

City of Coral Gables City Commission Meeting
Agenda Item H-1
January 8, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Peter Iglesias
Assistant City Manager, Ed Santamaria
City Attorney, Miriam Ramos
City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item H-1 [10:13 a.m.]

A discussion regarding Columbus Center artificial turf.
(Sponsored by Commissioner Keon)

Mayor Valdes-Fauli: H-1, Columbus Center artificial turf.

Commissioner Keon: Oh, this is mine. I -- this -- I don't know if you remember this particular -- this building on -- along Alhambra. And I remember when they came before us for their Art in Public Places. They -- do you remember they proposed some sort of...

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Commissioner Quesada: Yeah, and we didn't get it.

Vice Mayor Lago: Yeah.

Commissioner Keon: What?

Vice Mayor Lago: Bougainvilleas.

Commissioner Keon: Some Bougainvillea and whatever.

Vice Mayor Lago: With steel structures.

Commissioner Keon: And the steel structures. And we requested -- or it was requested by the Commission, I think, to have trees and whatever. I don't think that we realized at the time or I don't remember having any explanation on the load-bearing capacity of that...

Mayor Valdes-Fauli: It's right on top of the parking lot.

Commissioner Keon: Of that slab because it was built over the parking lot, so it wasn't built on solid ground. The parking is underneath. And so, there was restrictions as to what they could do in the amount of depth and whatever they had to be able to plant the kind of trees apparently or do the kinds of things that we were requesting. And so, I think as a result of our conversation on this dais, it's my understanding that they said, you know, forget it; we can't deal with this and gave the money to the Art in Public Places and so moved on with no art on the parcel. And instead, where there would normally be grass, used artificial turf. It is -- I don't think it's -- it's not an attractive plaza in that part of our City that is so visible. But somehow in the process, they were -- it was approved by someone in the Public Works Department to allow them because of maybe some ambiguity in the ordinance regarding the use of artificial turf and so it's now filled with artificial turf. I have asked -- or had asked staff over some period of time if they would go back and speak

with them about it and somehow change that plaza whether it is to just install grass, regular real grass on it or to plant it in some other way. I don't know how -- if we have already used the Art in Public Places money that they had contributed to the Art in Public Places, so they -- you know, we can't now require them to, you know, go back and do art or whatever on that apparently because they've already met that requirement.

Commissioner Mena: They complied with that, right?

Commissioner Keon: They complied.

Commissioner Mena: Right.

Commissioner Keon: So, I think that there has been a discussion with the developer to do something with that to make it far more attractive, but it is...

Planning and Zoning Director Trias: Yeah. And I have a few...

Commissioner Keon: I'll ask...

Planning and Zoning Director Trias: Photographs.

Commissioner Keon: Yeah, to talk about that.

Planning and Zoning Director Trias: If you don't mind, very briefly. If I could have the PowerPoint. That's the plaza. As you know, that has been there for a long, long time and it was improved because there was some frustration in the way it looked. Now, the reason you don't see any big trees and the reason that the artificial grass ended up in some areas -- as you can see, it's very visible.

Commissioner Keon: Very visible.

Vice Mayor Lago: Two areas, two locations. That portion -- the previous photo is less visible from the street.

Planning and Zoning Director Trias: Yeah, but this one is...

Vice Mayor Lago: The smallest -- the smaller L-shaped portion is significantly visible from the street.

Commissioner Keon: Yeah.

Planning and Zoning Director Trias: But...

Commissioner Keon: It's very unattractive.

Vice Mayor Lago: Even if you're driving by. I'm not even talking about walking by.

Planning and Zoning Director Trias: Yeah. And...

Vice Mayor Lago: It's a problem.

Planning and Zoning Director Trias: And the reason for that is that if you look at what happens below all of this, is that there's parking.

Commissioner Mena: Right.

Planning and Zoning Director Trias: As you can see, and this is right on top of a slab. So, that limits the ability to plant trees, for example, or even grass in this case. Now, what happened in

this discussion -- and I'll tell you my perspective on it -- is that some staff members believed that the Commission liked grass -- very rightly so -- better than pavers, for example. And since grass wouldn't grow, they said, well, you know, artificial grass may be a good solution. Perhaps that's what happened. In my view, having pavers or having granite is a perfectly acceptable solution for any kind of plaza, clearly, but that's what happened. And then, if you look at the issue of drainage and so on, it is right on top of a slab, so there's some limits. Now, we have talked to -- I have talked to the contractor and the property owner. I have also talked to a restaurant that is moving in trying to see if, in the outdoor seating...

Mayor Valdes-Fauli: Is there a restaurant coming in?

Planning and Zoning Director Trias: They have -- we have talked to them...

Commissioner Mena: Coming in where?

Mayor Valdes-Fauli: It's been empty for...

Planning and Zoning Director Trias: Yeah.

