understand that you are supposed to approve a site plan, but this is something in our City that is important. So I think this City Commission, my Commission should be aware of what's going on and have the City Manager, let's look into this, is there room for a pedestrian walkway?- is there room for parking?- are there trees that have to be taken out? One of the things that held this project up is that the City of Coral Gables required that three mature oak trees be moved. There are light poles there, where are you going to put this stuff? If we love our City and I do, what are you going to do with it? I have a photograph at the end of this area; the South Florida Water Management District has a gate. Have you ever been down Banyan Drive?- yes, you know where the gate is. There is a walking path there that hundreds and hundreds of people walk through all the time, this is a walking area, so I really think if we are going to talk about bus, trucks being parked in the area, we are going to talk about trolleys going around where people are, I think this Commission owes us pedestrian safety in that area. So if you say, OK, yes we have a resolution to approve it, that's fine, but what is the end result?- don't you all have an obligation to us for the end result?

Mayor Cason: It seems to me that, we have a lot of suppositions here; first of all we've got to get through a referendum. If the referendum says, no, we don't want it, then it stops right there, we don't get to a site plan. If they do, then the site plan has to take into effect, into consideration the things that you mentioned, and if they can't be done then there is no guardhouse.

Mr. Ponzoli: Mr. Mayor there has been a vote that says to go forward at least with the process.

City Attorney Leen: I've been in contact with the ACM Building Official; all of this will be addressed. Thank you for your comments; they will be addressed as part of the design process, if it's approved.

Mayor Cason: I think you're right, all of that will...

Vice Mayor Quesada: Hold on a second. I'm a little confused procedurally where this is at, because he just raised something that I guess there is a little confusion on my part, from what I

understood prior to the commencement of this meeting today. So, I believe there was a vote in the neighborhood...

City Attorney Leen: A petition.

Vice Mayor Quesada:...there was a petition...

Commissioner Lago: What was the outcome of that?

Vice Mayor Quesada:...and it passed pursuant to our standards.

Mr. Ponzoli: Sixty percent, not an overwhelming number...

[Inaudible]

Vice Mayor Quesada: Can you explain – OK, so that is just to start the process. Explain to me the referendum aspect of this Mr. City Attorney.

City Attorney Leen: Or there is the petition aspect of it, that goes first, then my understanding, I have information here that goes step-by-step through the process. Can you give me – I want to make sure what I say here is absolutely correct, so may I have one minute to talk to Mr. Santamaria.

Vice Mayor Quesada: So that if you want to complete or we can listen to other public comments and the City Attorney will get back to us.

Mayor Cason: Your points are well taken; they have to be taken into consideration, if that's the law, if that's the ordinance. So if and when we get to that stage everything you've said will be taken into consideration. You have any other aspects that you wanted to mention at this stage?

Mr. Ponzoli: I want you all to know about the problems that are going on with this thing, because I think – you are my Commission, OK, and I do believe you want us to bring problems to you.

Mayor Cason: I think it's very helpful what you've just said, so I think that will have to be taken into consideration when and if we reach the stage where the referendum says yes, we want to go forward, then we get into the details where we come back and we'll have to vote and make sure that all those things are taken care of. If they can't be then there is no guardhouse.

City Attorney Leen: We are in Step 1 of a 6-step process, so at this point the petition is validated by the Public Works Department's Special Taxing District Division, they are referring to the County. The petition must contain affirmative signatures of 50 percent or more of the resident property owners for process to continue. The petition and the results of the validation are filed with the Clerk of the Board, County Board. At that point, if the proposed District lies within the boundaries of municipality, said municipality must once the petition has been validated authorized to County by ordinance to create the District. Then the County does a cost and feasibility study, and there are several steps to that, and a Public Works report from the County is filed with the County Manager, now County Mayor, and then the County Mayor files a written report with the Clerk of the Board. At that point, Step 3, there is District creation, which is a public hearing to which all property owners are invited by the County Clerk of the Board, is held by the Board of County Commissioners to consider the District Creation Ordinance. Notices are published by the Clerk in a newspaper of general circulation; notices are also posted in five public places within the District. Then there is ratification, which is an election conducted by mail ballot. All registered voters residing within the District boundaries are eligible to vote. Majority vote is needed to ratify District creation. One point of clarification, I noticed that the amount of petitions that need to be signed is 50 percent of the resident property owners, not 60. So then at that point, there is a collection of special assessments, that's Step 5. Then there is the service commencement, that's where there is the survey, the plans preparation, the bid process, the City would be the one doing the work here, that's where we would approve the site plan, that's where these issues would be addressed. All of these issues will be addressed, in my understanding, we will look at them and do what we can to address any harm that could come to the community.

