

City of Coral Gables City Commission Meeting
Agenda Item H-4
January 26, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Works Director, Glenn Kephart
Finance Director, Diana Gomez
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Victor Menocal
Earl Jackson

Agenda Item H-4 [10:51:58 a.m.]

A Resolution approving a contract for the construction of the Miracle Mile and Giralda Avenue Streetscape Project (the Project) with Ric-Man International, Inc. for a guaranteed maximum price (GMP) of \$21,600,000; providing for amendments as approved by the City Manager and City Attorney prior to final approval; further waiving the Procurement Code pursuant to Section 2-583, entitled "Application of the Code," to authorize the City Manager to direct purchase certain items as specified in the Plan Design Specifications for the Project, and included within the GMP, as follows: stone pavers, stone furniture,

City Commission Meeting
January 26, 2016

Agenda Item H-4 - Resolution approving a contract for the construction of the Miracle Mile and Giralda Avenue Streetscape Project with Ric-Man International, Inc. for a guaranteed maximum price of \$21,600,000.

lighting, and trees; further approving the direct purchase of additional pavers not included in the GMP for a price not to exceed \$300,000 to be available for future uses for the Project; further authorizing the City Manager to execute a contract with Cooper Robertson and Associates in an amount not to exceed \$ 500,000 to provide Construction Administration Services for the Project; further approving the Project budget; and the waiver of City fees for the project.

Mayor Cason: Alright, we have another time certain for now, which is H-4. City Manager.

City Manager Swanson-Rivenbark: I'm going to ask Glenn Kephart to come forward with the -- who is in the audience somewhere. This is the construction manager at risk. This is the defined number as to what the cost is to move forward with the Miracle Mile Streetscape. So, Glenn, if you -- hi, Earl. Glenn, if you'll present this item to the Commission for their consideration.

Public Works Director Kephart: Good morning, Mayor, Vice Mayor and Commissioners. I'm pleased to say that after decades of community visioning and then approximately a year ago this month you approved a contract with Cooper Robertson to actually do the final design on the Miracle Mile and Giralda Avenue Streetscape. And you approved the establishment of a steering committee with representatives from the BID, the Chamber, University of Miami and the community at large to guide the process of the design and to work collaboratively with the community to come up with something that would represent the vision that the community had for this awesome project. Over the last year, we have had countless steering committee meetings with the dedication of the steering committee. We have presented to you numerous times and received direction and guidance on where this project should go. And through all of that, I would say, through -- and we had several community open houses, in which out of Miracle Mile, we actually staged what this project would look like. And through all of that community output, I'm pleased to say that we received really a broad based community support for the design that Cooper -- and the vision that Cooper Robertson, with the steering committee, and your leadership came up with for these projects. And over the last several months, we've been working very, very hard with our contractor, Ric-Man International, who you also selected last

spring to be the construction manager at risk for this project. They provided pre-construction services for us, which included value engineering, meeting with all the business owners on the Mile and Giralda, and really working to get this project into a buildable state. The project that resulted from all this, you see in the two boards, the renderings, both for Miracle Mile and Giralda. And today, we have the resolution. We have reached agreement with the construction manager at risk for a guaranteed maximum price for this project and it represents -- it includes all the things that you said you wanted in this project. The only thing that we modified -- we did modify the drainage to improve it, not to cut it short, but to actually even put in additional safeguards to make sure that it works correctly. And we decided not to go with the special shell type of curb around the trees for the few areas where we do have vertical curb. Most of the project, it is curbless, as the community has requested, and we think that's going to work right quite well and be a nice enhancement. We were able to keep the pavers in the parking area. That was one of the things we looked at. We were able to keep the furniture, and the project is pretty much as you see it there. So, we have the designers from Cooper Robertson, both O and Bill are here. We have Victor from Ric-Man, if you want to have any discussion with any of them about the project, or if you have any questions.

City Attorney Leen: I need to add one thing before you begin.

Public Works Director Kephart: Yes.

City Attorney Leen: The items coming before you with the proposed contract attached in substantially the form attached, which means that you are approving this if you approve it today and it will not come back to you, so you should be aware of that. But what you're doing is you're giving the City Manager and me the ability to finalize the negotiations. And the final contract will only be approved once the City Manager signs it. In addition, I just want to note for you so you're aware, the only two issues we haven't been able to finalize involve legal language relating to sovereign immunity and to indemnification of the City. And Ric-Man is agreeing to indemnify the City, but we are still debating the breadth of that commitment. And Ric-Man

recognizes the City's sovereign immunity, but we're still discussing the breadth of the language in the contract. I have no doubt we will be able to reach an agreement with them, which is why I signed this to come on and I know the Manager did as well because we do want to move this project forward is my understanding that that's important. And I do know that we can resolve these two issues without having to come back to you.

Mayor Cason: Question, are we now absolutely sure that the drainage, the bigger pipes will handle what's coming in terms of...

Public Works Director Kephart: Yes.

Mayor Cason: I think that -- I read somewhere that there was a similar problem on Eighth Street, some plans they had there to redo -- they had to go back and look at the size of the pipes. So, that will handle the sloping and...

Public Works Director Kephart: Yes, yes, it does.

Mayor Cason: Okay.

Commissioner Lago: We'll be able to avoid the current issues we have when we have our, you know, quarterly deluge, our water or rainfall.

Public Works Director Kephart: That is correct. This is designed to take all the rain that will fall on it. The pipes have been upsized to not only allow for -- originally, they had some exfiltration that was going to occur but also to transport the water away into the large trench drains that we have on Ponce and Douglas and Le Jeune.

Mayor Cason: And we'll be able to -- Miami-Dade's water upgrades will take place about this -
- when we dig the trenches, will they -- will we move forward with those pipes? It was supposed
to be done five years from now, but is that going to be...

Public Works Director Kephart: Yes. We are working with Miami-Dade Water & Sewer for
their project that should happen in March. We expect our contractor, Ric-Man, to actually
construct the waterline. They are an approved contractor for WASA, and that was one of the
reasons you approved the interlocal agreement at the last Commission, and that's supposed to go
for final approval before the County Commission next month and then we can move forward
with that project as Ric-Man. The GMP actually, if you look at the financing, includes -- well,
the GMP includes all the work that Ric-Man has to do, but we're also showing an additional
financing of \$150,000 that we expect to be reimbursement for the portions that WASA would
have had to repave the road and stuff, but instead they can contribute to our repaving efforts so
that we don't do that twice, so it helps the budget of the project.

Mayor Cason: And to summarize again for people watching, the first phase will be some root
cutting on trees, some moving of trees, then you're going to go to the trenches, presumably at
night, with repaving in the evening? Is that correct?

Public Works Director Kephart: I'd like to ask Victor, if you don't mind, to come up and he can
walk through the construction phasing, and we actually have a board that explains how this
project should go from this point.

Mayor Cason: And if you could address also the staging of the equipment, which I guess will be
on the Agave site?

