

**City of Coral Gables City Commission Meeting
Agenda Item G-11
September 14, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Naomi Levi-Garcia

Public Speaker(s)

Agenda Item G-11 [Start: 2:47 p.m.]

Update regarding proposed Miami-Dade County ordinance expanding Rapid Transit Zone (RTZ) and meeting with its sponsor Miami-Dade County Commissioner Oliver G. Gilbert, III. (Sponsored by Commissioner Fors)

Mayor Lago: Let's move onto G-11, an update regarding proposed Miami-Dade County ordinance expanding Rapid Transit Zone (RTZ) and meeting with its sponsor Miami-Dade County Commissioner Oliver G. Gilbert, III., sponsored by Commissioner Fors.

Commissioner Fors: This is a continuation of the last update. There's been some developments. Last week we hosted, when I say we, the City of Coral Gables hosted the Miami-Dade League of Cities for a meeting with Commissioner Gilbert regarding the expansion of the Rapid Transit Zone, that's what RTZ means. His proposal when initially published, still actually shows the expansion

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*Agenda Item G-11 – Update regarding proposed Miami-Dade County ordinance
Expanding Rapid Transit Zone (RTZ) and meeting with its sponsor*

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of the RTZ to effect Coral Gables in a zone that consist of half a mile on each side, half a mile, right, on each side of the Metrorail.

Assistant City Attorney Levi-Garcia: Correct. That would be the Smart Corridor Subzone, which was part of that RTZ proposal.

Commissioner Fors: And we already discussed it a little bit last time, I know the Mayor is very familiar with it, because of his role on the TPO. But in a nutshell, the plan would as initially drafted would require minimum densities within that zone, that being pretty high densities, as well as requiring certain types of uses. Essentially taking away from the City Commission the ability to zone that corridor the way that we deem fit and the way that we deem our residents, and our city are best served. There was concern initially that Commissioner Gilbert was not, may not, we simply didn't know, the communication had not started. I'm not going to say there wasn't communication; communication had not started, in terms of how concrete his initial proposal was. That was the purpose of this last meeting. They encouraged us, or Commissioner Gilbert encouraged us to please submit proposals and suggestions and explain that by no means was the lines drawn on the map designating that Smart Corridor set in stone, that he wanted to hear from every city that's affected. He wanted to make clear that half a mile on each side of the Metrorail was not a one-size fits all option, that nodes were on the table, which is something that Mayor Lago touched upon. Then as you may recall at the last meeting, last Commission meeting, Commissioner Regalado came in, explained that our area of the corridor is actually an area where there has been development that already, and there is already zoning in place that we believe is more than sufficient to achieve the goals that the Commissioner, the County Commissioners proposal is trying to achieve, that being some kind of certainty of what the density is going to look like along the rail for the purposes of being able to turn around to the federal government and obtain funding for the rail, with the federal government having certainty that a City Commission is not going to come and down-zone a parcel next to a rail station down to single-family residents, thereby making in theory that particular rail station obsolete, etc. These are the considerations that went into it. We believe that that corridor already is zoned, is essentially already meeting those achievements, so what we did here, and I'll let Naomi tell me if I've missed anything, what we've done immediately is sent over our proposal to Commissioner Gilbert ahead of time, and our proposal being an explanation which potentially something they haven't even looked at, because their expansion is very large areas, I'm sure they haven't really looked at all of them. Our proposal is essentially what we have right now, which we believe meets his goal and that's pretty much where we're at right now, right.

Assistant City Attorney Levi-Garcia: Yes. Good afternoon, Naomi Levi-Garcia, Assistant City Attorney and Intergovernmental Affairs Manager. Yes, I think it's very clear and very important to make clear that our proposal proposes nothing new. It is basically a statement that we acknowledge what he is trying to do and that we believe our current zoning along the corridor is sufficient to meet his goals.

Commissioner Fors: And what we would be prepared to do is to ensure something that's not going to happen anyway, which is an illegal down-zoning of anything that's already zoned a certain way.

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We think its important, what's important to note about what you just said is, some municipalities don't have that. In other words, all they have along the railway is a certain type of use, a certain type of zoning and that's not in line with what the goals that Commission Gilbert is trying to achieve. So, they are not able to do what we did, but we believe that we currently have in place nothing new, achieves it, and maybe just certainty regarding that, then we would hope that our area of the Smart Corridor will...

Assistant City Attorney Levi-Garcia: Remain untouched.

Commissioner Fors: Remain untouched.

Assistant City Attorney Levi-Garcia: Essentially.

City Manager Iglesias: We sent our information last Friday, we sent them a proposed zoning map, which delineates our current zoning which we feel complies with that, and we sent them a letter explaining our, clearly explaining our position. So that went out last Friday, so we are hoping that that – we exclude of course residential, and we excluded the University of Miami.

