

**City of Coral Gables**  
**Local Planning Agency (LPA)/Planning and Zoning Board Meeting**  
**Wednesday, October 12, 2011, 6:02 p.m.**  
**Coral Gables Memorial Youth Center Auditorium**  
**405 University Drive, Coral Gables, Florida**

MEMBERS	N30	D9	J12	F9	M9	A27	M11	J8	J22	O12	APPOINTMENT
	'10	'10	'11	'11	'11	'11	'11	'11	'11	'11	
<b>Eibi Aizenstat - Chair</b>	P	C	C	P	C	P	C	P	P	P	City Manager Patrick Salerno
<b>Robert Behar</b>	P	C	C	P	C	P	C	P	P	P	Commissioner Rafael Cabrera, Jr.
<b>Jeffrey Flanagan - Vice Chair</b>	P	C	C	P	C	P	C	P	P	P	Commissioner Maria Anderson
<b>Julio Grabiell</b>	-	-	-	-	-	-	C	P	P	P	Mayor Jim Cason
<b>Pat Keon</b>	P	C	C	P	C	P	C	P	P	E	Planning and Zoning Board
<b>Vince Lago</b>	-	-	-	-	-	-	-	-	-	P	Commissioner Frank C. Quesada
<b>Javier Salman</b>	P	C	C	P	C	P	C	P	P	P	Vice Mayor William H. Kerdyk, Jr.

**P = Present**  
**E = Excused**  
**C = Meeting Cancelled**

**Also present:** Commissioner Raul "Ralph" Cabrera

**City Staff and Consultants:**

Eric Riel, Jr., Planning Director  
Walter Carlson, Asst. Planning Director  
Scot Bolyard, Principal Planner  
Jill Menendez, Administrative Assistant  
Craig E. Leen, City Attorney  
Jane Tompkins, Development Services Director  
Carmen Olazabal, Building and Zoning Director  
Major Scott Masington, Police Department  
Kevin Kinney, Parking Director  
Eli Gutierrez, Code Enforcement Lead  
Walter Foeman, City Clerk  
Jennifer Cohen Glasser, Esq.  
Akerman Senterfitt

**Court Reporter:**

Joan Bailey

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**Attachments entered into the record:**

- A. 10 12 11 Attendance Sign-In List
- B. 10 12 11 Public Comments

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- C. 10 12 11 Speaker Cards
- D. 10 12 11. Available performance standards for the regulations of trucks
- E. Local government truck performance standards comparison
- F. Planning Dept. - PowerPoint Presentation
- G. Wayne Sessions – PowerPoint Presentation
- H. Victoria Briant – 10 11 11 Letter re: Proposed Truck Proposals
- I. Victoria Briant – Photos

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THEREUPON:  
 The following proceedings were had:  
**CHAIRMAN AIZENSTAT:** Okay, let's go ahead and get started, please, if you'll call the roll.  
**MS. MENENDEZ:** Robert Behar?  
**MR. BEHAR:** Here.  
**MS. MENENDEZ:** Jeff Flanagan?  
**MR. FLANAGAN:** Here.  
**MS. MENENDEZ:** Julio Grabiél?  
**MR. GRABIEL:** Here.  
**MS. MENENDEZ:** Pat Keon?  
 Vince Lago?  
**MR. LAGO:** Here.  
**MS. MENENDEZ:** Javier Salman?  
**MR. SALMAN:** Here.  
**MS. MENENDEZ:** Eibi Aizenstat?  
**CHAIRMAN AIZENSTAT:** Here.  
 Before we begin, I'd like to introduce --  
 We have a new Board member by the name of Vince Lago. He is Commissioner Quesada's appointment.  
 Vince, I'd like to welcome you to the Board.  
**MR. LAGO:** Hello. I'd like to --

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, OCTOBER 12, 2011, COMMENCING AT 6:02 P.M.

Board Members Present:  
 Eibi Aizenstat, Chairman  
 Robert Behar  
 Jeffrey Flanagan, Vice-Chairman  
 Julio Grabiél  
 Vincent Lago  
 Javier Salman

Also Attending: Commissioner Raul "Ralph" Cabrera

City Staff and Consultants:

Eric Riel, Jr., Planning Director  
 Walter Carlson, Assistant Planning Director  
 Craig E. Leen, City Attorney  
 Scot Bolyard, Planner  
 Jill Menendez, Administrative Assistant  
 Jane Tompkins, Development Services Director  
 Carmen Olazabal, Building Director  
 Scott Masington, Police Department  
 Kevin Kinney, Parking Director  
 Eli Gutierrez, Code Enforcement Lead  
 Jennifer Glasser, Esq., Akerman Senterfitt,  
 Outside counsel for the City

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Victoria Briecant	46
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**CHAIRMAN AIZENSTAT:** If you could tell us a little bit about yourself, that would be great.  
**MR. LAGO:** I've been a resident of the City of Coral Gables for eight years. I'm married, the proud father of a five-month-old girl. I've lived in the City of Coral Gables for the past eight years, on Edgewater and currently on Alhambra Circle. I'm very excited and eager to be involved in the Planning and Zoning Board, serving the constituents of the City of Coral Gables, and I'd like to thank, again, everyone for allowing me the pleasure of being here.  
 Thank you.  
**CHAIRMAN AIZENSTAT:** Okay. Thank you.  
 The next item that we have is the election of the Chairperson and the Vice-Chairperson. I think we have --  
**MR. RIEL:** Mr. Chair, if I can interrupt you, I'd like to also introduce the new Director of Development Services, Jane Tompkins.  
**CHAIRMAN AIZENSTAT:** Thank you. Thank you very much.  
 As I was saying, the next item is the election of the Chairperson and

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1 Vice-Chairperson. Up to now, we've had an  
 2 interim, because we did not have a full Board.  
 3 If anybody would like to make any comments or  
 4 motions or something --  
 5 MR. BEHAR: I will make a motion to elect  
 6 Eibi Aizenstat as the Chairman.  
 7 MR. SALMAN: I'll second that motion.  
 8 CHAIRMAN AIZENSTAT: Thank you.  
 9 MR. BEHAR: Can we do both at the same  
 10 time, or we've got to do one at a time?  
 11 MR. RIEL: However you'd like.  
 12 CHAIRMAN AIZENSTAT: Let's do two motions.  
 13 MR. BEHAR: And I will do a motion to keep  
 14 Jeff Flanagan as the Vice-Chairman.  
 15 CHAIRMAN AIZENSTAT: I second that. Any  
 16 discussion?  
 17 Call the roll, please.  
 18 MS. MENENDEZ: Robert Behar?  
 19 MR. BEHAR: Yes.  
 20 MS. MENENDEZ: Julio Grabiell?  
 21 MR. GRABIEL: Yes.  
 22 MS. MENENDEZ: Vince Lago?  
 23 MR. LAGO: Yes.  
 24 MS. MENENDEZ: Javier Salman?  
 25 MR. SALMAN: Yes.

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1 MS. MENENDEZ: Eibi Aizenstat?  
 2 CHAIRMAN AIZENSTAT: Yes, thank you, and  
 3 thank you very much for putting your faith in  
 4 us.  
 5 MR. SALMAN: What about Jeff?  
 6 CHAIRMAN AIZENSTAT: And Jeff.  
 7 MR. SALMAN: What about Jeff? He's got to  
 8 vote, too.  
 9 MR. BEHAR: You don't need to vote.  
 10 MR. FLANAGAN: I may vote no. Yes. Thank  
 11 you.  
 12 CHAIRMAN AIZENSTAT: The next item is the  
 13 appointment of a Planning and Zoning Board  
 14 member from outside. We have had Pat Keon,  
 15 who's not here, but --  
 16 MR. RIEL: I had spoken to Pat, and  
 17 unfortunately, she's out of town. She  
 18 indicated she would find it a pleasure to  
 19 continue to serve on the Board, as the Board's  
 20 appointment.  
 21 CHAIRMAN AIZENSTAT: She has always been  
 22 great, and with her knowledge and experience --  
 23 MR. BEHAR: I make a motion to keep her.  
 24 CHAIRMAN AIZENSTAT: I'll second that.  
 25 MR. BEHAR: Simple.

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1 CHAIRMAN AIZENSTAT: Any comments,  
 2 questions?  
 3 Call the roll, please.  
 4 MS. MENENDEZ: Jeff Flanagan?  
 5 MR. FLANAGAN: Yes.  
 6 MS. MENENDEZ: Julio Grabiell?  
 7 MR. GRABIEL: Yes.  
 8 MS. MENENDEZ: Vince Lago?  
 9 MR. LAGO: Yes.  
 10 MS. MENENDEZ: Javier Salman?  
 11 MR. SALMAN: Yes.  
 12 MS. MENENDEZ: Robert Behar?  
 13 MR. BEHAR: Yes.  
 14 MS. MENENDEZ: Eibi Aizenstat?  
 15 CHAIRMAN AIZENSTAT: Yes.  
 16 Okay. As far as approval of the minutes,  
 17 we don't have any at this meeting.  
 18 We're here tonight for a public meeting.  
 19 This is really to get input from the community  
 20 and the individuals in regards to trucks,  
 21 abandoned junk cars, motor vehicles, and more  
 22 specifically as follows:  
 23 Zoning Code Article 4, "Zoning Districts,"  
 24 Division 4, "Prohibited Uses," Section 4-411,  
 25 "Parking in residential areas," and Section

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1 4-412, "Trucks, trailers, commercial vehicles,  
 2 and recreational vehicles -- Parking upon  
 3 streets and public places."  
 4 Also, for Zoning Code Article 5,  
 5 "Development Standards," Division 19, which is  
 6 "Signs," Section 5-1902.D.8, more specifically,  
 7 "General design standards that are applicable  
 8 to all signs."  
 9 Also, Zoning Code Article 8, "Definitions,"  
 10 for "Truck."  
 11 Also, City Code Chapter 34, "Nuisances,"  
 12 Article III, "Lost, stolen, junked, abandoned  
 13 property," Division 2, of "Vehicles," Section  
 14 34-78, "Abandoned or junk motor vehicles on  
 15 public or private property prohibited;  
 16 exceptions."  
 17 And City Code Charter -- Chapter 74,  
 18 "Traffic and Vehicles," Article I, "In  
 19 general," Section 74-4, "Definitions," of  
 20 "Commercial vehicle."  
 21 Since we're going to be going ahead and  
 22 getting input from the public, I'd like to  
 23 first ask, actually, Mr. Attorney, do we need  
 24 to swear in anybody that's going to speak,  
 25 since we're not at a quasi-judicial meeting?

1 MR. LEEN: Yes, tonight is not a  
 2 quasi-judicial meeting, so it would be within  
 3 your discretion, but you do not need to,  
 4 because this is not testimony in a --  
 5 CHAIRMAN AIZENSTAT: Is there a preference  
 6 from the City Attorney as to how he'd like to  
 7 do it or --  
 8 MR. LEEN: Well, does Staff have a  
 9 preference? Do you --  
 10 MR. RIEL: No.  
 11 MR. LEEN: It doesn't -- There's no need  
 12 to.  
 13 CHAIRMAN AIZENSTAT: Okay, perfect. I  
 14 think what we're going to do is, first we'll  
 15 start with a presentation from City Staff, and  
 16 then we'll go from there.  
 17 MR. RIEL: Thank you, Mr. Chair.  
 18 Just for -- if you decide to speak this  
 19 evening, there's cards out there, as well as  
 20 here, you need to fill out.  
 21 Also, we'd ask that everybody in  
 22 attendance, please sign in, so we have a record  
 23 of who attended this evening.  
 24 We also have several handouts, the Staff  
 25 Report, the comments we received on the truck

1 What I'd like to do now is just briefly go  
 2 over the summary of the legislation. The  
 3 actual first draft or first adopted ordinance  
 4 started in 1960, with the prohibition of trucks  
 5 in residential areas.  
 6 In 1963, there was an update, miscellaneous  
 7 update to the provisions.  
 8 In 1965, there was a change in the hours of  
 9 enforcement.  
 10 1970, licensed contractors was added,  
 11 provisions.  
 12 1972, permitted trucks within garages.  
 13 Those provisions were added.  
 14 Also, advertising; and also, in '72,  
 15 campers and house trailers were included, as  
 16 well.  
 17 And then vehicle advertising was again  
 18 updated, and that had to do with, basically,  
 19 elections.  
 20 And then in 1985, there was miscellaneous  
 21 updates, and then the latest action was a  
 22 resolution directing the City Attorney at that  
 23 time, in 2008, to bring before the Board, the  
 24 Planning and Zoning Board, hearings.  
 25 Again, this is just a summary of the

1 ordinance, and some more handouts that I'm  
 2 going to refer to. We've gotten a number  
 3 comments and we have the comments up until  
 4 about a half hour ago, and those are in front  
 5 of the Board, as well.  
 6 Basically, what I have is just a brief  
 7 PowerPoint, and then we're going to turn over  
 8 to other Staff members who are going to  
 9 supplement my presentation.  
 10 Could we have the PowerPoint, please?  
 11 Basically, what I'm going to do is give you  
 12 an overview, and the second part of the  
 13 presentation will be the Code Enforcement  
 14 process, which will be done by the Building &  
 15 Zoning Department, and then the City Attorney  
 16 is going to brief you on, basically, the legal  
 17 process that has occurred to date regarding  
 18 this issue.  
 19 As you indicated, Mr. Chair, there's five  
 20 sections in the Code, the City Code, the Zoning  
 21 Code, that are applicable and -- applicable to  
 22 the truck provisions. They deal with  
 23 commercial trucks, recreational vehicles, the  
 24 definitions, signage, the nuisance section, as  
 25 well as definitions in the City Code.

