

City of Coral Gables City Commission Meeting
Agenda Items E-4, F-1 & H-9 are related
April 12, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Building Director, William Miner

Public Speaker(s)

Jackson Rip Holmes

Agenda Items E-4, F-1 & H-9 are related [0:00:00 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 13 "Miscellaneous Construction Requirements," creating Section 5-1302, "Sustainability Standards," establishing criteria for new building construction to achieve Leadership in Energy and Environmental Design ("LEED") certification or equivalent; providing posting of a bond to ensure compliance with LEED certification or equivalent; providing for a repealer provision, severability clause, codification and providing for an effective date. (PZB recommended approval, Vote: 5-0)

City Commission Meeting
April 12, 2016

Agenda Items E-4, F-1 & H-9 are related –Ordinance amending Zoning Code Development Standards, a Resolution directing the City attorney and City staff to prepare an Ordinance amending the Art in Public Places program, and a presentation of the proposed Community Benefit Program.

A Resolution providing City Commission policy direction to the City Attorney and City staff, to prepare an Ordinance amending the Art in Public Places Program, to provide for increased contributions for non-municipal construction projects, including as to the use of funds for public parks and open spaces, for consideration by Planning and Zoning Board and City Commission.

Presentation of the proposed Community Benefit Program.

City Attorney Leen: Procedure for this item is to me, I will read in Item E-4, the title. And then there's going to be a presentation by staff, and then we will go over the three different items before you, and then there'll be a Commission discussion.

Mayor Cason: Okay.

City Attorney Leen: This is an ordinance on first reading, zoning code text amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 13 "Miscellaneous Construction Requirements," creating Section 5-1302, "Sustainability Standards," establishing criteria for new building construction to achieve Leadership in Energy and Environmental Design ("LEED") certification or equivalent; providing posting of bond to ensure compliance with LEED certification or equivalent; providing for a repealer provision, severability clause, codification and providing for an effective date. This is sponsored by Commissioner Lago. It's a public hearing item. One thing to mention, the -- my office -- actually, I, the city attorney, gave an opinion that we could apply this on a mandatory basis to buildings that are over 20,000 square feet. In my view, we can do this -- and we had a little bit of -- I had a little bit of debate with our outside land use counsel. The more conservative approach would be to just apply it to -- by conservative, I mean -- we're pushing a little bit here, and I'll explain what I mean. One approach that went before the Planning and Zoning Board was to have this be done for any sort of -- basically an incentive type program. So, if you were going to get the Mediterranean bonus or if you were going to get something that was not as of right, like an encroachment agreement with the City or if it was the City building or something like

that, that would have to be a LEED building. That was now changed -- that part still remains in this ordinance, but there's also a component of the ordinance now that says that any building over 20,000 square feet would be required to be LEED certified. And the basis for that and the reason why I believe we can do it is if this is that this is being done as an environmental protection police power measure and there are certain findings within the document that indicated how important the environment is to the City of Coral Gables and why we believe that for these larger developments that have significant impacts, they should be LEED certified. So, in my opinion, based on that, I believe we can go forward with it. I would also note I did research nationwide and there are a lot of cities actually that have adopted -- there's a number of cities, I should say, that I saw specifically that adopted LEED ordinances for over 20,000 square feet, including the City of Miami, the City of Hollywood, a number of others; San Francisco has one. They use different square footage, but they all are based on the same principle. So, based on all that, I feel comfortable proceeding, and I issued an opinion that it is legal. And now with that, we would turn it over to the City Manager because what's going to happen is as part of this public hearing, there's first going to be a presentation on a Community Benefits Program to explain what staff has been doing and to give you a framework where this item, along with the other items before you can all be considered at once so the Commission can make a policy directive to staff as to how you would like to proceed. And with that, I would turn it over to the City Manager.