Victor Menocal: Good morning.

Mayor Cason: Good morning.

Mr. Menocal: Well, to address your first question regarding WASA, I coincidentally met with them about a week and-a-half ago and the plans are a hundred percent done. What it is I actually did a constructability review on the City's behalf in which we provided some comments. For instance, the services we were able to add what's called a sleeve, so in case you have to do a repair, you don't have to break the sidewalks. You don't have to break the pavers, so you can do it from the meter box up to the street. So, we did little things like that. From what I was told by Victor Fernandez-Cuervo, which is the person handling the stuff from WASA, this will be going before County Commission in March. So, hopefully, thereafter we'll start in April, maybe May. Now...

Commissioner Lago: Could I just ask you a quick question in reference...

Mr. Menocal: Sure.

Commissioner Lago: To what the Mayor mentioned? Have you been chosen as the CM contractor for the County work that has to happen?

Mr. Menocal: No. I've spoken to them regarding that. There is some language between the City and the County, which allows for us to be sole sourced, if need be.

Commissioner Lago: Okay, so sole source. I was going to ask a question in regards to is it a pricing issue or if you're going to have to...

Mr. Menocal: We have to meet their budget.

Commissioner Lago: Okay, you know, because that would be spectacular just for the simplification of the process and being able to -- the coordination issue and having less firms on the Mile. I mean, it would just be great.

Mayor Cason: And you'll do this and the trenching -- the infrastructure part will be done in the evening, if possible? Is that correct?

Mr. Menocal: Yes, sir. We'll restore nightly.

Mayor Cason: And you're going to put the equipment over...

Mr. Menocal: At the Agave site.

Mayor Cason: Because they're going to be -- Agave is going to be knocking down the Century Bank building, I understand, on March 1.

Mr. Menocal: The vacant property all the way to the north, a portion of that.

Mayor Cason: So that -- you've set -- have a deal with them to stage your equipment there?

Mr. Menocal: I have an agreement sitting in my office.

Mayor Cason: Okay.

Commissioner Lago: Perfect.

Mr. Menocal: So, now regarding the actual sequencing -- I don't know if everybody could see it. We left -- I left the color sample kind of the same, so I didn't change it too much. Luckily, in meeting with all the businesses, the sequencing has not changed whatsoever, so that's a good thing. Now, one of the things we wanted to start doing is as soon as the agreements gets officially signed is start the root pruning and the relocations. That's either late February or early March, and that will take three months essentially to complete because the roots need to sit for

three months before you could do anything else. So that's the very first few activities that we're going to do. The other thing we're going to be doing on the southern portion of the Mile is we're going to start doing the drainage installation. There's a trench drain and then we're going to start doing the roadway reconstruction. That will be done at night and we do expect that to take roughly to May/June, essentially, a month at a time, a month each. That will be done at night. It's going to be a little bit of construction because unfortunately that roadway reconstruction is going to be a little ugly, but we'll do what we can with asphalt to allow cars in on a nightly basis. After that gets done, we hope to have the water main settled in. That will be on the north side. We will be doing that at night, and we're trying to fit it in to see where we're at working, but we'll make it work one way or the other. Now, in June, we had originally thought of May, but now we're in June. We're going to start the actual demolition of the sidewalks and that's still roughly one year, so it's going from June 2016/June 2017.

Mayor Cason: I thought they've already been demolished.

(LAUGHTER)

Mr. Menocal: No, not that quickly. Now, let me go over the sequencing. The sequencing luckily has not changed. We're going to have three crews to start off with at the same time. That's what the red is. So, that's where we have the three reds and three blues. We plan to have three crews concurrently. So, what we're going to do is, in June, we're going to start essentially on what you all consider the three hundred and the one, and we're going to start working our way towards the east, so essentially, the same thing. We're going to go through the red, the blue, the yellow, the green and then we're going to the north. Giralda's roughly the same thing. We're going to start on the west side and then we're going to move to the east side. Now, Giralda is going to be a little bit different. Because of the sequencing -- and they didn't want us to start until April -- we're going to do the water main first. We also have to get the old water main out of the way to a certain degree. So, we're going to do the water main roughly in June at the same time, and then we're going to start with the -- right afterwards, we're going to start with

the drainage and the roadway reconstruction. We have to lower the road roughly six to eight inches in order to meet the -- what's called the inverted crown, so that will take roughly about a month, month and a half to complete. After that, we're going to do three months' worth of pavers, the demolition and the paver installation. Now, for that scope of work, the roads will be a hundred percent closed. So what we're going to do is we're going to cut it in half. We're essentially going to use the existing alleyway to move people around so at least we could give those businesses some sort of access. And then lastly, at the very end of the job, between June and August, we're going to be doing the furniture, the understory, all the little things and whatever punch list we may have.

Commissioner Keon: A year from June?

Mr. Menocal: June 2017, yes.

Commissioner Keon: Seventeen.

Commissioner Lago: Let me ask you a quick question. Can we go over MOT just really quickly?

Mr. Menocal: Sure.

Commissioner Lago: What are your plans for MOT and...

Vice Mayor Quesada: What is MOT?

Mayor Cason: Construction talk.

Mr. Menocal: MOT is called maintenance of traffic.

Vice Mayor Quesada: Okay.

Mr. Menocal: What our plan is -- what Commissioner Lago's asking is what our plan is to maintain traffic open, I guess.

Commissioner Lago: Because I know that you have a budget for MOT.

Mr. Menocal: Yes.

Commissioner Lago: But something that I was thinking about that's been keeping me up at night has been the MOT of this project.

Mr. Menocal: Yes.

Commissioner Lago: Because as individuals, business owners, residents, people who come to the City and they view this type of construction, a lot of them are unaware or become very frustrated because they don't have access to certain parts of the City during this construction. I know that we have a plan and that we're going to try to make it as simple and alleviate their concerns, but something that I thought about was maybe going up and down Ponce -- I know, we all hate to have those bright signs. We don't want to have -- we don't want to be -- like the Vice Mayor mentioned, we don't want to be Miami Beach. But I think that there has to be some sort of signage which is, you know, out there in your face saying don't make a right turn on this street, you know, proceed to the next street, so that we don't have people basically going into areas on the Mile which are completely under construction and just cause more, you know, traffic or a litany of individuals that basically are backing up traffic and stacking. So, have you given idea or any thoughts in regards to how we're going to handle that while an area -- like those colored areas are under construction?

Mr. Menocal: Absolutely. Actually, in my head I've thought it all out. Essentially, what the MOT is, our goal is to maintain one lane of traffic no matter what at all times. What makes it...

Commissioner Lago: But if I could interrupt you there.

Mr. Menocal: Sure.

Commissioner Lago: You said -- I think that's a great idea to maintain one lane of traffic, but I also want to avoid people, if we can, using that one lane of traffic, you know what I'm saying? Like if they can go -- if they can use another alternate route to get to where they want to be -- because if you start -- if people -- if the same amount of traffic that's using that street right now start using it, and there's only one lane open, it's going to become a problem.

