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CITY OF CORAL GABLES  
 LOCAL PLANNING AGENCY (LPA)/  
 PLANNING AND ZONING BOARD MEETING  
 VERBATIM TRANSCRIPT  
 CORAL GABLES CITY HALL  
 405 BILTMORE WAY, COMMISSION CHAMBERS  
 CORAL GABLES, FLORIDA  
 WEDNESDAY, JULY 10, 2019, COMMENCING AT 6:03 P.M.

Board Members Present:  
 Eibi Aizenstat, Chairman  
 Rene Murai  
 Robert Behar  
 Rhonda A. Anderson  
 Venny Torre  
 Chip Withers

City Staff and Consultants:  
 Ramon Trias, Planning Director  
 Craig Collier, Special Attorney  
 Arceli Redila, Principal Planner  
 Jill Menendez, Administrative Assistant, Board Secretary  
 Devin Cejas, Deputy Development Services  
 Director/Zoning Official

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1 ALSO PARTICIPATING:  
 2 Laura Russo, Esq., on behalf of Item E-1  
 3 Cliff Kling  
 4 Tim Plummer  
 5 Joseph Hassan  
 6 George Fernandez  
 7 Jeffrey Wolfe  
 8 Carlos Santeiro  
 9 Lisbeth Bustin  
 10 Marisa Feito  
 11 Carl Leon Prime  
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1 THEREUPON:  
 2 (The following proceedings were held.)  
 3 CHAIRMAN AIZENSTAT: Okay. Let's go ahead  
 4 and get started. Once again, anybody that  
 5 would like to speak tonight, if they would  
 6 please go ahead and sign a card or register  
 7 your name with Jill, that would be much  
 8 appreciated.  
 9 Good evening. I'd like to call the meeting  
 10 to order. I'd like to ask everybody to please  
 11 put their phones on silent, turn off their  
 12 pagers or other electronic devices at this  
 13 time. Thank you.  
 14 This Board is comprised of seven Members.  
 15 Four Members of the Board shall constitute a  
 16 quorum and the affirmative vote of the four  
 17 Members shall be necessary for the adoption of  
 18 any motion. If only four Members of the Board  
 19 are present, an applicant may request and be  
 20 entitled to a continuance to the next regularly  
 21 scheduled meeting of the Board. If a matter is  
 22 continued due to a lack of quorum, the  
 23 Chairperson or Secretary of the Board may set a  
 24 special meeting to consider such matter. In  
 25 the event that four votes are not obtained at a

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1 public -- an applicant may request a  
 2 continuance or allow the application to proceed  
 3 to the City Commission without a  
 4 recommendation.  
 5 Lobbyist Registration and Disclosure. Any  
 6 person who acts as a lobbyist pursuant to the  
 7 City of Coral Gables Ordinance Number 2006-11  
 8 must register with the City Clerk prior to  
 9 engaging in lobbying activities or  
 10 presentations before City Staff, Boards,  
 11 Committees and/or the City Commission. A copy  
 12 of the Ordinance is available in the Office of  
 13 the City Clerk. Failure to register and  
 14 provide proof of registration shall prohibit  
 15 your ability to present to the Board.  
 16 As Chair, I now officially call the City of  
 17 Coral Gables Planning and Zoning Board of July  
 18 10, 2019 to order. The time is 6:03.  
 19 Jill, if you'd please call the roll.  
 20 THE SECRETARY: Rhonda Anderson?  
 21 MS. ANDERSON: Here.  
 22 THE SECRETARY: Robert Behar?  
 23 MR. BEHAR: Here.  
 24 THE SECRETARY: Rene Murai?  
 25 MR. MURAI: Here.

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1 THE SECRETARY: Venny Torre?  
 2 MR. TORRE: Here.  
 3 THE SECRETARY: Maria Velez?  
 4 Chip Withers?  
 5 MR. WITHERS: Here.  
 6 THE SECRETARY: Eibi Aizenstat?  
 7 CHAIRMAN AIZENSTAT: Here.  
 8 Notice regarding ex parte communications.  
 9 Please be advised that this Board is a  
 10 quasi-judicial board and the items on the  
 11 agenda are quasi-judicial in nature, which  
 12 requires Board Members to disclose all ex parte  
 13 communications and site visits. An ex parte  
 14 communication is defined as any contact,  
 15 communication, conversation, correspondence,  
 16 memorandum or other written or verbal  
 17 communication that takes place outside a public  
 18 hearing between a member of the public and a  
 19 member of the quasi-judicial board regarding  
 20 matters to be heard by the Board. If anyone  
 21 made any contact with a Board Member regarding  
 22 an issue before the Board, the Board Member  
 23 must state on the record the existence of the  
 24 ex parte communication and the party who  
 25 originated the communication. Also, if a Board

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1 MR. BEHAR: I'll make a motion for  
 2 approval.  
 3 MS. ANDERSON: I'll second it.  
 4 CHAIRMAN AIZENSTAT: Any comments?  
 5 MR. WITHERS: I do have one, Mr. Chairman.  
 6 On Page 24, Line 19, where my question was, if  
 7 the area was not zoned for convocation, and the  
 8 word "not" was left out. And I can corroborate  
 9 that statement, because on Page 25, I reasked  
 10 the same question on Line 10. So my intention  
 11 was -- maybe I mumbled, which I do sometimes,  
 12 and I meant to put the word "not zoned" as  
 13 opposed to "zoned." That's the only change.  
 14 CHAIRMAN AIZENSTAT: Noted. Any other  
 15 comments? No?  
 16 Please call the roll.  
 17 THE SECRETARY: Robert Behar?  
 18 MR. BEHAR: Yes.  
 19 THE SECRETARY: Rene Murai?  
 20 MR. MURAI: Here (sic).  
 21 THE SECRETARY: Venny Torre?  
 22 MR. TORRE: Yes.  
 23 THE SECRETARY: Chip Withers?  
 24 MR. WITHERS: Yes.  
 25 THE SECRETARY: Rhonda Anderson?

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1 Member conducted a site visit specifically  
 2 related to the case before the Board, the Board  
 3 Member must also disclose such visit. In  
 4 either case, the Board Member must state on the  
 5 record that the ex parte communication and/or  
 6 site visit will not affect the Board Member's  
 7 ability to impartially consider the evidence to  
 8 be presented regarding the matter. The Board  
 9 Member should also state that his or her  
 10 decision will be based on substantial competent  
 11 evidence and testimony presented on the record.  
 12 Does any Board Member have such  
 13 communication or site visit to disclose at this  
 14 time?  
 15 MR. BEHAR: No.  
 16 MR. MURAI: No.  
 17 MS. ANDERSON: No.  
 18 CHAIRMAN AIZENSTAT: Having none, I'd like  
 19 to ask everybody that's going to be speaking  
 20 tonight to please stand up and be sworn, with  
 21 the exception of attorneys.  
 22 (Thereupon, the participants were sworn.)  
 23 CHAIRMAN AIZENSTAT: Thank you.  
 24 We have the minutes before us of the  
 25 meeting of June 12th.

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1 MS. ANDERSON: Yes.  
 2 THE SECRETARY: Eibi Aizenstat?  
 3 CHAIRMAN AIZENSTAT: Yes, with the changes  
 4 as noted.  
 5 Mr. Coller, if you could please read the  
 6 first item that's on the agenda.  
 7 MR. COLLER: Yes, Mr. Chairman.  
 8 Item E-1, An Ordinance of the City  
 9 Commission of Coral Gables, Florida, amending  
 10 Section 2 of Ordinance Number 2011-06, to  
 11 increase the maximum student enrollment from  
 12 1,162 to 1,260 students for Gulliver Academy  
 13 located at 12595 Red Road, Coral Gables,  
 14 Florida; all other conditions of approval  
 15 contained in Ordinance Number 2011-06 shall  
 16 remain in effect and providing an effective  
 17 date. Legal description on file. Item E-1,  
 18 public hearing.  
 19 CHAIRMAN AIZENSTAT: Thank you.  
 20 MR. TRIAS: Mr. Chairman, the request is  
 21 very straight forward. In 1998, originally  
 22 Gulliver Academy had a cap on the number of  
 23 students and now they're requesting to change  
 24 that cap.  
 25 The property is located, as you can see,

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1 surrounded by a neighborhood and then a  
 2 preserve towards the north, and the Land Use is  
 3 Education and the Zoning is Special Use  
 4 District, which is appropriate for a school.  
 5 Those are the correct Land Use and Zoning  
 6 designations. And like I said, the request is  
 7 to increase the maximum enrollment from 1,162,  
 8 which was approved back in 1998 and was  
 9 included in many Ordinances since then, exactly  
 10 the same amount number, 1,162.

11 In the Staff Report, you can see the  
 12 statistics, of the different years that they  
 13 had, the number of students. They always had  
 14 less students than the maximum. And the  
 15 request is to change that number to 1,260,  
 16 which is an increase of 98. That was one of  
 17 the original conditions of approval, very  
 18 straight forward, and they're just requesting a  
 19 change of that.

20 The review timeline included the DRC, the  
 21 Development Review Committee, also the Board of  
 22 Architects and the neighborhood meeting was  
 23 held in April, and then today's Planning and  
 24 Zoning Board.

25 The notice, as you can see, was sent a

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1 Plummer and Juan Espinoza, of David Plummer and  
 2 Associates.

3 Just to give you a little background, a few  
 4 more tidbits than you heard from Ramon, the  
 5 Master Plan in question of which we are asking  
 6 to amend one of the conditions was approved in  
 7 March of 2011. That process actually started  
 8 in approximately 2008, and it took us that  
 9 long. That Master Plan involved the location  
 10 of new proposed buildings and doing some  
 11 external changes to roadway curbing,  
 12 eliminating direct access from Campamento at  
 13 the south end of the school and creating an  
 14 internal access, et cetera, but the student  
 15 enrollment cap of 1,162 was already in place.  
 16 That cap originated in a Master Plan approval  
 17 of 1998 and was not a part of that application,  
 18 but as many of you know, Mr. Eric Riel just  
 19 took that condition and made it a condition of  
 20 the 2011 Ordinance, as well.

21 As you heard from Mr. Trias, Gulliver is  
 22 requesting to increase their current cap of  
 23 1,162 to 1,260 and this is being done in order  
 24 to move the students from their Montgomery  
 25 Campus to the Academy Campus. Some of you may

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1 thousand feet around the property and we had  
 2 the public notification twice, in the form of  
 3 letters, once at the property posting, once at  
 4 website posting, and also the required  
 5 newspaper advertisement.

6 Staff has determined that the application  
 7 is consistent with the Comprehensive Plan and  
 8 that it satisfies the standards of review and  
 9 Staff is recommending approval with the  
 10 condition that every other condition remains in  
 11 effect that was originally approved.

12 That is the presentation. I believe the  
 13 Applicant has a presentation. There may be  
 14 some citizens who may want to speak.

15 CHAIRMAN AIZENSTAT: Thank you.

16 MS. RUSSO: Good evening, Mr. Chair,  
 17 Members of the Committee. For the record,  
 18 Laura Russo, with offices at 2655 Le Jeune  
 19 Road. I am here this evening representing  
 20 Gulliver Schools.

21 At this time, I would just like to  
 22 introduce that I have with me Cliff Kling, who  
 23 is the President of Gulliver Schools, and  
 24 Charlie Rue, who is the Chief Operating  
 25 Officer. Also, as part of our team, Tim

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1 know, Gulliver has the high school campus,  
 2 which is located in the City of Pinecrest, and  
 3 the Academy Campus, which is located at the  
 4 intersection of Red Road and Old Cutler,  
 5 adjacent to Gables by the Sea.

6 At this moment, what I'd like to do is ask  
 7 Mr. Cliff Kling to come up and give you the  
 8 school's reasoning for requesting the  
 9 additional student enrollment cap to accomodate  
 10 some educational goals they'd like to achieve.

11 Mr. Kling.

12 MR. KLING: Mr. Chair, Members of the  
 13 Board, thank you for having us tonight. The  
 14 sole purpose for the increase --

15 CHAIRMAN AIZENSTAT: May I ask you to just  
 16 state your name and address, for the record,  
 17 please.

18 MR. KLING: Absolutely.

19 CHAIRMAN AIZENSTAT: Thank you.

20 MR. KLING: Cliff Kling. I serve as the  
 21 president of Gulliver. My address is 8780  
 22 Southwest 64th Court, Pinecrest, 33156.