Mayor Valdes-Fauli: Two years or three years.

Planning and Zoning Director Trias: I talked to one...

Commissioner Mena: What do you mean moving in?

Planning and Zoning Director Trias: One operator.

Commissioner Mena: I know where this is, but what do you mean moving in? Moving into the plaza?

Planning and Zoning Director Trias: No, no, no. Moving into the building, into Columbus Center.

Mayor Valdes-Fauli: There used to be a very good restaurant there.

Planning and Zoning Director Trias: Let me explain. And then the plaza would be part of the outdoor seating.

Commissioner Mena: Okay.

Planning and Zoning Director Trias: So, in that context, that issue has also been raised. Now, everybody's agreeing to the fact that, yeah, if they could have grass, they would do it, certainly. So, the issue is that we are limited by the site. And that's just a factual description and then from then on, we'll take it wherever you decide to take it.

Commissioner Keon: Well, I -- you can decide. I think if nothing can be planted there, that pavers or some, you know -- even if it's a hardscape surface that's very attractive or in a, you know, particular design of some sort is a better choice than artificial grass.

Mayor Valdes-Fauli: I disagree with that.

Commissioner Mena: But who's paying for this?

Mayor Valdes-Fauli: I disagree.

Commissioner Mena: Yeah. I don't -- I'm with the Mayor on this actually.

Mayor Valdes-Fauli: No, I disagree.

Commissioner Keon: Well, I don't think...

Mayor Valdes-Fauli: I think pavers are not...

Commissioner Keon: I mean, I think that artificial grass there is terrible.

Planning and Zoning Director Trias: And that gives you a sense of...

Commissioner Keon: Is terrible.

Planning and Zoning Director Trias: There's pavers, there's hardscape. There's a variety of (INAUDIBLE)...

Commissioner Mena: But you would like more pavers rather than that?

Commissioner Keon: Better than artificial grass.

Commissioner Mena: Then it would just be all concrete with all pavers.

Mayor Valdes-Fauli: Then it'll just be all concrete.

Commissioner Keon: Well, I don't -- they can plant maybe planters. There is -- or even if it is -- even if they build something that's raised, that is another fountain...

Commissioner Mena: I guess my more important question though is who's paying for this?

Commissioner Keon: The likelihood is there is...

Vice Mayor Lago: An error was...

Commissioner Keon: An opportunity -- it was our error.

Mayor Valdes-Fauli: Can I give you some history...

Vice Mayor Lago: An error was...

Mayor Valdes-Fauli: On all this?

Commissioner Mena: No, but hold on. But can I get an answer to...

Commissioner Keon: We would probably have to...

Vice Mayor Lago: Foot the bill.

Commissioner Keon: We would probably have to participate in the cost.

Mayor Valdes-Fauli: Let me...

Commissioner Keon: That would be a negotiation through the City Attorney's Office.

Mayor Valdes-Fauli: But let me give you some history...

Unidentified Speaker: The attorney...

Mayor Valdes-Fauli: On this. There used to be a great -- when Columbus Center was built in 1993.

Planning and Zoning Director Trias: Yeah.

Mayor Valdes-Fauli: '93/'94. There was a great Italian restaurant there, which closed. And Diego's came in, a very popular Spanish restaurant. And Diego always tried to have a fountain, have trees, have...

Vice Mayor Lago: Activation.

Mayor Valdes-Fauli: A fountain. I mean, a fountain and...

Commissioner Mena: No, there's a fountain.

Mayor Valdes-Fauli: Grenada, I think, which was our sister city at the time, even donated a fountain. And every time that he came up with an idea of having a fountain there, the slab and the weight on the parking lot and it would collapse the slab and it'd just -- as you can see, never got there. We've always had that problem there. I have a bigger problem with that plaza than whether it's pavers or grass. We -- plazas that are raised from the street are never used. You will never see anybody using that plaza because it is one foot or two feet up from -- well, a foot, maybe a foot and a half up from the...

Commissioner Keon: It's a couple of feet up.

Mayor Valdes-Fauli: Street and it is not an inviting place to walk through, to sit there, to whatever because it's isolated from the street by the height. It's -- frankly, I think this is the best solution in a bad situation as it is. That artificial grass -- I don't like artificial grass, but I'd rather have artificial grass than more concrete pavers. I mean, if you look at it, it's an expanse of concrete pavers that I think the green -- maybe we could have pavers painted green or something.

Commissioner Mena: I -- yeah.

Commissioner Keon: Artificial grass is exceedingly unattractive.

Commissioner Mena: I think what's glaringly absent when you look at the aerial is a piece of public art. I mean...

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: The square with the like -- there should be...

Commissioner Keon: I think...

Commissioner Mena: Something significant there, but there's not.

Commissioner Keon: There's not and it was because we...