Mayor Cason: Maybe these electronic...

Mr. Menocal: That's what we had planned.

Mayor Cason: (INAUDIBLE) they could be reprogrammed daily, or whatever.

Commissioner Lago: And people will eventually find out once they travel it once and say, okay, let's use an alternate road -- a route, excuse me.

Mr. Menocal: At every ingress and egress, we're going to have what's called vehicle message boards. Now my intent wasn't to discourage them. It was to advise them of construction, but we certainly can do that, say use alternate roads or continue on 37th Avenue or -- that's something certainly we could envision.

Commissioner Lago: Or use Andalusia or use the adjacent -- you know, make a left at the next light, you know.

Mr. Menocal: That wouldn't be an issue. It's just a matter of programming the right message. That should not be an issue. Now...

Commissioner Lago: And I wanted to speak to my colleagues about that because some of them may find that intrusive. But I think that in the downtown that's something that may be acceptable.

Commissioner Keon: I think during construction we need to as part of the construction process.

Mr. Menocal: We certainly can.

Vice Mayor Quesada: It'd be helpful. No, I don't have an issue with that. Two things -- two requirements I'm going to ask of you. One is these three blowups that you have here, I want you to email them to us in color format by the end of the day.

Mr. Menocal: PDF?

Vice Mayor Quesada: PDF, great; clear, easy to read. I get a lot of questions about it. Second thing is, I'm going to require you to go to Commissioner Lago's upcoming town hall meeting and then Commissioner Slesnick has another one after that.

Mr. Menocal: Okay.

Vice Mayor Quesada: Same presentation you just made to us, if you guys -- and I'm sorry I'm infringing on your agenda...

Commissioner Lago: Not at all.

Vice Mayor Quesada: And your agenda, but I'm getting a lot of questions about it, and I think we need to be very informed about it.

Mr. Menocal: No problem.

Vice Mayor Quesada: And also, these same three PDFs need to be hand-delivered to every tenant on the Mile and Giralda somehow, if we could do that somehow.

Mr. Menocal: They have been.

Vice Mayor Quesada: They have been?

Mr. Menocal: We actually have done that. The only difference is the sequencing stays the same, but the timeline changed a little bit, so we will be reissuing those.

Vice Mayor Quesada: Well, then you got to reissue that.

Mr. Menocal: Absolutely.

Mayor Cason: A question in terms of the pavers. With the exchange rate changing so much in Brazil -- it's gone from two to four and a half -- are we getting a better break on purchasing this unique blue material in Brazil?

Mr. Menocal: From the paver company, not yes. But from the bollard company that's coming from Spain, we did.

Mayor Cason: Okay.

Commissioner Lago: And let me ask you a question, since the Mayor...

Mr. Menocal: Fifty thousand dollars, I believe, was the savings.

Commissioner Lago: Brought that up. Do we have any other options in regards to the paver? Are there anything else that's similar material that we've been able to find? I know that we brought that up in the last Commission meeting where we discussed this. Is there any -- is this the appropriate time to discuss it?

Public Works Director Kephart: Earl, you want to address that?

Earl Jackson: Commissioner Lago, just to clarify the question. Have we looked at any other pavers...

Commissioner Lago: I mean, there's always alternates. Again, we're not skimping on quality.

Mr. Jackson: Yeah.

Commissioner Lago: There's always alternates that sometimes are not up to par in regards to quality, but may meet the need that we want or there are other alternates in regards to the same level of quality.

Mr. Jackson: Sure.

Commissioner Lago: I asked you because I want to make sure that if there is an option right now that we explore it because I know that once we ratify this GMP today, your next move will be to order your long lead items. So, Vice Mayor, long lead items, you're aware of what that is? It's any item that requires a certain timeframe -- an extended timeframe.

Mayor Cason: It's called LLI.

(LAUGHTER)

Commissioner Lago: I'm going to hire you. So, again, I just want to make sure that we explore it before we place those LLI items.

Mr. Jackson: We have. And I can say that we started working on the stone selection and the research for what the right material was actually about a year ago. And we went to the international trade shows in Las Vegas and Orlando, in Verona, Italy. We had a moment -- I'd say it was maybe in March of last year -- where the numbers we were getting back on pavers were exorbitant; would have been completely unfeasible for the project. We continued to search through other sources and found a quarry and a company in Brazil that could offer us through changes in the design that we made, and the availability they had in the certain part of their product, which is the product that you see outside, to bring that cost down to a tenth of the original price that we got on that stone.

Mayor Cason: Okay, and it should be even cheaper now.

Mr. Jackson: Well...

Mayor Cason: As long as they build (INAUDIBLE).

Mr. Jackson: It has been and it hasn't been. And part of the things that we've been working through is the constant negotiation to keep that price as low as we can. I've been very conscious of the fact that this is a very special material. If you would have priced it on the market, you'd still find it more than twice, maybe three times the price that we're getting it at, at a thinner thickness. So, through our work to make sure that the stone is structurally sound, that it's going to last you three to five hundred years, or basically forever, that thickness has gone up another centimeter. And our guys have been committed to the idea of the project, the design of the

project and what it's going to do for Coral Gables. They've held the price through changes in thickness and through delays in the fabrication project -- process. So, initially when we got engaged in this, we had a schedule and we were aggressive. We thought we were going to be able to get this meeting in November at one point. Through a number of different design changes with the curb and the drainage and a number of things, it pushed to December, now into January. The companies in Brazil are about to face the slowest month they have all year with Carnival and the big international stone trade that they hold in Victoria. Even through that, they're still holding the price, and part of the way they're able to do that is through the exchange rate change.

Mayor Cason: Okay, I got you.

Commissioner Lago: Just discussing the actual paver product. I go on a daily basis to that Starbuck's and I make sure that I walk over the actual product that's on the floor. One of my big concerns -- and I mentioned this to you before -- again, I'm concerned about the look, not today, but the look in five to ten years. You know, the white seems to stain just a little bit, if you noticed that. Glenn, we've discussed this before. And there has a little bit of like a tinge from obviously the -- I think it's the flower from the fruit -- excuse me, the flower from the trees that are overhead. I'm not sure exactly what tree it is.

Mr.Jackson: Sure.

Commissioner Lago: But I'm not sure if that product that we laid out is actually sealed properly or it hasn't even been sealed. Do you have any idea or no?

