

City of Coral Gables City Commission Meeting
Agenda Item F-4
March 8, 2022
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

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

Public Works Director, Hermes Diaz

Development Services Director, Suramy Cabrera

Public Speaker(s)

David Shoppe

Maria Cruz

Agenda Item F-4 [12:35 p.m.]

An Ordinance of the City Commission approving a Site Plan Amendment pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a previously approved Country Club by Ordinance No. 2016-34, located within a Special Use (S) District, for the property commonly referred to as the "Riviera Country Club" and legally described as portions of Tracts 1 and 5, Riviera Country Club, a portion of Miami-Biltmore Golf Course of Riviera Section Part 4 and Lots 10-14, Block 112, Country Club Section Part 5 (1155 Blue Road), Coral Gables, Florida; all other conditions of approval contained in Ordinance 2016-34 shall

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remain in effect; and providing for an effective date. (Legal description on file at the City)

Mayor Lago: Moving on to the issue at hand, F-4.

City Attorney Ramos: Mayor, F-4 is an ordinance of the of the City Commission approving a Site Plan Amendment pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a previously approved Country Club by Ordinance No. 2016-34, located within a Special Use District, for the property commonly referred to as the "Riviera Country Club" and legally described as portions of Tract 1 through 5, Riviera Country Club, portion of Miami-Biltmore Golf Course of Riviera Section 4, Lots 10 through 14, Block 112, Coral Gables, Florida; all other conditions of approval contained in Ordinance 2016-34 shall remain in effect; and providing for an effective date. This is a public hearing item. Mr. Clerk, if you can swear in anyone who's going to speak.

City Clerk Urquia: Anyone here speaking on this item, please stand and raise your right hand. Do you swear or affirm that all the information you will provide today will be the truth and nothing but the truth? Thank you.

Planning and Zoning Director Trias: Mayor, I think the Commission is familiar with the issue, so I won't make any presentation. Staff recommendation is the same, not to make any changes. However, the applicant has a presentation for you with some ideas.

Mayor Lago: So, if -- I'd like to -- just to speak to my colleagues before the applicant comes up. And I want to be very clear as a person who lives in this neighborhood. And as I can tell, they brought the big guns here because they brought one of the gentlemen -- not only do -- who I know personally but our kids go to school together. I'm a big fan of Riviera Country Club, unlike a lot of the rumors that are swirling around by certain people saying I'm not a fan of the country club. I'm a huge fan of the country club. I go to the country club probably three, four times a month

when I'm invited by other friends and acquaintances and family members who are members there. To me, this is an issue about a neighborhood. When you sign a development agreement stating that you're going to do the following community improvements based on acceptance of a project, that's pretty standard. We just approved a project right now that talked about speedhumps, talked about sidewalks, talked about lighting, talked about a park, talked about a litany of things that are, you know, important and that are going to enhance the neighborhood while the development projects, which used to be single-family homes, is now going to be a six-story, seven-story building. I mean, that's pretty acceptable, correct? My issue is very simple. We, as a community, were promised certain enhancements. How many years has it been already where that property has just been left the way it is based on issues of FP&L, based on issues of discussions that we've had on whether pavers would be accepted or not on the right-of-way. It was brought to our attention, Mr. Manager, that pavers -- by the applicant that pavers were not allowed by the right-of-way. I wrote a simple email to the Director of RER, Mr. Jose Enrique (INAUDIBLE), which I copied you on, and I asked him a simple question and he responded. And I sent you that email which stated that pavers are allowed in the RER. What we're voting on today is very simple. We're voting on do we allow a change to a development agreement after a structure's been built and are we heading in a different direction. That's what we're voting on today. So, we have to make that decision and what our opinions are going to be and how we're going to conduct ourselves in regards to once we approve a project that is built of that magnitude, and then we come back and we say, "No, you don't have to install this. You don't have to install that. You don't have to install that," because there's maintenance associated with that.

City Attorney Ramos: So, does the applicant have a presentation, because this is a quasi-judicial hearing?

Planning and Zoning Director Trias: I believe so. I believe so.

Mayor Lago: Oh, but I just want to be care -- because if -- Ramon said that -- excuse me, the Zoning Director said that our stance has not changed, obviously, that we're recommending that they do the improvements that they said they were going to do, and I want to put that on the record.

Planning and Zoning Director Trias: Yes, sir. That's staff's recommendation.

Mayor Lago: Okay. Would the applicant like to come up before us? Good afternoon, sir.

David Shoppe: Good afternoon.

Mayor Lago: Thank you for being here. I appreciate it.

Mr. Shoppe: Thank you for having me.

Mayor Lago: I'm hoping that today we lay this to rest, and we get this done.

Mr. Shoppe: That is our plan.

Mayor Lago: Yes, sir. How many years have we been working on this?

Mr. Shoppe: I think we were site plan approved in 2016, and we TC -- we CO'ed the project in the end of 2019, I believe.

Mayor Lago: So, we're going on three years.

Mr. Shoppe: Yes, sir.

Mayor Lago: Three years in regards to where that -- where Blue Road -- and by the way, just so you know, so you're aware, for all families that live in the neighborhood, I've requested from staff

-- and I know that Mr. Diaz is working on it with his Public Works Department -- we're going to connect your sidewalks all the way down Blue Road to the bridges, to the bridges there, and I think it's going to be three or four blocks, which again, it's going to provide connectivity. That's a project that I advocated for and my colleagues on the Commission are supporting me, and I know they're waiting for a design on that. So, you're a critical...

Mr. Shoppe: We've seen that. We're very excited about it, yeah.

Mayor Lago: You're a critical point...

Mr. Shoppe: We're the catalyst.

Mayor Lago: You're a critical point...

Mr. Shoppe: Yes, we are.