1 legislation. We actually have copies of the  
 2 legislation that was provided in the -- kind of  
 3 the green binders you have, that's been  
 4 provided by the City Attorney's Office.  
 5 As a result of the Commission's direction  
 6 in 2000-- basically, in 2003/'04 -- 2004,  
 7 amendments were drafted in 2005, and actually  
 8 presented to the Planning and Zoning Board.  
 9 And if you look in these green binders, there's  
 10 a Version A and a Version B. Tab 3 of the  
 11 binders, that's where that information is  
 12 located, and the actual minutes were also  
 13 included in the green binder, to kind of give  
 14 you an idea of the presentation that was done,  
 15 five or six years ago.  
 16 The implementation of the amendments were  
 17 delayed due to the current litigation.  
 18 Most recently, the Commission, on September  
 19 13th, had a workshop where they asked this  
 20 issue be provided to the Board, to secure your  
 21 input and recommendation, if the provisions  
 22 need to be updated, and if they need to be  
 23 updated, what -- how should they be updated.  
 24 As a result of the request of the  
 25 Commission, what Planning Staff did is, we

1 researched a number of other local governments,  
2 and I know it's a little bit difficult to read  
3 on the screen, but we have hard copies up here.  
4 We found approximately 17 other local  
5 governments that have provisions that in some  
6 way deal with trucks or commercial vehicles,  
7 and some of them deal very comprehensively,  
8 some of them are very simple, but it just kind  
9 of provides you an overview, and I actually  
10 have the copies of those provisions. I have  
11 three copies of these, if anybody is interested  
12 to look at those, specifically.

13 Again, the Board, what we're seeking your  
14 direction for this evening is if changes are  
15 warranted to the current Zoning Code  
16 provisions. If the answer is no, obviously,  
17 that's the answer, and if there are changes  
18 warranted, we're asking for you to provide us  
19 some direction in terms of performance  
20 standards.

21 And if I could have Scot turn the boards  
22 around -- We also have a copy of this up here,  
23 as well. What Staff did was, we looked through  
24 all the codes that we found regarding the  
25 prohibition of trucks, and we listed for you

1 about 13 different options that's available in  
2 terms of performance standards:

3 Disabled or ADA provisions providing for  
4 specific standards that address those disabled  
5 persons.

6 Commercial vehicles, obviously, the  
7 definition of how they're defined.

8 Government exemption, exemption for  
9 government or emergency vehicles.

10 A large truck prohibition, monster trucks  
11 or semi-tractor-trailers.

12 Overnight parking, allowing parking at  
13 night. And again, these are just options that  
14 are available.

15 Some kind of a permit or registration  
16 program.

17 Allowing commercial trucks, in terms of  
18 signage, with the option of removing signs at  
19 night. You have magnetic signs.

20 Limiting truck location within setback,  
21 side yard.

22 Limitation of number of trucks.

23 Truck screening, screening by vegetation or  
24 garage, or fencing.

25 Category Number 11 is kind of a catch-all,

1 a regulation by size, weight, dimensions,  
2 height of body above ground, truck length,  
3 number of tires, open bed, number of axles.  
4 12 is vehicle cover. Factory-made tops,  
5 rigid covers.

6 And then the other option is a visitor pass  
7 program.

8 This is just a guide, to guide the Board in  
9 terms of what direction you would like to  
10 recommend to the Commission.

11 My assumption is that with the Board's  
12 recommendation this evening, that will go to  
13 the Commission, and following the standard  
14 practice that we've done in the past, direction  
15 is provided to the Commission; they provide  
16 further direction; and then obviously,  
17 depending if amendments are made, an ordinance  
18 is prepared, and then that ordinance comes back  
19 to this Board again, because that is your  
20 responsibility.

21 In terms of the public notice provided, we  
22 posted it in the Building & Zoning, the  
23 Planning Department, Code Enforcement, did a  
24 legal ad, as well. The agenda was posted, as  
25 well as all this information. The City

1 Attorney's -- this green binder was posted.

2 We also did a press release last week in  
3 the Miami Herald, and all the hearing -- public  
4 hearing documents which I'm presenting this  
5 evening are actually on the web. And this is  
6 just an example of the press release.

7 And I just wanted to mention again that all  
8 the information that we're talking about this  
9 evening is on the City's web page, the Planning  
10 Department web page, under Planning & Zoning  
11 Meetings. All that information is posted as of  
12 5:00 p.m. this evening.

13 And again, as you mentioned, Mr. Chair, the  
14 intent of this meeting is to secure public  
15 input, secure a recommendation from the Board,  
16 if changes are warranted, and if so, what were  
17 those changes. City Staff is here as a  
18 resource in the process, and a resource to the  
19 Board. We have Building & Zoning  
20 representatives here this evening, Parking  
21 Department, Police and Planning.

22 So, with that, I'm going to turn it over to  
23 Building & Zoning, that's going to go over the  
24 Code Enforcement process, and thereafter, the  
25 City Attorney, too.

1 MR. GUTIERREZ: Good evening, Mr. Chairman,  
 2 Members of the Board. For the record, my name  
 3 Eli Gutierrez, with the City of Coral Gables  
 4 Code Enforcement. I was asked to just briefly  
 5 speak about our enforcement. I believe you all  
 6 have a copy of the Code, of the current Code.  
 7 What I'm just basically going to get into is  
 8 how we enforce it.

9 We have early morning officers that start  
 10 at 5:30, that look -- One of their job duties  
 11 in the early morning is to look for this type  
 12 of violation. The way we enforce the Code is  
 13 by either visually seeing it, obviously, or a  
 14 complaint made. When a complaint is made, we  
 15 send an officer to the property in question.  
 16 If a violation is confirmed, we go ahead and  
 17 leave a courtesy warning. With every  
 18 violation, we leave a courtesy warning, except  
 19 with the life safety. In this instance, it's  
 20 only a courtesy warning we give to a resident,  
 21 and we ask for -- we give them reasonable time.  
 22 What's reasonable time? We try to start with  
 23 five days. On a case-by-case basis, based on  
 24 the circumstance, we can extend it, but that's  
 25 basically the way we inspect at this point.

1 I'm not going to get into the current Code.  
 2 I believe you've all read it. If you have any  
 3 questions on the current Code, I can try to  
 4 help you, but I'm just here to tell you about  
 5 enforcement, and that's the way we're doing it  
 6 now.

7 We understand, right now, the situation in  
 8 the City. We will be as helpful as we can, as  
 9 far as enforcement, with residents that  
 10 currently have a pickup truck.

11 Being that said, I know we have lots of  
 12 residents here to talk, so I'm keeping it  
 13 brief. If you have any questions, I'm here.  
 14 If not, I'll move on to our next  
 15 representative.

16 CHAIRMAN AIZENSTAT: Would the Board like  
 17 to hold their questions until everybody has  
 18 gone ahead and spoken, and then if we have any  
 19 questions, we can direct them? Or would you  
 20 like to ask questions now? It may be better  
 21 just to wait and go through and hear all of the  
 22 public -- you know, the inputs and then we can  
 23 ask questions.

24 Thank you.

25 MR. GUTIERREZ: Yes, sir.

1 CHAIRMAN AIZENSTAT: Mr. Attorney?

2 MR. LEEN: Thank you, Mr. Chairman. I'm  
 3 going to briefly speak about three things.  
 4 First, I wanted to talk a little bit about what  
 5 the motion was that was made by the Commission  
 6 and what the general instructions to the  
 7 Planning and Zoning Board are.

8 The motion, which was made by Commissioner  
 9 Anderson and which was passed by the City  
 10 Commission, was to send the matter to the Board  
 11 to determine generally, as a general matter,  
 12 whether there should be changes to the trucking  
 13 ordinances, in particular.

14 We've raised several -- as you mentioned,  
 15 we've raised several different ordinances, not  
 16 just 4-411 and 4-412, because Staff made the  
 17 determination that these other ordinances  
 18 relate to these two, and also based on just the  
 19 general discussion of the City Commission and  
 20 what types of issues that they raised.

21 But the motion itself was for you to take a  
 22 look at 4-411 and 4-412 and determine whether  
 23 there should be changes to them, and then if  
 24 so -- and that would be within your discretion,  
 25 to make that recommendation. It could be yes

1 or no. And then, once you made a  
 2 recommendation, what specific -- if it was to  
 3 make a change, what specific types of changes  
 4 should be made.

5 The second thing I wanted to say was, as  
 6 your legal advisor, none of this is being  
 7 compelled by a Court or any judicial body or  
 8 panel. As you know, as I'm sure you know,  
 9 these ordinances were the subject of a lawsuit,  
 10 and that lawsuit took several years and went  
 11 through several different Courts of Appeal.  
 12 The Third District, which is the State Court of  
 13 Appeal that sits in this area of Florida, and  
 14 which is -- has jurisdiction over the City of  
 15 Coral Gables, made a decision en banc, which  
 16 means the entire Court sat, and they decided  
 17 that 4-411 and 4-412 are constitutional on  
 18 their face and as applied in that specific  
 19 case. That decision was -- just so you  
 20 understand, that decision was -- review was  
 21 sought of that decision in the Florida Supreme  
 22 Court.

23 What happens is, you file a notice, asking  
 24 the Court to take jurisdiction to review it.  
 25 The Court decided not to take jurisdiction. So

1 the Court -- the Supreme Court did not review  
2 the Third District decision. It rejected  
3 jurisdiction. So what that means is that the  
4 Third District decision is the law of Florida  
5 on this issue in Coral Gables, and so that's --  
6 If you ask me questions today relating to,  
7 "Well, what is the law relating to 4-411 and  
8 4-412," I'm going to be looking principally at  
9 the Third District decision.

10 So I don't want to guess what those legal  
11 questions will be, I'll leave that to you, but  
12 that's the decision I'll be looking at, and I  
13 provided that decision to you in the folder.

14 The third thing I wanted to mention as  
15 legal advice is that we do have this Third  
16 District decision, and so one thing that the --  
17 one thing the Board should be cognizant of is  
18 that we have gone through this litigation. The  
19 4-411 and 4-412 have been approved, have been  
20 affirmed by the Third District.

21 As a general legal matter, if the Board  
22 recommends and the Commission approves  
23 something that would expand the law, that means  
24 would restrict more than is presently  
25 restricted, that might subject -- that's

1 certainly within the discretion of the Board  
2 and the Commission, but as a legal matter, that  
3 might subject this 4-411 and 4-412 as amended  
4 to another judicial review. Someone could  
5 challenge that, because they could say, "Well,  
6 now the law has been expanded and so it's  
7 become more restrictive."

8 So, in that way, they could challenge it  
9 and say, "Well, this prior decision doesn't  
10 govern anymore, because the law has changed."

11 Now, as a general matter -- and if you have  
12 specific questions, please ask me as this goes  
13 forward. As a general matter, though, if you  
14 permit more -- I don't even want to guess,  
15 because it's completely within your discretion,  
16 but if you allow something that wasn't  
17 previously allowed, that, as a general matter,  
18 will not subject this law to more judicial  
19 review. It doesn't mean someone can't sue and  
20 attempt to challenge it, but the Third District  
21 decision will still govern, at least that's  
22 what we would argue.

23 So I invite you -- because I know we do --  
24 It's rare that you're going to be reviewing  
25 changing a law right after there was a decision

1 issued by a Court that was the en banc Third  
2 District and then went to the Florida Supreme  
3 Court. So, please, feel free to ask me any  
4 questions you have about this law. It's been  
5 interpreted by my office, as well, in very  
6 specific cases, so please ask me any questions  
7 you have. Thank you.

8 CHAIRMAN AIZENSTAT: Thank you.  
9 Eric, is there any other Staff  
10 presentation?

11 MR. RIEL: No, that concludes the Staff  
12 presentation. Mr. Chair, we have approximately  
13 21 individuals that have signed up to speak.

