

City of Coral Gables City Commission Meeting
Agenda Item F-3
October 23, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Assistant City Attorney, Gus Ceballos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Maria Cruz

Agenda Item F-3 [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida amending the City Code, Chapter 58, "Special Assessments," Article III, "Repair or Construction of Streets and Sidewalks", Section 58-57 "Work required in new building construction and/or alterations exceeding \$15,000.00 in value or exceeding 600 square feet in floor area," revising the threshold to account for inflation and rising costs of construction; providing for a repealer provision, severability clause, and providing for an effective date.

Mayor Valdes-Fauli: Ordinance on first reading, F-3.

City Commission Meeting
October 23, 2018

Agenda Item F-3 - Ordinance of the City Commission of Coral Gables, Florida amending the City Code, Chapter 58, Article III, Section 58-57 "Work required in new building construction and/or alterations exceeding \$15,000.00 in value or exceeding 600 square feet in floor area," revising the threshold to account for inflation and rising costs of construction.

City Attorney Ramos: F-3 is an ordinance of the City Commission of Coral Gables, Florida amending the City Code, Chapter 58, "Special Assessments," Article III, "Repair or Construction of Streets and Sidewalks", Section 58-57 "Work required in new building construction and/or alterations exceeding \$15,000.00 in value or exceeding 600 dollar -- 600 square feet in floor area," revising the threshold to account for inflation and rising costs of construction; providing for a repealer provision, severability clause, and providing for an effective date. This is an ordinance on first reading. It's a public hearing item. Mr. Ceballos.

Vice Mayor Quesada: Mr. Mayor, just a very, very brief digression. I was just corrected by Commissioner Mena. It was not Russo (phonetic). It was Adam Smith for the free hand of the market. I just wanted to point that out.

Mayor Valdes-Fauli: What?

Vice Mayor Quesada: I said a dumb quote and he corrected me on that. I just -- that's all I wanted to say, so you can continue.

Commissioner Keon: The invisible hand.

Vice Mayor Quesada: I said earlier that the free market -- the free -- the invisible hand...

Mayor Valdes-Fauli: 1779.

Vice Mayor Quesada: And he correct -- I said Russo, and he said it was...

Mayor Valdes-Fauli: 1776, I'm sorry.

Vice Mayor Quesada: Adam Smith.

Commissioner Keon: It's Adam Smith.

Mayor Valdes-Fauli: October.

Vice Mayor Quesada: I was incorrect. He just corrected me because I don't like him. That's why he did that.

Mayor Valdes-Fauli: Any other relevant items to come before the Commission.

Vice Mayor Quesada: That's very relevant. I'm sorry, please continue.

Assistant City Attorney Ceballos: Good morning. Assistant City Attorney Gus Ceballos. Before you, you do have an ordinance amending the threshold to account for inflation basically for the construction of sidewalks in front of homes. Previous discussions we were discussing it was at \$15,000 and we wanted to increase it. We did go through the RSMeans historical index for construction and it roughly comes out to high 30s. So, with our discussions with the City Manager, we decided to increase the number from 15 to \$40,000. In addition to that, we're going to put language in the Code that allows us to modify it on a yearly basis to increase to adjust for inflation and it doesn't have to come back to this board.

Mayor Valdes-Fauli: Good. Any discussion or a motion?

Commissioner Keon: You know, I have a problem with this.

Unidentified Speaker: Yeah.

Commissioner Keon: I really do. It's -- I don't see the reason why you would ask someone to construct a sidewalk in front of their home where there's no -- where there aren't existing

sidewalks, particularly, in light of the discussion we had earlier about concurrency and our -- the City assuming the cost of installing sidewalks.

Commissioner Mena: That's on collector.

Commissioner Keon: On collect -- that's on collector, but we also said that you would eventually move to -- once we completed that, you would begin to move to, you know, residential streets. I mean, and if a neighborhood wants sidewalks in their neighborhood, we have the ability to create a -- an improvement district where people then would be assessed to put in the sidewalks. So, the person, at that time, will be paying for their sidewalk. I mean, I can -- I understand, you know, if you're -- we already have verbiage in the Code that if you are doing any work and you affect the sidewalk, you have to replace it. And I know we need to talk...