Mayor Lago: In delivering something special and showing that sidewalks -- because let me tell you why it's important, and this is something that I'd love for Commissioner Anderson and the rest of my colleagues to really focus in on. By showing that we deliver the sidewalks in front of your building, and that we're able to deliver additional sidewalks three blocks down into a more residential neighborhood, we're showing people that sidewalks are your friends, that sidewalks are okay. Because there's certain people that didn't want bike lanes, they didn't walk sidewalks, and we merged those two together and basically, we didn't get anything. So, now I want to show people that, listen, we can build these sidewalks and we can knock -- we can avoid having to knock down trees, and we can avoid, you know, something that is not beautiful, and people are concerned that they don't want sidewalks because they want the green space on their swale. So, this is an important project for the future of the City in regards to pedestrian accessibility. And I've advocated always for sidewalks, and more and more, as my daughters get older, I think it's just critically important that we deliver on sidewalks. And your project is going to be used as a

benchmark to show people throughout the community that we connected your property up and down Blue Road in an area where there's a lot of traffic. So, I'm sorry to take your time.

Mr. Shoppe: No, no. I appreciate that, Mayor.

Mayor Lago: Sorry to take your time, but I just wanted to add that because that's how important it is.

Mr. Shoppe: No, that's a good preamble.

Mayor Lago: Thank you.

Mr. Shoppe: Thank you. So, let me start by saying thank you for welcoming me. My name is David Shoppe. I'm representing the applicant, John Lucas, who is unable to attend this afternoon. So, we've been working together for a number of years on this project. So, good afternoon, Mr. Mayor and Commissioners, Mr. Iglesias. So, just as a brief summary of this project -- and I'm here with Mark Snure, General Manager of the club. Roger Tetley (phonetic) is the president, and Bob Bayer (phonetic), you mentioned earlier. So, a brief summary, the County approved our plans back in 2019 for Blue Road. We went in and -- for actually a simple overlay of one of the lanes. And as it turned out, it was a half-section standard road, so if you touched it, it needed to increase it and embellish it, so we added a significant amount of drainage. We had to widen the road a few feet. And so, our plans have been approved, and now renewed approval, and we're currently with a standing permit with Dade County. So, going back in history for the City, we submitted those plans once we got our approval from the County because it was a County road. And it's important to note that when we were site plan approved back in 2016, and these pavers did show on our initial plan -- that's why we're here -- and the site plan was a conditional use, so it said that if we went forward with the modification of the site plan, it required two reads. Normally, it's just administrative approval, but in this case, we had to go back. So, staff had approved this change, and unanimously, at Planning and Zoning. But what happened, initially, when the plans were

approved, we were not told, I guess, let's say that there was no information that there would need to be an agreement that we, as the Riviera, would maintain the right-of-way, which I think is the issue here. We're not -- there's not a bait and switch. We're not concerned about putting pavers in the right-of-way. We're just -- we're in the country club business. We're not in the business of maintaining roads. The City has a Public Works Department, and they maintain the roads, and they have pavers in the roads throughout the City that they maintain as well, so that's been the challenge all along. So -- but just going back briefly in history, on March 9th last year, we came to the Commission. It was deferred and suggested finding alternatives. We came back a couple weeks later, and it was -- we actually -- it was continued. Then we came back in September, and the discussion was try and work with staff and figure out a way to resolve this. So, there's maybe some good ways to go through this. So, what we did -- and I'll bring up a presentation in a few minutes. We went and decided -- so, we are, as you all know, we're undergrounding the lines throughout the entire -- our 800 linear footage. The requirements of FPL are that we put lights to actually meet current criteria along that road, certain foot candles and distribution. So, they have a standard for their roads along with Dade County and FPL and our coordination with them, which is a concrete pole and a cobra head, similar to what's there now, but more structural. We met with Hermes, spent a lot of time with Mr. Diaz on how we want to manage this, and we felt that best to -- let's embellish the road, in lieu of the pavers, we were going to provide you a number of things. One was that we'll provide decorative lights on either side of the road, all the way down, which are these poles, and I'll show you the heads as well. And we provided understory on either side. So, we're really creating a beautiful road network, and as well, undergrounding those lines so -- and I'll show you some renderings that we've had done, and it's quite an improvement. You'll see the difference. So, you know, pavers are not favored in Miami-Dade County. They're -- as the Mayor said, they would allow them, we've found, but it requires what they call an interlocal. And then like even want a covenant from us to maintain them, and that's I think where the problem ends up lying. So, what I wanted to basically -- so, I've kind of covered all that. And one of the things I wanted to mention as well is those crosswalks. There's three crosswalks that go across Blue Road. Our initial site plan did not show this as pavers. They show those as a thermoplastic. It doesn't show us a paver, but thermoplastic's what's required, and that's a County standard to do

that. So, we would maintain that which is the right approach in actually crossing the road. So, what I'm going to do is I'm going to bring up -- and if I can be allowed to share my screen. Let's see here. Share. Is my technology working? Great, okay. So, I just wanted to share this with you all. So, sorry about that. Okay. So, this is a -- and I'll bring -- this is what a rendering of what Blue Road will look like when we're done. You'll see, we have the two stripe -- we have the stripes along the edges, understory on either side of the road. There'll be oak trees on the south side. There's a mix of mostly ironwoods on this. I'm going to explain to you why. And the path -- you can see the multi-use path that the Mayor referred to on this side. So, let me go ahead and just talk about -- a second here. Okay, so this is just a summary of where we are. We had our site plan then working for this amendment, improvements in lieu of pavers. We've added landscaping, streetscaping, and undergrounding the lines. So, we're requesting to change the paving material on Blue Road from concrete pavers to asphalt. Improvements added in lieu of pavers, refer to Item 3. So, basically, this is why we -- again, I don't want to beleaguer -- this is the original site plan. So, if you'll notice, it did show the pavers and it showed crosswalks, not pavers, but three crosswalks. We're maintaining those crosswalks, and the area in question is right here.

Mayor Lago: So, quick question if you don't mind me, and I apologize for interrupting.

Mr. Shoppe: Please.

Mayor Lago: The area that is the subject area that you're concerned about is that small area of pavers, but the rest of Blue Road is going to be standard asphalt?

Mr. Shoppe: Um-hmm, that's right.

Mayor Lago: And you have...

Mr. Shoppe: So, the idea...