14 CHAIRMAN AIZENSTAT: That's what I was  
15 going to ask you. We have about 21  
16 individuals?

17 MR. RIEL: And if you would like to use the  
18 timer, we can certainly do that, however you  
19 would like to do it.

20 CHAIRMAN AIZENSTAT: Well, I'd like -- What  
21 I'd like to do is, I'd like to ask everybody to  
22 limit their comments to no more than three  
23 minutes at this time. Also, what I'd like to  
24 do is, I'd like to ask everybody not to be  
25 repetitive of what somebody else has said. We

1 always invite you to come up and give some  
2 fresh ideas or some new thoughts. If you agree  
3 with -- if you have the same comments as  
4 somebody else, you know, you're welcome to go  
5 ahead and mention that, "I agree with  
6 Mr. So-and-So," or so forth, but I think at  
7 this time, let's proceed with the public  
8 comment.

9 MR. RIEL: You would like to use the timer?

10 CHAIRMAN AIZENSTAT: Well, at 21 people --  
11 We're supposed to adjourn at nine o'clock,  
12 plus go ahead -- Why don't we start with the  
13 timer, see how it goes, and then we'll take it  
14 from there?

15 MR. RIEL: Whatever you like.

16 MR. BEHAR: Do the timer.

17 CHAIRMAN AIZENSTAT: Yes, let's. Call the  
18 first individual, please.

19 MS. MENENDEZ: William Hartnett.

20 MR. HARTNETT: Mr. Chairman, I'm William J.  
21 Hartnett. I live at 4950 Campo Sano Court.

22 In making any changes to zoning, you should  
23 be conscious of the fact that -- you should  
24 give protection to the residential areas,  
25 because they're occupied 24 hours a day, seven

1 days a week, and their investment -- and  
2 protection of their investment is important,  
3 rather than protection or discussion of  
4 projected investments.

5 So I am -- support the existing ordinance.  
6 I don't think any changes to it need be made.  
7 We don't have to dress down the City of Coral  
8 Gables, because there was, when I grew up, a  
9 saying that Coral Gables tradition was never  
10 written down, but people always knew what it  
11 meant, and I think, probably quoting Charles  
12 "Chuck" Parham's recent statement in the papers  
13 that said, "Growing up and living in Coral  
14 Gables is next door to heaven," but I would  
15 urge you to not make any changes.

16 Thank you.

17 CHAIRMAN AIZENSTAT: Thank you.

18 MS. MENENDEZ: Larry Horton?

19 MR. HORTON: Mr. Chairman, my name is Larry  
20 Horton. I live at 6604 Leonardo. I've been a  
21 resident of Coral Gables, a homeowner, for 33  
22 years. I've been involved in this ordinance  
23 since 1978.

24 I'd like to express my support for the  
25 initiative to modify the ordinance. I hope we

1 can find a way to allow modern,  
2 well-maintained, totally noncommercial pickups  
3 to park overnight in driveways, as we do  
4 currently with sport utility vehicles. I have  
5 about five reasons, and I'll be brief, as to  
6 why I think I'm dissatisfied with the  
7 ordinance.

8 It's my understanding the prior  
9 administration spent over \$200,000 in  
10 litigation over this ordinance, over the course  
11 of the history of this ordinance. The attorney  
12 who challenged the ordinance recently is  
13 currently -- and you can go to [kvin.com](http://kvin.com). He's  
14 currently recruiting to bring another case. So  
15 my feeling, and I'm not an attorney, but my  
16 feeling is, there's a likelihood to be more  
17 litigation.

18 On a personal basis, if you go to the North  
19 Gables and look at the streets in the North  
20 Gables, they're sadly in need of paving. I  
21 think that \$200,000 could have been money well  
22 spent paving the streets of North Gables, and  
23 if we would have addressed this in the Zoning  
24 Code rewrite that occurred several years ago.

25 The second point is, the City maintains the

1 ordinances necessary for aesthetics in the  
2 City. The ordinance prohibits the parking of  
3 pickup trucks from 7:00 p.m. till 7:00 a.m.  
4 It's dark at 7:00 p.m. You can't see the  
5 trucks at 7:00 p.m. This is ridiculous. If  
6 it's for aesthetics, you'd have to regulate it  
7 during the day.

8 Now, my personal feeling is that really,  
9 this is not about pickup trucks. This is an  
10 attempt to keep working class people who own  
11 pickup trucks from purchasing and living in the  
12 City of Coral Gables, after dealing with this  
13 ordinance for the number of years that I've  
14 been involved with it.

15 Another point I think you should consider  
16 is that a drive around the City to look at the  
17 pickup trucks that are owned by the residents  
18 of the City of Coral Gables, you're going to  
19 see that most of those, and probably 90  
20 percent, are luxury vehicles with leather  
21 interiors, and they're very expensive vehicles,  
22 30, \$40,000 vehicles.

23 The City itself, if you go to the City  
24 motor pool, or -- and you don't even have to go  
25 to the City motor pool. If you go right

1 outside this building, right now, you're going  
2 to see a City of Coral Gables pickup truck.  
3 The City of Coral Gables pickup trucks are -- I  
4 guess aesthetics is in the eye of the beholder,  
5 but as pickup trucks go, I would say if you  
6 compare them to the residents' pickup trucks,  
7 you're going to see that those pickup trucks  
8 are far in worse condition than the residents'  
9 pickup trucks. So I think it's hypocrisy for  
10 the City to prohibit the parking of luxury  
11 pickup trucks and then maintain their own  
12 pickup trucks and vehicles which are nowhere  
13 near the condition of the residents' pickup  
14 trucks.

15 Another -- another point I have is that,  
16 ironically, I think it -- it prohibits -- it  
17 brings down property values. I'm a landlord.  
18 I'm prohibited from renting to anyone with a  
19 pickup truck, and anyone who wants to buy my  
20 home who owns a pickup truck can't do it.

21 The last point I will make is that it does  
22 not apply fairly to all vehicles. If  
23 aesthetics is the issue, it should also apply  
24 to automobiles, because automobiles can be very  
25 unaesthetic, okay?

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1 CHAIRMAN AIZENSTAT: Thank you very much  
 2 for your time.  
 3 MR. HORTON: Thank you very much for giving  
 4 me the time to speak.  
 5 MS. MENENDEZ: Wayne Sessions.  
 6 MR. SESSIONS: Mr. Chairman, I'd like to  
 7 yield to Bill Rivenbark, if he can speak first.  
 8 We're kind of speaking in a group together. Is  
 9 that okay with you?  
 10 CHAIRMAN AIZENSTAT: That's fine. Thank  
 11 you.  
 12 If everybody can please either silence or  
 13 turn off their cell phones, I'd appreciate it.  
 14 Thank you.  
 15 MR. RIVENBARK: Good evening. My name is  
 16 William Rivenbark, 3616 Harlano Street. I  
 17 think we're all in agreement that Coral Gables  
 18 is, fortunately, considered to be very much an  
 19 above-average city, based on its appearance,  
 20 city services, property values, and this brings  
 21 up the question of how other above-average  
 22 cities handle this question.  
 23 Well, doing research on this, I could not  
 24 find any cities that have the exact same ban  
 25 that we presently have. Neither Pinecrest, Key

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1 Biscayne, Bal Harbour, Boynton Beach, nor  
 2 Jupiter ban privately-owned noncommercial  
 3 pickup trucks from parking in private driveways  
 4 overnight.  
 5 Take it up a notch. Neither Palm Beach,  
 6 New Canaan, Connecticut, nor Beverly Hills have  
 7 a ban of this sort, either. Some of these  
 8 cities, such as Key Biscayne, Boynton Beach,  
 9 Marco Island and Jupiter, do have restrictions  
 10 of -- the description of a privately-owned  
 11 truck that can be parked, which is reasonable.  
 12 We're a reasonable bunch. Reasonable  
 13 restrictions are certainly acceptable in any  
 14 case.  
 15 The ability of a city to compromise with  
 16 their residents is pretty basic, and we are  
 17 hoping for a type of compromise to allow such  
 18 things. Many of the comments have just said,  
 19 "Park them in the garage." This is a unique  
 20 situation, because part of the beauty of the  
 21 Gables, our homes are older; they're also  
 22 smaller. Our home was built in 1939. It tends  
 23 to be smaller than modern homes. It's only  
 24 1600 square feet. I still own a 1979 condo in  
 25 Kendall with 950 square feet that has more

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1 closet space than a 1939 home. I point this  
 2 out -- We didn't come here to talk about  
 3 closets. I point this out because things  
 4 change.  
 5 I recently also did a very unscientific  
 6 survey on my street, Harlano Street. Out of 13  
 7 homes that have single-car garages, I'm not  
 8 aware of a single owner that uses that garage  
 9 to put their car in at night. The majority of  
 10 them are probably glorified laundry rooms and  
 11 storage areas. The majority of modern-day  
 12 sedans, such as Porsche Cayennes and BMW 750s,  
 13 would have difficulty fitting in a one-car  
 14 garage, as would an SUV.  
 15 We do not wish any harm to the City of  
 16 Coral Gables. We love Coral Gables as much as  
 17 anyone who is opposed to this. We merely ask  
 18 that the City see reason, that the City stay up  
 19 with the times. Things change, people change,  
 20 houses change. Zoning laws should be able to  
 21 change. Thank you very much.  
 22 CHAIRMAN AIZENSTAT: Thank you for your  
 23 input.  
 24 (Applause)  
 25 CHAIRMAN AIZENSTAT: If we can, if we can

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1 just hold our applause, that would be greatly  
 2 appreciated, as opposed to choosing sides, just  
 3 to give everybody a chance to speak fairly.  
 4 Thank you.  
 5 MS. MENENDEZ: Wayne Sessions?  
 6 MR. SESSIONS: Mr. Chairman, I believe we  
 7 have a PowerPoint presentation to upload, to  
 8 show you, if that's possible.  
 9 CHAIRMAN AIZENSTAT: Will you be able to do  
 10 that within your time allowed?  
 11 MR. SESSIONS: I don't think so. I was  
 12 wondering if we can yield -- We've got some  
 13 people that will yield time to me that would  
 14 eliminate two other people speaking.  
 15 CHAIRMAN AIZENSTAT: The two people that  
 16 want to yield time are who? If you can raise  
 17 your hands -- You have three people?  
 18 VOICE FROM AUDIENCE: You can have my time,  
 19 also, if you want.  
 20 CHAIRMAN AIZENSTAT: Well, it's just that  
 21 at some point, we can't get carried away with  
 22 it. So why don't we go ahead and say we'll  
 23 give the gentleman about six minutes and take  
 24 away two -- himself and another name, and that  
 25 will be fine.

1 MR. RIEL: If we could just provide the  
 2 names --  
 3 CHAIRMAN AIZENSTAT: Of the individuals?  
 4 MR. RIEL: -- so we don't call them again.  
 5 CHAIRMAN AIZENSTAT: Who else is going to  
 6 yield the podium?  
 7 VOICE FROM AUDIENCE: Bernie Capote  
 8 (phonetic). I'll donate it.  
 9 CHAIRMAN AIZENSTAT: Is that okay with you,  
 10 six minutes?  
 11 MR. SESSIONS: That's fine, yeah.  
 12 CHAIRMAN AIZENSTAT: Okay.  
 13 MR. SESSIONS: And if I'm running long,  
 14 I'll shut up after that.  
 15 My name is Wayne Sessions. I reside at  
 16 1310 Genoa Street, and I'd like to see the  
 17 pickup truck ordinance modified. I want to be  
 18 perfectly clear. Nobody wants -- the majority  
 19 of us do not want commercial vehicles parked in  
 20 our residential areas, but there's a lot of  
 21 confusion right now, a lot of misunderstanding  
 22 about our pickup truck ordinance. I think it  
 23 has a lot to do with a comprehensive vehicle  
 24 plan. If we have that in place, I think that  
 25 will help a lot in understanding what people

1 are going through with the confusion of  
 2 understanding what's happening.  
 3 Is the PowerPoint up right now?  
 4 MR. RIEL: Yeah, if we could have --  
 5 There you go.  
 6 MR. SESSIONS: There we go.  
 7 You know, there's a lot of talk right now,  
 8 or a lot of argument about aesthetics.  
 9 You're not catching up with me. Number 2,  
 10 please.  
 11 CHAIRMAN AIZENSTAT: We'll give you some  
 12 time to catch up.  
 13 MR. SESSIONS: Which direction are we  
 14 going?  
 15 MR. RIEL: You just need to hold it in your  
 16 hand, that's all.  
 17 MR. SESSIONS: Okay.  
 18 Okay, aesthetics. There's been a lot of  
 19 talk about aesthetics. Well, you know, a lot  
 20 of people are opposed to trucks because I think  
 21 they simply don't know, they're luxury  
 22 vehicles, and the argument has been, trucks are  
 23 unsightly and if we allow them in Coral Gables,  
 24 we'll lose our reputation as the City  
 25 Beautiful. Well, this is conflicting logic and