Mayor Cason: Yes. If you could make sure that if it gets to Stage 6 that everything he said is taken into consideration.

Public Works Director Santamaria: Absolutely.

Mr. Ponzoli: There's one thing I do wish to point out. You all do have some authority; you do have Home Rule, because this Commission in 2015 passed an ordinance that requires that the gate guards have between 11 p.m. and 6 a.m. in the morning to open the window. The County said you can't do it. I do believe that the Coral Gables....

Mayor Cason: What we did is, we said we were going to put the signs on City property outside.

City Attorney Leen: What we would do is one, this actual resolution includes a provision that says that, that law applies for this guardhouse; two, what we've worked out with the County is that we post the sign and in our view the guardhouse operator has to comply. It's up to the

County what they do. Our view is it's a legal requirement. If at some point we took over the guardhouse then we could impose that requirement.

Mr. Ponzoli: OK. But in the process there is also – I don't want to take any more of your time, but this is an important issue, I think.

Mayor Cason: Last point.

Mr. Ponzoli: OK. I appreciate that, thank you Mayor, Mr. Mayor, but in that process there is also has to be hearings with your Building and Zoning and our Building and Zoning, so that the pedestrian walkway and those things are addressed, wouldn't you agree?

Mayor Cason: Which we've agreed. We've said that. We agree.

Mr. Ponzoli: And you would agree with that, would you not Counselor?

Mayor Cason: Yes.

Mr. Ponzoli: I also would like to have more notice of this is what's going on than just the couple of days after Thanksgiving, that these things are coming up, it would be helpful to the residents, because there are individuals who are apparently meeting with people that we don't know about. So can we have transparency?

Mayor Cason: I think they'll have a lot more "bites on the apple" and...

Mr. Ponzoli: Well I think we need transparency, I think you would all agree with that, do you not?

Mayor Cason: Yes.

Mr. Ponzoli: Thank you.

Mayor Cason: Thank you. Thank you very much, very useful.

Mr. Ponzoli: Mr. Mayor, it's good seeing you again.

Mayor Cason: Thank you.

City Manager Swanson-Rivenbark: In your speaker card you left your e-mail address and phone number?

Mr. Ponzoli: Yes, of course.

City Manager Swanson-Rivenbark: We'll make sure to be able...

Mayor Cason: Robert Barlick.

Mr. Barlick: Thank you Mr. Mayor, thank you Commissioners. My name is Robert Barlick, Jr.; I've lived with my wife and three children at 5400 Banyan Trail for almost ten years. We also own the adjoining lot at 5401 Banyan Trail. I along with several other neighbors and one of the residents responsible for organizing the petition you are considering today. The Banyan Drive neighborhood does not maintain an official homeowners association, and so seeing the great success that our adjoining communities, Hammock Lakes and Snapper Creek have had, a group of us took the initiative to try to bring about similar improvements to our neighborhood. We did so first and foremost, because we believe that having a guardhouse will greatly improve security. We also believe that will enhance property values, reduce speeding at the entrance of Banyan Drive, and provide for a more attractive and landscaped entrance. I want to touch on Commissioner Lago's or borrow Commissioner Lago's comment from the last part of the session, which this is a democracy and we need to follow certain rules. We've not only followed the rules, we've actually exceeded them. The first stage was that the County and the schematic, and Mr. Ponzoli, my neighbor, referenced is purely, purely conceptual. The first stage in the process is that the County determines whether or not such a concept is even possible. They did so in August and they issued a petition. We are not required to send the petition to all of the resident homeowners, but we actually saw to it that each and every homeowner got a handle of every copy of the petition. We actually made an attempt to contact every single one of our neighbors by telephone.

