

City of Coral Gables City Commission Meeting
Agenda Items F-2
May 12, 2015
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

Public Speaker(s)

Agenda Items F-2 [3:57:53 p.m.]

Discussion regarding process for residents to request new sidewalks, where there are no existing sidewalks.

Commissioner Lago

Mayor Cason: The next one we have is F-2, this is new sidewalks.

Commissioner Lago: Glenn. This is just a simple item that I wanted to put in, in regards to City Commission Items. I just wanted to basically request from staff a schedule because I've been receiving a few phone calls in reference to residents who do not have any sidewalks in front of their homes and are just asking for some sort of guidance or a document which will illustrate what is required for them to hopefully be able to achieve that. Do we have an idea in regards to when we could have a schedule for this?

Mr. Kephart: I guess I'll look toward the City Manager as far as the schedule, but I think in what you are asking for and what the residents are asking for is, we'd like to have a sidewalk or if we

want a sidewalk what's the process?- how do I talk to my neighbors?- what do I tell my neighbors? Had some discussion with the City Manager that we need to develop a brochure that lays out that process; and some of the questions that need to be answered, that need to be in that brochure are, what would be a voting process?- what is the neighborhood consensus process on the street where they want a sidewalk?- and what percentage of people would we require to have to support that? There also has to be identification of what I'll call logical term, where does the sidewalk end and where does it begin? We don't want to just in the middle of a block and could somebody opt out? I assume that going on the assumption that if we had a sidewalk program it would be through an assessment in which – that's one way to do it, is through an assessment in which people would be charged for it. The City would build it, we would know what its going to cost, and then the properties could pay in advance or be assessed for that value.

Commissioner Lago: You want to know the interesting thing? Out of the four residents that have called me in the last few months that have been interested in this, I'm one of the residents by the way, I'll be the fifth resident, who has a sidewalk that goes down the street, ends on Rovino, ends on San Amaro and comes up through Rovino, so I don't have any sidewalk in front of my property. They all say the same thing – the funding strategy will pay for it, they just want sidewalks, just like they want trees, real simple. People are tired of crossing the street to try to get to another sidewalk, especially individuals in wheelchairs where we are not ADA compliant or people who have disabilities, the elderly.

Mayor Cason: Grandparents pushing...

Commissioner Lago: And I have to tell you, it's a difficult situation where what I want to do is, I want to take it off the backs of the elected officials, because right now we, all of us, forget us, all of us 800 individuals that work for the City of Coral Gables right now, we don't have an answer. So we need to have an answer real simple, in writing that says, you need to follow the following battling process, attain the following letters, the process is "X" amount per linear foot, that's what it cost, you need to bring it before the Commission and it needs to be vetted by the following Boards and then the Commission will make the final decision or staff will make the final decision.

City Manager Swanson-Rivenbark: Commissioner, if I could make it a little easier. If somebody is going to pay for it themselves through this assessment process and they have a sidewalk street to street, they have 75 percent of the property owners on that street willing to assess themselves, then clearly the super majority of the resident property owners want it, they've agreed to the funding aspect of it, then just to formalize or order the assessment district we could really do it on Consent Agenda, but if they are going to pay for it themselves and you all don't have any objection to our saying that for a street to street experience, you need at least 75 percent of the

property owners, they can file a petition, they can submit that work, we can make it really much easier.

Commissioner Lago: So let me ask you a quick question. For example, I live on San Amaro, San Amaro is my corner home, which is San Amaro and Rovino and on the other is San Amaro and Ancona.

City Manager Swanson-Rivenbark: We love corner homes because we charge you twice. We are going to charge you for Rovino and we are going to charge you for San Amaro.

Commissioner Lago: But Rovino already exists.

City Manager Swanson-Rivenbark: OK, then you get a little credit there.

Commissioner Lago: So then basically, how would you achieve 75 percent if the gentleman that lives next to me who is a dentist says he doesn't want it and I want it. It would be 50/50.