Public Works Director Kephart: It hasn't been sealed, and it hasn't been cleaned since it was laid out. And I know in looking at it one of the things -- and we anticipated we need to have, you know, obviously a regular cleaning, and we're working on a program with the BID, as to how this -- the enhanced maintenance gets done. But certainly, probably a mechanical cleaning, and

we're working on the details of that at this point, as to whether we have perhaps a small machine that you ride that has brushes that once a month would clean it, or it's also acceptable to power wash it. So, we're working out those details, but I think what you're looking at right now the way that looks is a result of a couple things. One is Earl will point out that was a sample that we put in there. It wasn't an actual mockup as to the installation method, being the thicker tile and on sand. And the other thing that we're working is finalizing with the manufacturer the (INAUDIBLE) radius from the top to the side because that has a lot to do with how long the stone holds up. It is granite. It will last hundreds of years. You can power wash it. You can't basically destruct it. So, I think that we have not put any sealer on it at this point, and there's still debate with the manufacturer and suppliers, as to whether we even should put sealer on that.

Mayor Cason: And the chewing gum repellent, my favorite.

Commissioner Lago: And the issue you mentioned right now was going to lead into my next statement about maintenance. I've been trying to do a little bit of research in regards to what Miami Beach does, and also what downtown Miami does. And I'm pretty sure what they have is that the actual municipality has an agreement with, for example, the BID...

Public Works Director Kephart: Yes.

Commissioner Lago: Where the BID and the store owners take some -- not monthly initiative. They have like a daily initiative where they basically patrol the area and continuously clean the front entrance of those storefronts. And then the City -- because I don't think you can depend on the City, and I don't think that the store owners should depend on the City to continuously clean, you know, the doorstep of their stores. That has to be done and monitored by the storefronts and by the BID. And I mean, again, I'd like some input from my colleagues in reference to that, because we're about to make a major investment in our downtown and, again, we see huge dividends from downtown. I mean, we all know what the downtown does and how grateful we are to have a vibrant downtown. But if we're going to do this -- not if, when we do this, I want

to make sure that the maintenance program -- there's buy-in to the maintenance program and that's essential. It's essential that we have buy-in from the BID and from all the entities that are involved in the BID, the store owners, that they understand their responsibility for maintenance of this product because it's not going to be like before. There hasn't been any maintenance on the Mile. We've been neglecting the Mile for a long time, expecting that there was going to be an eventual project to come to fruition.

Public Works Director Kephart: Yeah, that's a very good point. And I think the model that I would expect to work quite well would be the daily cleaning will be the responsibility of the business owners. They're going to have the cafés. They're going to be creating the dirt and we can't clean that on a daily --it's not practical for the City to be responsible. Then the deep cleaning -- and we set up a regular schedule and staff, that and we'll talk to you about that in a future date -- would be done by the City, and then we work out that agreement with the BID on how that happens to make sure that it gets maintained properly to the level that keeps it looking like that.

Commissioner Keon: Are there hose bins or whatever in the fronts of those stores? I mean, how do you clean them? How would they clean their stores?

Public Works Director Kephart: I'm sorry, what was the...

Commissioner Keon: How would they clean the sidewalk?

Mr. Jackson: For individual store owners, I've seen people out there with leaf blowers. I've seen people out there doing a number of different things.

Commissioner Keon: You mean they just come out with a mop and a bucket?

Commissioner Lago: I'll give you a perfect example.

Mr. Jackson: A brush and detergent.

Commissioner Lago: They were here a few moments ago. Terranova, when I got to Starbuck's, which they're the owners of that building, they have somebody performing maintenance every morning. As a matter of fact, I say hi to the gentleman every morning.

Commissioner Keon: Yeah.

Commissioner Lago: He is there. They're immaculate in reference to, not only maintaining their portion of the property, but they also maintain the sidewalk all the way up to the street to ensure, you know, pedestrian-friendly access, that there's no garbage. They do a very incredible job, and that's a type of buy-in that I think we're going to have to expect from the owners and the tenants of the Mile.

Mayor Cason: So, if we approve this today, this will allow us, Madam Manager, to go quickly for the bond, which is what we really need.

City Manager Swanson-Rivenbark: Absolutely.

Mayor Cason: Low interest rates and...

City Manager Swanson-Rivenbark: Diana, why don't you come up.

Mayor Cason: Have not gone up that much more.

City Manager Swanson-Rivenbark: We postponed going out to the bond market, until we could present to you the actual price for the guaranteed maximum price.

Commissioner Lago: Let me ask you a quick question. How does it affect that now that we have a AAA bond rating? Does that affect us in any positive way?- I mean, in regards to our interest rate? Because, again, I hate to mention it, but I'm proud of the fact that, you know, we, as a City finally have a AAA bond rating after five years. I mean, that's something...

Mayor Cason: We're one of the few -- one of the four, I think.

Commissioner Lago: We're one of the few. In five years, we haven't had that, and we finally got it back. I mean, that's -- I tip my hat to this Commission and to this City staff who's done an incredible job.

Finance Director Gomez: Diana Gomez, Finance director. The AAA rating does overall look good for the City. This is not a general obligation bond, so it doesn't directly affect the rates. But obviously, it does because the special assessment rate is a notch down from that GO rate, so it's -- so if we were lower, then it would be one notch lower than that. So, obviously, the higher rate, the better interest rates that we're going to receive. This does allow me now to start finalizing the process to issuing the bonds. Tentatively, we had it scheduled that we will, in about two weeks, print and post a POS, which is a preliminary official statement, which kind of advises all investors that this is what we're going to be doing. We have a tentative bond sale date of February 16, and then the closing the first week of March.

Commissioner Lago: And could I ask you just two quick -- a few quick questions in regards to the budget? I see a number of 21.6 million for the GMP. That obviously doesn't include the soft costs up to date in reference to the architect, the engineer. What are we looking at right now in regards to that?

Finance Director Gomez: So, in terms...

Commissioner Lago: Do we fall within the threshold of the 25 million...?

Finance Director Gomez: Yes.

Commissioner Lago: That we had discussed?

Finance Director Gomez: So, on the back of the agenda item on the memo, it shows that the -- it shows the breakout. We've received \$863,000 of prepayments already. We're getting 1.17 million of GOBs; \$700,000 will be a taxable loan that was already approved by this Commission for the pieces that...

Mayor Cason: The storefront.

Finance Director Gomez: Outside of the right-of-way. And then it will be approximately 23.2 -- \$23,250,000 bond sale, so we do fall in under the \$25 million bond maximum.

Commissioner Lago: Now, my second question, in reference to construction contingency, do we have currently an allocated percentage for construction contingency? Because, again, I know that staff and I know the architect and the contractor have done an incredible job, for example, with the sleeves, the underground, the coordination of the additional underground work that needs to be done by the County, coordinating that work. But I want to make sure that we don't want to have any change orders. We want to try to do everything in our power to avoid that, but there are some unforeseen conditions. What is the contingency amount that we're allocating for this contract?