City Manager Swanson-Rivenbark: Thank you, City Attorney. These are actually three related items, one dealing with mandatory LEED certification for the City Commission consideration, one dealing with increasing the Art in Public Places ordinance to allow for more purchase of public land, also sponsored by Commissioner Lago, and a third one that is emerging because there's a community benefit opportunity where we can look at a variety of themes or goals that are important to the Commission and we can put forward almost a cafeteria plan of offerings. Vice Mayor Quesada's leadership on teacher housing, for example, how does that fit in in our permit process and our allocation of points today? The most significant incentive that you offer is related to Mediterranean design, and we're wondering if it's time not to increase the number of

square footage allowances, but rather possibly allocate that in a variety of ways. So, we're going to have Bill Miner make the presentation, and then we'll take questions. We'll go back to the LEED ordinance discussion and also to the Art in Public Places.

Building Director Miner: Thank you very much, City Manager. In August of 2015, just this past August, a resolution was passed by you directing staff to look into a green ordinance. I'm pleased to bring a draft of that ordinance here today on first reading. The -- that resolution was very much in line with a comprehensive plan requirement that dates way, way back that set a deadline of 2011. In 2011, staff would bring back some research, some recommendations about adopting best practices, management practices related to green buildings. So we're about five years late, but what we have today is something that builds on your resolution, is in alignment with the comprehensive plan that was back in 2011, and more importantly, today the sustainability master plan that our City staff have been working on across the board in order to make the City developments more sustainable, green, resilient. Your resolution said research the options, so that's the first thing we did. We collected survey information from 18 South Florida municipalities, all peer cities and councils. And I think in your package you'll see a matrix that shows the different approaches. They're very, very broad. We broke them out into four sort of categories of strategies that I'll summarize as follows. The first tier group of -- took an all voluntary approach that we elevate thinking and awareness among our residents and our developers and we encourage them through rebates, through rewards, recognition and other elements to encourage them to make the buildings LEED certifiable, green to some extent. The second category took a more contemporary approach and this is actually the approach that's in play today at the state level, and that was to integrate a green building code. This is a fairly new code that the International Code Council has published and disseminated that would provide an overlay onto the Florida Building Code so that the green requirements would not be in a rating system. It would actually be a supplemental code requirement, and there are a whole host of cities, and as I said, the state uses that for their facilities. The third level -- and each one is a little more aggressive in its approach -- is that the municipality said, hey, we've got to go first. We've got to demonstrate our commitment to this and we're going to first make LEED

certification at some level a requirement for all public buildings or developments that occur on public property. And again, there're an equal number that have that strategy today. The fourth level, the most aggressive and the most in line with what we're proposing at this point is a mandate and it says both public buildings and private buildings on a certain level and a certain type need to have a sustainable model that's based upon industry practice that's verifiable by a third party and that has some level of flexibility so that you can pick from a menu of options and establish a good green strategy that's appropriate for your development. So, the text amendment that we're proposing at this point is in line with that fourth level. And we're proposing a new chapter within the Zoning Code, Chapter 13 has miscellaneous construction requirements, and in there we would add a new Section 5-1302, which would be sustainability standards, and that's a placeholder for other things that we might want to add to that now or in the future. We have recent resolutions encouraging the development of solar panels, for example. And we eliminate permit fees for residential solar panels. That's a plus. And there are other things that are within the sustainability master plan that might find themselves as text amendments in the future. This would be one of the bigger components. As the City Attorney summarized, we're proposing, after looking at all of the options, that we focus on a LEED silver certification. This tends to be the sweet spot for most institutions, municipalities, University of Miami, even private sector developers often focus on LEED silver. That's 50 to 59 points. It's a stretch requirement, but it does not burden a project with excessive costs or time. And of course, we want to incentivize development to go beyond LEED silver, but that tends to be a fairly good baseline. We're also focusing on 20,000 square feet, which is also a variable on a lot of locations. I've seen as low as 7,000 square feet in Miami Beach for new building. I've seen as high as 50,000 square feet. I've seen -- in Miami Beach, it's 7,000 if it's new and it's 10,000 if it's a rehab. So, there are opportunities to pick within that range. We though 20,000 square feet would be a good benchmark because it really aligns with our so-called threshold buildings. A threshold building is over three stories, up to 50 feet in height. And on a standard development footprint, that would roughly equate to about 20,000 square feet. We're also suggesting that we adopt a policy that all City properties that are developed and all City projects be developed to the level of LEED silver. Again, we have to walk the talk, and that would be a component here. And the