Mayor Lago: I think the important thing about the letter, like the Manager was mentioning, I think it really solidifies our position and I think that we are the first in the county to do that. I'll be meeting with Commissioner Oliver Gilbert tomorrow, not to talk about TPO issues, because that would be a Sunshine violation, but to talk about issues that relate to the county. We've been very, very clear in that letter. I think we represented our case, our concerns in regard to the proposal, and I have faith, I have faith that the Commissioner will not only oblige our request, but also will understand that we have to be very sensitive, because this is not a one-size-fit-all approach. We have to be very thoughtful and very methodical and curate this type of process. And by the way, I've said it before, and I'll put it on the record here. I am 100 percent in favor of up-zoning areas like the RTZ, but before you do that, please provide rail, please finish the Smart Plan. Please do not install BRT to the poorest of communities like Homestead where you have potentially the largest growth, which I was adamantly opposed to on the TPO where they proposed BRT for some of the poorest areas that are going to see the most growth. If you are going to do that, please install rail, because those areas deserve rail just as much as Pinecrest, South Miami, Coral Gables, City of Miami and Miami-Dade County do. So, let's make an investment in our future before we build this, we use this concept of, if you build it, they will come. That doesn't work. Rail only takes you north/south from one area to another. It doesn't take you anywhere else. So, we need to be very, very thoughtful and be very careful and I think that the Commissioner and the county understands that its not that we oppose it, its that we need to be thoughtful and careful before we make such a significant decision that will change the landscape in the future of our community.

Commissioner Fors: And I'll also be remiss if I did not mention that it was very appreciated by everybody involved, including the City of Coral Gables that Commissioner Gilbert did come down here, meet with the elected officials, the representatives from all cities and that's not something that Commissioners have done in the past. He doesn't represent this area and a lot of the areas.

Vice Mayor Mena: Multiple cities or just...

Commissioner Fors: Yes, the Miami-Dade League of Cities.

Vice Mayor Mena: Okay.

Assistant City Attorney Levi-Garcia: And we had probably over a dozen cities in the room.

Vice Mayor Mena: Well, I'm glad you're meeting with him.

Mayor Lago: Don't forget Commissioner Fors is the city's appointment.

Vice Mayor Mena: Which is great. Which is great. I just want to make sure; I'm concerned that I don't want it to just seem like hey, we feel like what we have now is already in line. I think that's great and that's a nice starting point and hopefully that's enough. From my position, if it doesn't work out that way, like we need to be in a position to take very strong and very affirmative action on behalf of our residents, because this community, let's be clear, does not want what he's selling along our rail.

Commissioner Anderson: No.

Mayor Lago: And by the way, just to give you an example.

Vice Mayor Mena: And so, I just want to be – it's a fine line between being diplomatic and being aggressive, but I need him to understand the League of Cities is great and that's for all these cities and that's great, but standing alone, this city...

Assistant City Attorney Levi-Garcia: And this Commission passed a resolution to that effect at the last meeting.

Commissioner Fors: We passed a resolution and I also told him – I think we are still at the diplomatic stage and I hope to remain there and he actually gave me optimism that it will be resolved at the diplomatic state, especially he's meeting with the Mayor, but we did tell him and I told him directly that based on the sentiments of our residents, especially the ones in those areas that we would really be left with no choice but to vigorously fight it if something was done there.

Vice Mayor Mena: And we need Commissioner Regalado.

Mayor Lago: She's all in. She's all in. And by the way, the Mayor of Miami, all the neighboring communities down south, we are all on the same page. And I've had conversations with the Mayors and my biggest concern that I always turn back to, which is right up your alley, like you're saying is what happened in the Douglas Station, in regard to the massive projects that were built and are currently being built there, that are out of scale with our community. So out of scale that the largest buildings all the way from here to downtown. So, I use that as context so people understand that,

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again, its not that we're against development, but it doesn't fit with our model, and you are dumping way too much density in an area that can't even currently handle the amount of cars that are there. Just use Ponce and LeJeune as an example, you can't cross U.S.-1, everybody stacks the box there, and eventually when you finish these 2,500 units that are coming in between Douglas Station, Gables Station and the other projects that are being finished at Merrick Park, you are not going to be able to cross U.S.-1.

Vice Mayor Mena: I just think its critical that we get our County Commissioners that represent Coral Gables residents very involved, because push comes to shove, and again, I think very highly of Commissioner Gilbert, I think he does a good job. I have a lot of respect for him. At the end of the day, he doesn't represent the people in our city, and he has to balance a lot of different factors and interest and he ultimately, and I don't begrudge him this, needs to vote in a manner that best serves the residents that he serves, and those priorities just may not be in line with the residents that we serve, and so, I want to make sure that the County Commissioners who serve our same residents are on board, are pushing for us, and know frankly, that if they don't and if it doesn't work out the way we want it to, they are going to hear it from voters in their districts, which are our residents. I wasn't at the meeting and I'm sure it was a good and productive conversation, but sometimes you have those conversations, but when push comes to shove later on, that person has to weigh other factors that lead them to a different decision, that may be not in our best interest. Let's not get comfortable.