Mayor Lago: And you have pavers all the way up the driveway, around the circle, but you're not concerned about maintenance of those pavers. You're just concerned about the pavers -- maintenance on the pavers that are not on your property.

Mr. Shoppe: That's right. And the reason -- so let me pictorially show you. So, our pavers stop right here, which is the edge of right-of-way, and they will stop right here, which the right-of-way is 70 feet wide.

Mayor Lago: So, I have a question for you, a simple one. Again, love the project. It's beautiful, food is delicious, company's even better. I don't play golf. But -- and I don't have -- and I'm not privileged enough to be a member at Riviera, but I enjoy it with some friends of mine when they take me. Why did you show that in the beginning when you were getting all these approvals to do this work, and then now you're asking me -- and I'm telling you candidly because...

Mr. Shoppe: No. I...

Mayor Lago: I need you to give me an answer because the five of us who are here, we have to go and sit down with people. I have to go now in a year and two months, if I want to run for public office again, and I have to tell people in that neighborhood why I gave you a -- kind of threw you a bone in regards to a development agreement that was voted -- you built the entire structure and then now you don't want to build the beautification portion in the neighborhood. So, it's -- I have to face the community and I have to tell them why I'm voting for something. Let me give you an example. Why did I vote in favor of the project before that was there? Because we sat with that developer for a year. I said, "We want traffic calming. We want speedhumps. We want new lights. We want new sidewalks. I want a park." "Vince, how am I going to design a park?" We sat down with staff; we shrunk the building. We inserted a park into the property. I want another green space in the back to buffer the property that's not going to sell. Okay, we put a green space there. I want you to reduce the height. "Vince, but if I reduce the height, it's going to be a problem." Reduce the height, get below. I need you to drop the FAR. I need you to drop the

density. "But Vince, I'm already below." Just drop it, just drop it. We made all these requests. Staff worked with them for a year. If they come back at me after they build the building and said, "Hey Vince, I don't want to do the traffic calming and I don't want to build a park, and I don't want to maintain the park," it puts me in a very precarious position with my constituency, and you're dealing with one of those constituents who lives in that neighborhood a block away. So, I need you to -- if you want me to support this today, I need you to give me an answer...

Mr. Shoppe: Sure.

Mayor Lago: On what do I tell the voters of this community on why you don't want to do something that you got us to approve after building your building. And I will approve it today if you give me a reason -- a valid reason to do that.

Commissioner Anderson: I'm going to add to that too. I mean, I'm a property owner, like a lot of us. I'm not in the business of maintaining pavers, but I hire people to do so. And I know that we have a wonderful staff here that can help give you some guidance on the appropriate substrate to put underneath the pavers, but I also view the pavers as being a means of a worry, traffic, that we have pedestrians here, we have golfers here, and we have golf carts going across this very, very busy highway. I've walked every block of Blue Road, and I know how fast those cars come and how precarious it is. So, from that standpoint, what makes that area so much different if you do the job properly in the first place and be able to maintain with a concrete paver, which will be dense enough to withstand the weight of the vehicles? It's concrete.

Mr. Shoppe: It's...

Mayor Lago: And I also think -- and I just have one thing. I'm sorry, I apologize. I also think that -- and correct me if I'm wrong. I mean, the experts are here from staff. The purpose of the pavers is to also serve as a slow-down effect...

Commissioner Anderson: Right.

Mayor Lago: When they go over the pavers, the cars will slow down because it's a rumbling effect. You see how it happens in certain highways. They install these rumble strips; pavers will serve that. And by the way, I have pavers on my driveway. And when I was building my house, I designed my pavers, and I was forced to sign a hold harmless agreement with the City. Everybody in this community has to do it if you're running your pavers all the way to the edge of pavement. So, I had to sign that document, and I have to maintain my pavers. Again, it's on the City swale. It's on the City property because the driveway bifurcates the swale. So, at the end of the day, I had to sign a hold harmless agreement. I have to keep those swales clean. Excuse me, that area clean. I have to keep the pavers in good working order. But more importantly, the reason why I find it very difficult and some of the residents have come up to me and go, "Vince, the purpose of that was to slow traffic down Bird Road," instead of putting -- you can't put a traffic circle there. There's no width on the road, and you can't put speedhumps because the County won't allow us to do it. So, how do we do that? You've got to have a change of pavement -- correct? -- which will slow traffic down.

City Manager Iglesias: It will also be a visual effect, Mayor.

Mayor Lago: I'm sorry?

City Manager Iglesias: It'll be a visual effect also.

Mayor Lago: It will be a visual effect also.

Mr. Shoppe: And we do...

Mayor Lago: And also, it's a beautification issue too.

Mr. Shoppe: We do have the...

Mayor Lago: But do you agree with me on the fact that the pavers will slow traffic down?

Mr. Shoppe: I expect they might. I mean, but...

Mayor Lago: I'll get you -- I'll answer the question. Mr. Diaz -- Mr. Hermes Diaz, Mr. Diaz. I know you're an engineer and not a traffic consultant.

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: Okay.

City Clerk Urquia: Yes, sir. Do you swear or affirm that the testimony you'll provide today will be the truth and nothing but the truth?

Public Works Director Diaz: Yes, sir.

City Clerk Urquia: Thank you.

Mayor Lago: I know you're an engineer and you're a Public Works Director, but I'm going to ask you a quick question. If you install pavers on the street, do they also serve as a traffic calming device?

Public Works Director Diaz: Correct. And it's two-fold. One is there's a rumbling effect that you were mentioning, and then the visual, you know, this is different. It will help people slow down. It's difficult to quantify, but absolutely, there's definitely a traffic calming effect to the pavers in a high traffic area.

Mayor Lago: Thank you very much.

Public Works Director Diaz: You're welcome.

Mayor Lago: I appreciate you. Go ahead, sir. Sorry for the interruption. I apologize.