23 So the sole purpose for the requested  
 24 increase in enrollment of approximately 98  
 25 students -- or 98 students, is to be able to

<p style="text-align: right;">Page 13</p> <p>1 move the approximate 100 students who start  2 their day at our Montgomery Drive Campus to our  3 Academy Campus. Our Academy Campus serves  4 students in grades PreK-3 through Grade 8. Our  5 Montgomery Drive Campus serves students in  6 Grades 5 through 8 who need additional learning  7 supports. Those learning supports are  8 primarily in the area of executive functioning,  9 which involves organizational skills, time  10 management, self regulation. We offer smaller  11 class sizes, as well as direct instruction in  12 study skills, but the campus -- the students  13 who are there at the Montgomery Campus are  14 there because they require those learning  15 supports.</p> <p>16 Gulliver began this program over 25 years  17 ago. It was very unique at the time in South  18 Florida and it remains a very sought after  19 program and is unique in offering those  20 learning supports at a school like Gulliver.</p> <p>21 When this program was developed, sort of  22 the best practice and the thought in  23 educational circles in the mid 1990s was that  24 programs like this should be done in a pull out  25 or separate environment. What we now know in</p>	<p style="text-align: right;">Page 14</p> <p>1 2019, from the standpoint of educational best  2 practice, best service to these students is  3 that these programs and students should be  4 included as much as possible within the main  5 campus or the main academic program.</p> <p>6 So this desire on Gulliver's part stems  7 from our desire to include these students, who  8 require learning supports, into your main  9 campus and into the environment that's there  10 and all of the electives that are there.</p> <p>11 The Montgomery students today visit the  12 Academy Campus each day for lunch and for  13 afternoon electives. So they are bussed to the  14 Academy Campus today, and that condition has  15 been since, again, the mid '90s.</p> <p>16 Unfortunately, a stigma sometimes attaches to  17 these students who are bussed to the main  18 campus as being different than or in some way  19 less than the students who start their day at  20 the Academy Campus, and that's very  21 unfortunate, because, as we know, every child,  22 every learner, learns differently and so to  23 have a group of students who have to start  24 their day at another campus and then are bussed  25 in to the Academy Campus has created that</p>
<p style="text-align: right;">Page 15</p> <p>1 situation where a stigma sometimes, not all of  2 the time, but sometimes develops.</p> <p>3 And so our desire is to integrate and  4 include those students who start their day at  5 Montgomery Drive into the main program on the  6 Academy Campus, and this increase of 98  7 students will allow us to do that, where all of  8 our students in Grades PreK-3 through 8, in  9 this case, Grades 5 through 8, can start their  10 day at our Academy Campus.</p> <p>11 We understand that the real consideration  12 and the work that we've done with Staff and  13 with our engineers is to consider the impact on  14 traffic, and so I think it's important to note  15 a couple of things. With regard to afternoon  16 dismissal, at present, the requested 98-student  17 increase, these students are already on this  18 campus and dismissed from this campus today.  19 So there's no change whatsoever to the  20 afternoon dismissal impact of traffic.</p> <p>21 The morning drop-off will be affected, and  22 that's what our traffic engineers have spent a  23 lot of their time studying, but, again, it's  24 important to point out that of the 102 students  25 at Montgomery this past school year, 42 of</p>	<p style="text-align: right;">Page 16</p> <p>1 those 102 students had siblings at our Academy  2 Campus, meaning that those students (sic) were  3 already making a trip to drop off a child at  4 the Academy Campus. So don't think of the  5 98-student increase as another 98 trips to this  6 campus, when, in fact, it's more like 60  7 additional trips, although our traffic study  8 had to take into account potentially all 98  9 additional trips, but the reality is that many  10 of these students already have siblings there.</p> <p>11 So, again, we ask for your consideration  12 and approval of this. We firmly believe this  13 is in the best interest of our current students  14 and the future students who need and desire to  15 be supported by the supports that we offer, but  16 to be able to do so without the unfortunate  17 stigma that attaches and we respectfully  18 request your approval of our application.  19 Thank you.</p> <p>20 CHAIRMAN AIZENSTAT: Thank you.</p> <p>21 MS. RUSSO: I would just like to conclude  22 with, we accept Staff's recommendation. We do  23 not want to change any of the other conditions  24 that were present and continue to be present  25 and observed in the 2011 Ordinance, and we</p>

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1 respectfully request your approval and we're  
 2 happy to answer any questions. And I know we  
 3 have some people here who are in support of the  
 4 application that may wish to speak, and I'm  
 5 happy to answer any questions, as is any member  
 6 of my team.  
 7 CHAIRMAN AIZENSTAT: Okay. Thank you.  
 8 Jill, how many people do we have that are  
 9 going to be speaking?  
 10 THE SECRETARY: We have 15 speakers.  
 11 CHAIRMAN AIZENSTAT: 15? What I'd like to  
 12 do is, I would like to ask everybody, we're  
 13 going to go ahead and limit it to three  
 14 minutes, since we have 15 people to speak, and  
 15 I would ask, if somebody has already stated a  
 16 point or something, you can concur with it, but  
 17 that may speed things up. Thank you.  
 18 And, then, if the Board has any questions,  
 19 we'll go ahead and just get that done.  
 20 MS. RUSSO: And I reserve five minutes, if  
 21 needed, for rebuttal. Thank you.  
 22 CHAIRMAN AIZENSTAT: Understood. Thank  
 23 you.  
 24 Jill, can you call the first person, please?  
 25 THE SECRETARY: Joseph Hassan.

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1 and conversations between Mr. Santeiro, who is  
 2 here today, who was at that time the president  
 3 of the association, and Gulliver. In fact,  
 4 those discussions resulted in a settlement  
 5 agreement that I believe Ms. Russo negotiated  
 6 on behalf of Gulliver and the association had  
 7 their own counsel.  
 8 I will say that, at that time, my  
 9 understanding is that there was a great deal of  
 10 information that was shared with the  
 11 association, that enabled the association to  
 12 make intelligent decisions as to the impact  
 13 that the proposals at that time would have had  
 14 on our association. We have over 500  
 15 residents, both residents of the City of Coral  
 16 Gables and the Village of Pinecrest in my  
 17 community and many homes, and we obviously have  
 18 very significant concerns over the impact the  
 19 traffic can have on our community and the  
 20 effects that that can have on our property  
 21 values and our quality of life.  
 22 And it's for those reasons that, quite  
 23 frankly, I was -- this issue was brought to my  
 24 attention fairly recently. I haven't had an  
 25 opportunity to fully explore the consequences

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1 MR. HASSAN: Good afternoon. My name is  
 2 Joe Hassan. I live at 10950 Old Cutler Road,  
 3 Coral Gables, Florida. I am a Coral Gables  
 4 resident for over 20 years. I'm also a  
 5 Gulliver alumnus.  
 6 And in an effort to keep this brief, I am  
 7 in favor of this proposed increase for the many  
 8 reasons that Mr. Kling has pointed out.  
 9 Thank you.  
 10 CHAIRMAN AIZENSTAT: Thank you.  
 11 THE SECRETARY: George Fernandez.  
 12 MR. FERNANDEZ: Good afternoon, Members of  
 13 the Board. I'm George Fernandez. I'm the  
 14 president of the Gables by the Sea Homeowners  
 15 Association and the Pinecrest by the Sea  
 16 Homeowners Association. My address is 5874  
 17 Southwest 131st Terrace, in Pinecrest, Florida.  
 18 I'm here along with the former president of the  
 19 Gables by the Sea Homeowners Association.  
 20 Given the limited time that I have, I would  
 21 make the following comments. I understand,  
 22 before my time, back in 2010, discussions over  
 23 the original changes that were proposed by  
 24 Gulliver that culminated in the 2011 Ordinance  
 25 06 were the subject of extensive negotiations

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1 and the Staff's analysis, but I do know that my  
 2 association, and me, in particular, as the  
 3 president, and part of the association  
 4 settlement agreement back in 2011, called for  
 5 Gulliver to directly communicate with the  
 6 officers of my association on the impact those  
 7 events could have had.  
 8 I haven't had an opportunity to receive any  
 9 of the information from Gulliver. Our  
 10 association -- on behalf of our association, I  
 11 would request the opportunity to have our  
 12 association gather all of the information that  
 13 Mr. Plummer and his colleagues have put  
 14 together on the impact that I'm hearing today  
 15 for the first time would only impact morning  
 16 traffic, not afternoon traffic, and we would  
 17 like to have a meaningful opportunity to  
 18 analyze that information, just like we did in  
 19 2010, that led to discussions that culminated  
 20 in a written binding settlement agreement  
 21 between Gulliver and my association.  
 22 As to other issues at that time, I would  
 23 defer to Mr. Santeiro, who is also a speaker  
 24 today, and I thank you all very much for your  
 25 time and consideration.

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1 MR. WITHERS: Are you saying that the  
 2 agreement specifically states Gulliver is  
 3 supposed to reach out to the association before  
 4 they request any kind of modification like  
 5 this? Does it specifically state that?  
 6 MR. FERNANDEZ: It does. I was not a party  
 7 to that agreement. I am an attorney, but I did  
 8 not negotiate that agreement. And that  
 9 agreement very well may have pertained to the  
 10 issues that were at issue at that time, but I  
 11 know from reading the agreement and the tenor  
 12 of all of the provisions in the agreement, that  
 13 the idea was for Gulliver and the association  
 14 to collaborate, to work with one another, which  
 15 ultimately led to the settlement agreement, and  
 16 Mr. Santeiro can certainly speak to it a lot  
 17 better than I can, because it was before my  
 18 time, and I think that the history here has  
 19 been, that our community, that will be directly  
 20 affected by these kind of events, should have  
 21 and has had an opportunity to receive that  
 22 information and have a meaningful dialog with  
 23 the school, as we've done before, so that we  
 24 can try to reach an agreement that's fair to  
 25 both sides, and certainly to fully understand

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1 just lived through streetscape. I'm living  
 2 through development here. I think that, in the  
 3 grand scheme of things, moving forward and  
 4 thinking in a bigger place, a little bit -- if  
 5 it impacts traffic in the slightest for these  
 6 developments along this corridor, look at how  
 7 it's affected the Downtown. It has nothing to  
 8 do with education in the Downtown. This is for  
 9 the next generation of kids.  
 10 So I think you need to think about the kids  
 11 and not just the residents, and that's what I'm  
 12 here to say.  
 13 CHAIRMAN AIZENSTAT: Thank you.  
 14 MR. WOLFE: Thank you.  
 15 THE SECRETARY: Jose Corraliza.  
 16 John McCloskey.  
 17 Valerie Bostick. Pass?  
 18 Elena Castellanos.  
 19 Jennifer Zambolla.  
 20 Timony Bannon.  
 21 Chris Done.  
 22 John Zambolla.  
 23 Carlos Santeiro.  
 24 MR. SANTEIRO: Good afternoon. I'm Carlos  
 25 Santeiro, 12500 Ramiro Street, and just as our

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1 the consequences of the traffic impact,  
 2 because, at this point, I can't really even  
 3 have an intelligent conversation on that,  
 4 because I haven't read Mr. Plummer's reports, I  
 5 haven't gathered any information, and Gulliver  
 6 certainly hasn't sent any information to either  
 7 myself or the other officers of the  
 8 association.  
 9 CHAIRMAN AIZENSTAT: Thank you.  
 10 MR. FERNANDEZ: Thank you, sir.  
 11 THE SECRETARY: Jeffrey Wolfe.  
 12 MR. WOLFE: Good evening, everybody.  
 13 Jeffrey Wolfe, 5728 Michaelangelo Street, Coral  
 14 Gables, 33145. I'm here on behalf of my  
 15 family, who has had our child's trajectory  
 16 changed by belonging and being allowed to go to  
 17 Gulliver, the Academy. I'm here to let you  
 18 know that I'm in agreement with Cliff.  
 19 We come from a place where our child was  
 20 tracked in a different way and separated, and  
 21 I'm here to tell you that whatever Gulliver is  
 22 trying to do by bringing these 98 kids from  
 23 Montgomery here will directly impact them in a  
 24 positive light.  
 25 I'm a business owner here in the Gables. I

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1 president, George, explained, back in 2010,  
 2 2011, I was president of the Gables by the Sea,  
 3 Pinecrest HOA, and at the time we spent many,  
 4 many long hours and many days and many weeks  
 5 with Ms. Russo and the team at Gulliver at the  
 6 time to reach an agreement, when Gulliver  
 7 wanted to make changes to the Master Plan that  
 8 they previously had.  
 9 We spent a lot of time and we basically  
 10 reached what we thought was a fairly good  
 11 agreement, and the intent of the agreement was  
 12 that we're not going to revisit this every few  
 13 years. The intent of this was, that we're  
 14 going to produce an agreement that we are going  
 15 to sign on behalf of the HOA and on behalf of  
 16 Gulliver, and we're not going to revisit this  
 17 every few years, because this had happened  
 18 several times before, even before I started  
 19 living in Gables by the Sea, that there were a  
 20 lot of issues back and forth with Gulliver, and  
 21 we wanted to settle this once and for all.  
 22 Gulliver wanted to make substantial changes  
 23 to their Master Plan, which included an  
 24 auditorium, it included a baseball field with a  
 25 stadium, it included some additional classroom

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1 buildings, substantial changes.  
 2 And we, as an HOA, agreed to certain  
 3 things, as did they, certain things that  
 4 benefited both sides. Some things benefited  
 5 the community, some things benefited Gulliver.  
 6 We agreed to some easements and so forth, if I  
 7 recall, so that we would not have to revisit  
 8 this again in the future.  
 9 There's two parts to this. There's an  
 10 agreement, which I don't know if the Planning  
 11 Board has a copy of the agreement, but there's  
 12 an agreement which you should have, and there's  
 13 the Ordinance, and the Ordinance -- they were  
 14 supposed to work together, and it was  
 15 specifically discussed whether what was said  
 16 earlier before, that, oh, that student  
 17 population was just kept in there because it  
 18 had been there before; no, that's not correct.  
 19 The student population was that we were trying  
 20 to limit the amount of impact that the school  
 21 would have in the future, and this had to do  
 22 with the traffic and just with the amount of  
 23 people coming to it, because with traffic and  
 24 increased students, it's not only the amount of  
 25 students, it's the support staff, obviously,