Mayor Cason: How many do you have in your neighborhood?

Mr. Barlick: There are 51 lots included in the District; and we had conversations with people for/against and neutral. Even though it was not required we had a public meeting in September where over 30 people attended, so they could voice their concerns. I want to point out that there are a myriad of issues that come up in the construction, the design of any structure, and so we could get into that debate all day long, but your resolution, your voting is subject to compliance with applicable Miami-Dade County and City requirements. All we are asking for, we are not asking you to impose a guardhouse on our neighborhood, we are merely asking for the light to continue with the democratic process to determine whether or not a majority is in favor, as I

believe has already been done and demonstrated. So I very much appreciate your time and consideration. Thank you.

Mayor Cason: Thank you – appreciate it.

Commissioner Keon: Thank you. May I ask...

Mayor Cason: Jasmine Zeledon, I can't read the handwriting, Zeledon.

Mr. Barlick: And I'm more than happy to answer any questions as we go.

Commissioner Keon: I'll wait till we are done.

Ms. Zeledon: I am against the guard and I never got any mail, and I just found out that I'm getting a lot of e-mails and I'm not getting any e-mails, that's what I'm here for.

Mayor Cason: Thank you.

Commissioner Keon: Are you in favor of it or opposed to the guardhouse? OK.

Mayor Cason: Vincent Signorello.

Mr. Signorello: Mr. Mayor, Commissioners, good afternoon, I'm Vincent Signorello, the CEO for Florida East Coast Industries, a Coral Gables based company, I'm also a resident at 5520 Oakwood Lane. I've lived in that residence for four years, I have two young children. I along with Rob was part of the planning process for the gatehouse that we are talking about here today. I think like Rob, I am strongly in favor of the guardhouse, mostly because of the additional security that it brings to the neighborhood and notably the slowing down of automobiles as they enter into our neighborhood. So as we discuss things like sidewalks and other safety items, nobody is more in favor of safety for our neighborhood and children than I am and Rob and others that are advocates for this process; and I would also act on Rob's sentiment that more important than whether somebody is in favor or against the guardhouse, I'm proud of the process that the neighborhood took, in the engagement of all our neighbors, and in fact we all gathered and voiced various opinions, again for and opposed, and even subject to those conversations have resolved or worked through certain issues that some of our neighbors have had. So I thank you for your consideration to move this process ahead.

Mayor Cason: Thank you. Lauren Diamond.

Ms. Diamond: Good morning, my name is Lauren Diamond; I live at 5465 Banyan Trail. I've lived in the neighborhood for 30 years, and I am in favor of the guard-gate for security and property values. So thank you for listening to this.

Mayor Cason: Thank you. Mayra Grande.

Ms. Grande: Good morning, I'm Mayra Grande; I live at 5671 Banyan Trail. I've lived in the neighborhood for fifteen years. I have always wanted a guard-gate in our neighborhood as well. I've raised three daughters in the neighborhood. We do have an issue with cars going very fast in our neighborhood; I think it would slow down the traffic. I have had my car stolen from my house eight years ago, so I would welcome it from a security standpoint, and I do believe that the home values would increase in our neighborhood. So I am in favor of it and I think that we could do a beautiful job. I know the neighborhood next to us was able to execute it in a really beautiful way and I hope that we can go forward with the process if everyone's in favor of it, and execute it in a beautiful way. So thank you for listening.

Mayor Cason: Thank you. Matthew Pellar.

Mr. Pellar: I live at 5655 Kerwood Oaks. I'm remodeling my house so technically, I guess, my vote doesn't count, but I'm here to support the project.

Mayor Cason: We are not voting today.

Mr. Pellar: I have noticed a lot of cars do speed down that road, as everybody has mentioned. I'm concerned about that and that will definitely slow down the traffic. There's been some minor petty crimes, people broken into houses and stolen little things. I have three kids, I worry, I travel, so I'm very much in support of the guard-gate and I commend everybody for working together with the neighborhood and making this happen. Thank you.

Mayor Cason: Thank you. And the final is Enia Rivero.