Mr. Shoppe: So -- no, no. You pose a number of questions, and I'll try and go back to them. But if I can just finish to show you the pretty picture, the final. So, this was the plan we talked about -- correct? -- which this was approved and why did we show it if we didn't want to do it, right? Or if it was -- if we were going to come back later and say it was a problem. This was shown by our initial -- the architect when I did the site plan back in '16. We didn't realize that this was a county road, and there wasn't an anticipation of the club ever expecting to maintain any work in the right-of-way. And I know you're driving -- and we've heard this before, and I get what you're saying. The challenge is that, you know, putting the pavers up to the edge of the drive lane, we would do and maintain those, that's on our -- that is not a drive lane. There's significant traffic going down Blue Road, as we all know, so this is going to become a maintenance effort on behalf of someone, and the club is just not in the business of maintaining roads. We maintain our golf course, our car paths, but it's just not something that we're -- that we do. Now, could we hire someone to do it? The issue is liability. It's really it becomes now we're responsible for a County road that subordinates to the City. It's just -- it's a complex issue for a club that's been here for decades, and they just -- it's not something that they're willing to accept because of that. The pavers are not an -- we -- it's not an issue of cost of the pavers. We would do the pavers. If the County said, "Look, let's have an interlocal with the City," and the City maintains them, Hermes, as the Public Works Department, and it gets maintained like the other pavers around the City, we're good.

Mayor Lago: But let's talk about that. I think it's important to put that on the record. So, when I installed my pavers in my house, it was an option. I can put asphalt in the swale connecting to the paver, but that didn't really look very aesthetically pleasing in my opinion. And by the way, you already did sign a hold harmless agreement because the swale of that property doesn't belong to

you, and you've already agreed to install pavers all the way to the property line, so you must have signed the hold harmless agreement when the contractor installed that, correct?

City Manager Iglesias: Let me just be clear. If -- whether that street was a County or ours, we would have a hold harmless, and we have a maintenance agreement...

Mayor Lago: Yeah.

City Manager Iglesias: Because those pavers are part of this project and part of this development agreement.

Mayor Lago: You want to repeat yourself, Mr. Manager?

Mr. Shoppe: Peter?

Mayor Lago: He didn't hear you. He didn't hear what you said.

City Manager Iglesias: Oh, I'm sorry. What I'm saying is that whether this was a County road or our road, we would still have a hold harmless agreement. We would have a maintenance agreement because this is part of your project and part of your development agreement. So, had it been our road, you still would have the hold harmless and be subject to maintaining the road.

Mr. Shoppe: And I think part of the problem, Mr. Iglesias, was that early on in the process, nobody knew that. And I think the challenge was that when this came about, we have a problem with pavers in the right-of-way, that the club's going to have to maintain, and that's been the inherent problem is we like the look too. Will it calm? Likely. The challenge is installing those pavers and who takes care of them. And it's not a cost issue taking care of them, it's the issue of we're just not in the road business. And so, it's been -- that's been the issue the entire time, and you know, as we've been trying to get through this. And so, what we decided to do, and after we met

back in September and said, "Look, why don't we..." This is what it looks like now. Okay, obviously, which isn't pretty. The intent is to streetscape, like we spoke about, no overhead utilities, add decorative light poles on both sides of the street to give illumination on the cart -- the path, the multi-use path and the road, and here's a shot looking at streetscape. We're moving this -- the County wanted this line six -- they wanted it right against the fence line. As it turns out, there's a 48-inch water main underneath here, so these light poles that we want have to shift to the side, and so do the trees. So, the cart path shifted. So, this is what you're going to see looking down Blue Road. What you're talking about is right here, you can see these things right here kind of telling you to slow down, which we required. That's part of our site plan approval was putting those devices in at the two crosswalks. It's kind of in between there. It wouldn't have the pavers. From looking down, you might appreciate it, but from here, it's just that you're not really going to -- I don't think it's diminishing the quality of the road, in my opinion, but that's my opinion, not yours. You live in the neighborhood, so that's -- and there is -- you know, there's -- we had some other landscaping, but I think it's important. The pictures say a thousand words. These are the light poles that we're going to have, similar to what you have in the community with this pole here. And you know, and we met with staff. We spoke to Hermes and Ramon along the way, and we've tried to conform these drawings so that the landscaping as well as the engineering drawings are there, they're complete, and they comply. What's important to note is that timing. Let's talk about timing. We are permitted through Dade County right now, but we're not through the City of Coral Gables. The drawings that I have in front of you now comply with what has been -- and with all the comments we've had from Hermes and his group, ready to submit to Coral Gables. If we got these in quick...

Mayor Lago: How long --? May I ask you a question? I'm sorry to interrupt you. How long have you been ready to do this? How long have you been ready to submit to the City of Coral Gables?

Mr. Shoppe: Ready to do Blue Road?

Mayor Lago: Yes.

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Mr. Shoppe: Since June 19.

Mayor Lago: Okay, can I tell you something?

Mr. Shoppe: Yes.

Mayor Lago: With all full candor. You're holding my neighborhood hostage. I'm asking you -- and the gentleman behind you shakes his head no. You are. I'm asking you to finish the work please.

Mr. Shoppe: So, I have a solution.

Mayor Lago: I'm asking you; three years is unacceptable. Waiting to have a main street corridor with gravel thrown on the swale where people are parking on, we wouldn't allow that. I'll prove it to you. I know it's tough to understand that, but I'm going to prove it you. Do we have Ms. Cabrera here? Ms. Cabrera, how are you? Will you please come here? Stand -- please thank you. If we had a project in the City of Coral Gables that was completed, a residential home, let's just say a residential home in Gables Estates, the home was completely completed. They have a TCO, people were living in there. They did their driveway. If their swale was pea rock for three years in front of the property, would you, as our Zoning Director, allow that to happen? Yes or no.

Development Services Director Cabrera: I haven't been sworn in, but no.

Mayor Lago: Okay, please swear her in.

City Clerk Urquia: Please raise your right hand. Do you swear or affirm that the testimony you'll provide today will be the truth and nothing but the truth?

Development Services Director Cabrera: Yes, I do.

City Clerk Urquia: Thank you.

Mayor Lago: Ma'am?

Development Services Director Cabrera: No, we would not.