third component would be in line with what the City Attorney had spoke of, and that was in projects where we have special approvals, proprietary approvals, right-of-way encroachments, vacations or abandonments of alleys, mixed-used or a planned area development, we would impose a LEED silver requirement on those projects. What's interesting in the research is we already have a very good number of LEED-certified buildings already in our city and they happened voluntarily. We haven't tracked them. We haven't encouraged them. We haven't given them any kind of public recognition; perhaps, we should, but it's happening anyway. So, it sort of points to the fact that it's not necessarily a burden, developers, owners will do it on their own. It makes sense to them economically. It makes sense to them from a public outreach standpoint. So, that gave us a good bit of comfort. Those 56 include many, many projects on the University of Miami campus. I need to highlight the great work that they're doing in terms of their green policies. And their policy includes a green silver standard using LEED as the benchmark. One of the major concerns that came out of the vetting of the draft to other committees, which I'll mention later, is the cost. LEED does not come without cost. The US Green Building Council, you know, clearly points out that as our professionals, as our homeowners, as our developers become more akin to this, as new products come out on the market, the cost of designing and constructing a LEED building continues to drop. And they hope that in a decade or so, it may come without a cost. Right now there is a cost, some additional design, some special expertise that have to be added to the design team. There are additional documents that have to be filed and inspections that have to occur during construction. And for the moment, that is seen as an additional first cost. How much is that? The industry estimates say that that's about 2 percent of the gross cost of construction, plus about \$150,000 in soft costs in terms of application fees with the US Green Building Council. Similar to our permit fees, there's a cost for them to review and inspect projects for certification. So, we've sort of rounded that up to about 3 percent. And we've used that 3 percent as the recommended target for a green bond. We're very concerned that this is enforceable, that we want to ensure performance. And one problem that we have, unlike other initiatives, is the certification comes after occupancy, so it's not something we can link to issuing a building permit or passing inspection. The building has to be designed, constructed to very tight standards and then

occupied before it can get final certification. And US GBC says that ought to occur within 18 to 24 months after occupancy.

Mayor Cason: While we're...

Building Director Miner: Yes, sir.

Mayor Cason: While they're building and our inspectors go out, do they inspect with that in mind, as well, and say you're not going the right direction, or is it just you wait until two years?

Building Director Miner: They collect logs and they do construction -- I'll think of the term, but they have to fire up the systems, test them, take measurements and report that to you as GBC in order to verify that the systems are performing at the levels of efficiency that are needed for certification. The bond is then held up to 24 months with the proviso that if you provide the certification, we release the bond within 30 days of reaching that milestone. Or if you're unable to achieve it within that timeframe, that bond would be forfeited, and then the City would then use that money to fund other green initiatives within the City. So, it's very similar to the art program to the effect that you can build it into your project or we can use those funds in order to supply the City with art the same -- it would work the same way with the green building proposal. There are exemptions that may come with this because of the strong historic requirements and the economic development objectives in the City. Exemptions may be raised that would be reviewed and approved by the City Manager and her staff, so we've left that flexibility into the draft provision.

Mayor Cason: Would this apply only to commercial, not residential?

Building Director Miner: This would apply to all buildings, sir, of 20,000 square feet or more, which usually means a commercial development.

Mayor Cason: What about churches?

Building Director Miner: It would apply to churches as well; yes, indeed.

Mayor Cason: And it's not retroactive?

Building Director Miner: It is not retroactive as it's drafted. The vetting of this...

City Manager Swanson-Rivenbark: Excuse me one second.