1 the weakest point, as well.  
 2 Aesthetics. Aesthetics. Okay. If you  
 3 look at the monitors, you'll see two vehicles  
 4 right there. One is a legal vehicle you can  
 5 park in the City of Coral Gables; the other  
 6 isn't. One looks like a commercial vehicle;  
 7 one doesn't. If you look at the vehicle on the  
 8 right, this is a legally parked vehicle in  
 9 Coral Gables. This individual, I have no beef  
 10 with him, but he's a hoarder, and he packs  
 11 dirt, leaves, sheets, shirts, tools,  
 12 everything, to the top of the van, and this can  
 13 be legally parked in Coral Gables. But we look  
 14 at the vehicle to the left; this is a luxury  
 15 sport SUV, and you cannot park this vehicle  
 16 after 7:00 p.m. at night. That's not right.  
 17 That's just not right.  
 18 Aesthetics. On the Coral Gables  
 19 ordinance -- There's a Coral Gables ordinance  
 20 right now that says you can have a derelict and  
 21 junk vehicle in your yard. You can have in it  
 22 your driveway, right now, two of them. You can  
 23 have two junk vehicles, as long as you alter  
 24 the identity of that vehicle by covering. But  
 25 I've been told by City officials that, "Hey, if

1 you have a pickup truck, let's put a cover over  
 2 it, and you can't identify it." No, you can't  
 3 do that; it's a pickup truck. So we make  
 4 allowances for certain vehicles, but if it's a  
 5 pickup truck, we can't cover it. That doesn't  
 6 make a lot of sense. Aesthetics.  
 7 Home values. You know, "If we allow pickup  
 8 trucks in Coral Gables, our home values are  
 9 going to go down." If you look at the Zillow  
 10 Home Value Index -- excuse me, the Zillow Home  
 11 Value Index, you can find this on the computer,  
 12 from November 2010 to July 2011, our home  
 13 values in Coral Gables have gone up six  
 14 percent, and guess what? We were able to park  
 15 pickup trucks for two years. Have we really  
 16 ruined our property values by allowing trucks  
 17 in Coral Gables? I don't think so.  
 18 Intent. I was told by a City official, "If  
 19 your vehicle has a bed attached to it, you have  
 20 the ability to commit commerce." That didn't  
 21 make a whole lot of sense to me, you know?  
 22 Wait a minute. I can't have a pickup truck  
 23 because I might be able to conduct commerce?  
 24 Well, I submit to you, there's probably more  
 25 commerce going on in a backpack at our local

1 high school than there is my SUV, okay? I'm  
2 not using it for commerce. I'm using this to  
3 drive and use it recreationally.

4 Intent. Well, if that's the intent, let's  
5 look at the All American Jeep. The All  
6 American Jeep, the ultimate utility vehicle,  
7 used to carry guns, weapons, ammunition,  
8 supplies, medical supplies, you name it, but we  
9 can legally park this in our driveways at 7:00  
10 p.m. at night.

11 Let's look at the pink Hummer in the  
12 picture. That is a utility vehicle and that  
13 can be parked in Coral Gables in my front yard,  
14 legally, by what Coral Gables tells us. It  
15 doesn't make sense.

16 Timing. It's already been mentioned. You  
17 can't see the trucks after 7:00 p.m. You  
18 cannot see my vehicle. If you look at this, I  
19 took this picture as if I'm walking my dog.  
20 You have to get up about 10 feet to my house  
21 and use Meese optic and scope optic vision to  
22 see it, and then put a flashlight on, to see my  
23 vehicle. You cannot see the vehicles after  
24 7:00 p.m. It doesn't make sense. Why do we  
25 have that ordinance?

1 So I think somebody at the University of  
2 Miami got very smart. They realized that  
3 they're probably going to lose business if  
4 they're unable to let their Midwest customers  
5 come and reside in Coral Gables, because they  
6 most likely will drive pickup trucks. That  
7 one, we really have to look at, and this one,  
8 as well -- I'm sorry.

9 Lampoon. We've been fodder for every  
10 major -- every major comedian and local  
11 comedian there is about our ordinance. Stephen  
12 Colbert -- I mean, it's funny. My kids still  
13 laugh about that one, if you've seen it. David  
14 Letterman. Our own local Jimmy Cefalo, the  
15 conservative talk show host, has said -- and  
16 he's a businessman, by the way, he's in the  
17 food and wine business -- has said that he is  
18 not driving through the City of Coral Gables  
19 because of this ordinance. He has said it on  
20 the airwaves. That's the kind of publicity we  
21 don't want. We need this fixed, and these are  
22 modern SUVs and we want to park them in our  
23 houses.

24 Conclusion. We'd like to park our vehicles  
25 in residential areas. Also, we'd like to adopt

1 Size. "North Gables cannot handle pickup  
2 trucks; they're too big." This is false. If  
3 you look at the size of a Cadillac Escalade,  
4 it's 18 feet, and six feet high. My Sport Trac  
5 SUV is 17 feet, six foot high, one foot  
6 difference. You'll see a one to three-foot  
7 difference between all these vehicles, all  
8 these vehicles, because they're all on truck  
9 frames. They're all on truck frames.

10 Exceptions. This one could -- I have a  
11 little exception with. If you reside or work  
12 on the University of Miami campus, the pickup  
13 truck ban does not apply to you. If you're a  
14 government entity, this doesn't apply to you,  
15 as well. So what are we saying? It's okay if  
16 you're a University of Miami student, professor  
17 or whatever. You're a different class of  
18 people. You can have pickup trucks. But the  
19 rest of Coral Gables, you can't.

20 Well, I think --

21 CHAIRMAN AIZENSTAT: Continue.

22 MR. SESSIONS: I'll be fast.

23 CHAIRMAN AIZENSTAT: No, no, I want you to  
24 continue. Finish your presentation.

25 MR. SESSIONS: Okay. I'll be brief.

1 the modified Plan A to be able to do that, and  
2 that's it. Thank you very much for your time.

3 CHAIRMAN AIZENSTAT: Thank you for your  
4 time.

5 MS. MENENDEZ: Clarke Morris?

6 MR. MORRIS: Hi. Thank you. I'm Clarke  
7 Morris, at 6905 Leonardo Street. I've been a  
8 resident for approximately 22 years, give or  
9 take.

10 I support a modification in our current  
11 truck ordinance. As spoken before, you don't  
12 have to make a modification. It's not  
13 something that you have to do. But I would  
14 like to talk about, well, there's been a lot of  
15 evolution over time with all of our zoning  
16 laws. Back in 1985, I believe that John  
17 Martin's built a bar, but you couldn't order a  
18 drink there. You actually had to go sit down  
19 at a table and have a cocktail waitress go and  
20 deliver your drink. You couldn't belly up and  
21 have a beer. Would that make sense today?

22 Vans, before 1985, were all commercial  
23 vehicles. So when custom vans, minivans,  
24 started to come into play, people liked to use  
25 that, and it made a lot of sense, so that got

1 blessed down.  
 2 SUVs, the Ford Explorer, were blessed in  
 3 somewhere around 1990. There was a time where  
 4 you couldn't even have a satellite dish. Now,  
 5 satellite dishes at one time were like  
 6 oversized paella dishes, but things evolve,  
 7 things change.

8 In short, we're an active community. We're  
 9 not a retirement community whatsoever. People  
 10 fish, they dive, they boat. We couldn't have  
 11 boats until when, in the eighties, in the side  
 12 yard? But we kiteboard. We stand-up  
 13 paddleboard. You know? At this point in time,  
 14 if I want to support my local Boy Scout Chapter  
 15 or help out with the church, and want to bring  
 16 something in the back of my truck and help them  
 17 out, it's a nice thing to do.

18 It's a lifestyle. It's a choice. I don't  
 19 have to drive a truck. I could drive an SUV.  
 20 But it's my choice. I think we've provided a  
 21 revision of Plan A. We'd love you to take a  
 22 look at it. Thank you.

23 CHAIRMAN AIZENSTAT: Thank you for your  
 24 time.

25 MS. MENENDEZ: Ani Victoriano?

1 opened, I typically got six questions, or six  
 2 remarks. The first one is always, "Are you for  
 3 or against?" And that's a really difficult one  
 4 to answer, am I for or against? I'm for the  
 5 real and the spirit of the law. And the spirit  
 6 of the law, the way that I interpret it, is no  
 7 commercial vehicles. No ladders, no signs, no  
 8 cargo, and I think -- and I can see the names  
 9 here. Back in '05, you all got together and  
 10 you did something called the Zoning Code  
 11 Rewrite. And you were on it, and Eibi, I  
 12 believe you were on it, and Robert, you were on  
 13 it.

14 So, I've been really obsessing over this  
 15 thing and I've read stuff that I never thought  
 16 I would read, but basically, as I walked around  
 17 here, Coral Gables, the blues are truck owners.  
 18 The other colors, green, yellow, white, are  
 19 non-truck owners. And then the red ones were  
 20 people that said, "Leave my law alone, I like  
 21 it." And as you see, there's a lot of  
 22 non-truck owners, and as I knock on those doors  
 23 and I ask them, "How do you feel about the  
 24 truck ban, do you want to keep the true spirit  
 25 of the law, which is no commercial vehicles,"

1 MS. VICTORIANO: I brought some props, if  
 2 it's okay.

3 CHAIRMAN AIZENSTAT: Of course.

4 MS. VICTORIANO: Okay.

5 CHAIRMAN AIZENSTAT: And your prop holder.

6 MS. VICTORIANO: Well, actually -- Yeah.

7 UNIDENTIFIED WOMAN: I'm Vanna White.

8 CHAIRMAN AIZENSTAT: If you could state  
 9 your name and address, please.

10 MS. VICTORIANO: Ani Victoriano, 510  
 11 Catalonia Avenue. No ladders, no signs, no  
 12 cargo. No ladders, no signs, no cargo, and  
 13 that's what I've been saying for the last  
 14 three, four months. I've been walking around  
 15 Coral Gables. That's my map. I have accosted  
 16 people at Publix, while they're squeezing the  
 17 melons, and I have gone over to people at the  
 18 Youth Center, when they're watching their kids  
 19 score a point and I'm interrupting them and  
 20 asking them how they feel about the truck  
 21 ordinance. I have knocked on doors. I've been  
 22 bitten by mosquitos, and sweat and everything,  
 23 and that's what I've done. I feel like I have  
 24 the pulse of the City of Coral Gables, and  
 25 every time that I knocked on a door and someone

1 that's what I saw and that's what most people  
 2 projected, and that's why they signed my  
 3 petition.

4 The other question that I got is, "I  
 5 thought that law was modified." Well, not  
 6 really. "Wasn't the City sued over that?" I  
 7 got a lot of those. And some people said,  
 8 "This is just crazy. Don't they have better  
 9 things to do? Let me have that, let me sign  
 10 it." And then there were some people, they're  
 11 the red ones, that said, "I don't want the pool  
 12 guy's truck there, I don't want the plumber  
 13 guy's truck there, I'm not signing that," and  
 14 then there's, "I don't like pickup trucks."

15 I'm not finished. Can I continue?

16 CHAIRMAN AIZENSTAT: If it's very short,  
 17 yes, please.

18 MS. VICTORIANO: Okay.

19 VOICE FROM AUDIENCE: She can have my time.

20 MS. VICTORIANO: All right. If we can go  
 21 back to that zoning rewrite, and then the  
 22 Chairman was Mr. Korge. Who's the Chairman  
 23 now? I guess you are.

24 MR. SALMAN: Eibi.

25 MS. VICTORIANO: You're in the middle,

1 okay. Well, Mr. Korge asked a really great  
 2 question. He said, "Well -- " And I'm reading  
 3 this, and it's Page 14, if you want to see it.  
 4 "Well, I'm kind of curious. I don't know who  
 5 to ask, but what's the reason for the current  
 6 ban on pickup trucks in the City?"

7 What a great question. The attorney -- it  
 8 wasn't you, it was Hernandez -- she kind of  
 9 babbled, and I don't think she really knew the  
 10 answer, but it says, "Well, from what I can  
 11 tell," babble, babble, babble, and you go down,  
 12 "it was really to limit individuals having  
 13 junk, you know, cargo in their pickup trucks."  
 14 I swear, I'm reading this verbatim.

15 CHAIRMAN AIZENSTAT: We actually have the  
 16 minutes with us.

17 MS. VICTORIANO: Okay, and so the  
 18 Commission adopted it, and it went back to  
 19 Mrs. Pass, and she went back, and it goes down  
 20 to my premise: No ladders, no signs, no cargo,  
 21 and that's really what we're asking. That is  
 22 Option A, and I'm hoping that you guys --

23 CHAIRMAN AIZENSTAT: Thank you.

24 MS. VICTORIANO: -- take a look at that.  
 25 Thank you.

1 CHAIRMAN AIZENSTAT: Thank you for your  
 2 time. There was a gentleman that actually  
 3 said, "She could have my time." Who was that?