Mayor Lago: You would not, correct?

Development Services Director Cabrera: We would issue a citation.

Mayor Lago: Why would -- why --? You would issue a citation. Why would you not allow that?

Development Services Director Cabrera: It's ugly. It's dangerous. It doesn't meet the Code. I mean, there's a lot of reasons.

Mayor Lago: So, what I'm telling you is I'm asking you, because I know it's going to go back to Riviera, and they're going to tell people that, you know, that I'm the mean guy, and that I don't accept this. Because I know that certain people are saying that around town, and I want you to be very clear, it's time to finish the project. I'm asking you nicely. I'm actually begging you to finish the project.

Mr. Shoppe: That's why we're here. Let me -- could I...?

Mayor Lago: Asking you to finish the project.

Mr. Shoppe: I agree, but let me finish my...

Commissioner Anderson: I'm not empathetic to the claims of delay and so forth. I mean, we -- you...

Mr. Shoppe: I'm sorry?

Commissioner Anderson: I'm not empathetic to the delay. I mean, we need to get this done.

Mr. Shoppe: Agreed.

Commissioner Anderson: And done as originally agreed upon. The concrete pavers are -- I'm not going to budge from that, okay. They slow down traffic. Those paint lines not only wear off, they do nothing. I've walked the area. Speed is an issue. Let's move forward and not waste any more time.

Mr. Shoppe: And thank you for that. I want to just finish my thought I was heading to.

Mayor Lago: Of course, please. The floor is yours. You could be as long as you'd like.

Mr. Shoppe: My thought -- and thank you for that, Commissioner Anderson. Where I was going was that the project's permitted through the County. The drawings that I have ready to submit to the City comply with the County's. I can go in, I can get permitted, and I could start that work almost immediately.

Mayor Lago: Can I ask you a quick question?

Mr. Shoppe: Yes.

Mayor Lago: For the record, since when were those drawings done and permitted by the County, and you've had them in your pocket for how long?

Mr. Shoppe: A couple of years, but that's when we submitted them to the City. It's not that I've had those drawings and hidden them. As soon as we got approved, we submitted to the City.

Mayor Lago: And you're telling me it's taken three years to get an approval?

Mr. Shoppe: It's...

Mayor Lago: Based on what?

Mr. Shoppe: It went around and around. Remember, the last -- we first started with Commission last March and we submitted...

Mayor Lago: We're not talking about the pavers.

Mr. Shoppe: Six months prior.

Mayor Lago: We're not talking about the pavers. We could always do the pavers later. We could finish the sidewalk. We could finish the lighting. We could finish the trees. We could finish everything. The pavers could be set -- we could cut that asphalt very quickly. You have some very capable asphalt professionals who are here. I'm in the construction business. You know, we have the City Manager who's a PE, a structural engineer. We have Hermes Diaz, who is our Public Works Director. We could go in there a minute, drop all that asphalt, put the final load there. And if we do come to an agreement on pavers, we could come in and cut that out and redo that immediately. It could take maybe a week. What I'm asking you is you have plans that are approved by the County.

Mr. Shoppe: Um-hmm.

Mayor Lago: The neighborhood deserves to have a beautiful entrance, to have a street that is not pea rock, where people are not parking in front of it.

Mr. Shoppe: So...

Mayor Lago: Let me give you an example.

Mr. Shoppe: I have a solution.

Mayor Lago: Let me give an example, let me give an example, and I'll have the Manager tell you. Mr. Manager, remember when we approved -- even though I voted against it -- the Agave project? I voted against the height of that portion of that project. We approved a development agreement for the neighboring community -- correct? -- because of the magnitude of the project.

City Manager Iglesias: Yes, Mr. Mayor.

Mayor Lago: The Agave project came and said, "Hey, listen, we don't want to install this one small entrance feature because it's in conflict with --" I don't know if it was a force main or it was in conflict with a conduit or something, something to that effect.

City Manager Iglesias: It was the sewer.

Mayor Lago: It was the sewer. We got them to install it because there was an uproar in the residents. They said, "You promised us this entrance marker, and we want it installed." And we were able to work around and find the location so that we can make it work.

City Manager Iglesias: Restructured -- they worked around it.

Mayor Lago: Yeah. So, what I'm telling you is, you make a presentation to the community and then you don't deliver, I have to answer to that, so does my colleagues on the Commission. They have to answer to -- the Manager has to answer to that. And then we haven't done this -- we haven't finished this project in three years. You know, and nobody deserves to live like that, especially in the City Beautiful. So, I'm not hold -- I'm not mad at you. I'm just saying let's move on. Let's get this done.

Mr. Shoppe: No, agreed. It's unacceptable. We need to finish it. So, what you're proposing is maybe -- or I can propose something, is we carve out that center section to be determined -- the issue becomes, again, the liability, the interlocal because...

Mayor Lago: But there isn't a liability. There are pavers throughout the City of Coral Gables. We all hold -- we all signed hold harmless agreements when we add pavers to the swale with the City. There's no liability for you. The issue -- this is a maintenance issue.

Mr. Shoppe: But the swale is not the drive lane.

Mayor Lago: This is a maintenance issue for you. This is what...

Mr. Shoppe: The swale is not the drive lane. But what I'm -- where I was headed before was, if I need to change these plans, the ones that I currently have permitted at the County, I need to put pavers in those plans. I need to go back to County. And then what I'm hearing is an interlocal which is...

Mayor Lago: So, you didn't put pavers on those plans when you submitted them?

Mr. Shoppe: The County plans don't have pavers.

Mayor Lago: Why not?

Mr. Shoppe: It's asphalt. Because when we first -- when our engineer first went in, they said, "This is a County road. We don't allow pavers." So, they went, and they got them approved without pavers. When we went to the City after that approval and when...

Mayor Lago: But you never got approved from the City to remove those pavers from your development agreement.

Mr. Shoppe: No, we didn't.

Mayor Lago: So, you went ahead, and you did it anyways, and then...

Mr. Shoppe: That was...

Mayor Lago: Now you got to go back to the County.