Building Director Miner: Yes, ma'am.

City Manager Swanson-Rivenbark: Mayor, because so much of the LEED incorporation is in the building plan process and our inspectors would have to test against that, it would be impossible for us to make it retroactive if people are already in the permitting process.

Building Director Miner: We've had discussions with several bodies, internal and external, starting with our Sustainability Advisory Board. Of course, the Sustainability Advisory Board were very quick to pass a resolution in support of it. Some of the details have changed since it was first presented to them, but fundamentally, they were -- they supported it in principle. They preferred a more aggressive approach, a mandate similar to what we're proposing today. Also, a very, very helpful sounding board was the Sea Green Committee of the Chamber of Commerce. Again, it's part of their charter to advocate for this and to help us explain it to the business community and to make sure that there's value in there for our commercial residents. The Board of Architects were very, very interested in it. The architectural community has to execute it to a large extent. It has to be incorporated in their design work. They're also probably the best educated and familiar with the procedures associated with US GBC application. It would provide -- it would require additional services -- service agreements for them, in some cases, or the hiring of green specialists on their design teams, which they're already doing in other

municipalities and with other customers as well. So, this is not really new to them -- it's new to them when they're working in Coral Gables. They were not particularly enamored by a mandate. They think that they can -- we can get very far along with a voluntary approach, so I wanted to make that -- make you aware of that. We spent a considerable amount of time with the City Attorney and his consultants on this because of concerns about disrupting or conflicting with the standing code requirements at the state level, and I think Mr. Leen spoke to that very clearly and may have some additional insight regarding that.

City Attorney Leen: Yeah. I would just like to add the issue was that because this involves so much the building code but it's requiring more than what the building code requires, does that interfere in any way with the building code, which, of course, you know, the building code governs building in Florida. The thinking is that the LEED requirement is an environmental concern, sort of a police power type action and it doesn't apply to every building. It applies to certain buildings that either have a larger impact or where the Commission is basically saying, look, if you want to get an incentive or if you want to build a City building, you're going to have to do this higher standard of building. And like the Building director said, the state does require this for a number of buildings, so it's not -- it's certainly possible as part of, you know, the building inspectors when they look at this, they can look at LEED as well, so I was comfortable with it. And you know, other cities have done it too. I think it's within the police power.

Building Director Miner: Finally, it came before the Planning and Zoning Board. We had a good discussion. They -- at that time, we were looking at a more incentivized approach. That approach had a tiered rebate system in it. It was pretty complex. We decided subsequent to discussions with them to make it a simpler requirement based solely upon square footage and proprietary approvals. That's where we are today. I might point out that locally a revision by Miami Beach is worth mentioning. And in most municipalities, they have had them in place for several years. They've gotten some lessons learned. They have some feedback both in terms of its environmental impact and also the requirements in terms of executing it at the municipal level. In Miami Beach now, they have a similar approach. There is a bond that's held for a year.

There's an ability to extend that another year, so that's sort of a two-year approach, and rebates are scaled. Green silver would only get you 60 percent of your bond back. You'd have to go to LEED gold in order to get 100 percent of your bond back. And so other than that, it's very, very similar. So, there are municipalities that are -- continue to push beyond what we're proposing today and others that are still very, very close to a voluntary approach. So, that's a basic summary of the strategy, and I'll take any questions that you have regarding that.