Ms. Rivero: Good morning. My name is Enia Rivero and I live at 5450 Banyan Drive, which is at the beginning of Banyan. I have lived here since March of '92, so it's almost 25 years. I feel that security can be achieved with a camera and speed bumps. I fail to see how a guardhouse at the beginning of the street affects the speed of traffic further down the neighborhood, which I walk frequently every week and people definitely speed down the section of Banyan Drive next to the canal. We are now approaching retirement age and having lived here for so long, this will definitely place a great tax burden on our household. We are already being taxed for a roving patrol and I guess I have a question for the Commission. When the roving patrol was established

what is now Banyan Trail, which is the very last street in our neighborhood, it used to be 98th Terrace, they were omitted from our roving patrol. They do not participate in the roving patrol, and so my question is, can a majority opposition at the beginning of Banyan Drive move this guardhouse further down the road. No one asked me if I wanted to be included in this proposal, it was just assumed that the neighborhood begins at point “X”. So I have a question, if at the beginning of the street there is a majority of opposition, can this guardhouse then be moved down somewhere, down further down the road?

Public Works Director Santamaria: That would be part of the feasibility study, as I understand it, so that would be part of the County’s process in reaching out to the community and establishing whether the feasibility of the project at its location.

Mayor Cason: I can’t imagine that you couldn’t have some flexibility as to where it goes. There are a number of gated communities where you have to drive in quite a-ways before you get to the guardhouse, so I mean that’s something that probably would be something you all sort of work out. It’s not something that the City would at this stage would have anything...

Ms. Rivero: So who should I address this to, because I was just included in this grouping. If I can secure opposition of a majority of homeowners, let’s say up to my property, put it further down the road, I don’t really care.

City Manager Swanson-Rivenbark: This resident has submitted a speaker card; we’ll be able to contact her with our Public Works Department once we’ve researched the issue.

Mayor Cason: We’ll give you an answer to that, we just don’t know it right now.

Ms. Rivero: OK.

Public Works Director Santamaria: The answer would be just to stay involved in the County process.

Commissioner Keon: Right – you could also reach out to the County Commission....

Public Works Director Santamaria: We will send out frequently asked questions document that the County produces that answers some of your concerns, including that of financial hardship.

Speaker: Mr. Mayor, I can answer part of that question. I was on the Building Committee when we built the new school, St. Thomas, when you get down to the corner you can’t put anything there, that’s all owned by the South Florida Water Management District and they prohibit, they

even prohibited us from putting a fence there, because it affects the right-of-way. All of that road is South Florida Water Management District owned.

Mayor Cason: OK.

Commissioner Slesnick: Ms. Rivero when you say roving patrol, is that a special roving patrol just for your complex that you are paying for?

Ms. Rivero: We already have a roving patrol and this would be an additional expense to our roving patrol, which this year went up to over \$1,800.

Mayor Cason: I don't know if the City has anything to do with the roving patrol.

Commissioner Slesnick: Can't you ask them for your street?

Ms. Rivero: I'm sorry?

Commissioner Slesnick: You can't have them on your street?- are they not on your street?

Ms. Rivero: The roving patrol?

Commissioner Slesnick: Yes.

Ms. Rivero: Yes – No, what I said is when the roving patrol was established, 98 Terrace, which is the very last street in our neighborhood was not part of this roving patrol, because somehow they wrote it themselves out of the roving patrol and so I'm asking how...

Mayor Cason: Let us look into it, because it's a good question, what is the neighborhood? - and who gets included and who does not? I don't think we have the answer at this stage, so we'll get back to you.

Ms. Rivero: So my question was, if they were able to vote themselves out of this roving patrol, how do I vote myself out of this?

Mayor Cason: We'll try to find the answer for you.

Ms. Rivero: Thank you very much for your time.

Mayor Cason: And the final one is Kolleen Cobb.

Public Works Director Santamaria: Mr. Mayor, if I might add in the interim, regarding South Florida Water Management District, they have been involved in the process, so they are fully aware of the proposed guardhouse initiative.

Mayor Cason: OK.