Mayor Valdes-Fauli: I think...

Commissioner Keon: About that further so...

Mayor Valdes-Fauli: Can I respond to that?

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Yeah.

Commissioner Keon: But I don't know where we put in like little spaces of sidewalk.

Mayor Valdes-Fauli: I think that, you know, just like we've done something here for electric vehicles for 2040 when, you know, when we're going to have a lot of electric vehicles, I think our aim should be in Coral Gables to have sidewalks in streets where we don't have sidewalks. When you have construction \$40,000, that involves concrete trucks. That involves dumpsters, that

involves a lot of things which ruin the swale anyway. And I think that is a good time to require the construction of a sidewalk. And I don't know what our turnover is in new construction, but I beg to tell you that in 10 years or 15 years, we're going to have a city full of sidewalk. And I think that this is a very good way to start, and I'm all for it because I think it's a matter of public safety. And you look at Alhambra Circle and you look at the Betsy Adams Park, which has a sidewalk right in front of it and no other sidewalk on Alhambra Circle. I think that's dangerous. That's absurd and that's inviting an accident with a baby carriage or, you know, a wheelchair or something. I think it behooves us to do anything we can to have sidewalks in Coral Gables.

Commissioner Mena: But I think that's sort of the opposite of what -- I think that's her point is this ordinance results in individual homes having sidewalk but not the other.

Mayor Valdes-Fauli: Yes, that's right...

Commissioner Mena: So, I think what...

Mayor Valdes-Fauli: But that's the beginning.

Commissioner Keon: But this is more dangerous.

Commissioner Mena: I think what Commissioner Keon's point is is if you're going to do it, then have the political will and do it through whatever process we want to do it for the entire block or neighborhood or street, but don't do it one house at a time...

Mayor Valdes-Fauli: That's the beginning.

Commissioner Mena: And impose it on people who are trying to make improvements to their home that help to beautify our city. It's an added cost to them. So, that's my issue with this as

well is it's not that I'm for or against sidewalks. It's that I don't know that this is the best mechanism to do it.

City Attorney Ramos: And so, for those watching, I just want to make clear. This is currently what the Code reads.

Commissioner Lago: Yeah.

City Attorney Ramos: The only amendment is to the...

Commissioner Mena: No, I under...

City Attorney Ramos: Amount...

Commissioner Mena: Yeah.

City Attorney Ramos: But it might be an opportunity to strike -- to Commissioner Keon and Commissioner Mena's point -- sidewalks, curbs and gutters shall be strike constructed and continue with reconstructed or repaired.

Commissioner Keon: And strike constructed. I mean, I...

City Attorney Ramos: So that the City would take the responsibility for construction -- and I'm speaking out of turn and Mr. Santamaria is probably going to jump over the podium, but that is maybe one way to address the concern.

Mayor Valdes-Fauli: Go ahead, Mr. Santamaria.

Public Works Director Santamaria: If I may. The way that the Code is written right now is the way -- is exactly what we are enforcing at this present time in Public Works. It does give us the opportunity to cause the construction of a sidewalk, where appropriate. But it also gives us the opportunity to defer the construction of a sidewalk if there are conditions that indicate that it may not be the appropriate time to build it or if there -- we're talking about development in a neighborhood or a gated community, such as Cocoplum, where there are no sidewalks whatsoever at this time. But at least the City, at this point, has something in writing from the property owner that runs with the land that in the future we may ask them to build that sidewalk.

Commissioner Mena: But do we need that?

Public Works Director Santamaria: I think we do because we cannot...

Commissioner Mena: Why?

Public Works Director Santamaria: In the future...

Commissioner Mena: Isn't the right -- public right-of-way?

Public Works Director Santamaria: It is the public right-of-way.

Commissioner Mena: Then why do we need permission or any sort of covenant...

City Attorney Ramos: No. What he means is the...

Public Works Director Santamaria: No, no.

City Attorney Ramos: Ability to make them do it rather than us do it.

Public Works Director Santamaria: Correct.

Mayor Valdes-Fauli: Yeah, make them do it.

Public Works Director Santamaria: For them to defer the construction of the sidewalk at this point, but in the future, we can ask them to construct it.

City Attorney Ramos: Right.

Public Works Director Santamaria: Or construct it for them and lien them.