Public Works Director Kephart: The -- in the contract, within the GMP, we set aside 400,000; 150,000 is for the contractor items that he could (INAUDIBLE) and 250,000 is reserved as owner's contingency. That's not a lot of money on a project like this, but we also know that there is an opportunity for additional -- this is a GMP -- savings in the negotiations with the subcontractors, additional DE savings. As an example, I can tell you that we looked at an

alternative light fixture for Giralda that could save 80,000. Well, that takes some work. We couldn't count on that for sure for the GMP, but we know that some of those savings should be coming forth as a GMP. And then additionally, we built into the budget and the financing plan a one million dollar project reserve. That's unallocated. It's outside the GMP. Nobody owns that but the City. You own that and you control that, but it is in the project budget, if something comes up that we need to address.

Commissioner Lago: I just want to bring up two final scope items in regards to construction, one of them being tree sizes. I know that there is a great graphic that was shown probably three or four meetings ago when we were choosing the actual tree sizes and showed different options in regards to the height and the width of the trees and maturity of the trees. I think -- correct me, what was it, caliber of the tree? I've spoken to several of the owners on the Mile the other day when I was walking the Mile, and they mentioned the fact that their main concern was the issue of signage and the fact that the trees that were proposed could potentially cover the signage, and it could take years for those trees to grow a sufficient height to not block the signs anymore. In case -- I know that we're ordering trees ahead of time -- we are able to have significant cost savings, maybe there could be an option to get, you know, more mature trees if it is allowed in the budget. That's just an option. And the second item was the issue of -- I was made to understand that we're retrofitting existing light poles with new cobra heads for LED lighting on the Mile, but we're keeping the existing poles. Do you -- is that something that just is a budgetary concern, or is that just basically a preference?

Public Works Director Kephart: There was a lot of discussion about that issue, both from budget and -- because if we replace those poles, they have to be larger poles. Those poles have withstood a lot of storms, but they probably don't -- if we were to relocate them, we can't use the existing poles, so we'd have new poles. And I'll let Earl speak to this, but there was some discussion that those poles, and with the markers that are on those poles, tie this project somewhat to its past and the simplistic look of the concrete -- and I probably shouldn't try to put

this in Earl's words, but I'm going to ask him to explain that -- work well with the design and the vision of what this project is to be. Earl, do you want to...

Commissioner Lago: Also tell me what are the drawbacks to leaving those poles in place, aesthetics, efficiency?

Mr. Jackson: I don't know if I...

Commissioner Lago: Location? Could location be an issue?

Mr. Jackson: I think location would be the only thing I could cite as a potential drawback, but I also like the fact that for the one pole that you can notice, especially as an example of potential location issue, where we've extended the sidewalk in front of 204-206 Miracle Mile, there's one of those poles sitting right there, and the City's wrapped it in lights. People have like kind of added some things to it. There are ways of these things actually becoming cultural artifacts in the landscape. I think you want to manage that, but they could become part of a art program. I like the concrete. To be honest with you, I don't think the way the project is set up and the other elements that were in it, we didn't want to create a new light pole that was somehow like an attraction. So the fact that that simple concrete is clean, it's in the color palette of the place, it kind of goes away.

Commissioner Lago: Well, my -- the reason why I brought it up was because, I mean, obviously, you've seen the technology, how it has advanced, excuse me, and the new light poles are just so slim. They're less intrusive. They're more aesthetically pleasing and we're making these major, major improvements, and I just wanted to make sure that it wasn't really a budgetary issue. It was just more there was an actual interest in keeping those poles.

Mr. Jackson: I think it's an -- to be honest with you, if you asked me if there was no budget issue, I would replace them with pretty much the same concrete pole, so I actually like the

aesthetic. I think if we were to come through with a project and everything was new and you tried to keep everything new, it doesn't feel like it has the heritage and age of Coral Gables, and I think that's one of the things that the community is so proud of. It's one of the reasons why we love the stone that we're using for the bollard. It ties the project to the age of materiality of the place, and I think those street poles were one of those elements that helped it feel like it wasn't all shiny and...

Mayor Cason: In all of your community meetings, did anybody ever object to the poles, have any comments on the poles, or was it not an issue?

Mr. Jackson: No. There was no issue. The big issue that always came up, everybody has a very keen mind to being environmentally sensitive and conscious, so everybody is on board wholeheartedly for replacing the fixture with a more energy-efficient fixture or LED fixture, but the pole itself had never fallen under any serious criticism.

Commissioner Lago: Okay. And the last issue was in reference -- I know this is discussion and it may not be included now, but I mean, we had discussed the issue of the mast arms, how they're being simplified and just trying to simplify just the visual pollution at the intersections in regards to the lighting and signage. Has that been kind of studied or looked at or...

Public Works Director Kephart: Yeah, I can address that. And you brought that up numerous times and we need to work with our partner agencies, but it's not included in the GMP at this point.

Commissioner Lago: I just want to bring it up one last time because we're about to vote...

Public Works Director Kephart: Absolutely.

Commissioner Lago: On the bonds, and I think that that's something that will pay huge dividends in the future. Again, if we're going to do the streets now, let's really entertain whatever requirements may be made by our agency partners to -- maybe we can do that undergrounding now for the future. We may not be able to include it today in this budget, but we may be able to include it in a budget for five years down the road.

Mr. Jackson: Sure.

Commissioner Lago: Do you have any comments, Mr. -- do you have any comments in regards to the poles or anything like that that you'd like to stress? I always like to hear from the construction guys.

Mr. Menocal: Well, regarding the underground, I would always encourage to do all the underground today. It's cheaper today than it will be in several years.

Commissioner Lago: We have the Wi-Fi. We're covering the Wi-Fi. We're covering all that type of future technology advancement underground.

Mr. Menocal: You could do -- I mean, an idea we have is potentially when you do the water main, you could run a separate conduit right next to the water main so it could be a potential savings to the City substantially than running a brand-new conduit in the middle of the street, so that's something we could definitely take a look at. I'm not sure how many conduits we'll be looking at extra, two or three, I'm sure.

Mr. Jackson: Part of the process has been to work with Coral Gables Police Department with the conduit they need, so the conduit has been the subject of constant study throughout the process.

Mayor Cason: And isn't that a separate budget? Didn't we do the TVs for the license plates readers under one of our earlier...

Public Works Director Kephart: The conduit for the CCTV is included in this GMP.

Mayor Cason: Oh, okay.

Public Works Director Kephart: It's about \$100,000.

Commissioner Lago: I know we discussed the MOT, but something I forgot to mention was we also need a provision for pedestrian-friendly walkways while areas are under construction so that, you know, there is pedestrian accessibility, you know, the bollards, the plastic water-filled tanks to make sure that everybody has accessibility.

Vice Mayor Quesada: Oh, I'm sorry. I'm going to put another requirement on you just because I want as much input as possible. I've been speaking to Debbie Swain in the Traffic Advisory Committee quite a bit, and I know she was telling me tonight that they're having a meeting discussing MOT for this project. Can you be available or someone from your team to be available to provide additional input?

Mr. Menocal: I could be -- I could attend.

Vice Mayor Quesada: Is that an issue with anyone else, him attending?

Mayor Cason: Any other -- something else you'd like to add?