City Manager Iglesias: Let me just say something Vice Mayor that I agree with Commissioner Fors, we had a very productive meeting. We were the first to get our information out, but what they are proposing is completely unacceptable to us, completely. It would change the character of our city. So, we let that be known and we will work together, but we can't go there. We will be working with our County Commissioners to certainly make sure that what happens in that corridor is basically what we have now. That half mile on each side is unacceptable. It would change the character of residential areas on both sides, and that's simply unacceptable.

Vice Mayor Mena: It's a non-starter.

City Manager Iglesias: It is a non-starter, Commissioner.

Vice Mayor Mena: Frankly, our City Attorney's office, I would get the emergency injunction ready to file when the time comes, because really this could be that type of situation.

City Attorney Ramos:...case law once again.

Vice Mayor Mena: We lived through what happened at Douglas and frankly, we all got caught a little bit, I don't want to say asleep on it, but like you know...

Mayor Lago: They were nice enough to reduce it by, I think three floors.

Vice Mayor Mena: They just kind of did it and it was done.

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City Attorney Ramos: To be clear, Douglas was wholly within the way that the ordinance was written at that time.

Vice Mayor Mena: Sure, I get it, but my point is, they are going to do what they have to do, and what they want to do.

City Attorney Ramos: Yes, I get it.

Vice Mayor Mena: I have a little anxiety about this, because we are uniquely situated.

Mayor Lago: That's a little bit of the theme that's coming out of the county now, especially with some permitting legislation that was being proposed by the Chair, which I hold in high respect and I have a great relationship with the Chair, but we need to make sure that we harp about local control, we harp about preemption, we used to be fighting the State, now we are fighting the county. And by the way, I've spoken to Commissioner Regalado on multiple occasions and her Chief of Staff, and they are completely and utterly on our side on this front.

Vice Mayor Mena: How about Commissioner Sosa, have you spoken to her.

Mayor Lago: I haven't spoken to her on this issue, but I've spoken to her before. I think that she'll rally behind this and really help.

Vice Mayor Mena: When is her term up?

Mayor Lago: Her term is up in a year and four months, not this November, but the following.

Vice Mayor Mena: Got you.

Commissioner Menendez: And I agree totally with Vice Mayor Mena. Sometimes just good intentions lead to bad results. And we are under attack on all fronts, like the Mayor said, state and now the county is coming at us from all angles, and we can't allow them the belief that we are just going to play along. Too much is at stake, and I actually address our community now, because our community is so vocal, so passionate, sometimes so well organized on issues that come before us at a City Commission that I want them to be aware of what's happening at the county level is a hundred times more concerning than some of the things we deal with on a month-to-month basis. So, I ask that our community get active and be organized and communicate with our County Commissioners to let them know that their voices need to be heard as well, because it's a collaborative effort. We have plenty of folks that can move mountains in the community, we need to move mountains now.

Mayor Lago: You have anything else; I want to just wrap it up.

Commissioner Anderson: I just want to mention to that, if people didn't realize how far south of U.S.-1 is what impacts residential homes. But I went to do an inspection with our esteemed Historical Director out on the golf course. I could see the county's building on 37th Avenue, just imagine that all the way up and down the U.S.-1 corridor. It would dramatically change. So yes, I agree. Go ahead and wrap up Mayor.

Mayor Lago: I just wanted to make sure everybody was – I thought we were done and moving onto the next item, and I wanted to thank Naomi for her efforts as always, thank you. And this is going to be, like the Vice Mayor said, we haven't heard the end of this. This is going to be a battle.

Assistant City Attorney Levi-Garcia: We are on top of it. We will come back to the Commission with any updates, if we need further direction we'll do so. I want to assure you all that your resolution and opposition to the proposal was sent to each and every member of the BCC and we anticipate having ongoing conversations with Vice Chair Gilbert's office.

Mayor Lago: Perfect.

Assistant City Attorney Levi-Garcia: Something will be proposed, hopefully it won't be as bad as what we initially saw.

City Manager Iglesias: Commissioner Gilbert just sent feedback to the cities and that's why we were the first to provide our information, because we want to get that feedback as quickly as possible, because we want to act accordingly.

Mayor Lago: Maybe we should draft a letter on behalf of the entire Commission from my office to the County Mayor's office and obviously include Commissioner Regalado and Commissioner Sosa as our Representatives in regard to our feelings, in regard to the proposed legislation.

Assistant City Attorney Levi-Garcia: I'm happy to work with you on that.

Mayor Lago: Please. We can discuss it after our meeting tomorrow with Mr. Oliver Gilbert, Commissioner Oliver Gilbert. Thank you. Thank you again.

Assistant City Attorney Levi-Garcia: Thank you.