City Attorney Ramos: But...

Mayor Valdes-Fauli: Alright.

Commissioner Keon: But what do you do with the rest of the neighborhood?

Public Works Director Santamaria: Well, that's when you have the discussion as to whether you're doing something globally or if they're enough segments of sidewalk already constructed...

Commissioner Mena: It's like anybody who does work over the threshold, you're basically -- it's almost like a lien. It's a...

Commissioner Keon: Yeah.

Commissioner Mena: Covenant that you can then make them pay for it later when you have critical mass in the neighborhood.

Commissioner Keon: I don't -- yeah.

Commissioner Mena: That's how I read it.

Public Works Director Santamaria: That's correct.

Commissioner Keon: Yeah. And I don't think that that's particularly good public policy. I mean, I think -- I can tell you -- you know, yes, that they should have to, you know, improve it, alter it, modify it, reconstruct whatever. But to construct -- I mean, I would be perfectly comfortable with this if you strike "shall be constructed." But I -- because I don't think you should require people to construct...

Mayor Valdes-Fauli: They will destroy the...

Commissioner Keon: A strip of -- you know, one strip of sidewalk in front of a house where there's no other sidewalk.

Mayor Valdes-Fauli: They will destroy the swale anyway, and maybe that is the right time to build the sidewalk.

Commissioner Keon: Well, they're going to -- and they'll restore the swale.

Commissioner Mena: Yeah. If you destroy the...

Mayor Valdes-Fauli: So, let me...

Commissioner Mena: If you put on a new roof that costs -- you know, in some houses, it might cost \$40,000...

Commissioner Keon: Yeah.

Commissioner Mena: Or more. That has nothing to do with the swale. I mean...

Commissioner Keon: It only -- you know, I understand...

Commissioner Mena: It could be a pool deck or something, you know.

Commissioner Keon: Yeah. I understand that you have the right...

Commissioner Mena: (INAUDIBLE) may not.

Commissioner Keon: Or the ability to not impose that. But I don't -- you know, and if you're going to do it and if we're going to pay for it...

Commissioner Lago: Maybe the...

Commissioner Keon: We should pay for everybody.

Commissioner Lago: Maybe the threshold should be a little higher, number one. And number two, I keep getting these text messages going back and forth about, obviously, we start with collectors today and we go back into the neighborhoods -- and I don't want to get into that conversation, but I don't know how else to say it. And I want to be very, very clear. I will not vote for this legislation if we are moving beyond collector streets -- correct or no -- in regards to sidewalks.

Public Works Director Santamaria: We're not there yet.

Commissioner Lago: Okay. No, when you say we're not there yet, what does that mean?

Public Works Director Santamaria: It means...

Commissioner Keon: It means that you don't have the money yet and the allocation to do it.

Commissioner Lago: I don't want to...

Public Works Director Santamaria: It means that we're focusing on collectors.

Commissioner Lago: I don't want to have small, little streets in the city that barely even have a swale ending up with a sidewalk that's at their front door. You know, that's a problem when it's, you know...

City Attorney Ramos: But that's how it was done by this ordinance.

Commissioner Lago: I know. I understand that.

City Attorney Ramos: That's a different conversation.

Commissioner Lago: I got it.

Commissioner Keon: That's a different conversation.

Commissioner Lago: I still want to have the discussion. I'm very clear on that, but it's -- both things have a little bit of play within each other.

Public Works Director Santamaria: Right now, the Code requires every -- for every street, every property within the corporate limits of the City of Coral Gables to construct a sidewalk if they meet the thresholds for construction. Let me also say that there...

Commissioner Lago: Okay, well, then I'll put it to you this way. I'll vote no on this -- even though I'm dying to vote yes -- if it's not something where your dedicating it to streets that are appropriate that should be getting sidewalks. Certain -- in my opinion, certain streets should not be getting sidewalks.

Public Works Director Santamaria: There are streets everywhere that fit the description that you just cited that have sidewalks.

Mayor Valdes-Fauli: Every...

Public Works Director Santamaria: Everywhere.

Mayor Valdes-Fauli: Little Gables...

Public Works Director Santamaria: The North Gables.

Mayor Valdes-Fauli: (INAUDIBLE) Street. I mean (INAUDIBLE)...