4 MS. MENENDEZ: Yes.

5 CHAIRMAN AIZENSTAT: If you could just give  
 6 your name.

7 VOICE FROM AUDIENCE: She has it.

8 CHAIRMAN AIZENSTAT: Okay, perfect.

9 I'd like to acknowledge Commissioner Ralph  
 10 Cabrera, that just walked into our room.

11 Welcome.

12 COMMISSIONER CABRERA: Thank you, sir.

13 MS. MENENDEZ: Victoria Briant.

14 MS. BRIEANT: Victoria Briant. I live at  
 15 1118 Ferdinand Street. I own my home. I've  
 16 been here about eight and a half years. Some  
 17 of you may know me from my work with the Boy  
 18 Scouts here, with Troop 7. Yesterday I mailed  
 19 a letter, which I have some extra copies of,  
 20 that I could hand out, and I'm going to show  
 21 you some pictures, if I may, which I'll also  
 22 hand out, but I don't have quite enough, so  
 23 you'll have to share, please.

24 And I'm advocating a modified Version A,  
 25 which is attached to my letter, and the

1 modifications are in red.

2 MR. SALMAN: We'll share.

3 MS. BRIEANT: I'm a truck owner. I store  
 4 my truck typically in Homestead, in a secure  
 5 facility. It's not a tremendous hardship to me  
 6 not to have it in my driveway. I typically use  
 7 it these days for the Boy Scouts, typically  
 8 once or twice a month, to haul the trailer.  
 9 I'm here speaking because I'd like to see an  
 10 update to the ordinance, so -- I don't know, I  
 11 have one more I can give you. So, if you could  
 12 bear with me, I'm doing this as a lead-in.

13 This is -- If you were driving by my house,  
 14 Photo 1, at three miles an hour, Photo 1 is the  
 15 first thing you'd see. Then you'd see Photo 2.  
 16 And then you'd see Photo 3, which you can see  
 17 my truck backed into my driveway, where it fits  
 18 and I can actually get in and out of the doors.  
 19 And then you move on, and then you see it  
 20 passing -- you're passing it, and then you see  
 21 the hedge that shields it on the other side,  
 22 and you see my neighbor's car with the cover on  
 23 it, which I have no complaint with my neighbor.  
 24 It's legal to have the cover and it's not meant  
 25 as a criticism; it's meant just to show you

1 what it looks like.

2 And the reason I tell you this is that, the  
 3 way my truck is backed in there, it would be  
 4 legal under Modified Version A. It's protected  
 5 on one side by a wall, the back by a gate, and  
 6 the other side by a hedge. But the other  
 7 reason I tell you this is, if you look at  
 8 Number 3, this is a Chevrolet Silverado CK3500.  
 9 It's equivalent to the Ford F-350. But if you  
 10 look at it from the street, as you're driving  
 11 by -- oh, shoot. Can I have a --

12 MR. SESSIONS: We've got someone to give  
 13 the time.

14 CHAIRMAN AIZENSTAT: Just go ahead, please.

15 MS. BRIEANT: Thank you.

16 To look at this in terms of Modified 3 and  
 17 some background here, this is the Number 2,  
 18 Number 3 best-selling truck in America. It has  
 19 been for about 15 years. Its curb weight is  
 20 4387 pounds. Version A talks in terms of 8500  
 21 pounds, which is the Hummer. But I want to let  
 22 you know that by comparison, this is 700 pounds  
 23 less than a Bentley, 1100 pounds less than the  
 24 Mercedes G500. So I want to suggest to you  
 25 that curb weight may not be really the answer

1 here.

2 The other thing I want to say is that from

3 the street, you can't tell how many tires it

4 has, whether there's anything in the bed, and

5 the reason that's important to me is, I don't

6 want you to pass an ordinance that will run

7 afoul of the Fourth Amendment. I don't want

8 City inspectors coming onto my private property

9 or other property, saying, "How many tires?"

10 You know, "What's in your bed?" If this is

11 about aesthetics, it should be from the street.

12 You shouldn't have inspectors saying, without a

13 warrant, without probable cause, "I'm going to

14 come and count the tires. Is this a Dually?

15 Is there cargo?" It's what can you see from

16 the street. And I'd like you to take that into

17 account.

18 Very briefly, if I may, a group of us

19 worked on Version A, to modify it a little bit.

20 We wanted to get away from the concept of truck

21 and focus on vehicles, personal vehicles and

22 commercial vehicles. We define vehicle as -- a

23 personal vehicle as a vehicle in good repair

24 that is not used for trade, services or

25 commerce in general, and we define that as not

1 being a commercial vehicle. Then we have the

2 provision that deals with inoperable,

3 dismantled, wrecked, harboring diseases, place

4 for mosquitos to grow. We have a provision

5 where you -- we expand the definitions to say

6 so-called monster trucks, or consisting of a

7 vehicle modified or purposely built with

8 extremely large wheels and a suspension, and we

9 also have added the language about ladders and

10 scaffolding on the exterior.

11 If I can make two final, very quick points,

12 and I appreciate your patience here. To the

13 populace who say, "Do nothing," there's

14 guidance in the August 2010 Court decisions.

15 For example, in the concurring opinion, Judge

16 Shepard wrote, "If I were a member of the Coral

17 Gables City Commission, I might argue it is

18 improvident to maintain the ordinances before

19 us on the City's books." He also wrote two

20 more sentences. "Under our system of

21 government, it is our expectation as citizens

22 that improvident decisions of local government,

23 as distinguished from unlawful decisions, will

24 eventually be rectified by the democratic

25 process," and, "This is as it should be."

1 If I could say just two last things, very,

2 very quickly. Before World War II, station

3 wagons were considered commercial vehicles.

4 They were built on truck bodies. After World

5 War II, they became a suburban standard. In

6 the 1980s, they were replaced by minivans, in

7 the 1990s by SUVs. Today it's trucks.

8 And my last thought is, as we're

9 modernizing Miracle Mile, I'd like us to also

10 modernize our truck ordinance, and if we do not

11 move forward, we will fall behind. Thank you.

12 CHAIRMAN AIZENSTAT: Thank you.

13 Jill --

14 MS. MENENDEZ: Eva Gordon.

15 CHAIRMAN AIZENSTAT: Jill, there were two

16 gentlemen that raised their hand to take her --

17 MS. MENENDEZ: I believe it was a lady --

18 MR. SESSIONS: It's this lady right back

19 here.

20 CHAIRMAN AIZENSTAT: Okay. Thank you.

21 MS. MENENDEZ: She has a card.

22 CHAIRMAN AIZENSTAT: Okay, thank you.

23 MS. GORDON: Good evening. My name is Eva

24 Gordon. I live at 1020 Andora Avenue. I've

25 lived in Coral Gables for 40 years. I've

1 worked in Coral Gables for over 20 years. I've

2 already submitted my comments to you, through

3 Mr. Riel, via e-mail today, so I'm not going to

4 repeat those. I hope you're going to have a

5 chance to read them.

6 I do wish to emphasize that the only reason

7 we moved into Coral Gables is because this was

8 one of the few communities that had no trucks,

9 and we do not wish to look at trucks, whether

10 they are red, green, blue, whatever they are.

11 We could have bought a home for half the price,

12 on a much bigger lot, with much bigger property

13 around, south of Sunset, which we did not do,

14 explicitly because of the truck ordinance. I

15 do not think that about 30 percent of the Coral

16 Gables population should dictate to the 70

17 percent, what we should look at when we look

18 through our windows.

19 A neighbor of ours who is renting a home

20 has a boyfriend, the latest boyfriend, I might

21 add, who does have a truck, and he parks it on

22 the swale, and we do not open our front shades

23 anymore, because we don't want to look at it,

24 and I don't want to call the police every

25 weekend. And there is no way to enforce, if

1 you allow the trucks, as to how big they are,  
2 how ugly they are, how much noise they make,  
3 which, by the way, I find it very unusual that  
4 nobody has voiced their opinions or comments  
5 about the noise that trucks go with. I think  
6 that's an important issue, but no one has said  
7 a word about that.

8 I think that the zoning group has a lot  
9 more to do than come and run around when we  
10 pick up the phone and say, "Oh, I don't think  
11 this truck is right for this neighborhood, this  
12 is not clean, this is messy, this has this and  
13 that." I don't think that's what they should  
14 spend their time on. They have no manpower to  
15 enforce that, and I think it's unreasonable to  
16 expect.

17 I think for those who want change, I'd like  
18 to say, why trucks? Why not boats? Why not  
19 roof tiles? Why not paint color? Why stop  
20 there? Why just trucks? Why not just change  
21 everything? So I say no to trucks. Let's just  
22 keep it the way it is, and those of us who have  
23 lived here for a long time, let us enjoy for a  
24 little more, and when we're gone, you can bring  
25 your trucks. Thank you.

1 CHAIRMAN AIZENSTAT: Thank you.

2 MS. MENENDEZ: Jamie Richman.

3 MS. RICHMAN: Good evening. My name is  
4 Jamie Richman, and I am here this evening on  
5 behalf of my 19-year-old son.

6 CHAIRMAN AIZENSTAT: Would you please state  
7 your address?

8 MS. RICHMAN: Well, I'm on behalf -- I am  
9 here on behalf of my 19-year-old, Brent Feder.  
10 13679 Deering Bay Drive. Brent Feder is a  
11 sophomore at Florida State University, so he is  
12 not able to be here, so I will be reading a  
13 letter to you that he had sent to the Mayor and  
14 the Commissioners.

15 "Dear Mayor Cason: It has come to my  
16 attention that there is a serious dispute  
17 regarding the allowance of noncommercial pickup  
18 trucks being owned in the Coral Gables area. I  
19 am a 19-year-old college student who represents  
20 a 19-year resident of the Gables, and even  
21 though my opinion may seem insignificant, I am  
22 authorized to share it with you, nonetheless.  
23 I personally do not own a pickup truck, but my  
24 best friend and neighbor does, and its uses are  
25 not commercialized in any way. On a day-to-day

1 basis, our outdoor pursuits require such a  
2 vehicle. The hauling of sandy kayaks, massive  
3 coolers, nets, our catch, and other  
4 miscellaneous fishing and diving equipment that  
5 otherwise would ruin a normal vehicle is  
6 accepted by this vehicle with ease. Our  
7 ventures even occasionally take us across the  
8 state in search of new waters, and it's funny  
9 that we are only met with hostility when we  
10 arrive home. It would seem reasonable that  
11 maybe a large SUV could be used in place of our  
12 beloved pickup, but have you ever seen what  
13 saltwater and sand does to the inside of even  
14 the toughest of trucks and back seats? The  
15 damage is irreversible and ends up being  
16 overtly (sic) expensive, the reason why I am  
17 currently carless. The utility of our vehicle  
18 also isn't limited to our personal escapes.  
19 Both my neighbor and I are immersed in  
20 different communal activities, namely, many  
21 different Special Olympic events, that  
22 typically require the transporting of heavy,  
23 bulky items, industrial size tents, coolers and  
24 sporting equipment that have all found their  
25 way into the bed of our vehicle en masse. In

1 the place of three separate SUVs, we manage to  
2 make a single trip, saving time, space and  
3 resources.