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1 Thank you.  
 2 CHAIRMAN AIZENSTAT: Thank you.  
 3 THE SECRETARY: Lisbeth Bustin.  
 4 MS. BUSTIN: Hi, good evening. My name is  
 5 Lisbeth Bustin. I live at 12750 Red Road.  
 6 It was my understanding, I was -- I've been  
 7 a resident there for 25 years, my husband and  
 8 I, and Gulliver had made significant  
 9 improvements with their Master Plan by bringing  
 10 their traffic internally to some degree, but it  
 11 still enters and exits on Old Cutler Road.  
 12 Tonight, I drove from that section, and it  
 13 took me one minute. In the morning rush hour,  
 14 it can take 15, 20 minutes. That's  
 15 significant. So we're talking an additional 60  
 16 cars, because, you know, 40 of them, you know,  
 17 have other kids. That's 60 cars, 600 feet, and  
 18 more traffic stops.  
 19 The cops do a pretty good job, you know,  
 20 directing traffic, but there are delays,  
 21 because you've got to get out of the  
 22 neighborhood and then they have to get into  
 23 Gulliver and then they have to get out of  
 24 Gulliver, and then you've got a whole line of  
 25 people who are parked on the swale, that are

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1 which I'm sure will be addressed in the traffic  
 2 report, but it's the amount of students, it's  
 3 the amount of drop-offs, it's the amount of  
 4 pick-ups, it's the amount of additional  
 5 teachers, it's the additional support staff and  
 6 everything that goes along with it. So it's  
 7 quite a few things.  
 8 And as the reference was made earlier to  
 9 traffic Downtown, that it's all increased,  
 10 we're not Downtown. We're a residential area  
 11 and we'd like to keep it that way.  
 12 And I think, at the time what we did, in  
 13 the spirit of this, we tried to settle it once  
 14 and for all, and that is what we did, and, you  
 15 know, we would like the opportunity for  
 16 everybody to review the agreement, as well as  
 17 the Ordinance, and they were supposed to work  
 18 hand in hand.  
 19 While we're sensitive to the issue that  
 20 Gulliver has brought out, they're going to have  
 21 to figure out how to maintain the enrollment  
 22 and integrate those students or whatever.  
 23 That's not our issue to decide. But we did  
 24 reach an agreement of what the maximum  
 25 enrollment in the school was.

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1 not allowed to be parked on the swale, and it's  
 2 a real cluster. It really is.  
 3 Now, I have maybe an idea. I think that  
 4 the traffic situation has been intolerable as  
 5 it is. Maybe many Gulliver students should be  
 6 bussed so bussing is no longer a stigma.  
 7 There's nothing wrong with bussing. Public  
 8 schools bus their kids all of the time.  
 9 I understand what he's saying, you know, if  
 10 just one group is bussed, but, you know, maybe  
 11 there should be a requirement that a certain  
 12 percentage of parents or kids have to be bussed  
 13 to school. I don't think that what we can  
 14 accept here is an increase in traffic, when we  
 15 were promised that it was a done deal, this  
 16 would be the cap, it would never go higher than  
 17 this, to try to get our support, and we did  
 18 support it.  
 19 So this feels like a betrayal, actually,  
 20 and I hope that you will take that into  
 21 consideration when you make your decision.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 THE SECRETARY: Marisa Feito.  
 24 MS. FEITO: Good evening. Marisa Feito. I  
 25 live at 12411 Bernal Street in Gables by the

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1 Sea. I'm past president of the HOA and was  
 2 part of the negotiations back in 2010.  
 3 And I'm also the mother of a child with  
 4 learning disabilities who attended Gulliver,  
 5 and I understand the issues that they're  
 6 talking about, but I'm here in opposition,  
 7 mainly for two issues. One, there's an  
 8 agreement with the HOA, a legal settlement.  
 9 There's an Ordinance in place and it was always  
 10 part of the agreement that they would reach out  
 11 to us whenever there was something that needed  
 12 to be modified and they never have done that.  
 13 So that's something that we would require.  
 14 So that's all I want to say. I'm  
 15 definitely opposed to this for those reasons  
 16 and I hope that we can discuss this further.  
 17 Thank you.  
 18 THE SECRETARY: No more speakers.  
 19 CHAIRMAN AIZENSTAT: Thank you.  
 20 At this time, I'd like to go ahead and  
 21 close the floor. And Laura.  
 22 MS. RUSSO: I'd like to go over a couple of  
 23 the points that were made. Number One, to  
 24 emphasize, it's in the Staff Report, the  
 25 student cap does come from 1998. So with my

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1 highlighted all of the things that were  
 2 required to be done before anything. I mean,  
 3 before Gulliver could do a thing, they had to  
 4 do -- before they could build a building, they  
 5 had to do all of the external improvements,  
 6 close the access, create the landscaping and  
 7 all of which have been done, and some of the  
 8 buildings that were supposed to be demolished  
 9 have been demolished. Some have not been  
 10 constructed, because a lot of is based on  
 11 funding.  
 12 I would like to state that I submitted a  
 13 traffic report that was conducted by Tim  
 14 Plummer with my application back in February,  
 15 so that has been of record and accessible  
 16 online. At the neighbor's meeting, we had  
 17 Mr. Plummer and his associate, Mr. Juan  
 18 Espinoza, present, and the only neighbor that  
 19 came to a meeting that was appropriately  
 20 noticed was Mr. Carlos Santeiro.  
 21 So we have not requested a change to any of  
 22 the facilities, to any of the setbacks that  
 23 were promised and adhered to. This is a change  
 24 strictly to the students, to the student count.  
 25 And I'd also like to state that there are

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1 math, which was never a strong suit, but that's  
 2 21 years. The Master Plan, which was a very  
 3 big Master Plan, that started the planning  
 4 process 2008, culminated in 2011, was huge. It  
 5 involved new proposed buildings, a new proposed  
 6 gym, an auditorium, classroom buildings and  
 7 Mr. Fernandez is correct, and so is Mr.  
 8 Santeiro, they were represented by counsel,  
 9 Gulliver were represented by counsel. And  
 10 there were a lot of visits to the school, a lot  
 11 of physical issues that were corrected at the  
 12 school that occurred post Katrina and the  
 13 other -- Wilma.  
 14 Both of those hurricanes had done a lot of  
 15 damage to the surrounding landscaped area. At  
 16 the time, there had been abuse of the external  
 17 exits that existed on Campamento, which was in  
 18 front of a residential area. There was loading  
 19 and unloading of all of the school food  
 20 supplies, all of the food delivery and  
 21 everything. So it was a process that went  
 22 forever.  
 23 The culmination was a Master Plan that  
 24 specifically had, and if you have a copy of the  
 25 2011 Ordinance you will see that it has

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1 currently four to five police officers in the  
 2 morning drop-off and in the afternoon pick-up,  
 3 and having represented a lot of schools in  
 4 Coral Gables, I don't think there is another  
 5 school, at least in Coral Gables, and maybe not  
 6 even in Dade County, that has that number of  
 7 police officers, both in the morning pick-up  
 8 and in -- in the morning drop-off, I'm sorry,  
 9 and in the afternoon pick-up.  
 10 I think what we have to understand here,  
 11 that this school is in an intersection, a very  
 12 important intersection, but of two historic  
 13 roads, Red Road and Old Cutler Road, both of  
 14 which have been declared historic and cannot be  
 15 expanded, in term of aisle width or size or  
 16 capacity, and as other municipalities and as  
 17 the County continues to allow development  
 18 further south and west, that traffic also has  
 19 an impact. And this application came under the  
 20 City's new traffic Ordinance, and I'm going to  
 21 read you something from the consultant's  
 22 report, that is in the Staff Report, which is  
 23 "A traffic impact analysis was also provided  
 24 and the applicant's trip generation was  
 25 reviewed by the City's traffic consultant, HW



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1 Lochner. A traffic impact analysis was also  
 2 provided, which concluded that the proposed  
 3 increase of 98 students does not have an  
 4 adverse effect on the surrounding network  
 5 arterial links and intersections, with the  
 6 exception to Southwest 120th Street at Pine  
 7 Needle Lane, during the a.m. peak period. All  
 8 other level of services remain consistent with  
 9 the existing conditions.  
 10 So I have Mr. Plummer here, who is  
 11 available to answer questions, and so you know,  
 12 the actual Ordinance does have provisions for  
 13 being able to make changes, whether they be  
 14 major changes, like this one, which the  
 15 enrollment cap is considered a major change,  
 16 which is why we're in a public forum, versus a  
 17 minor change to a PAD, which if it's within  
 18 certain parameters, does not, and my notice,  
 19 both for this meeting and for the neighbor's  
 20 meeting, went to everyone on the notice list  
 21 within a thousand linear feet of the parameters  
 22 of the subject property, and, you know, we only  
 23 heard from Carlos Santeiro. We didn't hear  
 24 from any other, whether it be in writing or  
 25 anything at all whatsoever.

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1 MS. RUSSO: Correct.  
 2 MR. MURAI: You know, I'm very sympathetic  
 3 to what you have said regarding not  
 4 discriminating with students who maybe may have  
 5 learning disabilities. I understand that. But  
 6 have you guys considered just reducing the  
 7 number of students that you're allowed to have  
 8 in the main campus?  
 9 I see, from the chart here, that you've had  
 10 as few as 1,099 and 1,098 in different years.  
 11 I mean, you could, you know, presumably, set a  
 12 cap of 1,200, let's say, as opposed to 1,260  
 13 and accommodate your students from the  
 14 Montgomery Campus, in order to lessen the  
 15 effect on the community.  
 16 And I want to -- just one more thought.  
 17 The Coral Gables expert said exactly what you  
 18 said, I'm reading it. It also said that,  
 19 "Shown the results of the queue analysis the  
 20 actual amount of queuing needed is greater than  
 21 the existing site can accommodate on site." And  
 22 it says, "However, existing of certain queues  
 23 appear to adversely impact Old Cutler Road and  
 24 Red Road during school start and dismissal.  
 25 Although these impacts last only approximately

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1 CHAIRMAN AIZENSTAT: Thank you.  
 2 MS. RUSSO: Once again, I respectfully  
 3 request your approval of our application.  
 4 CHAIRMAN AIZENSTAT: Thank you.  
 5 At this time, I'd like to open it up to the  
 6 Board.  
 7 MR. MURAI: I have a question. Is there a  
 8 time issue here? Is this something you're  
 9 trying to get done by the beginning of the  
 10 school year?  
 11 MS. RUSSO: Not for the beginning of this  
 12 Fall, but, rather, the projected time line is  
 13 for Fall 2020. Correct, so not for this 2019,  
 14 but the following Fall.  
 15 MR. BEHAR: And I have a question.  
 16 MR. MURAI: Go ahead.  
 17 MR. BEHAR: I understand that -- or heard  
 18 that 98 students are dismissed from the campus  
 19 today.  
 20 MS. RUSSO: That is correct.  
 21 MR. BEHAR: At the afternoon dismissal,  
 22 what is the total number of students on campus?  
 23 MS. RUSSO: Currently, if I'm not mistaken,  
 24 there is 1,239 being dismissed.  
 25 MR. BEHAR: 1,239 today at dismissal?