Commissioner Mena: And they complied, unfortunately.

Commissioner Keon: And they complied, unfortunately.

Commissioner Mena: Yeah. So, I...

Commissioner Keon: We place a piece of public art there...

Commissioner Mena: Given all that, I'm with the...

Commissioner Keon: I don't...

Commissioner Mena: Mayor in the sense I don't know that more pavers makes it significantly...

Commissioner Keon: Well...

Commissioner Mena: Better and I don't necessarily want to use public dollars to improve a private property...

Vice Mayor Lago: But I...

Commissioner Mena: To make it...

Commissioner Keon: Well...

Commissioner Mena: Not really any better, in my opinion.

Commissioner Keon: Then I would -- you know, I would ask or entertain that we...

Commissioner Mena: If we were talking about a piece of art or something, I'd be having...

Commissioner Keon: Well...

Commissioner Mena: A different conversation.

Vice Mayor Lago: I have a big concern on the point that you were making, and I talked to the Manager about this yesterday, about using public funds to...

Commissioner Mena: Yeah.

Vice Mayor Lago: Improve a private property. But I also have an issue where when staff makes a mistake -- we all make mistakes. And at the end of the day, we have to be accountable for that. So, if we have to chip in -- it hurts me to say that, but we're kind of left with no other choice on

this issue. I have -- I'm nervous -- this is what I'm nervous about. And we're having a very lively discussion that Vice Mayor Quesada started, which he's correct in reference to the ability to allow this type of surface in the residential area. I got an email already this week about somebody who had installed it in the front of their house. And I have a feeling that people are going to say, hold on a minute. If you allow this in this piece of property, why is the residential community going to be penalized for it. I already have one homeowner -- I could share that email with you. I just want to be private about it -- that he installed it, again, not knowing/knowing -- again, it is what it is. That's up for debate. But the issue is that those people are going to come to me and say, listen, I can't grow grass in the front in a certain area. You know, you allowed this in this building, error or not. Whatever occurred, you know, how come we can't have the same benefit.

Mayor Valdes-Fauli: Because this is commercial.

Vice Mayor Lago: I know, I know.

Mayor Valdes-Fauli: This is commercial.

Vice Mayor Lago: But still...

Commissioner Keon: But that...

Vice Mayor Lago: It's still an argument that I really don't want to have with people because if we do this, we open the door. I think there's another opportunity. Why not put some sort of low-lying planter, like a low-lying planter and put a very low-lying hedge -- I forget the name of it. I have it in my house. It's, you know, very small, green, maybe, you know, max two or three feet high. There isn't much maintenance to it. The area remains green. It's not very costly and you don't need to -- it'll grow. It'll grow because the purpose of that hedge is to be underneath trees. We use it all over the City of Coral Gables in our medians. What's it called?

Planning and Zoning Director Trias: That's the...

Vice Mayor Lago: Green Island ficus. Excuse me, Green Island ficus.

Planning and Zoning Director Trias: That's the way...

Vice Mayor Lago: I have that in my house.

Planning and Zoning Director Trias: Yeah. And that's the way those are also. Those are planters, if you look at the...

Commissioner Mena: Planters.

Vice Mayor Lago: But I'm saying you could do a low-lying planter with...

Commissioner Mena: It's in the planters there is what he's saying.

Vice Mayor Lago: Yeah, perfect. So, you could do a low-lying planter, put some Green Island ficus, you know, put some up lighting. But I'm just nervous about if we open the door for this type of product to be used not in the back -- we do it on residential -- or in the sides. It's not visible from the street. This is clearly visible when you drive by it from a car. This caught my attention...

Commissioner Keon: (INAUDIBLE).

Vice Mayor Lago: Commissioner Keon put this on the agenda, but it had slipped my mind and I think I brought it up to the Manager a few weeks ago. I said, listen, hey, I need to talk to you about this site. It's visible, clearly visible.

Commissioner Keon: Right. And I don't want to see that happen...

City Manager Iglesias: Vice Mayor, if I may, we have...

Commissioner Keon: With other commercial buildings either. I mean, I don't want to see other commercial buildings, you know...

Vice Mayor Lago: And I know we can...

Commissioner Keon: In the downtown using this...

Planning and Zoning Director Trias: The...

Vice Mayor Lago: I know the answer...

City Manager Iglesias: Two issues...

Commissioner Mena: (INAUDIBLE) it.

Vice Mayor Lago: And I know the answer is that we could legislate this and have this one time, but I don't feel comfortable with that.

City Manager Iglesias: Vice Mayor, one -- two issues. One, our new artificial grass -- new code will not allow any artificial grass on a first floor, only on -- so that...

City Attorney Ramos: In commercial.

Planning and Zoning Director Trias: In commercial properties.