Public Works Director Santamaria: I live on a corner...

Mayor Valdes-Fauli: Yeah, (INAUDIBLE) in old Coral Gables, north of -- west of Ponce and east of Red Road, every street has a sidewalk, every single one.

Public Works Director Santamaria: I live on a corner lot and on one side, I have a 25-foot setback to a sidewalk. Since I have a side setback on one of the sides, I have 15 feet to the sidewalk.

Mayor Valdes-Fauli: And I'm talking about Lisbon, (INAUDIBLE)...

Commissioner Keon: Right. And so...

Mayor Valdes-Fauli: Everyone has a sidewalk.

Commissioner Keon: Right.

Public Works Director Santamaria: I'd also like to add this.

Commissioner Keon: It's fine because they you have sidewalks.

Commissioner Mena: I think we're mixing apples and oranges here. What we voted on previously, which I think is Commissioner Lago's point, was just collector streets...

Commissioner Lago: Yep.

Commissioner Mena: Period. So, if you...

Public Works Director Santamaria: Correct.

Commissioner Mena: Want to make...

Public Works Director Santamaria: Right.

Commissioner Lago: Perfectly clear.

Public Works Director Santamaria: No concurrency.

Commissioner Keon: Right, but what about if somebody is doing this that -- it's along Granada and they're doing that renovation to their house, or they're on Riviera and they are doing that renovation to their house? You're going to make them pay into it when we're doing it anyway.

So, we're going to pay for their neighbor, but we're not going to pay for them? You're going to make them pay for it themselves?

Public Works Director Santamaria: The only difference right there is that they're doing construction improvements and that's what the Code currently provides. So, if we have to change that approach, we have to change the Code. I'd also like to say this. There are instances where there is that segment of sidewalk that is missing and you may want to call it in because that will complete the sidewalk and it'll improve mobility in an area. Just because there is maybe one or two properties that don't have sidewalks, that maybe -- being under redevelopment at the present time and then you have segments that you would like to connect to.

Commissioner Keon: Okay. Well, then...

Public Works Director Santamaria: And so...

Commissioner Mena: But we can just -- but we can do that. We can have a neighborhood meeting. We can talk to them and we can do it because it's the public right-of-way.

Commissioner Keon: Right.

Commissioner Mena: We can...

Public Works Director Santamaria: So...

Commissioner Mena: We can do that. So, we don't need an ordinance that says...

Public Works Director Santamaria: So...

Commissioner Mena: This to be able to do that. That's the part -- the only question here is who pays for it.

Public Works Director Santamaria: So, the question here is -- the question is here -- is whether we are going to keep this portion in the Code which says that you shall construct it.

Commissioner Mena: Right.

Public Works Director Santamaria: And it's going to be at your expense.

City Attorney Ramos: But gives you the ability to say they don't need to.

Public Works Director Santamaria: Well...

Commissioner Lago: I just think that Commissioner Mena's comments...

City Attorney Ramos: Or they can defer it.

Commissioner Lago: I think Commissioner Mena's comments in regards to the example he gave was a reroofing project. I mean, it's appropriate.

Commissioner Keon: I think so.

Commissioner Lago: I mean, a roof is -- my roof was \$30,000 on my home. I mean, you're getting to that level where construction has gotten so expensive that even \$40,000 is just a limited threshold.

Public Works Director Santamaria: So...

Commissioner Lago: Maybe it should be something, you know, a renovation or an addition or a new construction that has a little bit higher threshold. I think...

Commissioner Mena: I'm...

Commissioner Lago: \$40,000 is a little cheap, in my opinion.

Commissioner Keon: I don't even think it should...

Commissioner Mena: I'm leaning towards Commissioner Keon's point which is that I would rather not say construct it. It'd just be repair and...

Commissioner Keon: You know, we're -- just reconstruct and take out "shall be constructed."

Mayor Valdes-Fauli: Okay. We have...

Unidentified Speaker: I know...

Mayor Valdes-Fauli: We have -- this is a public hearing.

Public Works Director Santamaria: So -- and if I may, Mr. Mayor.

Mayor Valdes-Fauli: Go ahead, please.