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1 thirty minutes, a school stacking management  
 2 plan is suggested. Staggered dismissal is a  
 3 suggestion that our expert said."  
 4 Do you guys have a staggered dismissal and  
 5 start?  
 6 MS. RUSSO: There currently is staggered  
 7 dismissal. The school is divided in three.  
 8 The primary, which is Pre-K, junior  
 9 kindergarten, senior kindergarten, that's one  
 10 division. Then you have lower school, which is  
 11 first through fourth grade, and you have middle  
 12 school, which is fifth through eighth grade.  
 13 The two divisions with the greatest numbers are  
 14 the lower and the middle school. The primary  
 15 has the least number of students.  
 16 So we read the recommendations from the  
 17 traffic engineer, and we also had some  
 18 recommendations from Tim Plummer, and one of  
 19 Tim Plummer's recommendations to us, which we  
 20 had agreed to in our application, was to  
 21 increase our queue within our own property, all  
 22 right, for an additional 330 feet within the  
 23 access drive, everything being internal. So  
 24 none of it is external or will impact the  
 25 neighborhood, but to increase that queue, which

1 would allow that queue to come off of Red Road  
 2 and to increase that queue inside, and we have  
 3 some visuals --  
 4 MR. MURAI: What are your starting times  
 5 now for all of these three divisions?  
 6 MS. RUSSO: Our starting time, so middle  
 7 starts at 8:00 a.m., the lower school starts at  
 8 8:10, and the primary school, which has the  
 9 least number of students, starts at 8:20.  
 10 MR. MURAI: The recommendation here by  
 11 Lochner says, staggered dismissal times spaced  
 12 more than thirty minutes apart.  
 13 MS. RUSSO: Yeah, that's a little rough,  
 14 and we have a couple of issues with that, one  
 15 of them being that kids this age need more  
 16 sleep rather than less and you just can't start  
 17 it as early as 7:30 in the morning.  
 18 We looked at that, and what we are willing  
 19 to do, because of the two main groups that have  
 20 the most students, so to give you an idea, and  
 21 I think you have the numbers there, one group  
 22 has approximately 400 students, that's the  
 23 lower school, and the middle school has  
 24 approximately six -- I'm off by some numbers --  
 25 is to stagger those. Currently they're only 10

1 MR. KLING: To answer your question, with  
 2 regard to managing enrollment with an  
 3 enrollment cap, as you can see, it's in the  
 4 Staff Report, on Page 5, our historical  
 5 enrollment, which has been, in some years, well  
 6 under the 1,162. So one thing I think the  
 7 Board, as well as the neighbors should take  
 8 some comfort in, is that Gulliver's -- you  
 9 know, our desire is to not to push right up  
 10 against that cap and have 1,160, 1,161, 1,162  
 11 every year.  
 12 When you're managing an enrollment cap,  
 13 it's actually a challenge for our admissions  
 14 office and for how we put together classes in  
 15 our school and how we deliver the mission of  
 16 the school. So we have a lot of applications.  
 17 We have acceptances. We have to measure yield.  
 18 So it's important to be able to manage a cap  
 19 with some headroom, as we've demonstrated here  
 20 historically, so that if you have a great  
 21 family that moves into the Gables in late  
 22 August, that you can accept that family, and  
 23 maybe they have a child at the upper school  
 24 campus, the prep campus in Pinecrest, and they  
 25 have two younger ones, and one of Gulliver's

1 minutes apart, make those more than twenty  
 2 minutes apart and keep the primary, which has  
 3 less than 200 kids, at whatever is best for  
 4 that age group.  
 5 So we're committed to separating more than  
 6 twenty minutes the two main groups and to doing  
 7 that additional queue internally of -- it's 330  
 8 feet, Tim? Oh, I'm sorry, a 660 feet internal  
 9 queue that will take off some of the pressure.  
 10 MR. MURAI: And in your application, have  
 11 you agreed to the staggered times of more than  
 12 twenty minutes?  
 13 MS. RUSSO: I had not, because in our  
 14 application, that didn't come until after. So  
 15 we can't do the 30 minutes, just because of  
 16 children and scheduling and siblings, but we  
 17 can do the twenty minutes between the lower  
 18 school and the middle school.  
 19 MR. KLING: Mr. Murai -- am I saying your  
 20 name correctly?  
 21 MR. MURAI: Well, it's more or less.  
 22 MR. KLING: Mr. Murai, to answer your  
 23 question --  
 24 MR. MURAI: I mean, I've been called many  
 25 things, so it doesn't matter.

1 mission is, we try, where possible, to serve  
 2 entire families.  
 3 So it's our desire, where we can -- we  
 4 serve a wide range of learners, and so, where  
 5 possible, we would love to be able to accept  
 6 that family with the three children and so we  
 7 have to maintain some headroom. We never know  
 8 exactly what our yield is going to be when we  
 9 send out acceptances, so, again we have to  
 10 carefully manage it. So that's why it's  
 11 important to have a little larger than actual  
 12 enrollment cap, so that we don't get in trouble  
 13 and don't bump up against that, and, also, a  
 14 lot of the times, these are end of year  
 15 numbers.  
 16 Perhaps, during some of the years -- in  
 17 fact, I can tell you for sure, during this last  
 18 year, we might have been higher at points in  
 19 the year, slightly higher, but a family moves  
 20 away at Spring Break or at Winter Break and so  
 21 we lose three in the middle of the year. So  
 22 that's why there has to be some -- if you think  
 23 about it, it's a pretty small percentage of  
 24 headroom relative to that cap that we're  
 25 managing against, but that's why the 1,260 has

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1 been requested.

2 CHAIRMAN AIZENSTAT: Thank you.

3 Venny.

4 MR. TORRE: I have a question. So it says

5 here at the neighborhood meeting -- can you

6 hear me?

7 MS. RUSSO: Yes, I can.

8 MR. TORRE: The neighborhood meeting was

9 held on 4/1. Is that correct?

10 MS. RUSSO: That is correct.

11 MR. TORRE: That's a long time ago, and I'm

12 just surprised at the comment that was made

13 earlier that there was a very short amount of

14 time to understand the project.

15 Was there nobody at that meeting? Was

16 there no discussion between then and now?

17 That's a long time.

18 MS. RUSSO: Mr. Carlos Santeiro was present

19 at that meeting. We did not, at that time,

20 have the City's consultant's report. We had

21 our traffic engineers there. So at that

22 meeting, Mr. Juan Espinoza was there and

23 explained his findings.

24 The City actually started -- you know, the

25 City was contracted -- the consultant for the

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1 Ordinance.

2 It does say that revisions that are minor

3 can be done administratively and it says here,

4 all other changes, including obviously required

5 on-site parking, will be subject to this

6 process that we're doing today.

7 MS. RUSSO: Can you tell me where you're

8 reading from?

9 MR. TORRE: I'm reading from the Ordinance,

10 Page 3. It's the first shaded area.

11 MS. RUSSO: In the shaded area.

12 MR. TORRE: And I'm looking for your

13 comment of what allows this to be amended, and

14 I'm looking that that's where it says that.

15 MS. RUSSO: Well, this is a Planned Area

16 Development Agreement, so this was approved

17 under the PAD Ordinance that allows -- and any

18 Ordinance is allowed to be amended by another

19 Ordinance. It requires a public hearing

20 process. Under the Zoning Code, under the PAD

21 requirements, there's a definition of what

22 constitutes a minor amendment and then there is

23 a major amendment. A student enrollment cap

24 comes under a major amendment, so it requires a

25 public hearing.

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1 City was contracted in early April, even though

2 we had the initial meeting in March, they were

3 contracted and they did their study, which

4 apparently -- at least one of the days we know

5 was toward the -- was actually the very last

6 day of school. So some of their counts might

7 be, how shall I say, adversely affected by the

8 fact that on the last day of school, I don't

9 think you have the normal pick-up and

10 dismissal. At least, if my memory serves me,

11 there was "Oh, I have to say good-bye to so and

12 so. I have to pick so and so. I forgot the

13 present for Ms. So and So in the car," and I

14 know the last day of school tends to be not

15 your normal regular transportation day.

16 But that information was not available. I

17 had not heard from Mr. Santeiro since that day,

18 but notices were mailed out to all of the

19 neighbors, as were the notices for this

20 meeting.

21 MR. TORRE: It just seems that -- the

22 question about having enough time to review

23 this -- I'm looking at the Ordinance, and even

24 though we don't have the agreement itself, we

25 do have a lot of information from this

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1 If I took one of the buildings on campus

2 and wanted to move it in the middle of the

3 baseball field, that would be a major

4 amendment. If I wanted to -- currently the

5 setback is, I don't know, approximately over

6 200 feet from the eastern boundary of the

7 school, which abuts Bernal, a change to that

8 would be a major amendment that would require

9 it.

10 So PAD applications in the Code itself

11 always allow for amendments, as long as it goes

12 through the public hearing process.

13 MR. TORRE: My point of this is to be a

14 fair process for them. They've asked for more

15 time, but I believe that if this is correct,

16 then the time necessary to have these debates

17 would have passed by now.

18 MR. TRIAS: Mr. Chairman, in addition,

19 let's keep in mind that this is an Ordinance,

20 so it has to go to the Commission twice, and

21 the earliest the second time will be, will be

22 in September. So there's a significant amount

23 of time to finalize the details of the

24 Ordinance.

25 CHAIRMAN AIZENSTAT: Okay. Rhonda.

1 MS. ANDERSON: We don't have a copy of the  
2 agreement. I applaud what you're doing trying  
3 to bring the students in. I have concerns with  
4 not having a copy of the agreement and that  
5 there was proper notice and opportunity to be  
6 heard.

7 The information that was provided to the --  
8 you said you provided notice to the neighbors.  
9 I did not hear that there was notice to the  
10 homeowners association itself, which  
11 encompasses a much broader area, where the  
12 traffic, you know --

13 MS. RUSSO: The homeowners association  
14 doesn't -- the address that they have on file  
15 was noticed, and I will have Mr. Kling come to  
16 the podium, because he did speak with the  
17 president of the association. I did not.

18 MR. KLING: Again, as the president of the  
19 school, I'm not aware of a side agreement that  
20 was signed and that we are managing with a  
21 group of homeowners or the specific homeowners  
22 association. The negotiations that occurred  
23 resulted in it being incorporated into the  
24 Ordinance.

25 MR. TRIAS: Mr. Chairman, may I ask? Is

1 the agreement that they're talking about the  
2 one from 1995 that is the --

3 CHAIRMAN AIZENSTAT: No, '98.

4 MR. TRIAS: No, I'm saying, that is listed  
5 here as one of the conditions. Is that what  
6 we're talking about or are we talking about  
7 something different?

8 MS. RUSSO: No. I believe they're talking  
9 about the 2011 settlement agreement.

10 MS. TRIAS: And is that listed in the  
11 Ordinance, that particular agreement?

12 MR. KLING: So, again, you know, our  
13 understanding is that we're working within the  
14 Ordinance and we do. We pay careful attention  
15 to that Ordinance to make sure we are  
16 constantly complying and working within that,  
17 and those -- when we've worked with Laura,  
18 that's how we proceeded. And keep in mind, a  
19 homeowners association typically, even if they  
20 incorporate as an entity, you know, the  
21 methodology that the City has chosen to give  
22 notice to surrounding neighbors is the thousand  
23 foot mailing to individual homeowners, not  
24 specifically to give any kind of certified or  
25 official mail to a particular officer of a

1 homeowners association or for us to try to  
2 determine that.

3 So we did the required mailing to all of  
4 the neighbors. Again, one of the neighbors who  
5 attended that meeting is here. We were quite  
6 surprised by the lack of turnout, and actually  
7 disappointed, for the reasons we're  
8 experiencing tonight, that people come and say,  
9 "We haven't engaged with Gulliver."

10 We tried to engage with our neighbors.  
11 Honestly, I hoped and we believed that one of  
12 the reasons there wasn't a lot of turnout -- we  
13 had an earlier neighborhood meeting around a  
14 minor modification that didn't have to come  
15 before this Board, which we achieved  
16 successfully, so we actually had a prior  
17 neighbor meeting as well, but I took that to  
18 say that our neighbors are happy with Gulliver,  
19 that we're complying with the Ordinance, we are  
20 being a good neighbor, we're maintaining the  
21 hedge. So, you know, I took that as a sign  
22 that the neighbors are pleased with Gulliver  
23 and there wasn't -- you know, again, we mailed  
24 it to the thousand foot radius and did not have  
25 many come out.

1 MS. ANDERSON: Okay. Let me just get more  
2 specific with my questions, because on the one  
3 hand, you're talking about the contract, what  
4 notice is required by the contract. The  
5 homeowners association has complained about  
6 that.

7 What exactly was presented at this April  
8 1st meeting, neighborhood meeting, and what  
9 information has developed since then that these  
10 homeowners have not heard?

11 MS. RUSSO: At that neighborhood meeting,  
12 we had a PowerPoint presentation. We had a  
13 PowerPoint presentation that put together the  
14 reasoning for the increase in the students. We  
15 had Mr. Tim Plummer, who had already conducted  
16 their traffic counts, and they had already done  
17 their analysis of the drop-off of the school.  
18 I believe we did it back in January or  
19 February. So we already had that information.

20 We did not have the City's information,  
21 from the City consultant, I want to say, until  
22 late May. We had to go out looking for it,  
23 because it just --

24 MR. MURAI: Well, the report is dated June  
25 11th.

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1 MS. RUSSO: June 11th, yeah.

2 MS. ANDERSON: So that information wasn't

3 available.

4 MS. RUSSO: No, that information was not

5 available at the neighborhood meeting. That is

6 correct. It was not.

7 MS. ANDERSON: Did you discuss bussing

8 options with them to bring some folks in with

9 less traffic?

10 MS. RUSSO: Excuse me, bussing, currently

11 there are busing options. A majority of the

12 students that come from Key Biscayne, I don't

13 know how many, and Mr. Kling can answer that,

14 but they come by bus from Key Biscayne, and

15 that's something that was --

16 MR. KLING: So one positive change that has

17 occurred to the traffic pattern since the 2011

18 approval is Gulliver instituting a bus from Key

19 Biscayne. We have about 200 families who live

20 on Key Biscayne and send students to Gulliver

21 and so we have 60 students who are bussed by

22 the Gulliver bus. That's a contract bus

23 service that we offer to our families, and that

24 was not present in 2011.

25 So if you think about it, we're asking for

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1 MR. TRIAS: It's not applicable.

2 MR. WITHERS: So Fire and Police didn't

3 look at the additional student load and they

4 weren't questioned on whether that created an

5 impact on --

6 MR. TRIAS: Not in the context of the DRC,

7 no.

8 MR. WITHERS: Do you think that's

9 important?

10 MR. TRIAS: I think that the review of the

11 traffic was performed by the consultant, Public

12 Works, and I think that that was the relevant

13 issue, in terms of the impacts. I don't think

14 there was any other required reviews at this

15 point.

16 MR. WITHERS: I just think it might be

17 prudent to have Fire take a look at it and see

18 if the additional students impact the safety of

19 the kids at the school. I just think it might

20 be prudent to do that.