Commissioner Lago: Mayor, if I may, I just wanted to just make a few brief comments because you mentioned in your presentation -- and I was very impressed by the magnitude of the presentation in regards to all the information you were able to ascertain. I know that you've been working on this for some time. I wanted to commend you. You've done an incredible job in really putting this together. This has been a project that has been, you know, something that I've been focusing on over the last two years. And if you wouldn't have been here, along with the City Manager and our Sustainability staff, we wouldn't have gotten to where we are today, so you deserve a lot of the credit, so I want to commend you for that. Some of the things that a lot of people, they get -- you know, they harp on and they kind of get snagged on is the cost, the 3 percent that we mentioned. That cost has been going down significantly, case in point on the solar panels that I installed ten years ago. You know, that was, you know, the technology wasn't even close to what it is today, so the energy production was minimal and the cost was significant. There are a few outliers in regards to why it's important -- why that additional 3 percent is really an afterthought. As we're all aware, resources are becoming more and more scarce. FP&L has made a statement, has put a mandate where they will be increasing energy costs -- I think it's by 24 or 25 percent over the next two years. The rates will be going up. You know, if you have a LEED building, your exposure to that will be minimalized. Number two, water costs are going up, and that's another example of why having a LEED building and being more efficient and being less wasteful is just beneficial not only to the environment, but beneficial to your bottom line. And there's also a few things that a lot of people really don't talk about and they teach you when you take these LEED courses and you become a LEED accredited professional. And that is, as an employer, the individuals that work for you in a LEED building, some way, somehow,

seem to be more efficient and they seem to be happier. And the reason why is because there's an increased air quality in the buildings and you have an improved work environment through light exposure. And so basically the environment where the employees and the staff are working, you know, are at another level in reference to just quality as a whole. So people really benefit not only on the bottom line, but also in their day-to-day productivity, which, again, will also increase a person or a business's bottom line. So, I wanted to commend you on helping me put this together. We wouldn't have gotten here today if it wasn't for all the work and all the research that you've done. Like you mentioned before, this is something where the City of Coral Gables is playing catchup, but this is going to be another component in regards to our sustainability arsenal, which is going to put us over the top and show to everybody that we're leaders in the industry in regards to green building, in regards to sustainability, and offering the best quality of life both in the residential and commercial sectors.

Building Director Miner: Thanks for your sponsorship.

Commissioner Lago: Thank you, sir.

Mayor Cason: Do we have any speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: So, we'll close the public hearing. Discussion.

City Attorney Leen: So, if I may, Mr. Mayor. Let me mention the three issues before you. So, you have item H-9, which is the Community Benefits Program, which is an incentive program where you're going to be taking from different baskets and putting them together, and it was just described by Bill Miner. You have Item E-4, which is a mandatory LEED requirement combined with a incentive requirement. And then you have Item I-1 -- pardon me, not Item I-1.

Mayor Cason: F-1.

City Attorney Leen: You have...

Commissioner Keon: F-1.

Mayor Cason: F-1.

City Attorney Leen: Forgive me, here it is. Item F-1, which involves the Art in Public Places Program. And what this does is it increases the percent contribution for Art in Public Places for non-commercial -- pardon me, for commercial -- for non-municipal construction projects, so basically commercial construction projects. It increases that from 1 percent to 2 percent, but then provides an incentive that if you put 0.5 percent towards parks and open space, then you get a reduction from 2 percent to 1.5 percent in the Art in Public Places fee. What the intent of this to do -- first of all, this is not an ordinance. This is a resolution, so it's just giving some ideas to go to Planning and Zoning Department and Development Services to then go through the Planning & Zoning process. And Commissioner Lago's sponsoring this particular resolution, though, and I'll turn it over to him to talk about it, but the -- what this does in concept is it still preserves 1 percent for art. It potentially allows up to 2 percent for art, but it gives this incentive so that 0.5 percent will go towards parks and open spaces. Probably what the outcome would be with something like this -- and by the way, it doesn't have to be these numbers; it could be something different. But, with these proposed numbers, what it would be is probably 1 percent will go to art and 0.5 percent will go to parks and open space. But the reason we did it as an incentive program the way it's designed is because we didn't want to test whether parks and open space is the same as public art, for purposes of an Art in Public Places program, and we also didn't want to run afoul of the park -- of a park impact fee, which is something different. And so to the extent that someone's required to put a percentage of their construction project into park, that sounds a lot like an impact fee. So, the idea was this would be an incentive program based on the Art in Public Places. Anyhow, I'm going to turn it over to Commissioner Lago, but

you have these three provisions -- these three matters before you. One is an ordinance, so you may want to consider moving it to second reading and then giving your instructions or maybe not. You may want to defer it. But the idea here is to get policy direction from you to make sure we're acting consistently on all three matters and so that staff can then go -- and by the way, you may want -- you know, you can approve the ordinance and then give direction on the other two as well. So, with that, I would turn it over to Commissioner Lago.