City Manager Iglesias: In commercial, in commercial, in commercial. Only on elevated decks, such as a pool deck or something like that. So, this won't happen again. Two is those are structural joists down there. Those are not designed for a huge load, so you more than likely will have structural issues if we want to impose anything other than some pavers or something like that because why design them for additional loading when there is none. So, those are generally designed pretty much to a limit -- it may have capacity, it may not. We would have to check to see what else we could...

Vice Mayor Lago: A very simple low-lying hedge...

Commissioner Keon: Right.

Vice Mayor Lago: Like a Green Island ficus, I don't think is going to be -- is going to have really -- it's going to have minimal loadbearing effects...

City Manager Iglesias: We would have to add...

Vice Mayor Lago: On that slab.

City Manager Iglesias: We would have to add irrigation and all those issues, so we would have to check just to -- we would have to check it just to make sure.

Vice Mayor Lago: I didn't...

Commissioner Keon: Right.

Vice Mayor Lago: You're correct. I didn't consider the irrigation issue.

Commissioner Keon: But there's also...

Vice Mayor Lago: But they already have planters there already now.

Commissioner Keon: They have planters. They can do additional planters that you can put some vents in that are not heavy and not a big deal. They can be very, you know, low-lying -- I mean, high enough that nobody trips over them, small enough not to be a heavy load. I would like -- what I would like for us to do is to give direction to staff to continue to work with them on replacing that grass and the City Attorney to negotiate a cost to us to correct that error.

City Attorney Ramos: Essentially, this would be a dispute resolution agreement. We can always assert sovereign immunity when we make a "mistake." Based on the invocation of that dispute resolution agreement, we could then enter into settlement negotiations whereby the City would take on a portion of the cost of redoing the plaza or redoing areas of the plaza either entirely with pavers or with some other form of greenery that might work there.

Commissioner Keon: Right.

City Attorney Ramos: But I would need direction -- I would need a motion directing me to do that.

Mayor Valdes-Fauli: We can't -- they've just redone the plaza. How could we make them do the plaza once again when they did it six months ago?

Commissioner Keon: But I don't think it's to redo the entire plaza. It's to redo those areas where there now...

Mayor Valdes-Fauli: That's unfair.

Commissioner Keon: Is artificial turf, you know. It's -- let them -- if they can't come to an agreement, they'll come back to us and tell us they can't come to an agreement. I'd like us to give them the direction to at least try.

Commissioner Mena: I think -- I'm with the Mayor on this. I think we're calling it a mistake. I think it's just sort of buyer's remorse more than a mistake.

Commissioner Keon: No. I think that it is too visible a site in our downtown where aesthetics are as important as they are.

Commissioner Mena: I know, but I think...

Mayor Valdes-Fauli: It is very important, but it's not fair.

Commissioner Mena: Putting pavers across the whole thing I don't think is a significant improvement.

Commissioner Keon: But that's -- I'm not saying that it's all pavers. I'm asking you to give them the opportunity and the direction to work with them to find a design or a way to replace that artificial turf...

Commissioner Mena: Right.

Commissioner Keon: With something that is more aesthetically pleasing. And if there is a...

Commissioner Quesada: So...

Commissioner Keon: Cost to negotiate -- or that we give the attorney...

Commissioner Mena: And I'm just...

Commissioner Keon: The right to do that.

Commissioner Mena: And I'm just telling you I'm not going to be on board with any remotely significant cost to try to improve a private property here. The only thing I could see myself getting behind -- if there's still an opportunity to do some sort of public art, I would agree that's a glaring omission here.

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: But to spend 100, \$150,000, what the cost would be to...

Commissioner Keon: I have no idea.

Commissioner Mena: To change artificial grass to pavers, I just don't see how there's any public benefit to that or how it really improves this courtyard. I think what would be needed to be done to improve this courtyard is much more significant than having some pavers where there's artificial turf.

City Attorney Ramos: Two quotes were provided by counsel. One is for only pavers, basically, and stone. That's \$88,000, more or less. And the other one has a little bit of grass in the areas where they think it might be able to grow, and that's about \$81,000.

Commissioner Quesada: Alright. So, let me jump in here real quick. I hate that plaza.

Mayor Valdes-Fauli: It is horrible.

Commissioner Quesada: And I really think what it stemmed from is when it was originally brought to us by the artist, if you recall, he had given us a design that was these wavy pavers everywhere. That was his original design, and then he had like a little globe in the middle and there was water coming around it, if I recall correctly.

Planning and Zoning Director Trias: Right, right. That's correct.

Commissioner Quesada: And I remember he came up here all proud about what a great design and we all said we didn't like it. And I think Commissioner Keon and myself, we were the most vocal ones at that time. And we had asked -- I recall this because I think I was the one doing the majority of the discussion -- was I wanted to make it like a real park in downtown. It would be the first time we have a real park. Let's get some grass. Let's get some trees. Let's get some shade. So, look, the artificial turf doesn't bother me. I'm being honest with you. I'd actually rather have the artificial turf than pavers just because...