4 "I am aware, Mayor Cason, that laws are set  
5 to manage the masses and retain the order, but  
6 when this law was instated (sic), weren't such  
7 vehicles used specifically for commercial  
8 purposes? Looking around today's streets, the  
9 vast majority of trucks seem to lack any  
10 commercial connection. That is, there are no  
11 stickers, equipment or advertisements on such  
12 vehicles. Could it be possible that we are in  
13 a different time, where people drive such  
14 vehicles as a new fad? Of course, this is  
15 simply an observation. The trucks of today are  
16 more luxurious than those of the previous  
17 decade, are more useful, and are increasing in  
18 popularity. I like to think that my neighbor  
19 and I are not the only individuals in Coral  
20 Gables that enjoy the outdoor pursuits South  
21 Florida has to offer, but maybe I'm wrong. The  
22 usefulness of the pickup outweighs that of any  
23 other vehicle we have tried, and saying it  
24 works for us would be a grave understatement.  
25 I can't imagine I'm the only resident that

1 feels this way, but who knows? Maybe I'm  
 2 wrong. Thank you for your time, Mayor Cason.  
 3 Brent Feder, 13679 Deering Bay Drive."  
 4 Thank you.  
 5 CHAIRMAN AIZENSTAT: Thank you.  
 6 MS. MENENDEZ: Wahneta Sessions?  
 7 MS. SESSIONS: Ever try to put a banana  
 8 tree in a car?  
 9 CHAIRMAN AIZENSTAT: Would you state your  
 10 name and address, please?  
 11 MS. SESSIONS: I'm Wahneta Sessions. I  
 12 live at 711 University Drive.  
 13 CHAIRMAN AIZENSTAT: Thank you.  
 14 MS. SESSIONS: And I love to garden and I  
 15 love to landscape my property. That's one of  
 16 the beauties of the Gables. If I had a pickup  
 17 truck, I could go out to the Redlands and get  
 18 all sorts of great things. As it is, I've got  
 19 to beg and borrow a pickup truck from someone  
 20 who doesn't live in the Gables. Let us ladies  
 21 have a pickup truck. Thank you.  
 22 (Applause)  
 23 MS. MENENDEZ: William Sessions.  
 24 MR. WILLIAM SESSIONS: Yes, my name is  
 25 William Sessions. I live at 711 University

1 Drive. I just want to say, I think the  
 2 Proposal A should be modified to modern times.  
 3 I'm just going to keep it short and simple.  
 4 That's all I've got to say.  
 5 CHAIRMAN AIZENSTAT: Thank you.  
 6 MR. WILLIAM SESSIONS: Have a good day.  
 7 MS. MENENDEZ: Carlos Garcia.  
 8 MR. GARCIA: Thank you for taking the time.  
 9 Carlos Garcia, 1441 Robbia. I think the  
 10 time has come to modernize it, as well. I'm  
 11 all for an amendment to the existing law.  
 12 A 1960s ordinance, it's -- you know, we  
 13 came from Cuba in 1960. I don't want to get  
 14 into the political, but to park a vehicle, it's  
 15 to me as American as apple pie. It's Coral  
 16 Gables, apple pie, and Chevrolet, you know, and  
 17 Ford. It goes together. Let the lady park her  
 18 car, let -- you know, be able to take your kids  
 19 fishing, be able to take your kids to soccer,  
 20 do your gardening. It's, I think, the right  
 21 thing to do in this day and age.  
 22 The footprint of the vehicle I have is well  
 23 within the many vehicles that have been already  
 24 discussed. I think I aid the City in having a  
 25 truck. On two hurricane occasions, my vehicle,

1 which is noncommercial, was used to clear the  
 2 City streets of debris prior to the City being  
 3 able to get out there, and I realize they can't  
 4 get everywhere. The residents around my  
 5 neighborhood were extremely happy with my truck  
 6 on those days.  
 7 This last Saturday, there was a downed  
 8 power line on Alhambra. I called it in, and I  
 9 stayed with my truck. I felt very safe. I  
 10 waited for the City of Coral Gables Fire  
 11 Department to arrive. The lines were down. I  
 12 handed it off to them, they told me to leave,  
 13 and that was it. But these vehicles have  
 14 gotten their day in the sun, and I think the  
 15 time is right. I think Coral Gables has bigger  
 16 fish to fry, more important things on their  
 17 plate.  
 18 It needs to be an inclusive city, and I  
 19 think it sets a bad precedent on just values  
 20 and the direction -- The next thing could be,  
 21 maybe you don't like the types of boats parked  
 22 in the different waterways. You don't know  
 23 where this is. If you're paying your taxes, if  
 24 you're keeping your City, your homes clean,  
 25 you're actually using the trucks to maintain

1 your lawns and your gardens and so forth, I  
 2 think it's the right thing to do.  
 3 CHAIRMAN AIZENSTAT: Thank you.  
 4 MS. MENENDEZ: Rob Ruwitch.  
 5 MR. RUWITCH: Hello. My name is Rob  
 6 Ruwitch. I live at 395 Marquesa Drive, and I  
 7 have a comment for myself, and I have a letter  
 8 that was written by my neighbor, Christopher  
 9 Toomey, that I'd like to read to you. He  
 10 couldn't be here. He had a previous  
 11 engagement.  
 12 "Dear Coral Gables Planning and Zoning  
 13 Board: My name is Christopher Toomey. I live  
 14 at 500 Marquesa Drive, Coral Gables. This is  
 15 an Old Cutler Bay neighborhood. I'm writing to  
 16 you today to express my lack of support for the  
 17 ordinance banning pickup trucks in Coral Gables  
 18 prior to 7:30. I understand the origin of this  
 19 ordinance, and at one time, when pickup trucks  
 20 were used almost exclusively for construction  
 21 work, I can understand where such ordinance  
 22 would have its benefits. However, times and  
 23 vehicle have changed over the years. Pickup  
 24 trucks and SUVs are now commonly used as  
 25 primary modes of transportation. I own a

1 pickup truck and park it on the side of my  
 2 house, well behind the front of my house, and  
 3 at least 70 feet from the City right-of-way.  
 4 Living on the water and being a boat owner, I  
 5 find it very practical to own a pickup truck.  
 6 I also have the captain, mate and friends with  
 7 pickup trucks who often arrive at my house  
 8 prior to 7:30 for a day of fishing. I have a  
 9 large driveway that can accommodate numerous  
 10 vehicles, and my guests are always parked on my  
 11 property and do not infringe on the City's  
 12 right-of-way. I cannot see a good reason for  
 13 prohibiting the parking of pickup trucks in  
 14 this manner. An additional concern of mine is  
 15 selective enforcement. Many homeowners with  
 16 pickup trucks have also walls, gates behind  
 17 which are their driveways and their vehicles.  
 18 Will Code Enforcement be scaling these walls to  
 19 ticket these vehicles, as well? I believe the  
 20 ordinance banning pickup trucks has become  
 21 obsolete and should be repealed. At a minimum,  
 22 it should be amended to include just those  
 23 pickup trucks, or any vehicle, for that matter,  
 24 that are labeled with signage indicating  
 25 commercial use. Thank you."

1 I would like to address one other issue  
 2 with regard to that, and it adopts the mode and  
 3 means of transportation that many people have  
 4 adopted with the use of pickup trucks. By not  
 5 amending this ordinance, by enforcing it from  
 6 six o'clock or seven o'clock in the evening, it  
 7 precludes residents of Coral Gables who may or  
 8 may not have friends who have a pickup truck as  
 9 the major means of transportation from inviting  
 10 them over for dinner. You're going to get  
 11 cited for having your friends come over? You  
 12 don't know if it's their only vehicle or not.  
 13 They don't know. The ordinance, I feel, needs  
 14 to be adjusted, needs to be modified, needs to  
 15 be brought up to modern times. Thank you.  
 16 CHAIRMAN AIZENSTAT: Thank you.  
 17 MS. MENENDEZ: Robert Black.  
 18 MR. BLACK: Good evening. I appreciate  
 19 having the opportunity to talk to you all. My  
 20 name is Robert Black. I live at 620 Destacada,  
 21 in Coral Gables. I own a number of cars. One  
 22 of them is a pickup truck. I love it a lot.  
 23 Unfortunately, I practice law for a living, so  
 24 perhaps my -- you know, my comments may well  
 25 have a little legalistic line to them, but I

1 fully support others here, friends and  
 2 neighbors, that are supporting a modification  
 3 of the rule.  
 4 You know, in the Court opinion in the Third  
 5 D.C.A., there was a whole lot of dissent and  
 6 differences of opinion, and my sense is that a  
 7 little different fact pattern, I think, perhaps  
 8 the City might not be so lucky, and I think the  
 9 City Attorney might be a little more active in  
 10 defending some of these cases.  
 11 I think, as a resident, I generally  
 12 understand the notion of preserving the  
 13 residential character of the community, but,  
 14 you know, just a ban on pickup trucks, or  
 15 Mercedes Benz, for that reason, banning parking  
 16 these individuals in the evening, without also  
 17 identifying why you folks find them  
 18 specifically offensive, to me, doesn't make a  
 19 lot of sense, and it clearly -- you know, that  
 20 line of thought was prevalent in some of the  
 21 judicial opinions from the Third D.C.A. and  
 22 others.  
 23 I also think there's a form of elitism or  
 24 maybe political correctness (sic) in some of  
 25 this stuff, that's beneath the surface, that I

1 find highly offensive. I think it opens the  
 2 door for a lot of other things that you folks  
 3 or the City Commission could do, which places  
 4 unreasonable restrictions on our use of private  
 5 vehicles, and I'd really rather not go down  
 6 that road.  
 7 I would also point out, finally, that the  
 8 definition of a truck, at least as I understand  
 9 it in the Zoning Codes and the City Codes,  
 10 includes virtually every single SUV or truck  
 11 that you can think of, and I thought that the  
 12 rulemaking that you folks are involved in, and  
 13 the City Commission involved in, really should  
 14 take into account the number and the variety  
 15 and the modern day usage of some of these  
 16 vehicles, and really how people buy them and  
 17 use them, and I think you'll find that they're  
 18 more than acceptable.  
 19 So I appreciate your time. Thank you very  
 20 much.  
 21 CHAIRMAN AIZENSTAT: Thank you.  
 22 MS. MENENDEZ: John Liappas.  
 23 Lowell Kuvin.  
 24 MR. KUVIN: Hi. Good evening. My name is  
 25 Lowell Kuvin. I live at 11 Island Avenue,

1 Miami Beach, Florida. I used to be a Coral  
 2 Gables resident. However, I got married and  
 3 moved away.  
 4 Everything has really kind of been covered.  
 5 I just have to really kind of say, "Wow." I  
 6 never knew that this whole thing was going to  
 7 blow up and become this. So many people have  
 8 come out tonight to say so many positive  
 9 things, on both sides, really. I think it's  
 10 very important to know that there are a lot of  
 11 people that live in Miami Beach and people that  
 12 live in other parts of Miami that don't come to  
 13 Coral Gables at night because they do drive  
 14 pickup trucks. I don't primarily drive my  
 15 pickup truck anymore, but I can't drive it to  
 16 the City at night, and if I wanted to come to  
 17 visit a friend of mine and maybe pick up a  
 18 piece of furniture, I couldn't do it at night.  
 19 I could do it during the day, but I work during  
 20 the day. So it's kind of a little bit of a  
 21 stain on the City of Coral Gables, and I  
 22 believe that the ordinance should definitely be  
 23 changed. I'm sure you know that I believe that  
 24 already.  
 25 People have been talking about property

1 investments. During the litigation, we had  
 2 asked for a simple survey, or perhaps maybe  
 3 some type of document that shows that there's  
 4 an empirical correlation between property  
 5 values and pickup trucks. The City never  
 6 produced that. I've searched high and low.  
 7 It's never been found. I have not seen one,  
 8 and a lot of people said that they feel that  
 9 property values get lowered. I believe that  
 10 Mr. Sessions or it was someone else showed a  
 11 graph that property values actually have  
 12 increased, even though we've allowed -- or the  
 13 City has allowed parking of pickup trucks  
 14 during the appeals process.  
 15 People also talk about the snowball effect.  
 16 "Well, what if we let trucks today? Well,  
 17 then, tomorrow it will be something else, and  
 18 the next day it will be boats," and to quote  
 19 the ex-Mayor, then it will be swamp buggies.  
 20 It's not true. The Board has the ability to  
 21 write an ordinance that makes sense, that's  
 22 reasonable, that will keep boats and swamp  
 23 buggies out of the City. The snowball effect  
 24 is nothing more than the person running around  
 25 saying -- or group of people running around

1 saying, "Hey, listen, if we allow this, this is  
 2 going to happen." There's no proof that that's  
 3 going to happen.  
 4 I'd just like to say, thank you very much  
 5 for listening to me, and a bright line test;  
 6 ask the City Attorney, he'll tell you what that  
 7 means, and that's the way to go. That's my  
 8 suggestion. Thank you very much.  
 9 CHAIRMAN AIZENSTAT: Thank you.  
 10 MS. MENENDEZ: Robert Backoosky.  
 11 Maricela (sic) Villamil.  
 12 Mark Losada.  
 13 MS. VILLAMIL: Good evening. My name is  
 14 Mariaelena Villamil, and I live at 1256 Sorolla  
 15 Avenue, and thank you for listening to me  
 16 tonight, gentlemen and neighbors.  
 17 I am here to ask you to keep the ordinance  
 18 as is, okay, for many reasons. First of all,  
 19 like the attorney said, if we make any changes  
 20 to it, we're opening ourselves to more  
 21 scrutiny, to more litigation, because if you  
 22 don't change it the way A, B or C wants it,  
 23 then C, D and E want some other changes.  
 24 Again, we're opening a Pandora's box.  
 25 The second reason, we already spent eight

1 years and \$200,000, supposedly, maybe more, in  
 2 litigation, and the issue has been settled.  
 3 Why continue wasting time? I want to tell you  
 4 that whoever prepared this in the Planning  
 5 Department, I think it's wonderful that you  
 6 compared 20 different cities, but who wants to  
 7 live in Washington, in Kansas, in wherever, in  
 8 Illinois? These are the cities that are being  
 9 compared to Coral Gables. When all of us  
 10 bought in Coral Gables, and the first time I  
 11 bought in Coral Gables was back in 1980, and I  
 12 work and live here since 1992, the last time,  
 13 we all knew that Coral Gables has very strict  
 14 rules, and we bought, knowing that. Otherwise,  
 15 we wouldn't have bought here. And if your  
 16 realtor didn't tell you, you should fire them,  
 17 okay, because when you buy a condo, you know  
 18 there are rules and regulations that you have  
 19 to follow. I'm not against change, okay, but  
 20 only changes for the better, okay? The pickup  
 21 trucks are not the time to be changed now,  
 22 okay?  
 23 I find it offensive for the gentleman that  
 24 says that, you know, we are considered elitist  
 25 if we want to change the ordinance -- or we

1 want to keep the ordinance. No, I'm not an  
2 elitist. I live in Coral Gables by choice, and  
3 I want Coral Gables to stay the way it is.