Public Works Director Santamaria: That will mean that if there's a segment of sidewalk that is missing along the street -- and we're almost there in completing connectivity of the sidewalks -- then there is no recourse left in the Code when...

Commissioner Keon: Then put that in -- then put that in the ordinance, you know. If it creates connectivity...

Commissioner Mena: I'm not sure I understand your point.

Commissioner Keon: What he's saying if you have ten houses on the street and nine of them have sidewalk in front and there's one house that doesn't...

Commissioner Mena: No, you can build it. We -- it's a public right-of-way. You can build a sidewalk there.

Commissioner Keon: Well, it's who should put it in.

Public Works Director Santamaria: Exactly.

Commissioner Keon: I don't have a problem with that. I mean, if there is, you know...

Commissioner Mena: How much does that cost to put one house in?

Public Works Director Santamaria: Well, it would cost anywhere from 2 to \$3,000, maybe \$5,000, depending on the frontage. And so, if the discussion is that we're going to be constructing sidewalks, then we need to be able to fund them, fund the construction.

Commissioner Mena: Yeah.

Public Works Director Santamaria: On a yearly basis.

Mayor Valdes-Fauli: Alright. Let's...

Commissioner Keon: So, how are you going to fund them? You're going to fund them by this?

Public Works Director Santamaria: Well, right now...

Commissioner Keon: You're going to take somebody -- you can't somebody's money or what they're going to do for one -- like on Riviera and go use it over on University.

Public Works Director Santamaria: No, no. That's not...

Commissioner Keon: I mean, so how are you going to do it?

Public Works Director Santamaria: Exactly what I was saying.

Commissioner Keon: So, when you come along, you're going to say, okay, to the people on the street, you know, you live at -- I don't know -- 1421 Riviera. We're going to pay for yours. You live at 1422 Riviera, but you did construction. You've got to pay for yours, and you keep going down the street and it's like you're assigning payment of the sidewalk, you know, to, you know, the City or then to an individual. I don't -- it just...

Public Works Director Santamaria: Right now, you're responsible for constructing along the abutting frontage of your property. That's what you're responsible for, if you do any improvements and you meet the threshold.

Commissioner Keon: Well, then I could construct it if, you know, if there are sidewalks, you know, on the street. You know, if there is a sidewalk on that street and you're the missing link, you should construct it. But you know, I think that's...

Public Works Director Santamaria: This is first reading. We're happy...

Commissioner Keon: A matter just -- you know, just -- then change this language shall be constructed. It shall be constructed, you know, if, you know, there are sidewalks on the street -- on that street.

Commissioner Mena: I'm not -- I -- look, I agree with you that when you have a block that 9 out of the 10 houses have sidewalk and there's this one gap...

Commissioner Keon: Yeah.

Commissioner Mena: It's ridiculous.

Commissioner Lago: That's my block.

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Mena: Yeah, mine too, by the way.

Commissioner Lago: That's my block.

Commissioner Keon: Okay, and...

Commissioner Mena: It's ridiculous. I'm not saying we shouldn't address those situations. I think we should, but I don't think that this is the best way to do it, first of all, because this may never happen. That person may never do 40,000 or more construction. And it may be 20 years before they do, I don't know. So, you're not really solving the problem. Instead, you have this awkward ordinance where anybody who does any work, including on blocks that have no sidewalk may end up with one piece of sidewalk or you're basically putting a covenant on their property that makes them pay for it later. I don't necessarily love that policy. I think it's a little (INAUDIBLE)...

Public Works Director Santamaria: That may happen. That may happen, but...

Commissioner Mena: I want to be clear. I'm not...

Commissioner Lago: I think we need to -- and I'm sorry to interrupt you, Commissioner Mena.

Commissioner Mena: No, no. Go ahead.

Commissioner Lago: Because I think this is going to end this discussion. I think we need to go back a little bit to the drawing board. Let's flush this out a little more. I am in favor of this, but I need -- my big issue is that I want to concentrate on collectors and I'm nervous about certain streets in the City that are - they don't have the width -- they don't have the curb width that I think is appropriate to now put a sidewalk in their neighborhood. But I think that we need to have that public safety aspect, like the Mayor mentioned. Betsy Adams Park is an accident waiting to happen. It's beautiful. It's an exceptional...

Mayor Valdes-Fauli: People don't go there.