21 The other question I have for Staff is,

22 there's 226, I think, full-time employees

23 currently. What is the new number of

24 employees? I assume that a lot of the

25 employees for the 103 students that come over

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1 98 additional students. Since 1998 or 2011, we

2 now bus 60 students that weren't being bussed

3 in 2011. We also now allow private bus

4 services, such as Cindy's Transportation and

5 others, to bring multiple, and carpool, and we

6 don't know the exact count. I can find out,

7 but I don't have the exact count of that

8 tonight, but I would say that, approximately

9 the additional number of students are being

10 bussed today that were not being bussed

11 previously. So we are bussing.

12 MS. ANDERSON: Okay. Can you enhance that

13 bussing program to reduce the traffic?

14 MR. KLING: We can certainly look to do

15 that.

16 CHAIRMAN AIZENSTAT: Chip.

17 MR. WITHERS: I have a couple of questions

18 for Staff and then one for Ms. Russo. I guess,

19 let me start with Staff. As far as the -- I'm

20 just curious to know, when you talk about --

21 this is on the type of reviews that were done,

22 Development Review Committee, the Board of

23 Architects, when you put N/A, does that mean

24 it's not applicable or that it doesn't affect

25 it?

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1 in the afternoon are already there. Are there

2 any additional to the 226?

3 MR. TRIAS: I'm not aware of any. Maybe

4 the applicant can clarify that, but I believe

5 they have the same amount.

6 MS. RUSSO: I have that information on the

7 big plan.

8 MR. WITHERS: Laura, we have something.

9 It's in the Staff Report. It was 226 or 227, I

10 think.

11 MS. RUSSO: Yeah, it's in the Staff Report.

12 I think 228 is the total parking required,

13 that's based on full-time employees, and that

14 number of two --

15 MR. TRIAS: We have 226.

16 MS. RUSSO: Okay. All right.

17 MR. WITHERS: I guess my last question, how

18 many kids drive to school?

19 MS. RUSSO: None.

20 MR. WITHERS: So why is there a parking

21 requirement for one of every four students that

22 are 16 years or older?

23 MS. RUSSO: Because that's the City's

24 parking code for any student. So it would

25 apply to any high school, but it doesn't apply

1 to the middle school. It doesn't apply to this  
 2 campus. Only full-time employees --  
 3 MR. WITHERS: No, I understand, but it  
 4 says, one of four students 16 years or older.  
 5 MS. RUSSO: Right, and that is a quote  
 6 directly from the City's Zoning Code. That's  
 7 not saying that we have 16-year-olds. That's  
 8 just --  
 9 MR. WITHERS: That's what I was  
 10 questioning.  
 11 MS. RUSSO: Yeah. No, we don't have any  
 12 16-year-olds driving, no.  
 13 MR. WITHERS: I know. Okay.  
 14 MS. RUSSO: And we currently have more than  
 15 enough parking to handle that. And  
 16 eventually --  
 17 MR. WITHERS: I know we're not talking  
 18 about that today. So the 226 full-time  
 19 employees, there might be another five or six.  
 20 So I'm trying to put my arms around the 98  
 21 additional trips that were created, but we're  
 22 only told, there's only 60 trips that are  
 23 created, because some of the kids have siblings  
 24 there and everything like that.  
 25 Do the 98 trips that are projected include

1 So Mr. Withers, when you mentioned fire  
 2 analysis, this past year there were 1,239  
 3 students on this campus beginning at lunchtime  
 4 every day already. So the actual increase to  
 5 the 1,260, in terms of the intensity and the  
 6 use of the campus beginning at lunchtime and  
 7 forward, is essentially unchanged. Again,  
 8 remembering the comment about managing under an  
 9 enrollment cap --  
 10 MR. MURAI: So the whole staff at  
 11 Montgomery is fifteen individuals, including  
 12 faculty and support staff, et cetera?  
 13 MR. KLING: Approximately, correct. That's  
 14 right.  
 15 CHAIRMAN AIZENSTAT: Robert.  
 16 MR. WITHERS: So the existing enrollment  
 17 technically is 1,260, not 1,137 in the  
 18 afternoon?  
 19 CHAIRMAN AIZENSTAT: 1,235 is what I got.  
 20 MR. WITHERS: Yeah. I'm sorry.  
 21 MR. KLING: But under the Code they're  
 22 considered visiting students.  
 23 MR. WITHERS: I understand.  
 24 Laura, and, again, this was 2011. All I  
 25 remember was, we were talking about a gate on

1 the additional employees that might be working  
 2 there? Did Mr. Plummer incorporate that in his  
 3 study?  
 4 MS. RUSSO: I'm going to ask Mr. Plummer to  
 5 answer that question.  
 6 MR. WITHERS: So he'll probably let us know  
 7 how many employees there might be added.  
 8 MR. PLUMMER: Good evening. Tim Plummer,  
 9 with David Plummer and Associates, with offices  
 10 at 1750 Ponce de Leon Boulevard.  
 11 To answer Mr. Wither's question, full-time  
 12 employees, teacher, staff, are included in the  
 13 ITE trip generation when you add students.  
 14 MR. WITHERS: Perfect. Okay.  
 15 MR. MURAI: One question, Mr. Plummer. How  
 16 many faculty and staff are going to be coming  
 17 over from Montgomery to the Academy?  
 18 MR. PLUMMER: That's a question for  
 19 Gulliver.  
 20 MR. KLING: So it's approximately fifteen  
 21 additional staff members. And, again, the  
 22 thing for the Board to remember is that those  
 23 staff members are at this campus by lunchtime  
 24 every day today, as well as the number of  
 25 students.

1 one of the side streets, but I don't ever  
 2 remember a student population being discussed  
 3 in the agreement with the neighbors. And I'd  
 4 like to know, maybe the City Attorney can find  
 5 out if that 2011 agreement addressed student  
 6 population, because I don't know that --  
 7 MS. RUSSO: It's in the Ordinance.  
 8 MR. WITHERS: I know, but I'm talking about  
 9 the agreement.  
 10 MR. COLLER: I have the agreement here.  
 11 First of all, let's clarify the agreement  
 12 and what the enforcement is and what the  
 13 relevancy to this Board is.  
 14 Apparently there was a side private  
 15 agreement between the neighbors and the school  
 16 and that's embodied in this agreement. In  
 17 looking at this very briefly, I don't see  
 18 necessarily a number of students. The number  
 19 of students is contained within the Ordinance,  
 20 and the Ordinance can, of course, be modified,  
 21 like all Ordinances can be modified, and that's  
 22 what they're seeking to do here.  
 23 There are provisions in this agreement,  
 24 just briefly looking at it, that talk about  
 25 periodic meetings between the association and

1 the school. There's a notice in this private  
2 agreement or a provision in this private  
3 agreement that specific notice be sent to the  
4 president of the homeowners association if  
5 there's major construction, but that is a  
6 private agreement between the parties. That is  
7 not -- what your enforcement is, is the  
8 Ordinance, and that was what was accepted by  
9 the City Commission.

10 And this is not relevant, other than if the  
11 Board feels that the -- and Mr. Trias did  
12 explain that this has got a road to go, but if  
13 the Board feels that a conversation needs to  
14 take to place and you choose for one deferral  
15 to allow for the parties to meet, obviously  
16 that's in your purview, but the enforcement of  
17 this private agreement is not something that  
18 the City enforces.

19 CHAIRMAN AIZENSTAT: Craig, let me ask you  
20 a question. I was on the Board back in 2010  
21 when this happened. I recall that we had  
22 meetings on July (sic) 14th, 2010. It was  
23 brought back on July 21st of 2010. And it was  
24 brought back September 15th. So three times we  
25 heard this. Laura, you were here. Robert was

1 Ordinance, and then, when that Ordinance is  
2 approved, there would be an amendment to the  
3 restrictive covenant that would affect, you  
4 know, the provision of the restrictive  
5 covenant.

6 CHAIRMAN AIZENSTAT: Right, but it's more  
7 than just an agreement that was put in place.

8 MS. RUSSO: So let me read to you from the  
9 ordinance about the restrictive covenant.  
10 "Within 30 days of City Commission approval,  
11 the property owner, its successors or assigns  
12 shall submit a restrictive covenant for City  
13 Attorney review and approval outlining all  
14 conditions of approval required by City  
15 Commission."

16 And so that is all of the conditions of  
17 approval, not just one. It's all of these  
18 conditions that were here, that we're closing  
19 the Campamento access, that we're putting in  
20 the landscaping, creating the internal  
21 driveway, reinstating setbacks from Bernal  
22 Street, which is, you know, all of the athletic  
23 fields.

24 If you look at the actual Site Plan of the  
25 campus, the intensity of the campus is all on

1 at that time on the Board also.

2 And one thing that I recall is, as part of  
3 the agreement for what you were doing, there  
4 was supposed to be a restrictive covenant and  
5 that restrictive covenant was supposed to be  
6 put in place for the amount of students. Is  
7 there a restrictive covenant? Was that done?

8 MS. RUSSO: There is a restrictive  
9 covenant, as there is with all Ordinances that  
10 approve a PAD. There is a restrictive covenant  
11 that follows the language of --

12 CHAIRMAN AIZENSTAT: But that restrictive  
13 covenant was specific to the amount of  
14 students.

15 MS. RUSSO: Well, it was specific to all of  
16 the conditions of approval. If you look at the  
17 restrictive covenant -- if you look at the  
18 Ordinance --

19 CHAIRMAN AIZENSTAT: But what you're asking  
20 us now is to undue a restrictive covenant.

21 MS. RUSSO: Well, it's to make an amendment  
22 to a restrictive covenant, just like you make  
23 an amendment -- I mean, it cannot be amended  
24 without a public hearing. So it's an amendment  
25 process, that it requires amending the

1 the western boundary of it. It was meant to  
2 never encroach --

3 CHAIRMAN AIZENSTAT: But I remember that  
4 Eric Riel, at that time, who was the Director,  
5 and as part of one of the conditions, it was  
6 very specific, it said that a restrictive  
7 covenant shall be submitted to the City  
8 limiting the enrollment of Gulliver Academy to  
9 a maximum of 1,162 students.

10 I understand there's other items that are  
11 in that covenant.

12 MS. RUSSO: And that is in the covenant.  
13 That's in the covenant, with all of the  
14 conditions of approval, and that student  
15 enrollment cap was not a new number back then.  
16 What Eric Riel wanted to do, which he did,  
17 because I know he did this more than once, was  
18 reinstate the existing cap.

19 So that cap, as was stated in the Staff  
20 Report, was a cap that was created before my  
21 involvement with the school, which was in 1998.  
22 When they did, I guess, their first Master Plan  
23 is when they came with that student enrollment.

24 So this is a request after 21 years of a  
25 student enrollment cap of --

1 CHAIRMAN AIZENSTAT: But in 1998, there was  
 2 not a covenant.  
 3 MS. RUSSO: You know what, I do not know.  
 4 CHAIRMAN AIZENSTAT: Just the way I read  
 5 from what happened --  
 6 MS. RUSSO: There may or may not have been  
 7 a requirement for a covenant. I know when Eric  
 8 arrived, he was very much the covenant guy. So  
 9 if he was around in '98, there was a covenant.  
 10 MR. TRIAS: But Mr. Chairman, it was  
 11 approved in 1998 as an Ordinance.  
 12 CHAIRMAN AIZENSTAT: As an Ordinance, not a  
 13 covenant. And then in 2010, it was done as a  
 14 covenant -- as a restrictive covenant to run  
 15 with the land.  
 16 MR. BEHAR: But I think, if I remember  
 17 correctly, the main concerns for the residents  
 18 in 2010, 2011 was the closure of the access  
 19 from the side street.  
 20 MS. RUSSO: At Campamento.  
 21 MR. BEHAR: A lot of those, not necessarily  
 22 at all -- I don't remember the enrollment  
 23 number being limited to a specific. I  
 24 remember, you know, we met, I think it was more  
 25 than three times, if I recall. It was more

1 in support of that, okay, bringing the 98  
 2 students to the campus, and they're there today  
 3 at dismissal time, they come in at lunchtime --  
 4 obviously, there doesn't seem to be a need to  
 5 bring it up to 1,260.  
 6 Currently you have 1,235, if I remember.  
 7 CHAIRMAN AIZENSTAT: Well, 1,235 is with  
 8 the 98.  
 9 MR. BEHAR: You know, I think it's  
 10 important for the students to be there, and not  
 11 from noon on, from, you know, early in the  
 12 morning. I think there needs to be more  
 13 interaction with the whole school. I think  
 14 it's good, but I think maybe perhaps that  
 15 number of 1,260 that you have, and for  
 16 future -- over the last nine years, you have  
 17 not reached those numbers, and perhaps we can  
 18 do something that brings the 98 students in,  
 19 but doesn't reach the maximum of 1,260.  
 20 MR. KLING: So, again, 1,239 which is, I  
 21 believe, what we reported as our end of year  
 22 enrollment, there may have been a time in the  
 23 year we were actually at 1,243. I will also  
 24 tell you that this particular past year, we had  
 25 record applications for Gulliver. Obviously,