Commissioner Lago: Well, I'll be brief. In regards to F-1, Mayor, if I may.

(COMMENTS MADE OFF THE RECORD)

Mayor Cason: Wait. I had closed the public hearing, but I'll let you speak on E-4, but nobody else. Closed it. We're going to F-1, right? Talking about F-1, right?

Commissioner Lago: Okay, just give me one second. In regards to F-1, what I wanted to do in reference to this resolution is present you a mechanism of some sort where we could potentially allocate 0.5, as our City Attorney mentioned, of monies in reference to these projects that are coming to the City of Coral Gables that would be directly allocated just to the acquisition of private land. And this would not be for park renovation. This would not be for, you know, general fund issues. This would be directed to a fund which either the developer could proffer and say, okay, I have a piece of property that I'm going to provide that would meet my requirement, or I'm going to pay into a fund, like they do already for Art in Public Places with that 1 percent, 0.5 of the value of the permit. I think that if we want to continue doing what this Commission has done which, by the way, correct me if I'm wrong for our historians out there, I think this is the first Commission that's ever bought this -- in the process of buying or bought the amount of private land that's going to contribute now to pocket parks and essential open public spaces throughout the city. I think we want to continue that process and that road. We have to do something which will provide a necessary revenue stream. When you -- when we did an analysis of what other municipalities and the County do in regards to Art in Public Places fees --

I don't have all the numbers in front of me, but I know that the County, I think, offers 1.5 percent. We're at 1 percent. So I'm talking about not increasing to 1.5 just for art. I'm talking about increasing to 0.5 for this necessary fund, which would increase, like I mentioned to you before, the opportunity of our city being able to buy private lands and make them public. The County's not the only one. I think the City of Miami has it at 1.5 also in reference to Art in Public Places. So, it's not like we're increasing beyond the norm. We're increasing in the same capacity as the adjacent municipalities and County which abut to our city. And this will make sure that those developers that come into our City and take advantage -- and I mean in a good way take advantage -- of the fact that our city is a beautiful city, the fact that our city offers great opportunity and access to a very affluent community, we need to make sure, as Vice Mayor Kerdyk mentioned before he left after serving this community for 20 years, he was very adamant about the fact that land is only getting more expensive. And the more that we can buy and put away for the future and leave open, you'll reduce congestion and you'll leave opportunities for our children and our families to go out there and enjoy a nice sunny day, similar to what we're talking about the arboretum and that beautiful piece of land on San Amaro.

Mayor Cason: A technical question. I think on F-1 we have -- we will eventually have a register of properties that we want to turn into parks, and then so the option is they could pick one of those? That's the third option rather than just putting money in.

Commissioner Lago: So, what I'm telling you is...

Mayor Cason: They could adopt a park.

Commissioner Lago: I don't have -- this is just -- this resolution is basically for discussion purposes. I would like to see what my colleagues, like the Mayor just mentioned, what ideas you have. Maybe we can get more research from staff, like what Bill Miner did in regards to our LEED ordinance. Maybe we can come back and say, look, the 32 municipalities in the County currently offer this percentage in regards to Art in Public Places. And we can fall in line -- we

can take a look at what the fees and what the other cities -- how they calculate it so that we're in line, but I think that we need to have a dedicated revenue source just for -- like I mentioned to you.

Mayor Cason: And the other one that we'll take up later today is the forfeiture, which could also contribute to parks.

Commissioner Lago: That's a prime example.

Mayor Cason: Okay, Mr. Holmes, you want to talk on E-4, and then we'll have a motion on E-4.