Commissioner Lago: Gift to the neighborhood.

Commissioner Mena: People go.

Commissioner Lago: But -- people go, but they're taking their life into their own hands. And there's certain people -- like that live on Alhambra where the sidewalk's just end and there's no other way to get there. And you're talking about four or five, six blocks. It's not like my neighborhood that's missing a piece of sidewalk in front of my yard. That can be dealt with quickly. But we're talking about four or five blocks all the way from Bird almost to Blue Road, where there's no sidewalks.

Commissioner Mena: Here's where I'm not following (INAUDIBLE)...

Commissioner Lago: That's a major issue.

Commissioner Mena: Collector streets...

Commissioner Lago: Yes.

Commissioner Mena: Which I agree with you...

Commissioner Lago: And you made a good point about what if the construction never happens.

Commissioner Mena: No, no, but I agree. Here's the thing with collector streets. This doesn't apply because we're paying for those and we just did zero concurrency.

Public Works Director Santamaria: Currently, it does apply.

Commissioner Lago: It does.

Mayor Valdes-Fauli: It does.

Public Works Director Santamaria: Currently...

Commissioner Mena: Right.

Public Works Director Santamaria: It does apply.

Commissioner Mena: But in concept. But we just approved zero concurrency...

Public Works Director Santamaria: Correct.

Commissioner Mena: On collector streets with an eye towards you moving forward over the course of, give or take, five years based on budgeted amounts...

Public Works Director Santamaria: Correct.

Commissioner Mena: And installing sidewalks on collector streets at the City's cost.

Public Works Director Santamaria: That's correct.

Commissioner Mena: So, we're not going to sit around and wait for somebody to do X amount of dollars in construction to put sidewalks on those streets. You're telling me we're going to move forward with neighborhood meetings to try to put those in. So...

Public Works Director Santamaria: But right now, if you come in -- let's say you're -- it's a new construction and you're talking about a project that has a million-dollar budget, maybe two-million-dollar budget. We're asking you -- and it could be -- right now, the thresholds are established a lot lower. We're asking you to build that sidewalk, whether it's coming in the future or not. We don't know when, in the next five years, we'll get to your collector street. And so, and the less we have to build, it serves a public benefit. Right now, the whole process is context sensitive, meaning that there is wiggle room in the sense that you can defer the construction. And in the future, it may be that we're funding construction of sidewalks citywide, and we won't have to call in those covenants. But it's good to have those covenants on our side because we don't know where we will be in a financial situation in the future where we'll be able to fund the construction of sidewalks citywide....

City Attorney Ramos: Commissioner, do you have...

Public Works Director Santamaria: Which is not a paltry sum.

Unidentified Speaker: Can I -- can I...

City Attorney Ramos: Commissioner Mena, do you have the ordinance in front of you?

Commissioner Lago: Yeah, but...

Commissioner Mena: I know I have...

Commissioner Lago: So, Commissioner, can I...

Commissioner Mena: I have it on my iPad.

Commissioner Lago: Why don't we...

City Attorney Ramos: (INAUDIBLE)

Unidentified Speaker: I agree with Commissioner (INAUDIBLE)...

Commissioner Lago: Why don't we do this? Why don't we do this? Let's do this. Let's take a step back. I think we all agree that sidewalks are important and we need to do something about it, especially for ADA issues and, you know, people in this community that, again, can't get to Betsy Adams Park because it's a danger. So, why don't we find time when everybody's here over the next month and let's have a sunshine meeting to discuss this. Let staff have the ability to further flush this out, prepare a little bit more. Tell us exactly what our options are. See how we can merge the issue with concurrency and with this current piece of legislation. And then we'll come back and then we can vote on this issue in December and maybe we can have a sunshine meeting

in the middle or to the end of November so that gives staff enough time to prepare. Are you good with that or no?

Commissioner Mena: Yeah. No, I -- listen, I'm...

Commissioner Lago: Because I don't think we're going to flush this out here.

Mayor Valdes-Fauli: Okay, we have...

Commissioner Lago: Commissioner Keon?

Public Works Director Santamaria: (INAUDIBLE)

Commissioner Lago: You had some major comments.

Commissioner Keon: Yeah. The concerns I have with this issue of the...