1 specific to site conditions, which they wanted  
 2 to be on a covenant, and I think, at that time,  
 3 I guess, you know, the --  
 4 CHAIRMAN AIZENSTAT: It was the UPS trucks  
 5 and everything that --  
 6 MR. BEHAR: All that I remember, the  
 7 trash --  
 8 MS. RUSSO: The food delivery, the trash,  
 9 the fact that you could see this, the fact of  
 10 the beep, beep, beep every time the truck would  
 11 back up and the fact that the white fly had  
 12 affected -- there had been apparently like a  
 13 nine-foot ficus hedge and the white fly had  
 14 affected all of the hedge on Campamento, so  
 15 there was visibility, and it was -- I mean, I  
 16 know we walked it several times. We actually  
 17 walked the exterior of the campus and the  
 18 interior.  
 19 MR. BEHAR: My question to the president is  
 20 that, over the last nine years, your average  
 21 has been 1,113 students, okay. That is  
 22 significantly less than what you're allowed to  
 23 have. You're allowed 1,162. And I tend to  
 24 almost agree with what Mr. Murai was saying,  
 25 where if we bring those 98 students -- and I'm

1 Miami is growing and so the interest in  
 2 Gulliver is growing, and so we do expect --  
 3 this past year, the 1,239 which is reported --  
 4 and, again, with 1,239, realizing you want to  
 5 have a little room to accept a family that has  
 6 moved to town or we might get higher within the  
 7 year, 1,260 is really about the right cap for  
 8 the school in managing that, and, again, not  
 9 really representing a more intense use than is  
 10 there now today, but it's a comfortable cap, so  
 11 that we don't run a risk of -- we would  
 12 certainly never violate the covenant, One, and  
 13 to be able to have some room to accept an  
 14 outstanding family that might move to town.  
 15 Another thing I would say, I know we talked  
 16 a lot about the history in 2011 and 1998. And,  
 17 again, my understanding is that even with the  
 18 restrictive covenant, as well as Ordinances,  
 19 they are designed to go through a public  
 20 hearing process to be able to be amended.  
 21 I know Coral Gables is a progressive city  
 22 and we are, you know, a progressive school and  
 23 the needs of students and educational needs  
 24 change. And so I hope this Board would  
 25 understand that, you know, every ten years it's



1 probably likely that Gulliver and other schools  
2 will come before the Board with needed changes  
3 to maintain and to kind of change with the  
4 times and to provide the services that students  
5 need today for their future.

6 The world of education, in the last ten to  
7 fifteen years, has really -- it's been turned  
8 on its head. We live in revolutionary times in  
9 the space of education, so to think that the  
10 schools that are within the Gables have to be  
11 limited by ten-year-old or twenty-year-old  
12 agreements, without any change, that would  
13 handcuff and cripple the fine progressive  
14 schools, not just Gulliver, that are located in  
15 the City.

16 So we want to respect that. Again, we  
17 reached out to the neighbors, we want to work  
18 with them, but this change is certainly needed  
19 as we look to Gulliver's future for the next  
20 fifteen, twenty years and beyond.

21 MR. MURAI: As I said before, I'm wholly in  
22 support, just like you, Robert, of having the  
23 two campuses together. I think kids who may  
24 need more help while they're studying are no  
25 different than the rest of the students.

1 covenant to run with the land and so forth, to  
2 then undo it.

3 I think there's other ways that you can  
4 implement these other 98 students from the  
5 Montgomery Campus to bring them in there and  
6 not go over your amount, and that's something  
7 that I think that you should look at.

8 As far as speaking to the other side, there  
9 was enough -- you know, you gave notice that  
10 started in April. I don't know how much  
11 they're going to speak or not speak, but I do  
12 agree that there is an agreement that's in  
13 place --

14 MS. RUSSO: And we're happy to conduct  
15 conversations between now and the City  
16 Commission meeting, which isn't until August  
17 something or other.

18 CHAIRMAN AIZENSTAT: At least you get a  
19 flavor, I think. I don't know how my fellow  
20 Board Members feel and I don't know if you'd  
21 like to have a deferral or you want us to take  
22 a vote.

23 MR. MURAI: I'm going the move for a  
24 deferral.

25 MS. ANDERSON: I'd just add to it that I

1 They're the same. They may need more help.

2 But I think there are other ways to  
3 approach this issue, in terms of a cap, a  
4 number, and I personally would like to see a  
5 little more discussion between the association  
6 and the school, and then bring it up -- have a  
7 deferral and we'll consider it the next time.

8 CHAIRMAN AIZENSTAT: You know, I agree with  
9 my fellow Board Members, as far as, it's a  
10 great idea to implement Montgomery into this  
11 Academy. I'm all for it. I think it's  
12 fantastic. But I also remember in 2010, the  
13 amount of people that came to those meetings.  
14 Laura, you remember. You were here. Standing  
15 up --

16 MS. RUSSO: We actually had the Fire  
17 Department actually shutdown City Hall.

18 CHAIRMAN AIZENSTAT: They were saying, "You  
19 can't have that many people." There were a lot  
20 of people here.

21 And one of the issues was the amount of  
22 traffic that was going to be in place, and the  
23 restrictive covenant capping it at the amount  
24 of students was then agreed upon. And to me, I  
25 have a hard time, when you do a restrictive

1 took a brief look at this agreement, the notice  
2 that was provided did require to go to their  
3 counsel, which it has an address in Naples. I  
4 think, with collaboration, we will have some  
5 happy parties at the end, if you do  
6 collaborate.

7 I'm in favor of bringing the students over.  
8 I'm concerned about the traffic. I'm concerned  
9 about the number of students. And you do need  
10 to reach out to your neighbors. I would  
11 recommend a deferral, as well.

12 CHAIRMAN AIZENSTAT: Chip.

13 MR. WITHERS: Am I speaking to a motion on  
14 the deferral or am I speaking on --

15 CHAIRMAN AIZENSTAT: Well, we have a  
16 motion. Is there a second?

17 MS. ANDERSON: I would second it.

18 CHAIRMAN AIZENSTAT: So we have a second on  
19 the deferral.

20 MR. WITHERS: I'm not in favor of a  
21 deferral and the reason for it is that it's  
22 going to be looked at by the Commission and  
23 it's going to be looked at at the Commission in  
24 three or four months from now, and I think it's  
25 incumbent that we put a record together that we

1 want them to meet and resolve this agreement.  
 2 Really, you know, they're already in  
 3 violation of their cap. I mean, by calling 93  
 4 students that come in the afternoon visitors --  
 5 CHAIRMAN AIZENSTAT: I agree with that.  
 6 MR. WITHERS: They're students. They're  
 7 already there, so they're already at the  
 8 numbers where they are now, unless we say -- we  
 9 change it and say, you can't accept visitors  
 10 and students, because, I mean, they're  
 11 students. They're there. They're being taught  
 12 there. I guess you're going to build more  
 13 classrooms.  
 14 MR. MURAI: They're not being taught there.  
 15 They're coming there after school hours.  
 16 CHAIRMAN AIZENSTAT: No. They're coming  
 17 there after lunch. They're being taught there.  
 18 MR. MURAI: I thought you said that at  
 19 lunchtime they were bussed in and then bussed  
 20 back to Montgomery.  
 21 MS. RUSSO: They're bussed in and they  
 22 remain and they are part of the pick-up group  
 23 in the afternoon.  
 24 MS. ANDERSON: Which is why the morning  
 25 impact is somewhat greater.

1 our application back -- and, again, that  
 2 process started 2009, the meetings were in  
 3 2010, there were, you know, a lot of issues and  
 4 there were a lot of neighbors who were upset by  
 5 Gulliver's presence and one of the big things,  
 6 if you'll recall, was the added police officer,  
 7 and that wasn't done here. The additional  
 8 police officer was done at the Commission, by  
 9 Commissioner Cabrera.  
 10 So that's why there are four police  
 11 officers. I don't know if you remember that,  
 12 Commissioner Withers, but he said, "I won't  
 13 vote unless you agree to a fourth police  
 14 officer," because they're actually managing  
 15 traffic that is not related to Gulliver.  
 16 So, yes, Gulliver has traffic coming in,  
 17 but there is traffic coming from the southwest  
 18 from people who live in Kings Bay, who live in  
 19 Deering Bay, who live in Palmetto Bay and  
 20 Cutler Bay, that are moving their way downtown,  
 21 and the police officers actually manually  
 22 switch the traffic signals at 120 and -- I  
 23 don't know about 128th, but 120th. They  
 24 manually, the police officers, I don't know if  
 25 they call it, I don't know how they secretly do

1 MS. RUSSO: Correct. And afternoon also  
 2 has more staggered, because there are students  
 3 that stay, that are involved in sports, that  
 4 are involved in robotics, different after  
 5 school activities that change -- pick-up is  
 6 always a less difficult time than drop-off.  
 7 MS. ANDERSON: You're not really in a rush  
 8 on this? This is for another year --  
 9 MS. RUSSO: No, it's for the academic year  
 10 of Fall 2020. So, you know, there is some  
 11 time.  
 12 MR. MURAI: I would want the City  
 13 Commission to see a recommendation from us for  
 14 approval.  
 15 MR. TORRE: I wonder, though, and obviously  
 16 everybody here is in favor of bringing these  
 17 kids, but I'm dismayed by the lack of trying to  
 18 reach this compromise earlier, though. I mean,  
 19 why has this time past, where we're talking  
 20 about it today?  
 21 With all of this involvement of this  
 22 community and all of this that have happened,  
 23 why hasn't this been discussed before?  
 24 MS. RUSSO: Had there been a huge number,  
 25 and Eibi and Robert can tell you, when we did

1 that, but they actually manually work the  
 2 traffic signals during the morning rush hour.  
 3 Not the afternoon.  
 4 CHAIRMAN AIZENSTAT: Craig, let me ask you  
 5 a question. We have a motion for the deferral  
 6 and we have a second. Do we need to ask the  
 7 applicant before we vote on that if they agree  
 8 to that?  
 9 MR. COLLER: They don't have to agree.  
 10 It's really up to you, the Board. However, if  
 11 we are going to defer it, if the desire is to  
 12 defer it, then I would recommend we defer it to  
 13 a date certain, because there would be no  
 14 additional cost. So we would need a date  
 15 specific, if we are choosing to defer it.  
 16 CHAIRMAN AIZENSTAT: Would you like to  
 17 proffer a certain date, because I'm going to  
 18 call the roll on the deferral?  
 19 MR. KLING: Before you call the vote, may I  
 20 give our perspective on the deferral and the  
 21 question about, are we in a rush? Would I be  
 22 permitted to speak to that, as the applicant?  
 23 CHAIRMAN AIZENSTAT: Yes.  
 24 MR. KLING: So while we're talking about  
 25 potentially the change going into effect in the

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1 Fall of '20, we actually met with Ramon and  
 2 Staff about this change actually back in August  
 3 of 2018. So we've been working on this now  
 4 almost a full year. We currently have a 64,000  
 5 square foot building under design as a part of  
 6 the Master Plan for this campus, and knowing  
 7 what our enrollment is for the campus is  
 8 important.  
 9 We filed our application in February. We  
 10 were the first applicant to be under the new  
 11 Ordinance of the City to have a separate  
 12 traffic study, not just a review of our own.  
 13 So from our perspective, from Gulliver, in  
 14 terms of our planning and our ability to plan  
 15 buildings that are under construction now, as  
 16 well as we actually lease the space from Temple  
 17 Bet Shira, so we have a lease end to manage.  
 18 So I would say, from the applicant's  
 19 standpoint, we do feel like we are in a rush,  
 20 and we would respectfully request this Board to  
 21 consider the matter, and as one member said, it  
 22 will then go on to Two Readings at City  
 23 Council. So our preference would be to have a  
 24 vote on the merits tonight and them maybe move  
 25 forward to Council.

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1 MR. WITHERS: So we're really not impacting  
 2 on the construction.  
 3 MS. RUSSO: Correct.  
 4 CHAIRMAN AIZENSTAT: Okay. We have a  
 5 motion. We have a second. Call the roll,  
 6 please. Oh, for the next meeting --  
 7 MS. RUSSO: August?  
 8 MR. COLLER: First of all, let's find out  
 9 if there is a meeting in August, because I  
 10 don't know --  
 11 CHAIRMAN AIZENSTAT: Let's just say the  
 12 next meeting that the Planning and Zoning  
 13 Board --  
 14 MR. COLLER: Well, we need to announce the  
 15 date and time. So we need to know what --  
 16 CHAIRMAN AIZENSTAT: Do we usually not have  
 17 a meeting in August?  
 18 MR. COLLER: I don't know what the plans of  
 19 the Department are.  
 20 MR. TRIAS: No, the plan is to have a  
 21 meeting. We have no items. And at this point,  
 22 I think this would be the only item, if I  
 23 remember correctly. This would be the only  
 24 item.  
 25 CHAIRMAN AIZENSTAT: Okay. So the meeting

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1 CHAIRMAN AIZENSTAT: Rene, you have a  
 2 motion and there's a second. Would you like to  
 3 recall your motion?  
 4 MR. MURAI: No, I would not.  
 5 CHAIRMAN AIZENSTAT: Okay. Rhonda?  
 6 MS. ANDERSON: No, I would not.  
 7 MR. WITHERS: So my question was, the  
 8 construction side of it, because obviously your  
 9 letter says that you plan new construction,  
 10 that's my point about the deferral, so that was  
 11 my question, how does that adversely impact  
 12 your construction plans moving forward? That's  
 13 my concern.  
 14 MS. RUSSO: The construction is under  
 15 design review. They're the plans that were  
 16 approved. So they're not -- the existing  
 17 buildings on the Master Plan, and they have a  
 18 new architect -- Zyscovich are the architects  
 19 now that are actually doing the design drawings  
 20 that we will take to the Board of Architects.  
 21 So they are implementing the Master Plan.  
 22 So that construction is going to go --  
 23 MR. WITHERS: So you're building it anyway,  
 24 whether the kids come or not.  
 25 MR. RUSSO: Correct.