Ms. Cobb: Hello, my name is Kolleen Cobb; I live at 5575 Kerwood Oaks Drive. Actually, I'm a native Miamian and grew up in the neighboring community of Hammock Oaks; Hammock Lakes actually that now has a gatehouse, which would be very similar to ours. I've live in the neighborhood for 14 years and I'm for the gatehouse.

Commissioner Lago: Thank you very much.

Mayor Cason: Thank you. We'll close the public hearing. So again, for the record, we are not taking a stand for and against the guardhouse. What we are doing is doing our ministerial duty, which it says must – we are going to authorize or not the creation of the Special Taxing District. If at any stage it gets derailed, because of a referendum or anything else then its mute. So do we have any more discussion?

Commissioner Keon: I just wanted to know, they said that there are 51 lots in this sub-division, how many, it's actually the number of Homesteaded properties, how many Homesteaded properties are in that area, do we know?

Public Works Director Santamaria: I have the numbers right here, forgive me, but my binder which I have misplaced, but I do have them here, I believe its somewhere in the neighborhood of 40.

Commissioner Keon: 40.

Public Works Director Santamaria: There are seven vacant lots.

Commissioner Keon: OK, so there are 40 Homesteaded properties. There seems to be some division here among the residents that live there. So do we have – and someone had said they never got e-mails or they weren't notified. We have the contact information, since we know there are 40; we have the contact information for all 40 of those individuals?

Public Works Director Santamaria: We actually sent notices to everyone in the Special Taxing District.

Commissioner Keon: OK. So they were all notified.

Public Works Director Santamaria: Correct.

Commissioner Keon: OK. Thank you.

City Attorney Leen: One thing I just want to place on the record, that's Section 6, where it says that the guardhouse on Banyan Drive, south of North Kendall Drive herein approved to be constructed, complying with all applicable codes, shall be located within the public right-of-way. By applicable code, I wanted to be clear that we also include our Zoning Code, our aesthetic ordinance, all of those things, and I see the ACM Building Official nodding, but that's all going to go through him and also to the Public Works Department.

Commissioner Lago: Through the Mayor, what Commissioner Keon mentioned before, as long as all the residents were notified thoroughly and we followed the process then I'm perfectly fine with it.

Mayor Cason: OK.

Commissioner Slesnick: Mr. Mayor, I'd like to ask Vincent you'd mentioned that there were some other complications that other individuals in your complex had differences of opinion, is it because of where the location of the guardhouse is going?

Mr. Signorello: It was. We had a neighborhood meeting that we invited people to, and actually the resident that owns and occupies the home that is closest to the guardhouse was an active part of that dialogue, and since then we have continued to work with that resident to discuss the placement or the orientation of the guardhouse, how the trees will look around the guardhouse, mostly aesthetic issues and that individual is now, I'm not speaking for the individual, that individual is not here opposing.

Commissioner Slesnick: Not opposing.

Mr. Signorello: Right.

Commissioner Slesnick: So the two or three people that are opposing it right now, what do you think about moving the location?

Mr. Signorello: I'm not a technical expert in that regard, so I think there is a feasibility study that will be analyzed and to determine alternative...

Mayor Cason: And you guys will work that out sooner it gets to that stage and it's approved.

Mr. Signorello: Absolutely.

Commissioner Slesnick: There were no other objections, except for the location of the guardhouse and the fees associated with it?

Mr. Signorello: I don't want to speak for everybody's objections. There were certainly objections related to the location. I think that there are also objections just outright; people didn't want to pay additional taxes.

Commissioner Keon: But as long as we have the contact information for everyone, every Homesteaded property in the District, then we have, you have the ability to talk to the community and there is a process set up by Miami-Dade that you'll follow.

Public Works Director Santamaria: So if I have your e-mail address as of today, I'll be happy to send out a Frequently Ask Questions document that Miami-Dade County has produced that answers a lot of these questions in a very thorough manner.

Commissioner Keon: OK – and explains where we are in the process.

Public Works Director Santamaria: Absolutely.

Mayor Cason: Stage 1 – Stage 2, we are in Stage 2. Alright – do we have a motion on H-3?

Commissioner Keon: I'll move it.

Mayor Cason: Commissioner Keon makes the motion, Commissioner Lago seconds – City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 11:35:50 a.m.]