Unidentified Speaker: Yes.

Commissioner Keon: Requiring the construction of a sidewalk and, you know, having a covenant on a property to -- I mean, I think that encumbers a property when it has to go with covenant.

City Manager Iglesias: Commissioner...

Commissioner Keon: So, I don't think we -- I really -- I mean, I would strike this, you know, "provided that the property owner furnish the City with a," you know, "covenant to run with their land," or whatever. You know, I think it's -- in the above, you have the ability to make that determination if it is -- there is, you know, a gap in the sidewalks or something. You have it at that time, you know, and so impose it at that time. But you know, not to -- in 50 years from now,

this covenant is going to run with the property because we never put in sidewalk. I don't think we should encumber people's property like that. So, I mean...

Mayor Valdes-Fauli: Alright.

Commissioner Keon: I don't have a problem with, you know...

Mayor Valdes-Fauli: What's the pleasure of the Commission?

Commissioner Keon: That's the issue I have.

Commissioner Lago: I made a -- I make a motion.

Mayor Valdes-Fauli: Okay. Make a motion to do what?

Commissioner Lago: Have a sunshine meeting at some point in November...

City Manager Iglesias: May I ask you something?

Commissioner Lago: Yes, sir.

City Manager Iglesias: Maybe we can look at this from two -- one is look at the collector street issue, and two is look at a threshold level where construction of the sidewalks will be less than 5 percent of the overall construction cost.

Commissioner Lago: We could do that.

Mayor Valdes-Fauli: You made a motion. Is there a second?

Commissioner Mena: Alright, time out, time out.

Commissioner Keon: Wait.

Commissioner Mena: First of all, I think it's a public hearing.

City Attorney Ramos: Correct.

Mayor Valdes-Fauli: No, I know. I know, but if there's a...

Commissioner Mena: Second of all...

Mayor Valdes-Fauli: Second, I'll call for the public hearing.

Commissioner Mena: I'm not sure I understand what the motion is. Just to come back and revisit...

Commissioner Lago: No. The motion is for us to come back and revisit this issue, but I want...

(COMMENTS MADE OFF THE RECORD)

Commissioner Lago: To continue the item, but I want to make sure that we find when everybody is here and available -- because I know that our schedules are pretty hectic now, especially going into the winter months.

Commissioner Mena: Do it at our next meeting.

Commissioner Lago: No, I know, but I mean, certain people may not be in town. I know Frank's traveling...

(OVERLAPPING COMMENTS)

Commissioner Keon: (INAUDIBLE) next meeting. But I think we...

Commissioner Mena: Next Commission meeting.

Commissioner Keon: Can talk to Miriam and...

Commissioner Lago: That's fine, perfect. That works out.

Mayor Valdes-Fauli: Okay.

Commissioner Keon: Between now and the and express our concerns.

Commissioner Lago: That's my motion...

City Attorney Ramos: Okay, no sunshine meeting...

Mayor Valdes-Fauli: Is there a second?

City Attorney Ramos: Just bring it back in November?

Commissioner Keon: Just bring it back in November.

Mayor Valdes-Fauli: Is there a second, please?

Commissioner Mena: Yes.

Vice Mayor Quesada: So...

Mayor Valdes-Fauli: Yes. Okay, now, we have -- it's a public hearing. Maria Cruz wishes to speak.

Maria Cruz: First of all, I have no horse in the race. I have sidewalks.

Mayor Valdes-Fauli: Wonderful.

Ms. Cruz: Okay, let it be known. I'm not talking as it affects me. But I think that this is becoming almost ridiculous. You had an issue two meetings ago, I believe, about the concurrency and the collector streets. Everybody thought we were talking about collector streets. Well, the staff wanted, last meeting, to make it -- make sure you understood it was all the streets. Well, you all didn't buy it because we went back to collector streets. Well, today, we're talking again about all the streets. Does the City Commissioners -- does this Commission, the elected officials, direct the staff -- do you direct the staff on what you want or does the staff tell you what you want?

Commissioner Mena: We have an ordinance, Maria, that already...

Ms. Cruz: No.

Commissioner Mena: Exists that already tells us what the rule is.

Ms. Cruz: I understand that.

Commissioner Mena: That's what we're discussing is what do we do with that...