Finance Director Gomez: I just want to clarify something, that -- I'm sorry.

Vice Mayor Quesada: We'll give you the details after.

Finance Director Gomez: I just want to clarify that the amounts that I had given previously does not include the financing costs because we haven't yet issued the bonds, so we don't know what they are. But this item does approve the budget. It approves the entire project budget, which means recognizing as revenue all the revenues -- all the different sources, and then appropriating all these amounts in the Fiscal 2016 Budget as well.

Mayor Cason: And it will be in the two -- what's your guess? I know you don't want to tell the potential bidders what the rate would be, but...

Finance Director Gomez: Oh, yeah, so...

Mayor Cason: Two or three percent, in that range in there?

Finance Director Gomez: Well, because it is a special assessment bond and it has some extraordinary redemption features, so it allows anybody to pay off at any point of time. It is more expensive than what we've normally gotten. Somewhere in the threes, I think. I just -- I'm not sure just yet.

Mayor Cason: Alright. Any other discussion before we make a motion on this?

Commissioner Keon: Yeah, I have a few things I'd like to talk about. One is -- Vince mentioned it. It's the staining from the leaves and whatever on those pavers. And where you see it is on the white pavers, so I have some -- a little bit of concern about that, which makes me even more concerned about the white bollards because if that little bit of white -- I mean, they are much more white than the pavers. So -- and they're sitting under the trees that -- and they're lovely. I mean, they're very pretty, but I don't know what they're going to look like when they're stained and your ability to continue because they're not granite, like the pavers, to clean them. They are, of course, stone that, you know, can be damaged, as you clean them and pressure wash them and, you know, bleach them or whatever you need to do. So, I have some

real concerns about what they are going to look like and I know it's really late in the process to ask you, you know, if you could, you know, use like, you know, bronze or I mean, some sort of a metal. I mean, you see them all over Europe, those, you know, round -- the bronze bollards. I don't know what the material is. Is it bronze or -- I mean...

Mr. Jackson: It's usually bronze.

Commissioner Keon: The bronze. And I don't know what the cost of bronze is either, so I don't know what the cost is compared to that cost, but have -- we haven't gone forward with already doing those, so I'd like you to just give it a little bit of thought because if they're all stained, they're not attractive, not at all.

Mr. Jackson: Okay.

Commissioner Keon: I mean, if you look at the entrance particularly to the library, which is all coral stone...

Mr. Jackson: Sure.

Commissioner Keon: It looks terrible. It looks terrible, so...

Public Works Director Kephart: Commissioner Keon, I would suggest that one of the things that we could do -- because the bollard is a very late install item.

Commissioner Keon: Yeah.

Public Works Director Kephart: So we certainly have some time, but we could...

Commissioner Keon: Just maybe...

Public Works Director Kephart: Go out there and do some intentional staining and see what happens with the bollard that we have and...

Commissioner Keon: Right.

Public Works Director Kephart: How well it cleans off and try some different things.

Commissioner Keon: I mean, when you look throughout Europe, those bronze balls or whatever that they use as bollards, I mean, they're hundreds of years old. Nothing ever happens to them, and they're pretty. Although I think the -- you know, I know you're looking at the stone because it sort of relates to the, you know, coral and whatever else, but the bronze bollard also is a very Mediterranean kind of concept. You see them particularly in Spain and Italy. I've seen them a lot. Anyway, that's one concern I have.

Mayor Cason: Try some sealant too in your testing.

Public Works Director Kephart: Yeah. We can experiment with that existing one and...

Commissioner Keon: You know, just -- the -- you know, I'm really concerned that they're going to remain attractive where we know that some metal ones, whether, you know, it's some sort of - - I mean, there's all kinds of metals now that -- and fabricated metals that, you know, are very attractive and you can kind of form them the same way as a seat and they don't stain, they don't do anything. And if they're shaded, they shouldn't be hot. I mean, the other thing with them, sometimes if they're dark, sometimes they're hot to sit on, but they shouldn't be. I want to talk about Giralda. I, you know, didn't vote for Giralda the first time around when we did the streetscape. I voted against Giralda. And you know, I accept that...

Vice Mayor Quesada: And now you're stuck with this.

Commissioner Keon: This community is -- I'm going to make you take me to lunch there once a week on that restaurant row.

Commissioner Lago: You're going to have the same concerns I have.

Commissioner Keon: Okay, I have -- I really have real concerns about Giralda, and I'll just -- you know, even if it's only for the record because I know that, you know, people believe it's restaurant row, I still don't believe it's restaurant row. I think there's fewer restaurants there than there were ten years ago, and I don't feel like, you know, we should create incentives for certain businesses to move to certain places anyway. I think, you know, restaurants will go where there's kitchens, where there's traffic, where there's interest, where there's whatever but you know. And you know, when I -- when we first voted on this, I expressed a grave concern about the building -- the Church of Scientology building. That building has the largest footprint on that street, and it's my understanding it has sold. It has sold; is that right?

Mayor Cason: Didn't we pass an ordinance or a resolution a couple times ago to keep it -- to limit what could be done there?

Commissioner Keon: No. You have talked about an overlay. I saw the discussion.

City Attorney Leen: There was a resolution.

Commissioner Keon: To what?

City Attorney Leen: There was a resolution, a zoning in progress resolution.

Commissioner Keon: Well, you know, and there was a discussion at the Planning & Zoning Board...

City Manager Swanson-Rivenbark: It was a concern that you had raised...

Commissioner Keon: Pardon me?

City Manager Swanson-Rivenbark: It was a concern that you had raised. We addressed it at Commission, and Ramon can speak to that.

Commissioner Keon: Could you speak to that, please?

Planning and Zoning Director Trias: Yes. We do have a proposed overlay for Giralda. And as a result of the discussion in the Planning & Zoning Board meeting, we have scheduled a meeting with one property owner who spoke at the meeting, which I think is in a couple of days, then next Tuesday, we have a meeting with property owners to discuss if there are any concerns. But what we're trying to do is facilitate having some high-quality design standards that deal with the proportions of the space and the aesthetics of the space. I don't think there's any significant change in terms of the potential development, except as it may apply to some of the assemblage of the larger parcels. So, that's the current thinking, but certainly we were still open to any kind of suggestions and...

City Manager Swanson-Rivenbark: Ramon, this Commission passed a zoning in progress resolution.

Planning and Zoning Director Trias: Yes.

City Manager Swanson-Rivenbark: Can you explain to the Commission and to the public what that is?

Planning and Zoning Director Trias: Yeah, and what happens is that we have 90 days to come up with some alternative zoning requirements, and within that time period, there will be no processing of any projects.

Commissioner Keon: Right. No, I understand that, that it -- we have 90 days. And how many days are we into the 90 days now?

Planning and Zoning Director Trias: Maybe the City Attorney has the days more...

City Attorney Leen: Approximately -- I'll find out, but approximately thirty, I would say.