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1 would be set for August.  
 2 MR. COLLER: So what is the date?  
 3 MS. RUSSO: August 14th, the second  
 4 Wednesday in August.  
 5 CHAIRMAN AIZENSTAT: Jill, call the roll  
 6 please for August 14th.  
 7 MR. COLLER: Just advise everybody to  
 8 please place this on your calendars, because  
 9 there will be no further notice than what's  
 10 done tonight.  
 11 CHAIRMAN AIZENSTAT: Jill.  
 12 THE SECRETARY: Rene Murai?  
 13 MR. MURAI: Yes.  
 14 THE SECRETARY: Venny Torre?  
 15 MR. TORRE: I'm in favor of a vote, but  
 16 I'll go with a deferral.  
 17 THE SECRETARY: Chip Withers?  
 18 MR. WITHERS: No.  
 19 THE SECRETARY: Rhonda Anderson?  
 20 MS. ANDERSON: Yes.  
 21 THE SECRETARY: Robert Behar?  
 22 MR. BEHAR: No.  
 23 THE SECRETARY: Eibi Aizenstat?  
 24 CHAIRMAN AIZENSTAT: No.  
 25 MS. RUSSO: So is it a three-three?

1 CHAIRMAN AIZENSTAT: Three-three.  
 2 MR. COLLER: Wait. It's three-three, which  
 3 is a tie, which means the motion fails, but  
 4 there is a provision --  
 5 MS. RUSSO: There's a provision that says  
 6 it goes to the next meeting.  
 7 MR. COLLER: Right. This is sort of a  
 8 novel issue, which is, the provision in the  
 9 Code says that if there's a tie vote, then it  
 10 gets carried over to the next meeting.  
 11 Now, in this case, it's not on the  
 12 substantive decision on whether it's approved  
 13 or not approved. But there was also a new  
 14 provision added, which allows the Board to  
 15 take another motion to seek a majority vote  
 16 before it gets necessarily taken over to the  
 17 next meeting.  
 18 So you have an opportunity to entertain  
 19 another motion before the next item is called.  
 20 It's up to the Board, if the Board wishes to do  
 21 this.  
 22 CHAIRMAN AIZENSTAT: Does anybody --  
 23 MR. BEHAR: Can I ask the applicant a  
 24 question?  
 25 CHAIRMAN AIZENSTAT: Please.

1 MR. BEHAR: The City Commission can do  
 2 whatever they want.  
 3 MR. COLLER: This Board is a recommending  
 4 Board. You make a recommendation.  
 5 MR. KLING: With that being the case, I  
 6 believe we would prefer to have 1,240  
 7 recommended, as opposed to a deferral or adding  
 8 additional time to the process.  
 9 MR. BEHAR: Or the Commission may say, "No,  
 10 you're going to keep it at 1,162," whatever  
 11 that is.  
 12 MR. KLING: Understood.  
 13 CHAIRMAN AIZENSTAT: Robert, would you like  
 14 to make a motion?  
 15 MR. BEHAR: I'll make a motion with a  
 16 maximum enrollment cap at 1,240.  
 17 CHAIRMAN AIZENSTAT: With the other  
 18 existing recommendations and the Staff's  
 19 current recommendations?  
 20 MR. BEHAR: Yes.  
 21 CHAIRMAN AIZENSTAT: Is there a second?  
 22 MR. TORRE: Second.  
 23 MR. TORRE: We have a second.  
 24 Any discussion? No?  
 25 Having heard none -- yes, Rhonda.

1 MR. BEHAR: Would you consider a cap less  
 2 than 1,260?  
 3 MR. KLING: That would be pretty difficult  
 4 for us and it might likely require Board  
 5 approval, even from my standpoint, because the  
 6 Board of Trustees of our school has asked for  
 7 this 1,260. If it was minimal, 1,250, I don't  
 8 know that that would be completely detrimental,  
 9 but anything less than 1,250, we would not be  
 10 able to --  
 11 MR. BEHAR: Because I see today that you  
 12 have 1,235 or whatever.  
 13 MR. KLING: 1,239.  
 14 MR. BEHAR: 1,239. I mean, the kids are  
 15 there. The 98 students are there at this time.  
 16 I would not have a problem making a motion to  
 17 approve it with a cap of, let's say, 1,240.  
 18 MR. KLING: So the question I would have  
 19 for the attorney and the Board, if 1,240 were  
 20 approved tonight and we carry that to City  
 21 Commission, would we, as the applicant, have an  
 22 opportunity to say, the Board has approved  
 23 1,240, but we still would like to request 1,260  
 24 at the discretion of the City Commission? We  
 25 can certainly consider that, as well.

1 MS. ANDERSON: Could there be a condition  
 2 added to your motion that there be a meeting  
 3 with the homeowners association, the HOA, to  
 4 work out whatever wrinkles that they want to  
 5 work out? They may have ideas for bussing in,  
 6 be able to deal with the additional traffic,  
 7 there may be crosswalk enhancements that could  
 8 be done to add some safety, because they're  
 9 coming in on a public bus --  
 10 MR. BEHAR: I'll accept that friendly  
 11 amendment.  
 12 CHAIRMAN AIZENSTAT: We have a motion and  
 13 we have a second. Any other discussion? No?  
 14 Call the roll, please, Jill.  
 15 THE SECRETARY: Venny Torre?  
 16 MR. TORRE: Yes.  
 17 THE SECRETARY: Chip Withers?  
 18 MR. WITHERS: Yes.  
 19 THE SECRETARY: Rhonda Anderson?  
 20 MS. ANDERSON: Yes.  
 21 THE SECRETARY: Robert Behar?  
 22 MR. BEHAR: Yes.  
 23 THE SECRETARY: Rene Murai?  
 24 MR. MURAI: No.  
 25 THE SECRETARY: Eibi Aizenstat?

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1 CHAIRMAN AIZENSTAT: No.  
 2 With that, the motion carries. Thank you.  
 3 Let's take two minutes until we clear out  
 4 and then we'll resume with the next item.  
 5 (Short recess taken.)  
 6 CHAIRMAN AIZENSTAT: We are just waiting  
 7 for our City Attorney to come back in to read  
 8 that.  
 9 Let's go ahead and resume the meeting.  
 10 Craig, if you would read the next items. I  
 11 think the next two items are related, E-2 and  
 12 E-3.  
 13 MR. COLLER: Yes. I'll read both items in.  
 14 Public hearing item E-2, an Ordinance of  
 15 the City Commission of Coral Gables, Florida  
 16 amending the Future Land Use Map of the City of  
 17 Coral Gables Comprehensive Plan pursuant to  
 18 Zoning Code Article 3, "Development Review,"  
 19 Division 15, "Comprehensive Plan Text and Map  
 20 Amendments," and Small Scale amendment  
 21 procedures from "Religious/Institutional" to  
 22 "Commercial Low-Rise Intensity" for Lots 5-6,  
 23 Block 1A, Macfarlane Homestead, Coral Gables,  
 24 Florida; providing for a repealer provision,  
 25 severability clause and providing for an

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1 Commercial Low Rise intensity is the same Land  
 2 Use all along Grand Avenue and change the  
 3 Zoning from Special Use to Commercial Limited,  
 4 again, the same Zoning along that strip of  
 5 land.  
 6 So letters were sent to property owners  
 7 along 1,500 feet of radius, which is required  
 8 for Land Use changes. There was a legal ad, a  
 9 notification, the items were posted on the  
 10 website and also we posted the Staff Report,  
 11 and the Staff Recommendation is approval, and  
 12 it complies with the standards identified in  
 13 the Zoning Code.  
 14 In addition, the Staff has determined that  
 15 the request is consistent with the Comp Plan's  
 16 goals, objectives and policies. Now, the big  
 17 picture here is that there's a historic  
 18 building -- actually two historic buildings in  
 19 the middle of the site that are going to be  
 20 renovated. Our Historic Preservation Officer  
 21 is here, so she would be able to answer any  
 22 questions that you may have. And the idea was  
 23 that the whole site certainly would be more  
 24 appropriate, just in terms of the consistency  
 25 with the neighborhood, as Commercial, rather

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1 effective date. LPA review.  
 2 The second item is E-3, an Ordinance of the  
 3 City Commission of Coral Gables, Florida  
 4 amending the Zoning Map pursuant to Zoning Code  
 5 Article 3, "Development Review," Division 14,  
 6 "Zoning Code Text and Map Amendments," from  
 7 "Special Use" to "Commercial Limited" for Lots  
 8 5-6, Block 1A Macfarlane Homestead, Coral  
 9 Gables, Florida; providing for a repealer  
 10 provision, severability clause and providing  
 11 for an effective date.  
 12 Items E-2 and E-3 public hearing.  
 13 MR. TRIAS: If I could have the PowerPoint,  
 14 please.  
 15 Mr. Chairman, this is a City initiated  
 16 change of Land Use and change of Zoning.  
 17 However, there's also a project that is being  
 18 proposed separately that includes all of those  
 19 parcels. The location is along Grand Avenue,  
 20 and as you know, the uses there tend to be  
 21 Commercial.  
 22 So this particular location is  
 23 Institutional in Land Use and Special Use. So  
 24 the request to change the Land Use and change  
 25 the Zoning from Religious/Institutional to

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1 than the current Zoning Code as a  
 2 Religious/Institutional.  
 3 So Staff is recommending approval. I don't  
 4 know if the applicant is here, but certainly it  
 5 is a Staff initiated request, but some other  
 6 members of the Staff are here if you have any  
 7 questions.  
 8 CHAIRMAN AIZENSTAT: This was generated by  
 9 the Staff?  
 10 MR. TRIAS: Yes.  
 11 MR. WITHERS: So it's not historic or it's  
 12 not up for historic designation?  
 13 MR. TRIAS: Yes. There are two historic  
 14 buildings in the middle of the parcel.  
 15 Dona is here.  
 16 MS. SPAIN: So there are two historic wood  
 17 frame buildings there. The one in the rear of  
 18 the site is the last remaining two-story wood  
 19 frame building in the historic district. The  
 20 Macfarlane Homestead district is on the  
 21 National Register. It is the only district we  
 22 have on the National Register.  
 23 So my only clarification, my question is to  
 24 make sure that these buildings can remain as  
 25 legally non-conforming, and particularly that

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1 back building, which is an apartment building,  
 2 and I'd like to just make sure that that can  
 3 remain legally non-conforming even though we're  
 4 switching it back to what it was.  
 5 It was originally Commercial, and these  
 6 legally non-conforming buildings on them --  
 7 MR. MURAI: I don't follow.  
 8 MS. SPAIN: So there's an apartment  
 9 building there.  
 10 CHAIRMAN AIZENSTAT: Is there a slide or  
 11 anything that you have with pictures?  
 12 MR. TRIAS: I don't believe I do at that  
 13 level of detail. Let me see. No, I don't.  
 14 But the concern, if I understand the  
 15 concern correctly, is that Residential use is  
 16 not allowed in Commercial Limited.  
 17 MS. SPAIN: That's right.  
 18 MR. TRIAS: However, if it is an existing  
 19 non-conforming, it can remain as such.  
 20 MS. SPAIN: Okay. That's my view.  
 21 MR. WITHERS: So it stays with its  
 22 historical designation when it's switched back  
 23 to Commercial?  
 24 MS. SPAIN: Yes.  
 25 MR. TORRE: How do you feel with the

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1 MS. SPAIN: I want to make sure that that's  
 2 a possibility, that because it's an apartment  
 3 building now, and even though they're returning  
 4 it to the original, it's always been an  
 5 apartment building there.  
 6 MR. TORRE: When you mix the Residential  
 7 with the Commercial, in terms of FAR and things  
 8 like that, what happens?  
 9 MS. SPAIN: That's handled by Zoning.  
 10 MR. TORRE: That's not --  
 11 MS. SPAIN: Why you're here today, I  
 12 believe, this Board is not about the new  
 13 development, it's only about the change in  
 14 Zoning, because it's no longer a church.  
 15 There's no longer a religious institution  
 16 there, so Staff is asking that it be returned  
 17 back to what it was before.  
 18 MR. BEHAR: And you could do Residential in  
 19 a Commercial designated area, right, because it  
 20 will be a legally non-conforming.  
 21 MS. SPAIN: Right.  
 22 MR. TRIAS: In this case, you can.  
 23 MS. SPAIN: Yes, there shouldn't be an  
 24 issue with that.  
 25 MR. BEHAR: It will no longer be a

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1 setbacks and other issues with the structure in  
 2 the back?  
 3 MS. SPAIN: Legally non-conforming.  
 4 MR. TORRE: The new structure obviously  
 5 will be under the new code, the new Zoning  
 6 Guidelines, but the rear building --  
 7 MR. COLLER: I think the court reporter  
 8 couldn't hear you.  
 9 MR. TORRE: That the new structure  
 10 obviously is going to meet the new Code, the  
 11 new Zoning guidelines, but the rear buildings  
 12 will have to keep going with whatever they are,  
 13 and separation from building to building, all  
 14 of that will be reviewed --  
 15 MR. TRIAS: They're non-conformities in  
 16 terms of the setbacks and in terms of use and  
 17 so on, and that is fine. The buildings are  
 18 historically designated. There's an  
 19 appropriate process of review that can take  
 20 those issues and incorporate them into the  
 21 larger Site Plan, which is something that will  
 22 come separately, I believe, at some point, and  
 23 it will be reviewed by the Historic Board.  
 24 MR. TORRE: You want to keep them to be  
 25 residential buildings?