Ms. Cruz: I understand that.

Commissioner Mena: Existing ordinance.

Ms. Cruz: I understand that, but you keep -- look how long it's taking this discussion. It is very apparent to me that the Commission is not on the same page as the employees.

Commissioner Lago: That doesn't -- Maria, but that doesn't matter. Let me explain to you why. Because what we're going to do right now is we're going to get on the same page at the next Commission meeting.

Ms. Cruz: Yes.

Commissioner Lago: And this is a democracy. You're seeing democracy at work.

Ms. Cruz: That's (INAUDIBLE)...

Commissioner Lago: So, we haven't...

Ms. Cruz: But not...

Commissioner Lago: Hold on, hold on. We haven't been following an ordinance, like Commissioner Mena just stated...

Ms. Cruz: Correct.

Commissioner Lago: That has been in place for years.

Ms. Cruz: Correct.

Commissioner Lago: So, if people had done their homes and have gone beyond the threshold of the \$15,000, they would have had to install a sidewalk.

Ms. Cruz: Correct

Commissioner Lago: I am a perfect example of that.

Ms. Cruz: Yes.

Commissioner Lago: They forced me to do the sidewalk on Urbino, but they didn't force me to do the sidewalk on San Amaro, but I should have installed that sidewalk. With that sidewalk in place, then there would have been connectivity in my entire neighborhood, which currently doesn't exist.

Ms. Cruz: And I understand that.

Commissioner Lago: Which I feel that, at the end of the day, I'm either responsible for it and I've got to install it and I'm willing to or the City's got to install it.

Ms. Cruz: Okay. I understand that.

Commissioner Lago: We've got to find the right vehicle to get there.

Ms. Cruz: You're perfectly...

Commissioner Lago: There's no -- but the idea of not installing sidewalks, in my opinion -- and I'm sorry, I don't want to speak for the Commission -- is unacceptable.

Ms. Cruz: That's fine, but I have an issue...

Commissioner Lago: That's not for debate today.

Ms. Cruz: But there is another -- there is a bigger issue. The bigger issue is we're selecting some streets that we're going to install and we're going to pay and then the others, they're going to have to pay.

Commissioner Lago: That's a problem.

Ms. Cruz: There's a problem with that.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Maria, tell us your issue.

Ms. Cruz: There's a problem with that.

Mayor Valdes-Fauli: Yeah, go ahead.

Ms. Cruz: Okay. This is what I'm saying. If you're saying the large -- you know, we're becoming, you know, the signature streets, like Riviera and Granada got the big oak trees. The little streets, like Miller, we got the smaller oak trees. Now, the signature streets, again, are going to be getting the sidewalks because the City's going to pay for them. The other people, we're going to have to pay for them. Not me, because I already have them, but the other people, they need to pay. Either the City pays for the sidewalks or the City doesn't pay for the sidewalks. You can't have two sets of rules is what I'm saying to you. And I agree with you, you cannot have two sets of -- two rules. If we believe that sidewalks are important, you know what? We have many and there are other projects that we're doing that maybe are not as important as sidewalks. Pay for the sidewalks. That's it. Make the distinction. Instead of doing -- when you -- and I'm going to tell you, that

covenant deal really got my blood hot. You know what, I've lived in my house 48 years. Maybe my kids will keep it for 50. When they're ready to sell it, we're going to have a covenant on the property. Heck no.

Mayor Valdes-Fauli: Thank you, Maria. Thank you very much.

Commissioner Mena: Maria, I think the point to be made is that there's varying degrees of priority or importance of those streets, not because of the people who live there or the streets, but because there's more traffic on certain types of streets. And so, when you're having more traffic and more volume on a given street, then you have more safety issues and you want to make sure pedestrians are safe. So, that's the discussion we're having. That's what we're trying to work through here and I think we've talked a lot about a lot of the aspects of that issue here today and we're going to continue talking about it, but thank you for your comments.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: Alright. Thank you very much. The motion has been made and seconded. Will you call the roll, please?

Commissioner Keon: The motion was to continue this to the next meeting.

Commissioner Lago: Yeah, to continue Item F-3.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you.

Commissioner Lago: Let's make sure we schedule, obviously, for the next Commission meeting, that sunshine meeting, please.