Commissioner Keon: Yeah, I thought it was about thirty, so it gives us two months to come up with, you know, a decision or an overlay or something on that parcel. I am very, very concerned that that particular footprint, even under the cone -- help me with this -- even under the current zoning as low rise could still, with net bonuses, go to 77 feet. Is that right?

Planning and Zoning Director Trias: That is correct. The land use is low rise on both sides.

Commissioner Keon: Yes. So, but it could...

Planning and Zoning Director Trias: If it's 20,000 square feet and 200 feet frontage, a parcel that size could go to 77 feet, yes.

Commissioner Keon: Right, the parcel, because of the size, the footprint of that one parcel, it could go to seven feet. I have -- I'm very concerned about our restricting someone's property right and not allowing them to do that and the legal ramifications for that, if they did make a claim on that, which potentially they could do. You know, we've worked hard to build our reserves. You could lose all of your reserves in that process, all of them, if you -- if there was a claim, so -- I mean, I really don't want to see -- until all of those issues are dealt with, I don't

want to see anything move forward on Giralda at all. And I know you're talking about doing them together at the same time -- I mean, if it needs some -- you know, if it needs, you know, water lines and if it needs those things anyway, you know, I can understand doing what the street needs anyway, but you know, until you know, we're comfortable on what we're going to allow there and how much we're going to infringe on somebody's rights to develop their properties, I'm not comfortable going forward with Giralda. I mean, I don't -- I didn't vote for it because I really didn't think it added the value for the cost that we're putting into it. I don't think there's the value there, but you know, that's done. But I really have great concerns over the -- what we're doing to development along there. And if someone chooses to develop, you know, when you have all of this beautiful street in place, we need to put some conditions on property owners that, you know, in the process of developing do damage to these streets and these pavers or whatever that they have to replace them.

City Attorney Leen: One point, it's 49 days. We're 49 days into the zoning in progress.

City Manager Swanson-Rivenbark: So, Commissioner, I just want to understand, several different issues, important issues that you've raised. One, are you conceptually opposed to moving forward with the streetscape for Giralda?

Commissioner Keon: I'm opposed to moving forward with Giralda. I think they should be two separate items for that reason because I think that there are significant issues related to Giralda, and what you're asking for in the zoning overlay, and how it will affect property owners along Giralda.

City Manager Swanson-Rivenbark: Okay, so the concept of the streetscape, which I'm sure you, as a collective body will discuss -- so on one hand that you have concern or pause regarding moving forward with the Giralda streetscape as...

Commissioner Keon: Yes.

City Manager Swanson-Rivenbark: Proposed today.

Commissioner Keon: Yes.

City Manager Swanson-Rivenbark: And then secondly, do you have concern with our zoning in progress, so that staff can develop zoning and land use appropriate codes for Giralda in order to deliberately retain the scale of Giralda as it exists today?

Commissioner Keon: I don't have a problem with that as long as we are not putting ourselves in a position where someone could make a claim based on their property rights.

Mayor Cason: Craig, what's your view?

City Attorney Leen: Well, does anyone know the date of the sale of the scientology building?

City Manager Swanson-Rivenbark: I can look it up while you guys are talking if it's a recorded sale.

City Attorney Leen: Because if they -- was it after they became aware of our zoning in progress intent?

Commissioner Keon: Yes. Well, I think so.

City Manager Swanson-Rivenbark: Vice Mayor Quesada's faster.

Commissioner Keon: Okay. When was it sold?

City Manager Swanson-Rivenbark: He's not that fast.

Vice Mayor Quesada: No, not that fast, yeah.

Commissioner Keon: Oh, come on.

Commissioner Lago: You know what we can discuss -- we can discuss while we're waiting for this. I mean, I don't know if you...

Vice Mayor Quesada: Tough crowd.

Commissioner Lago: Touched on it and this is one of my concerns and I mentioned it before in several meetings was the issue of the actual design. You know, I have a lot of respect for the designers. They're world-class, but my grave concern is, you know, it just seems so overdone for -- and the maintenance is going to be incredible for that.

Vice Mayor Quesada: Hold on a second. I need to sort of put some reins on this conversation a little bit. It seems like it's -- we're getting off for a second here. Are you guys asking us to revisit...

Commissioner Lago: I'm not asking...

Vice Mayor Quesada: The approval of Giralda or not?

Commissioner Keon: No.

Vice Mayor Quesada: Because I don't think procedurally we can.

City Attorney Leen: That's a significant...

Commissioner Keon: You know, I mean, I accept that...

City Attorney Leen: That's a significant issue.

Commissioner Keon: You know, we agree to disagree on that point, and I'm not -- it's not an issue.

Vice Mayor Quesada: But it's -- okay.

Commissioner Keon: But I have...

Vice Mayor Quesada: But it's a little bit beyond that at this point.

Commissioner Keon: Yeah.

Vice Mayor Quesada: You know, because we voted on it, time has passed. We cannot bring it up unless you were on the prevailing side of it.

Commissioner Keon: Right. Yeah -- no, so I'm not -- no.

Vice Mayor Quesada: Yeah.

Commissioner Keon: But I'm asking...

Vice Mayor Quesada: I just want to keep it focused on...

Commissioner Keon: Can you not move forward until we deal with these particular issues with regard to the change in zoning.

Commissioner Lago: What I was talking about before Vice Mayor made his comments was the issue of we haven't purchased the actual flooring for Giralda, correct?

Public Works Director Kephart: No, we haven't purchased any materials for the project pending your action.

Commissioner Lago: I mean, again, to me it seems -- like I mentioned before, it's very beautiful, but I just think it's rather busy and it's going to be a nightmare in regards to maintenance for that street.

Mayor Cason: Will it be a nightmare from your perspective?

Public Works Director Kephart: It'll change over time. It shouldn't be a nightmare. I think we're going to have to have, like I said, the regular cleaning schedule and it'll -- patina and the look will naturally change over time, which Earl can speak to, but it should not be a nightmare.

Commissioner Keon: I mean, I think, you know, when you're looking at it from that perspective, you're looking down on it, and so it has a very different look than if you're at street level and your perception is, you know, as a plane at street level. You will not see that so distinctly all of those circles and lines and everything else. It's like, you know -- it's funny, when I was -- have been in buildings along Biscayne Boulevard and looked out of the buildings and you look at the sidewalks along Bayfront Park there, they're really beautifully designed sidewalks that have a real pattern to them. They're beautiful, but you never appreciate them or see them when you're walking on them, not at all. It's like it's a nice view from an office tower, but it's -- they put a lot of money into a sidewalk that you don't view or you don't really see when you're walking on it. So, I mean, I think that from that perspective it does -- but I think when you're looking at it on a -- you know, as a pedestrian, you don't have the benefit of that view actually.

Commissioner Lago: I think my point, like in all relationships, we're in a relationship right now.

Vice Mayor Quesada: We're going steady.

Commissioner Lago: We're going steady.