Mayor Valdes-Fauli: I would too.

Commissioner Quesada: It's so white and so bright with the pavers. Now, look, is artificial turf ideal? No, of course not. But listen, I think pavers are uglier.

Commissioner Keon: But I'm not asking you -- that they be pavers.

Commissioner Quesada: Hold on, hold on. Let me finish. Let me finish, let me finish. My biggest concern with this where I would be willing to put money into this is more shade because...

Mayor Valdes-Fauli: You can't have that.

Commissioner Quesada: I know, which is the problem.

Commissioner Mena: Right.

Commissioner Quesada: Which -- I had this conversation on Friday and I've discussed it with Brooke and I've discussed it with Ramon. I've discussed it with everyone. The only thing you really could do to get more shade is to do some sort of structure, which I'm against also.

Commissioner Mena: Or outdoor dining. You have umbrellas.

Commissioner Quesada: Well, here's the thing. There's a restaurant that's coming there that they've been planning on it forever and they want to have an outdoor dining concept.

Commissioner Mena: Where would that be, the outdoor dining?

Commissioner Quesada: Where the roof is on the bottom left-hand corner, that roof.

Commissioner Mena: And the outdoor dining would be where?

Planning and Zoning Director Trias: It would be the area between the artificial grass and the building.

Commissioner Mena: That would be the outdoor dining right there, that rectangle?

Commissioner Quesada: You know, I think of...

Vice Mayor Lago: You could put a bunch of umbrellas and tables there. It's better.

Commissioner Quesada: I think of what a great space La Palma is on a nice day to go out there and sit outside and...

Mayor Valdes-Fauli: Diego had that here.

Commissioner Quesada: Yeah.

Mayor Valdes-Fauli: Except -- but without shade.

Commissioner Quesada: Without shade, which no one wants to sit out there...

Mayor Valdes-Fauli: No one wants to sit out there.

Commissioner Quesada: Unless it's an absolute perfect day, which we get three of those a year. So, my only thing is, I'd be willing to support -- to put money into this if we're going to get some sort of shade that would make sense. Maybe it's a huge planter, but then again, that doesn't make sense either.

Mayor Valdes-Fauli: Or have umbrellas. I mean, very nice, big umbrellas.

Commissioner Keon: They can put umbrellas on that plant -- on that...

Commissioner Quesada: That's -- you know, I didn't even think about that.

Commissioner Mena: The tables.

Commissioner Keon: They could put umbrellas. I mean, you know, and even if it turns out to be pavers, you have -- you know, you go all over the country and you see very large potted plants that are seasonal...

Mayor Valdes-Fauli: But you can't have that.

Commissioner Keon: In a lot of places.

Mayor Valdes-Fauli: You can't have that because of the weight.

Commissioner Keon: No, you can have a -- you can have a pot.

Mayor Valdes-Fauli: No, you can't.

Commissioner Keon: That sits on...

Commissioner Mena: What do you mean a pot?

Vice Mayor Lago: (INAUDIBLE).

Commissioner Mena: Over that entire square?

Commissioner Keon: Oh, no, no, no, no, no.

Vice Mayor Lago: But I told -- they can have...

Commissioner Mena: So, what are you going to do with the square?

Vice Mayor Lago: You can have a portion of it.

Commissioner Keon: One or two sitting in an area.

Vice Mayor Lago: You could have a portion of it.

Commissioner Mena: But you still want to pave it at that point?

Commissioner Keon: Well, I don't know. I don't know. You know what, I'm going to say to...

Commissioner Quesada: She just doesn't want it to be so ugly.

Commissioner Keon: I'm asking that we would allow our Planning staff to work with them to come up with something that is -- has a much better aesthetic than artificial grass and come back to us. That's all. Give them the latitude to do that and give the City Attorney the latitude to have a discussion. It'll come back to us...

Vice Mayor Lago: And by the way...

City Manager Iglesias: Commissioner, if I may say one thing.

Commissioner Keon: For approval. Just...

City Manager Iglesias: If we -- the quotes that the City Attorney mentioned...

Commissioner Keon: Yeah.

City Manager Iglesias: Do not include any engineering because they're basically taking up the grass...

Commissioner Keon: You know, fine.

City Manager Iglesias: If we have to look at different options, there will be engineering costs in looking at those options so there may be costs...

Commissioner Keon: Right.

City Manager Iglesias: Initially to looking at planters and things like this where we're...

Commissioner Keon: Yeah.

City Manager Iglesias: Where the engineering will have to be checked to make sure that it's feasible to do it structurally. So, I'm just saying that there will be upfront costs besides just taking the grass off and putting pavers, which would not be -- which would not have engineering significance.