Mr. Shoppe: That was our mistake, sir, yes. I'll -- we went, and we got approval from the County without the pavers because this is a half-section standard road. We don't allow pavers in our right-of-ways (sic). So -- and I have emails from City -- from County staff to that effect. You reached out to someone, and they said, "Oh, we will do it."

Mayor Lago: No, I reached out to the director of RER.

Mr. Shoppe: Okay.

Mayor Lago: Jose Enrique (INAUDIBLE), who I copied the City Manager. It's all public record document. I did it in the City...

Mr. Shoppe: No, I understand.

Mayor Lago: I did everything, and that document was provided to your staff. That took me about -- that took me maybe three minutes to write an email. "Hey, can you provide me a little bit of clearance and guidance" -- excuse me -- "a little guidance in regards to this issue."

Mr. Shoppe: So, the concern I have is if the pavers were -- if the pavers make it back into the right-of-way, there's a process we got to go through at the County level, including the interlocal part of things, which is that two-party agreement. So, there's things that have to happen. My concern is that it's going to continue to delay things.

Mayor Lago: Let's do it. We've already waited three years. I'll continue to wait.

Mr. Shoppe: No, so the solution might be that -- like you talked about, maybe there's that carveout of that middle section, allow us from the City level -- permit us for what's consistent with the County. We go forward, start on the work...

Mayor Lago: Why don't we do this? Why don't we do this? Let's do this. Let's take a vote right now and you have the guidance that you need to move forward. Yes, sir, Mr. Manager.

City Manager Iglesias: Mr. Mayor, they have a permit. They can proceed with what's permitted except for the pavers which are not permitted. This project has been on TCO for some time now, by the way. They technically cannot get a CO until all this work is done. But there's a lot of work that can be done and this paver issue can be approached as a revision to this permit...

Mayor Lago: And we will not get...

City Manager Iglesias: To the County.

Mayor Lago: We'll continue not to grant a TCO -- a CO until, obviously, the whole scope of the project is -- but I want to give you the guidance that you need, so I'm going to give you the guidance right now. Is there anybody in this Commission that has any comment or would like to make a motion to allow them to remove the pavers or to have it built as prescribed by their development agreement?

City Attorney Ramos: Mayor, before you...

Mayor Lago: I leave it to my...

City Attorney Ramos: Do that, I just want to explain that there's other things that are being asked for here. So, it's a change from the paving material at the main entrance on Blue Road from concrete pavers to asphalt. Change crosswalks from concrete pavers to thermoplastic paint, change concrete pavers on the east and west lot entrances with Coral Gables beige concrete, eliminate two on-site spaces to allow for FPL switch cabinets, and change street tree species from ironwood to live oak.

Mayor Lago: Okay, so this is simple. Is somebody willing to make a motion in favor of this, or they would like to make a motion against?

City Manager Iglesias: And may I say, Mayor, that we are in a -- we are -- Item 3, 4, and 5, we have no issue with. It's Item 1, which is removal of the pavers, and Item 2, which is providing thermoplastic instead of the pavers.

Mayor Lago: So, would you like -- would anyone like to make a motion approving 3, 4, and 5?

Commissioner Menendez: I just have a question for the City Attorney. The ordinance that's before us for a vote, what is included and what is not included from this discussion?

City Attorney Ramos: What I just read is what's included, but you can approve three out of the five, or one out of the five or...

Commissioner Menendez: But does it include the pavers that are the focal point of the discussion?

City Attorney Ramos: It includes five things and two of them are pavers.

City Manager Iglesias: The first one, Commissioner, is the pavers. The second one is to change the pavers -- it's to add thermoplastic...

Mayor Lago: Yes.

City Manager Iglesias: Instead of pavers. Item 3, 4, and 5, we have no issue with.

Mayor Lago: So, if anybody would like to make a motion on 3, 4, and 5, we can get those out of the way.

Commissioner Anderson: I'll make a motion on 3, 4, and 5. And I'd like to...

Mayor Lago: Yes, go ahead.

Commissioner Anderson: Go ahead.

Public Works Director Diaz: My apologies. I just want to correct something on the record because it's mentioned about changing oaks from -- ironwoods from oaks. And actually, the proposed trees on the south side are oaks. The proposed trees on the north side actually are ironwoods because the spacing is smaller.

City Attorney Ramos: Okay. I'm just reading from the ordinance, so that may have to be fixed.

Public Works Director Diaz: So, I think that...

Mr. Shoppe: We can strike five because (INAUDIBLE)...

Public Works Director Diaz: So, I think that's something that -- yes, I just want to bring that up.

Mr. Shoppe: So, just strike -- so, 5 -- what had happened was when the sidewalk shifted and now the trees are so close to our existing oak trees, our landscape architect, Robert (INAUDIBLE) said, you can't have oaks on top of oaks. They need to be an ironwood species. So, initially, when the trees were further towards -- not along the property line, but were at the sidewalk, oaks would have worked. So...

City Attorney Ramos: Right but hold on. Did the original ordinance for the site plan...

Mr. Shoppe: It had ironwoods.

City Attorney Ramos: Require -- then the change has to be approved by Commission.

Mayor Lago: Mr. Zoning Director.

Planning and Zoning Director Trias: So, as you know, there's major amendments and minor amendments.

Mayor Lago: Yes, sir.

Planning and Zoning Director Trias: The pavers, in my view, is a major amendment, and that's why before you -- that's why it's before you.

Mayor Lago: Okay.

Planning and Zoning Director Trias: So, you should vote on that. Now, maybe some adjustments on the species could be done at different points for whatever reason. That may be a minor amendment. So, that's the way I see it. So, my opinion is that you should vote very clearly on the pavers.

Mayor Lago: Thank you, Mr. Director.

City Attorney Ramos: But to not confuse matters, this was all brought as a major amendment, and there's five things to it.

Mayor Lago: Yes, so what...

City Attorney Ramos: So, you should vote...

Mayor Lago: What I'm saying right now -- and tell me if I'm correct, Madam City Attorney -- is, like Commissioner Anderson was about to do, make a motion to approve three and four, not five, obviously, because we're striking five, correct?