Mayor Cason: I think we're already married.

(LAUGHTER)

Commissioner Lago: For the last two or three years.

Commissioner Keon: The Mayor thinks we're married.

Commissioner Lago: You know, we're never going to agree 110 percent.

Mayor Cason: I think we have eloped at least.

Commissioner Lago: We're about to consummate the relationship right now.

Mayor Cason: We're not that far along.

Commissioner Lago: We're going to elope right now in a moment when we finalize this GMP, but my statement is, like I told you before, I love your design. I love a lot of the ideas that you've worked with, with the staff and with the contractor. It's just, I don't know, it's not my -- I guess it's -- and it seems so busy and it's not my cup of tea.

Mayor Cason: Okay.

Vice Mayor Quesada: And it's just too late.

Mayor Cason: We've been through...

Mr. Jackson: And I can actually...

Mayor Cason: Meeting after meeting. It really is too late. We've had the discussion...

Commissioner Keon: Yeah.

Mayor Cason: Over and over and over on design. You've been through how many, 27, 30 meetings? You've got the BID. Everybody's -- I mean, we have our difference of opinions, which...

Commissioner Keon: And that's fine.

Mayor Cason: So, I mean, we've aired what they are.

Mr. Jackson: Yeah.

Mayor Cason: I think what we have before us is we're going to move forward with this project. We need to vote on this resolution, so we can get the bond...

Vice Mayor Quesada: Move to approve H-4.

Mayor Cason: Do you have the -- H-4.

Commissioner Keon: Do we have the date on the purchase of that property?

Commissioner Slesnick: It isn't recorded yet.

Vice Mayor Quesada: Yeah, it's not showing up in the public record yet.

Mayor Cason: Craig, what's the relevance to this particular...

Commissioner Keon: So, what is the relevance?

City Attorney Leen: So, you know, the issue -- if you're concerned about potential liability related to property rights, the -- typically what a court -- this is definitely -- certainly not a taking in any way. They can develop that property. There's something there. There -- the real issue is the Bert Harris Act and their legitimate investment backed expectations of someone purchasing that property. That's really the issue for the Commission. Typically, if they're aware that we're putting the streetscape there and they're aware that we were considering a zoning in progress when they purchased the property, that's going to affect their legitimate investment backed expectations. Even if they were not aware of the -- at least the zoning in progress, but were aware of the streetscape, the City Commission has a significant amount of police power in order to regulate, under its zoning authority that parcel. I can't tell you a hundred percent that they will not make a claim, though, under Bert Harris. You know, that's always something that's out there.

Vice Mayor Quesada: But anyone can make a claim.

City Attorney Leen: They could make a claim and...

Vice Mayor Quesada: Because of the public nature of this entire process, the incredibly public nature, the meetings, the documentation, all the analysis you can access at any time. Due diligence period is exactly for that in the purchase of any contract. It's...

City Attorney Leen: Exactly.

Vice Mayor Quesada: It's very reasonable. It'd be a horrible plan if they brought -- that raises no concern for me from a legal perspective.

City Attorney Leen: So -- and the other thing you should be aware of is if a claim were brought, we have a lot of -- we have mechanisms in our Code to address that or we could challenge -- you know, we could fight it, just like we fought another Bert Harris Act claim that's been brought and continue to fight. So, you know, ultimately, you need -- I don't -- it's not my place to tell you what you need to do, but in my opinion, you would look at what's in the best interest of the City in making these decisions, and we'll defend your zoning authority.

Mayor Cason: And to the extent they did anything that destroyed the streets or the design, they have to pay for it.

City Attorney Leen: Yes, definitely, and that should be included in any...

Commissioner Keon: But that has to be included in...

City Attorney Leen: That's a fact because they are damaging public property, they would have to fix that, definitely. That would be a clear claim for us.

Planning and Zoning Director Trias: And the content of any zoning change is up to the Commission, and that's yet to be determined, so that conversation is still going on, and I think any input you can give us will be very helpful in terms of your goals and what you would like to achieve.

Public Works Director Kephart: Our existing codes require them to restore the property, the public property that they may have damaged to its original condition, so whether it's asphalt, concrete or pavers from Brazil.

Mayor Cason: They got to put it back the way it was.

Vice Mayor Quesada: I move to approve Item H-4.

Mayor Cason: Alright. Do we have a second?

Commissioner Lago: I'll second.

Mayor Cason: Commissioner Lago seconds. City Clerk.

Commissioner Keon: And you would move forward with Giralda at the same time?

Vice Mayor Quesada: Yes.

Commissioner Keon: Okay.

City Attorney Leen: And just to place everyone on notice for a legal concern, this does not become final though until signed by the City Manager.

Mayor Cason: Correct. City Clerk.

Commissioner Slesnick: Yes.

Commissioner Keon: I don't know. You can come back.

Mayor Cason: That's not a vote. "I don't know" is not permitted.

City Attorney Leen: We'll come back to you.

Commissioner Keon: Thank you.

Mayor Cason: City Clerk, could you change the order? She's taking a bathroom break.

City Clerk Foeman: Okay.

Commissioner Keon: Yeah

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Mayor Cason: Vote your conscience.

Commissioner Keon: You know, I'm just -- I'm glad it's not going to happen for 18 months or whatever. How long is it going to be before we do this?

(COMMENTS MADE OFF THE RECORD)

Commissioner Slesnick: This coming summer.

Commissioner Lago: Coming summer.

Mayor Cason: Vote however you want. I mean, you got to vote. Vote your conscience.

Commissioner Keon: Because I -- you know why, because I believe in the Mile. I mean, and I want to see the streets get...

Commissioner Lago: I know you believe in the Mile. You're one of the proponents of...

Commissioner Keon: On the Mile go forward, absolutely.

Vice Mayor Quesada: Okay, so let me...

Commissioner Keon: My concern really is until those issues are settled on Giralda, I don't want...

Mayor Cason: Can you give us...

Commissioner Keon: To move forward (INAUDIBLE).

Vice Mayor Quesada: Can I advise you on a procedural technicality to your benefit?

Commissioner Keon: Yes, thank you.

Vice Mayor Quesada: If you were to vote in favor of it...

Commissioner Keon: I can bring it back.

Vice Mayor Quesada: Okay, you can bring it back. If you voted against it...

Commissioner Keon: Okay, yes.

Vice Mayor Quesada: You would not be able to bring it back. Is that correct?

Mayor Cason: If we give you an inch, will you give us a Mile?

Commissioner Keon: Yes.

(LAUGHTER)

Mayor Cason: Okay, alright.

Commissioner Keon: I'm only asking for an inch.

Mayor Cason: Okay, alright.

Commissioner Keon: You can have the Mile.

Mayor Cason: So your vote?

Commissioner Keon: Yes.

Commissioner Lago: Commissioner Keon...

Mayor Cason: Your vote?

Commissioner Keon: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: Okay, thank you.

[End: 11:50:47 a.m.]