Commissioner Keon: But before you do that, you have to come up with some rendering that I have every confidence in the world that our staff can do.

City Manager Iglesias: Yes, but we still have -- we have to check the structure initially because we can show you rendering and that may not work.

Commissioner Keon: And you have plans...

City Manager Iglesias: So...

Commissioner Keon: For the structure so...

City Manager Iglesias: So, that would -- so we would...

Commissioner Keon: We can also look at...

City Manager Iglesias: We would have to have...

Commissioner Keon: I don't think it's a big deal, Peter.

City Manager Iglesias: We'd have to have...

Commissioner Keon: I think that...

City Manager Iglesias: We would have to have the engineering rec -- I'm just saying that there would be some initial...

Commissioner Keon: Fine.

City Manager Iglesias: Costs in that. That's all.

Commissioner Keon: Fine. I think that if we give them direction and ask them to come back it's a better solution than to allow that artificial grass to remain there and not do anything about it.

Vice Mayor Lago: By the way, what do we lose exploring other opportunities?

Commissioner Keon: The same ficus.

Vice Mayor Lago: I think...

Commissioner Keon: Whatever you said, yes.

Vice Mayor Lago: I think we look -- let's look at different opportunities. It doesn't have to be that that area becomes a full planter. It can be half of a planter or a quarter of a planter, add some benches. You know, let's find out what the calculations -- what the load will bear. I also looked very quickly at the numbers in regards to the demolition and the paver installation. The pavers numbers are completely out of whack. I mean, \$15 a square foot? I don't know what you're

putting down there. I mean, that's pretty expensive. You don't need to spend \$15 a foot there just for materials alone.

Mayor Valdes-Fauli: Yeah, but it's such a visible plaza...

Vice Mayor Lago: I mean, I'm pretty sure...

Mayor Valdes-Fauli: And such...

Vice Mayor Lago: I'm pretty sure that the pavers...

Mayor Valdes-Fauli: And Commissioner Keon feels so strongly about it, they would like to have nice pavers.

Commissioner Keon: Well, I -- you know what, I just would like to give them the opportunity to come back to us with something other than that.

Commissioner Quesada: Okay. I mean, I'm...

Commissioner Keon: That's all I'm asking you to do...

Commissioner Quesada: I'm okay.

Vice Mayor Lago: We don't lose anything.

Commissioner Keon: Is to give them...

Mayor Valdes-Fauli: Okay.

Commissioner Mena: Listen, I'm okay with that. But I don't think it's as -- this is -- I mean, we're being an incredible nuisance to the owners of this building...

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: At this point. They came to us with a piece of art; we rejected it. They then complied with our rules and donated to the Art in Public Places...

Commissioner Keon: Right. And the unintended consequence...

Commissioner Mena: Then they came to...

Commissioner Keon: Was that.

Commissioner Mena: Our city and they asked to do this; we allowed it. And now, we're asking them to go to a dispute resolution mechanism because we've got buyer's remorse. It's just -- I get it, like there's nothing to lose, but at some point, we just become a difficult place for people to do things like this when we make it this difficult.

Commissioner Keon: Well -- but it was an error. I mean, the staff will tell you it was...

Commissioner Mena: It was more than an error.

Commissioner Keon: An error on the part of staff.

Commissioner Mena: It was more than an error.

Mayor Valdes-Fauli: To allow -- well, I don't think it's an error to allow artificial grass in a place where you can't have basically anything else.

Commissioner Mena: You can't have grass, yeah.

Mayor Valdes-Fauli: You can't have grass.

Planning and Zoning Director Trias: Right.

Mayor Valdes-Fauli: I don't think so. And I'm very much against the idea of more concrete in our downtown, more pavers...

Commissioner Keon: I know, but...

Mayor Valdes-Fauli: And...

Commissioner Keon: Give them an opportunity to come back with something...

Commissioner Mena: That's fine.

Vice Mayor Lago: But do we have...

Commissioner Keon: That they can do.

Vice Mayor Lago: Proof of that? Do we have proof that they attempted to install grass there and it never grew?

Planning and Zoning Director Trias: Well, the original proposal was grass.

Vice Mayor Lago: Yeah, but that's not what I'm saying.

Planning and Zoning Director Trias: No.

Commissioner Quesada: I thought it was a weight issue.

Commissioner Keon: The proposal was grass.

Vice Mayor Lago: No, my...

Planning and Zoning Director Trias: No, no, no. I'm saying after the Commission approved it and as they went through staff, they brought to me the little sheet of paper that I actually reviewed personally and had lawn, but then they realized that it couldn't be installed so -- yeah, that's what happened.

Vice Mayor Lago: My question to you...

Commissioner Keon: So, it never came back.

Mayor Valdes-Fauli: Okay, this...

Vice Mayor Lago: My question to you...

Mayor Valdes-Fauli: Can I -- go ahead.