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1 religious institution. That's the only reason  
 2 we're here, to go back to Commercial. At one  
 3 point in time, it was Commercial?  
 4 MR. TRIAS: Yes.  
 5 MR. BEHAR: It got changed to Religious?  
 6 MS. SPAIN: Yes, because the church went in  
 7 there.  
 8 MR. BEHAR: Okay. Now there's no longer a  
 9 church?  
 10 MS. SPAIN: No longer a church.  
 11 MR. BEHAR: So if they want to use the  
 12 front half of that site, they can use it as a  
 13 Commercial building?  
 14 MR. TRIAS: And in terms of a building  
 15 typology, it was a grocery store. That got  
 16 changed into a church and then it became a  
 17 building type of a church. So it remains the  
 18 same building as it used to be.  
 19 CHAIRMAN AIZENSTAT: What I'd like to ask  
 20 is, there are some residents here. Do you have  
 21 any input or any comment?  
 22 UNIDENTIFIED FEMALE SPEAKER: Mr. Prime is  
 23 coming up.  
 24 CHAIRMAN AIZENSTAT: Thank you.  
 25 Ramon, I'm sorry, I assumed you were done

1 with your presentation?  
 2 MR. TRIAS: Yes, sir. I apologize.  
 3 MR. COLLER: I just want to double-check  
 4 that he has been sworn in.  
 5 MR. PRIME: Yes, I have.  
 6 MR. COLLER: Okay. Perfect.  
 7 MR. PRIME: Carl Leon Prime, 209 Florida  
 8 Avenue. I grew up in the neighborhood and I  
 9 still reside there.  
 10 Our concern is that the historic buildings  
 11 be retained, because it's an integral part of  
 12 the historic designation, and that any future  
 13 use -- our concern is that changing the Zoning  
 14 back will lead to further development that will  
 15 erode the neighborhood.  
 16 If it can be done without changing the  
 17 Zoning, that would be fine, but if that's what  
 18 is necessary, but we must preserve the historic  
 19 aspects, and that's the main thing. The wood  
 20 frame two-story apartment building, that's a  
 21 place that I know quite well, and the building  
 22 in the front, you know, has historical  
 23 significance to everyone, because that's where  
 24 we used to go to pick up our snacks in the  
 25 evening.

1 Commercial designation?  
 2 MS. SPAIN: That's correct.  
 3 CHAIRMAN AIZENSTAT: Okay.  
 4 MR. MURAI: But they can't do anything with  
 5 the front building, because that's historically  
 6 designated.  
 7 MR. BEHAR: They cannot knock it down, but  
 8 you could put another use that is consistent  
 9 with it, but you can't knock the building down.  
 10 MS. SPAIN: Yes, and all of that will be  
 11 reviewed by the Board of Architects and also  
 12 the Historic Preservation Board.  
 13 CHAIRMAN AIZENSTAT: Dona, in South Beach,  
 14 for example, when they have historic buildings,  
 15 they go ahead and keep the facade somehow and  
 16 they build whatever they -- can they do that  
 17 with this property?  
 18 MS. SPAIN: No. They need to keep the  
 19 buildings. We need to keep the building as  
 20 historic.  
 21 CHAIRMAN AIZENSTAT: All right.  
 22 MR. MURAI: I understood that we were  
 23 dealing really, in essence, with -- there are  
 24 three lots, right, 4, 5, 6?  
 25 MS. SPAIN: Yes.

1 So, you know, as long as the buildings are  
 2 renovated and not changed and we have that  
 3 aspect --  
 4 CHAIRMAN AIZENSTAT: You realize that by  
 5 changing the designation, the front building is  
 6 not historically designated, so they can --  
 7 MS. SPAIN: There are two wood frame  
 8 structures on the building (sic). The front  
 9 one was altered to be a church, but that one is  
 10 historically designated also.  
 11 MR. BEHAR: The one in the back is also --  
 12 MS. SPAIN: They're both historically  
 13 designated.  
 14 MR. BEHAR: So they cannot be knocked down.  
 15 MS. SPAIN: They cannot be knocked down.  
 16 They're legally non-conforming. The use was  
 17 non-conforming.  
 18 CHAIRMAN AIZENSTAT: So why are we -- just  
 19 out of curiosity, why are we doing this?  
 20 MS. SPAIN: Well, we're doing this because  
 21 the only thing that can go in there now with  
 22 the present Zoning is another church.  
 23 MR. BEHAR: This case, they want to  
 24 retrofit the front building and if they do  
 25 something else, it would have to go to a

1 MR. MURAI: 5 has the two historically  
 2 designated structures and 4 and 6 are now  
 3 having religious --  
 4 MS. SPAIN: That's right.  
 5 MR. MURAI: But there's no reason for it,  
 6 so it should go back to Commercial Low-Rise?  
 7 MS. SPAIN: That's exactly right, because  
 8 it was used for parking for the church. It's  
 9 really simple, but we managed to complicate it  
 10 for everybody.  
 11 MR. TORRE: I'm sorry, but I'm trying to  
 12 keep that area as historic as possible. The  
 13 site is historic or just the two buildings?  
 14 MS. SPAIN: The entire site. Anything  
 15 going in there would be considered a  
 16 non-contributing in a Historic District.  
 17 MR. BEHAR: I'll make a motion for  
 18 approval.  
 19 MR. MURAI: I second the motion.  
 20 CHAIRMAN AIZENSTAT: We have a second. Any  
 21 other discussion or questions?  
 22 MR. WITHERS: Who owns this property?  
 23 MS. SPAIN: The gentleman's name that owns  
 24 it are Luis Development -- the principle is  
 25 Mike Luis. Mike Luis is the principal of the

1 corporation that owns it. He's owned it for a  
 2 while.  
 3 MR. WITHERS: So the church was leasing the  
 4 space?  
 5 MS. SPAIN: It's a little complicated.  
 6 MR. WITHERS: Never mind. Don't worry  
 7 about it.  
 8 CHAIRMAN AIZENSTAT: We have a motion. We  
 9 have a second. Any other discussion?  
 10 MS. ANDERSON: No.  
 11 CHAIRMAN AIZENSTAT: No? Call the roll,  
 12 please.  
 13 THE SECRETARY: Sorry, but we need two  
 14 separate motions.  
 15 MR. COLLER: The first one will be on Item  
 16 E-2, that's on the Comprehensive Plan.  
 17 CHAIRMAN AIZENSTAT: On the Comp Plan; is  
 18 that correct, Robert?  
 19 MR. BEHAR: Yes.  
 20 CHAIRMAN AIZENSTAT: Okay. Call the roll  
 21 please.  
 22 THE SECRETARY: Chip Withers?  
 23 MR. WITHERS: Yes.  
 24 THE SECRETARY: Rhonda Anderson?  
 25 MS. ANDERSON: Yes.

1 THE SECRETARY: Chip Withers?  
 2 MR. WITHERS: Yes.  
 3 THE SECRETARY: Eibi Aizenstat?  
 4 CHAIRMAN AIZENSTAT: Yes.  
 5 MR. COLLER: So before everyone adjourns, I  
 6 want to correct something on a call I made  
 7 earlier. I've had an opportunity to review it.  
 8 Fortunately, it didn't make a change in the  
 9 ultimate decision.  
 10 There was a change in the Ordinance that  
 11 when there's a three-three tie, the item goes  
 12 to the Commission without a recommendation.  
 13 It's not a deferral.  
 14 What was strange about this motion, it  
 15 wasn't a motion on the merits. It was a motion  
 16 on a deferral. It is correct, and I actually  
 17 amended this Code, that when we have a tie  
 18 vote, that we give the Board an opportunity to  
 19 work out the tie vote, which in this case is  
 20 exactly what you did. So it went to the Board  
 21 (sic) with the benefit of a recommendation,  
 22 which indeed you did.  
 23 So fortunately I wound up being right, but  
 24 I just want to let you all know if in the  
 25 future there is indeed a tie vote and we can't

1 THE SECRETARY: Robert Behar?  
 2 MR. BEHAR: Yes.  
 3 THE SECRETARY: Rene Murai?  
 4 MR. MURAI: Yes.  
 5 THE SECRETARY: Venny Torre?  
 6 MR. TORRE: Yes.  
 7 THE SECRETARY: Eibi Aizenstat?  
 8 CHAIRMAN AIZENSTAT: Yes.  
 9 And on the second item, is there a motion  
 10 on that?  
 11 MR. BEHAR: I'll make the motion.  
 12 MR. MURAI: Second.  
 13 CHAIRMAN AIZENSTAT: We have a motion and a  
 14 second. Any discussion?  
 15 MS. ANDERSON: No.  
 16 CHAIRMAN AIZENSTAT: Having heard none,  
 17 call the roll, please.  
 18 THE SECRETARY: Rhonda Anderson?  
 19 MS. ANDERSON: Yes.  
 20 THE SECRETARY: Robert Behar?  
 21 MR. BEHAR: Yes.  
 22 THE SECRETARY: Rene Murai?  
 23 MR. MURAI: Yes.  
 24 THE SECRETARY: Venny Torre?  
 25 MR. TORRE: Yes.

1 break it, it's not a deferral. It goes to the  
 2 Board (sic). At one time it used to be a  
 3 deferral to the next meeting.  
 4 CHAIRMAN AIZENSTAT: But what if the motion  
 5 itself is not a motion to approve or not  
 6 approve, what if the motion is for a deferral  
 7 to a time certain? If there's a tie, it's  
 8 automatic that you can't defer it?  
 9 MR. COLLER: Well, then I think the way you  
 10 have to read it, it goes to the Commission,  
 11 which would be an unfortunate result, and in  
 12 this case, as it turns out, you all worked it  
 13 out, which is the whole point of the --  
 14 MR. MURAI: If all respects, if a motion  
 15 for deferral fails, then you have to have a  
 16 motion, yes or no, on the merit.  
 17 MR. COLLER: Well, it may be of value to  
 18 clarify that. I'm going to discuss that with  
 19 the City Attorney, that where the motion in  
 20 this case is really not on the merits -- this  
 21 is envisioned on a tie vote on the merits. I'm  
 22 going to suggest to the City Attorney we may  
 23 want to amend the rules, of where there's a  
 24 motion to defer and that motion is a tied vote,  
 25 that the deferral be deemed denied.



1 MR. MURAI: And the deferral is denied, but  
 2 it wasn't approved. You still have the  
 3 application in front of you, so you have to do  
 4 something about it.  
 5 MR. COLLER: Right, and I think there's a  
 6 gap here and there needs to be clarification on  
 7 it.  
 8 CHAIRMAN AIZENSTAT: I would agree with  
 9 Rene.  
 10 MR. COLLER: I will advise the City  
 11 Attorney accordingly.  
 12 CHAIRMAN AIZENSTAT: The next meeting is  
 13 August 14th?  
 14 MR. TRIAS: Yes.  
 15 MR. MURAI: We don't need a meeting. You  
 16 said that was the only issue, the only item.  
 17 MR. TRIAS: It is the only item. At this  
 18 point, we don't have any items.  
 19 CHAIRMAN AIZENSTAT: At this point, we  
 20 don't have any items, so right now we're  
 21 scheduled for September.  
 22 MR. BEHAR: Motion to adjourn.  
 23 CHAIRMAN AIZENSTAT: So moved. All in  
 24 favor?  
 25 MS. ANDERSON: Aye.

1 MR. MURAI: Aye.  
 2 MR. BEHAR: Aye.  
 3 MR. TORRE: Aye.  
 4 MR. WITHERS: Aye.  
 5 CHAIRMAN AIZENSTAT: Thank you very much.  
 6 (Thereupon, the meeting was concluded at 7:50  
 7 p.m.)  
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1 CERTIFICATE  
 2  
 3 STATE OF FLORIDA:  
 4 SS.  
 5 COUNTY OF MIAMI-DADE:  
 6  
 7  
 8  
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary  
 10 Public for the State of Florida at Large, do hereby  
 11 certify that I was authorized to and did  
 12 stenographically report the foregoing proceedings and  
 13 that the transcript is a true and complete record of my  
 14 stenographic notes.  
 15  
 16 DATED this 24th day of July, 2019.  
 17  
 18 SIGNATURE ON FILE  
 19 \_\_\_\_\_  
 20 NIEVES SANCHEZ  
 21  
 22  
 23  
 24  
 25