4 The issue is not owning a pickup truck, for  
5 some people that mentioned that. The issue is  
6 where you're going to park the pickup truck,  
7 okay? So don't let them water the mud-- muddle  
8 the waters, okay?

9 The other thing is -- let me see, I had  
10 something else. Look, those -- the gentleman  
11 that said that people don't come from Miami  
12 Beach because of their pickup truck at night,  
13 you know, I beg to differ. That's totally  
14 ridiculous, because you get fined if they see  
15 your truck every day, and you don't get fined  
16 for the first visit. So, excuse me, I'm sure  
17 people from Miami Beach with pickup trucks do  
18 come to Coral Gables at night.

19 And lastly, if Jimmy Cefalo doesn't want to  
20 come to Coral Gables, because he's going to get  
21 ticketed, good. We have less traffic in Coral  
22 Gables. So thank you very much.

23 MS. MENENDEZ: Mark Losada.

24 MR. LOSADA: Good evening. Most everything  
25 that I was going to say has already been said.

1 CHAIRMAN AIZENSTAT: Will you state your  
2 name and address, please?

3 MR. LOSADA: Oh, I'm sorry. My name is  
4 Mark Losada. I live at 9380 Gallardo Street,  
5 in Old Cutler Bay, and I'm throwing a lot of my  
6 Old Cutler Bay residents under the bus, or the  
7 pickup truck. We have a minimum of 20 in the  
8 neighborhood, that are residing. They are all  
9 nice vehicles, very, very well kept, beautiful  
10 vehicles, not the intention of the law when it  
11 was written. I understand that. Like I said,  
12 most everything that I was going to say has  
13 already been brought up. Only one issue was  
14 brought up that I hadn't thought of, and that  
15 was the noise issue. Everything else has been  
16 addressed. Size, weight, looks, all addressed.  
17 As far as a pickup truck being noisier than any  
18 other vehicle, I would challenge that any day  
19 of the week. The exhaust systems that come  
20 with the pickup trucks, modern day exhaust  
21 systems, are identical -- I'm a mechanic -- to  
22 any vehicle on the road. They are just as  
23 quiet, unless modified, and I will guarantee  
24 you, there are more Mustangs modified to be  
25 louder than pickup trucks, than there are any

1 pickup trucks on the road. Thank you for your  
2 time.

3 CHAIRMAN AIZENSTAT: Thank you.

4 MS. MENENDEZ: Rod Dickinson?

5 MR. DICKINSON: Hello. My name is Rod  
6 Dickinson. I'm a resident of King's Bay, in  
7 the southern end of Coral Gables, and I'm here  
8 to support a modification. One of the past  
9 guests -- I didn't even think of this, about  
10 guests. That kind of disturbed me, because I  
11 do have guests who own pickup trucks, and I can  
12 imagine, at one of my parties, there might be  
13 three or four pickup trucks out front, and I'm  
14 wondering how you would all address that.

15 Another thing I want to point out is the  
16 appearance of the truck. This is a document I  
17 just put together. It has the original  
18 truck -- that was a Dodge -- in about 1964,  
19 about that time that this ordinance was put in  
20 place, and you can see the transition between  
21 the vehicles. This is a \$70,000 Escalade.  
22 This is the pickup truck that would be illegal,  
23 and I just -- The back end of the truck is  
24 basically the only thing that's different, and  
25 I just don't understand how you put those

1 things apart. I don't understand that. And  
2 being a resident of King's Bay, we have a lot  
3 of families and boaters, and this is a definite  
4 necessity. We have to have a truck. We bring  
5 big boats in the ramp. We have a lot of gear,  
6 saltwater, and other items that that would  
7 probably not be so great in the interior of  
8 another car.

9 So those are my concerns of my  
10 neighborhood, and I want to thank you again.

11 CHAIRMAN AIZENSTAT: Thank you.

12 MS. MENENDEZ: Carlos Solis.

13 MR. SOLIS: Yes, my name is Carlos Solis.  
14 I live at 9365 Gallardo Street. That's in Old  
15 Cutler Bay.

16 1960, is that when this ordinance was  
17 enacted? That was 51 years ago, and nothing  
18 has changed? It sounds a little bit outdated  
19 to me. In my street, there are three pickup  
20 trucks, including my son's. They're all very  
21 nice trucks. Nobody seems to have a problem  
22 except the City of Coral Gables. My son backs  
23 his truck by the side of the house. We have a  
24 one-car garage. We can't fit it. You cannot  
25 tell from looking at the truck if it's an SUV

1 or a truck, and at night, like everybody  
 2 mentioned, it's even harder to tell.  
 3 So you guys have got to get up with the  
 4 times and make a differentiation between a  
 5 commercial vehicle and a very nice truck or SUV  
 6 or pickup truck. Thank you.  
 7 CHAIRMAN AIZENSTAT: Thank you.  
 8 MS. MENENDEZ: Alexandra Goldstein.  
 9 Jan Bartlesen?  
 10 MS. GOLDSTEIN: Good evening. My name is  
 11 Alexandra Goldstein, and I've lived in Coral  
 12 Gables all of my life, all 23 years. I  
 13 actually drive a pickup truck. It's a 2005  
 14 Ford Explorer Sport Trac, which you can tell --  
 15 or maybe not -- from this picture here. I  
 16 don't know if you can tell that it's a pickup.  
 17 Anyway, I support -- I do not support this  
 18 truck ordinance, despite my support of other  
 19 things, other ordinances that are put in place  
 20 to make sure that Coral Gables lives up its  
 21 City Beautiful name, including the enforcement  
 22 of using certain building materials in  
 23 construction, certain paint colors, because  
 24 nobody wants to live next to a neon house, and  
 25 quality standards that are relatively

1 permanent. Cars are not, though.  
 2 Since this truck ban was put into place in  
 3 the 1960s, the overall perception of a pickup  
 4 truck as a service vehicle has dramatically  
 5 changed. As you can tell, people who used to  
 6 drive -- you know, the standard farmer pickup  
 7 truck is completely different from any of these  
 8 luxury cars that are targeted -- that are  
 9 designs targeted by Ford, Cadillac, anything  
 10 like that. They focus on designing trucks that  
 11 are aesthetically pleasing and utilitarian, as  
 12 well. They allow families to do a multitude of  
 13 activities that require lugging room, fishing  
 14 trips, camping trips, sporting events, et  
 15 cetera, and they also allow the ability for  
 16 people -- families to gain transportation after  
 17 hurricanes, any of those storms. I know that  
 18 we've had Katrina, Wilma. We've been able to  
 19 help all of our neighbors clear the street,  
 20 actually drive on all this debris, to be able  
 21 to get food and whatnot, which is kind of  
 22 important, in light of being out of power for  
 23 two weeks and stuff like that.  
 24 Also, our streets are so dark at night that  
 25 you usually wouldn't see -- you wouldn't make

1 the distinguish -- I mean, you wouldn't  
 2 distinguish between a pickup truck like mine  
 3 versus the Ford Explorer, the standard version,  
 4 and for years now, since I've had it, I back it  
 5 into the driveway. Nobody can tell the  
 6 difference, really, if you're driving down the  
 7 street.  
 8 Additionally, I also have very many friends  
 9 that drive pickup trucks, you know, that will  
 10 come to my house for dinner, for other  
 11 get-togethers, or since I live in a pretty  
 12 central location to all of them, we typically  
 13 park our cars there and somebody else will  
 14 drive, and all of these events typically end  
 15 before -- I mean, after -- well after 7:00 p.m.  
 16 So I would just like to thank you for  
 17 listening to me, and I hope that I have your  
 18 support in modifying this truck ban to allow  
 19 people that have pickup trucks for personal use  
 20 to park them in front of their driveways.  
 21 That's all. Thank you.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 MS. MENENDEZ: Nati Soto.  
 24 Enrique Lopez.  
 25 MR. LOPEZ: Good evening, Mr. Chair,

1 Members of the Board, fellow residents, my  
 2 fellow residents. I'm Enrique Lopez. I live  
 3 at 1312 Sorolla Avenue, and I have the  
 4 privilege of living, not next to Mariaelena,  
 5 but this is Mariaelena's neighbor. This is not  
 6 the very nice nifty truck, and you're right,  
 7 there are some very beautiful pickup trucks,  
 8 but I think we need to stick to what has made  
 9 our City great, and I hear the word outdated.  
 10 I'm very proud of living in a very outdated  
 11 City, founded in 1926. It's a quality of life  
 12 component.  
 13 When I moved here, 25 years ago, I knew the  
 14 rules. I knew there were rules for painting.  
 15 I would not have the concrete truck that used  
 16 to be in West Dade being washed every evening  
 17 from my home, and I knew the rules. It is so  
 18 well known and so well respected and highly  
 19 sought that Florida Trend, in the October  
 20 2011 -- and I will quote them. "Coral Gables  
 21 City government is known for its tough stance  
 22 on zoning, architecture and general  
 23 beautification issues. One ordinance bans the  
 24 parking of pickup trucks in driveways  
 25 overnight." The key component, "on driveways

1 overnight." This is not a ban on pickup  
2 trucks. We're being told this is being -- It's  
3 kind of a -- it's growing as it's being talked  
4 about. It's just a ban on parking the darn  
5 things overnight in the driveway. You have  
6 carports, you have a garage. Maybe we should  
7 have those garages that have been converted  
8 into bedrooms or into actual rental property to  
9 become garages again. Maybe we could park some  
10 of the pickup trucks there.

11 "The upscale enclave style, quality of life  
12 and proximity to Miami International Airport  
13 have made it a favorite of executives."

14 The median single-family home price is more  
15 than \$631,000, far above the state average of  
16 138.

17 Ladies and gentlemen, let's not fool  
18 ourselves. Let's not call ourselves outdated.  
19 The bottom line, in the midst of this crisis,  
20 financial crisis we have suffered in the real  
21 estate market, our property values are still  
22 there. We're the most emulated city.

23 The above write-up that they had says it  
24 all. Why the issue? We're willing to destroy  
25 something that's unique and special, that we

1 knew, coming into? Sure, we can change the  
2 laws, we can change many things, but not  
3 quality of life. I am confident, yes, there's  
4 some beautiful pickup trucks, but now we have a  
5 Code Enforcement. What's next, chain link  
6 fences? What's next, religious statues? I  
7 think it really behooves us to step back and  
8 not let a minority -- yes, they are a minority.  
9 I counted 56 vehicles out there before I came  
10 in. There were only three pickup trucks.  
11 Plenty of Mercedes Benzes, S Class, plenty of  
12 Beamers, 700 series. Go count them out there.  
13 So, if I count, I would say the majority of the  
14 people here who are driving are not driving  
15 pickup trucks. Again, that's not the issue.  
16 Let's let the majority prevail, and if there's  
17 an issue on who's the majority, majority, let's  
18 take it to a vote. I am confident, as I sit  
19 here, that the minority will not prevail.

20 Thank you very much.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MS. BARTLESEN: Good evening. My name is  
23 Janice Bartlesen. I live at 533 Majorca  
24 Avenue. I am a long-time resident of Coral  
25 Gables. I've lived here since 1987. I am very

1 happy and proud to live here. I urge you to  
2 repeal the ban on trucks. I think it's  
3 archaic, old-fashioned, and not with the times.

4 One of the things I love about living in  
5 Coral Gables is that we're near the water. We  
6 use our truck for our tandem kayak, our tandem  
7 bike. We haul saiboats. We live a very active  
8 lifestyle, and I urge you to repeal it.

9 Thank you.

10 CHAIRMAN AIZENSTAT: Thank you.

11 MS. MENENDEZ: Nati Soto.

12 MS. SOTO: Good afternoon. My name is Nati  
13 Soto. I live at 1555 Alcala Avenue, in Coral  
14 Gables. I've lived in Coral Gables for more  
15 than 40 years, most of my life. I'm an  
16 architect. I've served on the Architectural  
17 Board many times, so aesthetics are definitely  
18 a focus in my life. I live in Coral Gables,  
19 not because of a truck ban, but because of  
20 beautiful trees, great houses, good property  
21 values, and basically, I live in a very  
22 desirable community.