City Attorney Ramos: We're striking it because they already did it, but that doesn't mean that the Commission doesn't have to approve it.

Mayor Lago: Okay. Well, then we approve five, and then we now can make a decision on one and two. Commissioner Anderson.

City Manager Iglesias: Mayor, I think we can work with two -- three, four, and five. The issue on the north side, we need a little flexibility because there's so many utilities there.

Mayor Lago: That's fine.

City Manager Iglesias: And we will work on the north side with that species, but the south side will be oaks. And the north side, we have to work with those existing underground conflicts, so we may have to have a species -- but I think that the -- that three, four, and five, we can certainly work out. I think one and two is the paver issue where we're removing pavers in one, and Item number 2 is...

Mayor Lago: Yeah.

City Manager Iglesias: Putting thermoplastic in lieu of pavers.

Commissioner Anderson: Okay. Before we get to the trees, I just want to add one more thing. We have that greenwood island ficus on these plans, and I'd like staff to change that out to something that's more native. You know, you've got Florida boxwood. It's compact. You can't really get a bottle down in there and trash, or some of the button ones and cocoplum. So, I'd like staff to direct which shrubbery would be best suited for under that canopy. So...

City Manager Iglesias: And we can work on that, Commissioner.

Commissioner Anderson: Okay.

Mayor Lago: Okay, so...

Commissioner Fors: I just -- one last comment before we vote, just for the benefit of the record. For me, it really just boils down to the fact that it's already in the agreement. This was a conversation that I would have been more willing to have before we entered into an agreement, rather than after, and that's really what it boils down to for me. I also recall with the benefit of refreshing myself in the past transcript that my impression was, although we deferred it at the last

time, we discussed this, that it was really about finding out if the County would let us do it -- or let you do it. And now that we know it will, and the fact that it was already agreed on, the analysis sort of just ends for me right there.

City Attorney Ramos: This is a technicality, but I do think I have to point it out. There was no development agreement in this case. It is a site plan approval.

Planning and Zoning Director Trias: It's a conditional approval.

City Attorney Ramos: And they have the right to ask for you to change it; you have the right not to.

Mayor Lago: Okay. So, what was --? Can we have a motion on the floor to deal with three, four, and five? Commissioner Anderson?

Commissioner Anderson: I think I made the motion.

Mayor Lago: I just want to make sure. You're done?

Commissioner Anderson: Yeah.

Mayor Lago: Second from anyone?

Commissioner Menendez: I'll second.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Mr. Mayor, before the vote is taken, I do have a member of the public requesting to speak on this item.

Mayor Lago: Perfect. Please allow them to speak.

City Clerk Urquia: It's...

Mayor Lago: Also, we had -- and also, we had some emails from residents in regards to opposing the changes, correct?

City Clerk Urquia: That is correct, sir.

Mr. Shoppe: What is the motion on the floor, Mayor?

Mayor Lago: The motion is to accept three, four, and five, so we can allow you to move forward, and hopefully, commence the work, and then we'll address one and two now.

City Clerk Urquia: Okay, so the resident requesting to speak is Ms. Maria Cruz.

Mayor Lago: Ms. Cruz, the floor is yours.

City Clerk Urquia: Ms. Cruz, before you begin speaking, please raise your right hand. Do you swear or affirm that the testimony you will provide today will be the truth and nothing but the truth, ma'am?

City Attorney Ramos: Mr. Clerk, we don't see Ms. Cruz yet.

Maria Cruz: Hello.

City Attorney Ramos: There she is, okay.

City Clerk Urquia: Thank you.

Ms. Cruz: Okay, here we go again. We -- projects come to the City, they get approved as presented, or back and forth until they get approved. The country club is being used; the building was built. They have the benefit of using the building, and now, after the fact, after they go through the County and get approved for something that they knew we -- the City would not approve, now they come, they made a mistake. They didn't realize they have issues. You know, when people sign agreements, when people -- you know, this is a joke. This is a joke. Where else can you sign an agreement and they say, "Oh, I didn't understand what I was signing, and I already got permission from somebody else, so I want to do it and I go ahead and do it without permission." How many changes have they done already? How many things have been done without going through the City of Coral Gables? You know, this is absolute craziness. They really think that they can do whatever they want, and they're going to get away with it, and that place is a disgrace. And the residents have been complaining, and the Mayor has been complaining, and the City has been complaining. And guess what, it doesn't make any difference because you know what? They should not get anything changed. They should do it the way it was presented because that's what they said they would do. And by the way, there's pavers all over the place, including some of the -- on the calming devices that we just built not long ago. So, the argument about the pavers is not valid. I guess the argument that the County wouldn't approve it didn't work because we checked. If we had not checked, maybe we would not know. You know, it's a revolving story. They need to do what they said they were going to do, period. The end. Thank you.

Mayor Lago: Thank you. Is that the last person on...?

City Clerk Urquia: Yes, sir.

Mayor Lago: Okay, please close the public comment.

City Clerk Urquia: Will do.

City Commission Meeting

March 8, 2022

Agenda Item F-4 - Ordinance of the City Commission approving a Site Plan Amendment pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a previously approved Country Club by Ordinance No. 2016-34, located within a Special Use District, for the property commonly referred to as the "Riviera Country Club" and legally described as portions of Tracts 1 and 5, Riviera Country Club, 1155 Blue Rd. Page 31

Mayor Lago: So, we have a motion on the floor.

Commissioner Fors: This motion...

Mayor Lago: For three, four and five.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Now, let's move on to one and two, back to one and two, which is the issue of the pavers, and obviously, the crosswalks. Do you have anything else that you want to add in regards to that?

Mr. Shoppe: In order to expedite the work that we need to do on Blue Road to move this along, I would recommend that we -- our plans be approved in conformance with what was approved at the County so we can start the work. There's a lot -- I have 400 feet of drainage to put in. There's an enormous amount of work before I can think about putting in trees and landscaping and everything else. So, ideally, if we do that, we carve out this area for -- I don't know if it's a further discussion, I'm not sure. There needs to be an ability for -- and again, it comes down to maintaining. And the nice lady online said there's pavers everywhere. Hermes, you're still here, right? When there are pavers that cross the right-of-way in the City, your Public Works Department's maintaining those, correct?