City Manager Swanson-Rivenbark: Then you would not be able to get it, because if its only two homes on that San Amaro area because you have – if you only have two homes – Rovino is one street and what is the street to the east?

Commissioner Lago: Ancona.

City Manager Swanson-Rivenbark: Ancona – and so you only have two people and you don't agree, I'll take your dentist out to dinner. I'll try to figure it out.

Commissioner Lago: The importance of this dialogue is real simple is, we just need to have something in writing so then instead of not having an answer, we can give them something and say, this is what you need to do, this is the direction you need to head in, so you can hopefully get to that 75 percent and then cross that threshold and then you can make the financial decision on whether you are going to spend to get those sidewalks. This is a problem that a lot of people that have come up to me so far, their issue is not financial, the issue is just give me a way to get there, give me an answer, give me a roadmap.

Mayor Cason: Also, make sure cover a couple points like, for example, if a renter is there and wants to pay for it themselves even though the owner doesn't, is that....

City Manager Swanson-Rivenbark: No. Then you have the property owner sign and it would be between our legal relationship really should be with the property owner.

Mayor Cason: And also the question of...

City Attorney Leen: Wait, wait, wait, say that...

Commissioner Keon:...an agreement to have the sidewalk...

City Attorney Leen: Yes. Yes. We would want it to be – the only reason I even interrupted was because we actually, when it comes to abandoned properties, we allow the bank to substitute for the owner, but other than that it should be the owner.

Mayor Cason: And then the question of, some of the streets, the street where your front door is, where you have to get the concurrence. If you have a side street that's – what's the definition of...

Commissioner Keon: If you are on a corner and you have two streets.

City Manager Swanson-Rivenbark: There have been experiences where 60 percent has been required in an assessment district, but if you really want to make sure that everybody is all in, my recommendation would be that you do 75 percent of the property owners on that street...

Commissioner Lago: The neighboring – the neighboring – the affected neighbors.

City Manager Swanson-Rivenbark: Yes.

City Attorney Leen: I'd like to provide some general legal advice here. Just remember that we do not have to have sidewalks, legally we don't and what that means is it's considered a sovereign decision, which means basically we can't be sued for it. So there is no duty of care, we don't have to have the sidewalk. If we put the sidewalk in, we have to comply with all laws. We have to maintain it, even though we require the adjoining property owner to maintain it, we still have to maintain it too, and we have a tort duty to do that, it has to comply with ADA (American Disabilities Act), comes with all the requirements related to it. So I do believe, just from a legal perspective that its important to get the community to support that and that's really more of a policy issue, but from a legal perspective, you still need to make the final decision, because you are essentially waiving sovereign immunity for when you do that, in my opinion.

Commissioner Lago: We may not have to provide sidewalks, but I think this is a quality of life issue.

Mayor Cason: Yes.

Commissioner Lago: So moving on besides that, I just need a schedule where we are going to put these policies and these documents together so we can finally have an answer for these individuals. If it takes six months, it takes six months, if it takes five, whatever timeframe you want to give me, just give me a timeframe so that we can really deliver on a process for these individuals.

Mayor Cason: And there is another piece too. Other than putting sidewalks in there, a lot of neighborhoods that have sidewalks that go almost up to the street and they stop for some reason, so that's probably something that we should do.

Commissioner Lago: That's a huge ADA issue.

Mayor Cason: That's the second issue following fixing all the sidewalks, seems to be that's something that the City because they are just pieces that were never really connected; and then the third part is, what about a neighbor that doesn't have any sidewalks that we've been discussing.

Commissioner Lago: I'm in that case.

Commissioner Keon: We should probably – maybe you can think about that Cathy, is whether we should actually do the sidewalk that connects out to the street or whatever, so sidewalks don't just dead-end.

City Manager Swanson-Rivenbark: And I thought we were doing that connection, the X at the corners so that if you are in a wheelchair that you are able to go onto the street in a seamless motion, no?