Vice Mayor Lago: No, no, no.

Mayor Valdes-Fauli: I'm sorry. I'm sorry to interrupt you.

Vice Mayor Lago: My question to you is a simple one. So, all I want to know -- and I want a simple answer, yes or no.

Commissioner Mena: That's fair.

Vice Mayor Lago: Did they ever install grass and it died? Let me tell you why because it's not so simple. I've been installing grass two or three times a year in my swale. Eventually, I got tired of spending \$500, \$600 of it just looking terrible.

Planning and Zoning Director Trias: Right.

Vice Mayor Lago: So, I had to spend thousands of dollars to put the new swale legislation that we all passed here and we moved my swale -- I know I've said this a million and one times. Spend the thousands of dollars to get this done, plant the trees, got rid of my trash pit. So, if I went through it in my residential home, I want to understand why didn't we even try the grass if it was never installed. I want to know, did we install it, yes or no?

Assistant City Manager Santamaria: There was -- to my knowledge, there was no grass installed. However, when we reviewed it, there is not sufficient depth for the grass to establish and grow. And that's based on...

Vice Mayor Lago: The existing deck?

Assistant City Manager Santamaria: On the existing -- correct.

Vice Mayor Lago: That's what I'm asking.

Assistant City Manager Santamaria: Yeah, there's not sufficient depth, so it would have been a futile exercise in the opinion of staff.

Vice Mayor Lago: What is the depth of those pavers? The pavers are sand set, right?

Assistant City Manager Santamaria: Basically, the depth along the slab -- the structural slab varies, to my understanding, from anywhere from one and a half inches to the deepest point, about three or four inches.

Mayor Valdes-Fauli: Guys, we've been talking for 40 minutes on artificial grass versus real grass. There are engineering problems. Let's give it to staff and staff come back with a recommendation. I mean, I don't think we are going to get anywhere.

Commissioner Keon: That's all I'm asking.

Assistant City Manager Santamaria: If I could add one thing.

Commissioner Keon: Give them a chance.

Assistant City Manager Santamaria: If I could add one thing. If there...

Mayor Valdes-Fauli: But we have to be conscious of the building and the imposition we have put them in because...

Commissioner Mena: Yeah.

Mayor Valdes-Fauli: It is a very nice building.

Commissioner Keon: Right.

Mayor Valdes-Fauli: It was one of our finest buildings...

Commissioner Keon: Yes.

Mayor Valdes-Fauli: In Coral Gables at one point when it was built. And let's not be overly imposing...

Commissioner Keon: No.

Mayor Valdes-Fauli: Restrictions on them and be overly picky so that we would discourage people from being in Coral Gables.

Commissioner Keon: Right. But I also -- my other concern is when we make it so difficult for people to actually build something nice in that space. It's easier for them to just give the money to the -- to the public art fund, where I don't -- I would not like to see us do that because I would like to see us encourage people to put art on their...

Mayor Valdes-Fauli: I agree.

Commissioner Keon: On their plazas and...

Mayor Valdes-Fauli: But that's our problem. We...

Commissioner Keon: That is our problem. But -- and I don't know what -- has -- if that money has been spent that they contributed.

Commissioner Mena: I don't think I was here when that passed, but could that...

Vice Mayor Lago: But I want to give you...

Commissioner Mena: Have been a conditional approval?

Vice Mayor Lago: I want to give you a little bit of background. Can I give you a little bit of background?

Commissioner Mena: Yeah.

Vice Mayor Lago: Because it's not that easy, okay. This came before the Commission before you were here.

Commissioner Mena: Yeah.

Vice Mayor Lago: Okay, and the developer, what they did was they brought a plan, like Vice Mayor Quesada mentioned, and that plan had a fountain and that plan had about six or eight steel structures that had bougainvilleas growing up them, kind of mimicking what Miami Beach has...

Commissioner Mena: Yeah.

Vice Mayor Lago: In their performing arts center.

Commissioner Mena: Performing arts center, yeah.

Vice Mayor Lago: Yeah. This Commission did not approve that because we want to get away from incorporating Art in Public Places monies to construction, which is similar to what happened in the entrance of Coral Gables where Robb & Stucky is. They incorporated dollars into the deck, into the sculpture, which is a fountain. Again, the purpose of Art in Public Places is to buy art, in my opinion, and have it on display for the city either by the developer or by the City. That's why people pay into the fund. But when you take -- as a developer, when you take monies and you don't buy a piece of art and you incorporate it into your construction, your pavers, your benches, your lighting, that's not art. What you're doing is taking your -- you know, diminishing your cost in construction and putting it into -- taking it away from art. So, what we said was, listen, this is

not acceptable, as a Commission. We asked you to -- I told him very simply -- we can go back to the minutes -- this is what I would like for you to do. I would like to do exactly what Commissioner Mena said right now. I would like for you to buy two pieces of art or one piece of art and put it right in the middle. Forget everything else. That never happened.