Mayor Lago: No.

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Mr. Shoppe: I mean, the end user is not maintaining those.

Mayor Lago: Not in all cases.

Public Works Director Diaz: So, when there's a development that they do what is called -- no, what we consider nonstandard improvements, we make the developer responsible for the maintenance.

Mr. Shoppe: In the right-of-way?

Public Works Director Diaz: Absolutely, yes.

Mayor Lago: Yes, sir.

Public Works Director Diaz: This is common throughout the City. Sometimes it's landscaping, sometimes it's some more decorative lighting.

Mr. Shoppe: And we've agreed to that.

Public Works Director Diaz: Right.

Mr. Shoppe: We've agreed to maintain the land...

Mayor Lago: So, let me ask you -- because you were concerned about getting -- your concern after three years now that you want to get this started immediately, and I appreciate that, thank you. I think it's going to be a real great addition to the neighborhood. Quick question. I'm in construction. It's what I do for every day. I work on schedules, construction schedules, as long as -- also, my friend, Mr. Bob Bayer (phonetic) does all the time too. Give me a timeframe. Give

me your construction schedule in regards to -- from mobilization to the moment that you start breaking ground, and you start working on the underground, and you do the sidewalks, and you install the trees, and you tell me -- tell me your durations. Tell me your long lead items. Tell me your path to completion. I want to know exactly what your schedule is, just give me a timeframe, six months, four months, five months of construction. What are we looking at?

Mr. Shoppe: I would say in the order of six months and...

Mayor Lago: Okay.

Mr. Shoppe: Primarily because I have to procure structures, piping. We've got to get the work in the ground on the south side. And remember, we're shutting a lane down.

Mayor Lago: Okay.

Mr. Shoppe: I have to shut the other lane down, procure trees. I have FPL underground. There's a bunch. It could be more than six months to be honest with you.

Mayor Lago: I am a hundred percent sure that, within six months, you can run parallel tracks, and you can get the pavers approved at the County. It's a simple amendment -- it's a simple, excuse me, what do you call it? A revision to your plan...

Mr. Shoppe: Um-hmm.

Mayor Lago: And you can get it probably done in two or three months. It shouldn't even take you that long, and you can get started. But before we leave here and we move on to the next item, I want my Commissioners to put it on the record on a vote on where we stand on Items 1 and 2. You could start construction tomorrow if you wanted to, we would let you in an effort to start

beautifying it. But the Commission, if they want you to install the pavers, you could just go back for a revision to the County and get it addressed. Yes, sir.

City Manager Iglesias: Mr. Mayor, thank you. We could approve the plan subject to the center area going back to the pavers so that they have time to go back to the County. The project would still be on TCO, and we would extend that TCO so they could do this actual work. So -- and then the project would go back as a revision to the County. You generally do the asphalt work the last thing.

Mayor Lago: That's what I was going to say. You do your last lift -- as Mr. Bayer can tell you -- that's the last thing you do, and you do the pavers the last thing. So, at the end of the day, we have all the time in the world to get this through the County and finalize. Now, I'll entertain a motion in regards to point one and two in regards to whether the club should install the pavers as designated in regards to their agreement.

Commissioner Menendez: I just have a quick question because I'm sure the audience or the community that's watching has the question. So, if the pavers are the last part -- I think and part of the discussion -- we have something in the legislation that assure the community that once everything else is done and it's time for the pavers, it'll actually happen.

City Attorney Ramos: So, the current site plan approval includes the pavers. If the Commission does nothing today, they have to put in the pavers.

Commissioner Menendez: Okay.

Commissioner Fors: So, then we don't need to -- a motion then, right?

Mayor Lago: Whatever you'd like. I just wanted to make sure we give them the guidance that they need and that we show the Commission that this Commission, not past Commissions, is in favor of what the request is that's being made.

City Attorney Ramos: So, you can vote against the request. That's another way to show...

Commissioner Menendez: Or we can reconfirm.

City Attorney Ramos: Where you stand or vote against the -- one and two. You've already voted for three, four and five, so you can vote against one and two.

Commissioner Anderson: I'd make that motion to vote against one and two.

Commissioner Menendez: And I'll second.

Mayor Lago: Mr. Clerk.

Vice Mayor Mena: Mayor? Yeah, very quickly, Billy, before I vote. Can you all hear me?

Mayor Lago: Yes, sorry, Vice Mayor. I apologize. I should have given you the time.

Vice Mayor Mena: No, that's okay. No, no, I'll be quick. And I apologize for any background noise. Look, I just want to reiterate where I said. At the prior meeting where we discussed this, I was one of the people that threw out the idea of some sort of alternative, but the reason for that was because, at the time, we were given the impression that the County would not approve the pavers. So, to Commissioner Fors' point earlier, that's really what's different for me now is that now that we know that the County will approve it, I'm in a position where I stand by the agreement. And I just think, you know, we need to do what's in the agreement, because as the Mayor has said, it's very difficult for us to do now look our residents in the face and say, "Well, we can go back

and just change this issue that was promised to the neighborhood." So, again, the difference for me today from the last time we discussed this is that at the time we thought the County would not approve it, and now we know that they will.

Mayor Lago: Thank you, Vice Mayor.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Alright. Before we move on, do you have any other -- anything else you'd like to say? What I would like to do, if possible, I'm going to take a 30-minute lunch break. I'd like to meet with the members of Riviera outside. But before I do that, I'd like for a motion on the consent agenda.

Commissioner Menendez: Motion.

Commissioner Anderson: Second.

City Clerk Urquia: Anyone wishing to...?

Mr. Shoppe: So, to be clear, Mr. Mayor, so three, four and five were approved; one and two were denied.

Mayor Lago: Yes, sir.

Commissioner Anderson: Right.

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Mr. Shoppe: We have to build per our site plan.

Mayor Lago: Yes, sir.