Mr. Kephart: We have in certain locations where it was determined through the ADA analysis that there was a defined crossing there. We have been proceeding to connect them, but we do not have a citywide program where we are doing that currently, and if it's the will you probably should talk about putting together a CIP for that, because...

City Attorney Leen: An issue came up with the Neighborhood Renaissance, we actually asked the, I believe it was the designer, the architect, who was it?

Mr. Kephart: Stantec.

City Attorney Leen: It was Stantec. I sent them a demand letter and asked them look, we want you to go through that and look at it for ADA compliance. They did. They agreed to do it, and we appreciate that they did, and we put the ADA compliance there for that. But just so you are aware, the blocks where we have no curb cut, that doesn't comply with the ADA. We are allowed to do that, but we have to give reasonable means for people to access the sidewalks. So we were basically told was, when we fix a street or a sidewalk at that time we have to put the curb cut, that's basically what they said, wasn't it?- that was my recollection.

Mr. Kephart: If there's a, what was defined as a crossing and I actually wasn't here when they did that analysis, but if there is a crossing we have to connect to it. If there is not an existing defined crossing then we don't have to connect to it.

City Attorney Leen: So it depends on if there is this crossing, which often you have in intersections. So that's why you've seen so many of those, that was something we did with Public Works, based on the legal conclusion, but its not everywhere in the City because the Neighborhood Renaissance either there wasn't a crossing or the Neighborhood Renaissance didn't touch that, whatever work was done, so it wasn't required to change.

Mr. Kephart: And I can tell you it is Public Works staff's opinion and Jessica too, that making those connections would be a good thing to do. We have heard over the years from some residents that don't think it's a good thing, but from a transportation and a connectivity and a pedestrian environment, it is our recommendation that that would be a worthwhile project to pursue.

Mayor Cason: Well, why don't you look into it and come up with a cost and see if it fits in the budget.

Commissioner Lago: But at the end of the day, not even looking for a cost, we can pass this cost onto residents, the residents are willing to pay for it.

Mr. Kephart: At the extensions.

Commissioner Keon: We are talking about the extension.

Mayor Cason: The connectors – maybe it's small enough that we just do it ourselves.

Commissioner Keon: There are some streets that run perpendicular, like to Granada and Granada doesn't have sidewalks, so the side street comes out and it sort of ends in the swale, if you make

a connector where do you make that connector to the side street?- along the side street to go up the other side of the street, you don't do it to Granada. Where does it go?

Mr. Kephart: I don't have the picture in front of me that you are describing, that's why I'm hesitant and I apologize.

Commissioner Keon: Maybe we can talk about it and then you can come back at a later date...

Commissioner Lago: Why don't we take some examples of existing situations and see the one that I have in front of my home, which basically forces someone who is on the sidewalk in a wheelchair and they are going down Rovino and they hit San Amaro, they've got to go onto San Amaro street and then say, they want to get onto the sidewalk in front of University of Miami, they can't get on it. They've got to go down a block until they see the next curb cut and then jump onto the sidewalk at UM, that's the only option they have to cross the street on San Amaro.

City Attorney Leen: Here's the concern, because we have received, my office has received a couple of complaints, and I would say that City staff has always responded very well to the complaints. We extended the bridge, remember the bridge on Granada?- and we put a path there based on the ADA and the complaint, we made all these curb cuts based on the complaint and it comes to my office and we do it, but just thinking about all the people that don't complain, and ultimately that's more of a policy decision, but what's going to happen is every once in a while we get the complaint and then it gets fixed because legal is involved.

Commissioner Lago: This is why I'm bringing this up. This is something simple. All I'm asking for is let's put together a schedule in reference to bringing a reso....

Commissioner Keon: A process.

Commissioner Lago: A process for the residents to receive an answer, that's it, real simple.

Commissioner Keon: OK.

Commissioner Lago: I appreciate it. Thank you.

Mayor Cason: Thank you.

Commissioner Keon: We can do the same thing for like, lighting assessment districts or whatever else, it would apply to any number of those holiday issues.

[End: 4:11:00 p.m.]