Jackson Rip Holmes: Hi there. Thank you so much. Jackson Rip Holmes. I own a property on Miracle Mile. I live at 4848 Southwest 135th Place, in Miami. Thank you for allowing me to speak out of turn. But I'm so lucky to happen to have come while you're talking about this, which was really one of my favorite projects when I ran unsuccessfully for City Commissioner. I think that the woman who beat me did so for good reason with ordinances like this. And Mr. Lago, who has been possibly the brightest star on the Commission is showing why he's the brightest star, in my personal opinion, with this tremendous leadership. You know, no less than National Public Radio had a segment on how Miami will drown in around 2070, that meaning that the sea level rise will be so significant that, for instance, Miami Beach, which is a manmade island, is going to go back under water. If we don't care whether we drown, who does? And I close with one little remark because I was thinking to myself, geez, if Pat Keon is so great, where am I, you know? So, I leave you with this thought. Charlie Crist helped me help him push the following agenda, which never succeeded, but should succeed, and maybe you can help it succeed, in moving to green energy. We could be the Saudi Arabia of the future, meaning Saudi Arabia now is the world's richest oil supplier of today's energy needs. But green energy, fuel cell technology, liquid hydrogen was invented in Florida, first used in Florida. We have the world's largest supplies of the energy of the future, liquid hydrogen. Every -- that's Cape Canaveral. It was invented by NASA. Every time you watch a rocket blast off from Cape

Canaveral, that's powered by the energy of the future, liquid hydrogen. We need to -- we already should have been doing -- capture the market for the infrastructure of supplying the energy of the future, which was invented here by NASA. And then we will be the Saudi Arabia of the future. We will be the world's energy supplier. We will be the richest place on earth. Thanks.

Mayor Cason: Thank you.

Commissioner Lago: Thank you, sir.

Mayor Cason: Alright, any more discussion on E-4? Do we have a motion?

Commissioner Lago: I'll make the motion.

Vice Mayor Quesada: Second.

Mayor Cason: Commissioner Lago makes the motion. The Vice Mayor seconds. City Clerk.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: And on F-1, this is a resolution.

Commissioner Lago: I should have made one more comment. I should have made one more comment.

Vice Mayor Quesada: (INAUDIBLE).

Mayor Cason: Right.

Commissioner Lago: The first park that we're able to buy, we're going to name it after Vice Mayor Quesada.

Mayor Cason: He's not dead yet. He has to be dead.

Vice Mayor Quesada: (INAUDIBLE).

Commissioner Lago: Hey, Vice Mayor Kerdyk got -- has a park named after him so...

Mayor Cason: Alright.

Commissioner Lago: But since Frank was such a proponent of this -- I'm sorry, Mayor.

Mayor Cason: That's alright.

Commissioner Lago: Since Frank -- or Commissioner Keon -- was such a proponent of this, the first park is going to be named after him.

Mayor Cason: So five years after your death.

Commissioner Lago: Are you retracting your vote?

Commissioner Keon: F-1.

Vice Mayor Quesada: (INAUDIBLE).

Mayor Cason: Okay, F-1. So, F-1.

City Manager Swanson-Rivenbark: Mr. Mayor, if I can add a little clarity on F-1. Our staff recommendation would be to evaluate the Community Benefits Program that we're talking about, a series of themes are important to the Commission associated with specific incentives, transportation, contribution to the trolley, more open space, the teacher housing, restoration of civic monuments. There's several things that are important to this Commission and we believe that you could accomplish it through a community benefits ordinance. In the issue of open space, the possibility of a transfer of development rights for open space, open space also in amending the impact fee ordinance where today approximately \$6,500 per residential unit, more than single-family has to contribute to open space -- to an open space fund. And we believe that there is legitimacy in amending that impact fee for commercial properties as well. As you build an amenity for downtown and you want the workforce to come down, the presence of trees and open space is a wonderful amenity for that. So, we think that in addition to looking at one option, which would be the Art in Public Places amendment, we also believe that there are other opportunities available through a community benefits program, whether you want to postpone this item and the Community Benefits Program to the next meeting because I know you have a big agenda. We're prepared to do that if you want us to make that community benefit ordinance presentation, we're also prepared to do that. It's whatever the pleasure of the Commission is.