Mayor Valdes-Fauli: On top.

Vice Mayor Lago: They didn't want to do that. They didn't want to do that.

Commissioner Keon: Well, I think...

Vice Mayor Lago: Which is...

Commissioner Keon: They wanted to move on with their project and not have to go through the whole process. And so, it never went back to the Board of Architects for review. It never went back for anybody, you know, even for them to sign off. Instead, it ended up in Public Works.

Vice Mayor Lago: I met...

Commissioner Keon: And a staff member in Public Works signed off on it...

Vice Mayor Lago: Commissioner, I met with the developer...

Commissioner Keon: Saying it was okay.

Vice Mayor Lago: I met with...

Commissioner Keon: And...

Vice Mayor Lago: I met with the developer several times.

Commissioner Keon: Yeah.

Vice Mayor Lago: And I was very clear with them, you know, if you wanted to meet this, it's very simple. Hire a consultant, find an artist that is approved by our Arts Advisory Counsel. Start the process. It's not that difficult. You make it seem as if it's not a difficult -- this is one of the few times where we've seen somebody really stumble and now it's coming back to light because of this issue with the artificial grass. It's not. What you have here is an issue which also happened in front of Robb & Stucky where, if you look at the numbers -- which I did and I put it on the record -- when you start taking away from the actual purchase of the art and incorporating your construction, pavers, bollards, lighting, that's when I have a problem.

Commissioner Mena: Or you just do doors.

Vice Mayor Lago: Yeah, you do the doors. We had the discussion. That was brought to light here. You do doors. It's incorporated in the actual door construction. So, this is what happened here. I want to be very, very clear. We're not difficult. We're not difficult. We're not. Don't get that impression. We're not difficult. It's very easy. Look how other people have spent millions of dollars on art in this city and there hasn't been a problem, okay. And you know that. They've come here before you. They've brought incredible art and they delivered. The issue here is that's not what happened. So, obviously, at the end of the day...

Commissioner Keon: It just kind of slipped.

Mayor Valdes-Fauli: We've spent more time...

Commissioner Keon: I mean, it was -- whatever. So, I'm asking you to...

Mayor Valdes-Fauli: On this than...

Vice Mayor Lago: But I want to clarify that about art because...

Mayor Valdes-Fauli: Let's move along.

Vice Mayor Lago: I mean, we've got to be careful about that.

Mayor Valdes-Fauli: This is too much. And let's refer it to staff for them to come up with a recommendation based on these people have spent -- the limitations on putting grass, the limitations in trees, the big pots, which would be full with dirt which would create a load and the idea that a restaurant is going to go in there and they're going to have umbrellas and they're going to have...

Commissioner Mena: Yeah.

Mayor Valdes-Fauli: Tables and maybe that is a solution.

Commissioner Mena: Right.

Commissioner Keon: Right. I mean, anything but...

Mayor Valdes-Fauli: But let's go on.

Commissioner Keon: Let's -- if I could just...

Mayor Valdes-Fauli: Please.

Commissioner Keon: We will just direct staff...

Mayor Valdes-Fauli: Please.

Commissioner Keon: That would be my motion, that we could direct staff -- our Planning Department...

City Attorney Ramos: I think first staff would bring a plan to you. If you like it, then we'll engage in settlement negotiations.

Commissioner Keon: Okay, that we could do that.

Vice Mayor Lago: I'll second it.

City Attorney Ramos: What timeline...

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: Would you attach to that resolution?

Mayor Valdes-Fauli: It's been moved and seconded. All those in favor, say "aye."

Commissioner Keon: What do you think is going to...

The Commission (Collectively): Aye.

Commissioner Keon: What do you think it would take?

City Attorney Ramos: How long do you think it'll take, Ramon?

Commissioner Keon: What are you looking at?

Planning and Zoning Director Trias: I need to discuss that a little bit further with the other staff and Public Works.

Commissioner Keon: February?

Planning and Zoning Director Trias: I don't think it's going to be a long time, but certainly, we can come up with some ideas within a month.

Vice Mayor Lago: A month?

Planning and Zoning Director Trias: But in terms of...

Commissioner Keon: Okay, so the...

Vice Mayor Lago: Two months?

Commissioner Keon: The second meeting...

Planning and Zoning Director Trias: Okay.

Commissioner Keon: In February.

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

Commissioner Keon: Okay.

Mayor Valdes-Fauli: Let's take a ten-minute break, please.

Vice Mayor Lago: Okay.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: So, the second meeting in February. Yeah, thank you. Did we call the roll or no?

Vice Mayor Lago: Yeah, we did.

Commissioner Keon: Okay.

Vice Mayor Lago: You voted in favor of it.