Vice Mayor Quesada: You're referring to H-9?

City Manager Swanson-Rivenbark: Yes.

City Attorney Leen: You know, one thing you could do, just a thought, is you could consolidate F-1 and H-9, pass the resolution that you want those done and just direct staff to work on it.

Commissioner Lago: I would like for F-1 and H-9 to, you know, stand on its own, each one of those because I want to make sure -- I have a -- while I agree with the parts of H-9, I really think that, you know, having a direct revenue source just for open space is going to pay huge dividends in our city, especially, for example, in areas of the North Gables, where I was there, 90 people showed up for the Lisbon discussion. Fred was there, staff was there. It was incredible to see 80, 90 people there interested in the fact that for the first time in 90 years, there's going to be a park in their neck of the neighborhood. They were mesmerized by the fact. They thought it was great.

Mayor Cason: So, let's do this. Let's have a vote on F-1. And then if we have time, we'll do H-9 at the end. We have a bunch of other things to run through. So, you want to make a motion on...

Commissioner Keon: If we're -- I'm sorry. I want to be -- just be clear. If we're voting on F-1, it is to establish to raise it to...

City Attorney Leen: No.

Commissioner Keon: Two percent?

Mayor Cason: It's an ordinance.

Commissioner Keon: It's only -- okay.

City Attorney Leen: F-1 is a resolution.

Commissioner Keon: It's just a resolution to look into it.

Commissioner Lago: To look into it and hopefully bring back an ordinance with the input from staff...

Commissioner Keon: Okay.

Commissioner Lago: In regards to what other communities are doing; that's it.

Vice Mayor Quesada: So moved on F-1.

Commissioner Lago: Thank you, sir.

Mayor Cason: Okay, and Vice Mayor makes the motion.

Commissioner Keon: I'll second it.

Mayor Cason: Seconded by Commissioner Keon: City Clerk.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Vice Mayor Quesada: If I could just sort of cut to the chase on H-9. For H-9 purposes, I read through it. I like it. I think it's a great start. But the recommendation at this point from staff was for us to provide direction to you. I think this is such an involved process, I'd like for you guys to first take the presentation to Planning and Zoning to get their feedback before it comes back to us, before we decide whether we want to move forward or not. It does get very detailed,

and I'd refer everyone else to the second to last page of this memo. There's a nice little chart of the way that they break it down, the Menu A and Menu B, which is similar to what other municipalities do, and that is something that I think makes a lot of sense and it achieves all the goals that we've been looking to do. But I think we need to study that more and really think about it because it's more complex than one conversation. So, I think if P&Z gets a chance to look at it, gives us some feedback, it'll be more fruitful for us to discuss in a later date, if that's okay with you guys.

Commissioner Lago: Perfect.

Mayor Cason: Yeah, fine.

Vice Mayor Quesada: Does that -- Is that a motion? I mean...

City Attorney Leen: So, I would...

Mayor Cason: (INAUDIBLE) presentation.

Vice Mayor Quesada: So, I am going to...

City Attorney Leen: I would recommend...

Vice Mayor Quesada: Move to defer the item, and also with that same motion, ask it to be sent to Planning and Zoning.

City Attorney Leen: How about do a resolution supporting in principle community benefits and sending it to Planning and Zoning to give their thoughts and come back to you...

Vice Mayor Quesada: I move consistent with what the City Attorney just said.

Mayor Cason: Alright, do we have a second?

Commissioner Lago: Second.

Mayor Cason: Okay. Vice Mayor made the motion. Commissioner Lago seconded. City Clerk.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

(Vote: 5-0)