23 Many things that were objectionable in 1964  
24 are no longer so, as you all know, and we need  
25 to keep our regulations up-to-date to reflect

1 that change in our lives and in our  
2 communities, and the way that people use trucks  
3 these days, use personal trucks, they're  
4 beautiful, they're very utilitarian, they're  
5 not objectionable, they're not ugly, and we're  
6 not legislating ugly. We're legislating  
7 against commercial vehicles with ladders,  
8 equipment, tools, et cetera. That's what we  
9 need to regulate against, because that is  
10 what's objectionable, when a truck is covered  
11 in mud and concrete and it parks next door. So  
12 focus on that. The regulations need to be  
13 updated. We don't need regulations that  
14 prevent people from parking their personal  
15 vehicles.

16 Furthermore, I see that there is -- that  
17 City work vehicles are exempt from this. There  
18 are some lovely City vehicles, work vehicles,  
19 and some not very lovely ones, and I certainly  
20 don't think there should be an exception for  
21 the City of Coral Gables vehicles with --  
22 that's a work vehicle, to be allowed in the  
23 City to park overnight, not any of those  
24 vehicles. And again, I don't -- There's a lot  
25 of needs in this community, there's a lot of

1 needs for Code Enforcement, and there's  
2 certainly not a need to spend the little money  
3 that we have for Code Enforcement on our Code  
4 Enforcement officers driving through our  
5 neighborhoods at night, ticketing our citizens  
6 for parking their pickup trucks on the  
7 driveways.

8 So please consider this viewpoint. I thank  
9 you for looking at this in a serious way and  
10 adjusting it to 2011, instead of 1964. Thank  
11 you.

12 CHAIRMAN AIZENSTAT: Thank you.

13 MS. MENENDEZ: Rafael Contreras.

14 Todd Preston.

15 Mark Touze.

16 MR. TOUZE: Good evening. My name is Mark  
17 Touze. I reside at 95 South Prospect Drive. I  
18 purchased approximately three and a half years  
19 ago. I've grown up in the Gables, lived here  
20 for about 29 years. I was aware of the truck  
21 ordinance since I was a child.

22 One of the reasons why I purchased at 95  
23 South Prospect was because I was under the  
24 impression that the ordinance was in the  
25 process of being changed or might have already

1 been changed. I currently own a truck and I'm  
2 for modifying the ordinance.

3 I'd like to point out a couple other  
4 points. People have mentioned that trucks for  
5 commercial use, or government, governmental  
6 use, are allowed in the Gables. There are also  
7 trucks used by firefighters that aren't used to  
8 fight fires, just they have trucks because they  
9 like trucks; they're for personal use. I'd  
10 like to know what would be done about the dozen  
11 or so trucks that are clearly visible along  
12 U.S. 1 and Riviera Drive at night, or not so  
13 clearly at night.

14 Another question or point I might bring up,  
15 which wasn't very clear in the ordinance, was  
16 not being allowed to park a truck at night in a  
17 business location, meaning that if I wanted to  
18 join a gym in the Gables or go eat in a  
19 restaurant in the Gables, I would not be able  
20 to drive there and wouldn't really be  
21 contributing or bringing my money to the Gables  
22 and would maybe choose Coconut Grove or South  
23 Miami. Thank you.

24 CHAIRMAN AIZENSTAT: Thank you.

25 MS. MENENDEZ: We have no more speakers.

1 CHAIRMAN AIZENSTAT: How many?

2 MS. MENENDEZ: No more.

3 CHAIRMAN AIZENSTAT: No more?

4 Okay. Why don't we go ahead and take about  
5 a five-minute break, or maybe a ten-minute  
6 break, and at that time we'll see if there's  
7 any questions, and open it up to the Board.

8 Thank you.

9 (Thereupon, a brief recess was taken.)

10 CHAIRMAN AIZENSTAT: If everybody will  
11 please take their seats, we'll go ahead and  
12 resume. If everybody will please take their  
13 seats. Thank you.

14 There was one gentleman that did not hear  
15 his name called. I'd like to invite him,  
16 please, to come up and we'll close it after  
17 that.

18 Please state your name and address.

19 MR. PRESTON: Thank you very much. My name  
20 is Todd Preston. I live at 1429 Messina  
21 Avenue. I just found out I'm as old as the  
22 ordinance. I was born in Coral Gables  
23 Hospital, 51 years ago. I don't know if that  
24 gives me any more credibility, but I want to  
25 tell you that I support keeping the ban in

1 place. I think everybody that wants to repeal  
2 it, it's a classic case of, it's better to ask  
3 for forgiveness than ask for permission.

4 I drove a Ford Ranger pickup truck for many  
5 years, although I no longer do since I moved  
6 back to the Gables. When I need a pickup  
7 truck, U-Haul rents them for \$19.95.

8 I'm afraid that if we repeal the ban, it  
9 will open the door to other things, and before  
10 you know it, Coral Gables will no longer be the  
11 City Beautiful. It will be just like any other  
12 municipality in Dade County. I'm familiar with  
13 Rudy Giuliani's broken windows theory, that  
14 worked in New York City, and if we repeal this  
15 ban, it will open up the floodgates for  
16 everything else in the future. Keep the ban in  
17 place. Thank you very much.

18 CHAIRMAN AIZENSTAT: Okay, thank you.  
19 Jill?

20 MS. MENENDEZ: Yes.

21 CHAIRMAN AIZENSTAT: I think that goes  
22 ahead and --

23 MS. MENENDEZ: Closes it up.

24 CHAIRMAN AIZENSTAT: -- closes it up. We  
25 have everybody that wanted to speak go ahead

1 and speak.  
 2 Okay, at this time, I'd like to open it up  
 3 for our Board members to ask any questions or  
 4 comments from Staff or anybody. Is there  
 5 anybody -- Jeff?  
 6 MR. FLANAGAN: Sure. Could I just ask -- I  
 7 heard a lot of comment about the inability to  
 8 have guests park at the house in the evening or  
 9 come to the Gables and patronize the  
 10 restaurants or other establishments at night,  
 11 because it would be after seven o'clock and you  
 12 couldn't do that with a pickup truck.  
 13 Can we just get clarification on that?  
 14 MR. RIEL: You're -- regarding in  
 15 commercial areas or in the Downtown?  
 16 MR. FLANAGAN: Well, both in the Downtown  
 17 and if I had -- if I had friends that wanted to  
 18 come over that had pickup trucks and watch the  
 19 football game at night, could they potentially  
 20 get in trouble for doing that?  
 21 MR. RIEL: Kevin Kinney is probably the  
 22 best person that should address the issue in  
 23 the commercial areas. I don't know -- There he  
 24 is. And maybe Eli, in terms of the  
 25 residential.

1 either they buy meter bags for the event or  
 2 keep the meters paid.  
 3 CHAIRMAN AIZENSTAT: Any other questions  
 4 for the Parking Director, since he's here?  
 5 Anybody?  
 6 Okay. The residential?  
 7 MR. RIEL: Eli?  
 8 MR. GUTIERREZ: For residential parkers,  
 9 you're talking about when it's a party? Is  
 10 that what you said, Mr. Flanagan? Parties  
 11 usually happen at night. My officers are not  
 12 working after 6:00. However, if we were to  
 13 interpret the Code -- We have to use common  
 14 sense. If there's a party going on and we go  
 15 out there, the intention of the Code is storing  
 16 the vehicle. If there's a party going on,  
 17 we're not going to be citing every truck that's  
 18 out there. We understand. The officers have  
 19 been through this before, and what we use is a  
 20 lot of common sense into the Code.  
 21 Let's stick to one of the facts of the  
 22 Code, is that it's the storage of the vehicle.  
 23 If you're at a party, you're not storing your  
 24 vehicle for multiple hours, the whole day, the  
 25 whole night. You're there for a couple of

1 MR. KINNEY: In commercial areas --  
 2 CHAIRMAN AIZENSTAT: Could you state --  
 3 MR. KINNEY: Oh, my name is --  
 4 CHAIRMAN AIZENSTAT: -- just your name and  
 5 position?  
 6 MR. KINNEY: Yeah. My name is Kevin  
 7 Kinney. I'm the Parking Director for the City  
 8 of Coral Gables.  
 9 In commercial areas, the only requirement  
 10 in the evenings is that if you're parked at a  
 11 meter, you pay the meter. We do not look at  
 12 what type of vehicle. In fact, if you're at  
 13 dinner at one of the restaurants Downtown and  
 14 you drove into town in a motor home, as long as  
 15 you park and pay both meters that your vehicle  
 16 is parked at, it's legally parked.  
 17 CHAIRMAN AIZENSTAT: Any type of vehicle?  
 18 If I have a semi truck, and I want to take up  
 19 the whole line of meters, may I do that?  
 20 MR. KINNEY: We actually have had that  
 21 specific situation with the two hotels, the  
 22 Hyatt and the Colonnade, where there has been  
 23 some event where they needed a semi for the  
 24 event at the hotel, and there has been a semi  
 25 parked on the street, and the requirement was,

1 hours and you go home. We're not going to be  
 2 out there just for parties. That's basically  
 3 what I'm trying to say.  
 4 CHAIRMAN AIZENSTAT: If I may, you say that  
 5 you work till 6:00?  
 6 MR. GUTIERREZ: Yes, sir.  
 7 CHAIRMAN AIZENSTAT: The common question  
 8 would be, does then the police officer enforce  
 9 after six o'clock? I understand you have  
 10 people that come in early. You said at 5:00 or  
 11 5:30 in the morning.  
 12 MR. GUTIERREZ: Yes, sir, we start at 5:30.  
 13 CHAIRMAN AIZENSTAT: Let's say somebody  
 14 goes ahead and leaves for work at 5:00 in the  
 15 morning, but they park their pickup truck at  
 16 7:00 at night till 5:00 in the morning. How  
 17 would you enforce it?  
 18 MR. GUTIERREZ: I'm going to hand it over  
 19 to Police.  
 20 CHAIRMAN AIZENSTAT: So I guess that -- It  
 21 would be up to a resident to complain at that  
 22 point, right, Scott?  
 23 MAJOR MASINGTON: I'm Major Scott  
 24 Masington, with the Police Department. The  
 25 Police Department doesn't really enforce all of

1 the Code violations in the City of Coral  
2 Gables. What we would do is respond to a  
3 citizen complaint, and we would write an  
4 information report that indicates what our  
5 observations were at the time we arrived, and  
6 then we'd forward those observation reports or  
7 information reports to Code Enforcement for a  
8 follow-up on the subsequent day. So we are the  
9 eyes, if you may, during the evening hours, but  
10 not necessarily writing the Code violations.

11 CHAIRMAN AIZENSTAT: Okay. Thank you.

12 MR. SALMAN: So the Code enforcement would  
13 come in the next day --

14 MR. GUTIERREZ: Yes.

15 MR. SALMAN: -- with that report and  
16 issue the citation --

17 MR. GUTIERREZ: Yes.

18 MR. SALMAN: -- or the warning, usually, to  
19 begin with.

20 MR. GUTIERREZ: The Police Department and  
21 Code Enforcement work -- not only for trucks,  
22 but anything that we're not working, and it's a  
23 Code violation that an officer sees, he  
24 forwards us a report, and we go out there the  
25 next day and cite.

1 MR. LAGO: A quick question?

2 CHAIRMAN AIZENSTAT: Yes.

3 MR. LAGO: Are you privy to how many  
4 citations were issued this past year?

5 MR. GUTIERREZ: Well, we haven't -- What we  
6 have enforced and haven't stopped has been  
7 commercial vehicles with commercial signage,  
8 but the pickup truck ordinance has been on  
9 hold, so we haven't cited for it, for just a  
10 generic pickup truck with no signage on it.

11 CHAIRMAN AIZENSTAT: Because of the lawsuit  
12 or the case?

13 MR. GUTIERREZ: Yes, sir. The only thing  
14 we did do, as the Code Enforcement Division,  
15 for education in the public is just let them  
16 know what the Code says, let them know that --  
17 what happened with the Supreme Court, but no  
18 enforcement as far as just a regular pickup  
19 truck with no signage.

20 CHAIRMAN AIZENSTAT: Any other questions  
21 for Code Enforcement?

22 Robert, any comments?

23 MR. BEHAR: You know, this is an issue that  
24 we've been dealing -- three of us here, for the  
25 last five, six years, or maybe more, and the

1 same thought processes went back in 2005, when  
2 we -- some of us thought it was maybe time to  
3 look at it and restructure it. I think that  
4 we're here again and I think that we need to  
5 look at this, and I'm opposed to allowing a  
6 commercial vehicle parked in the residential  
7 area, but I think that some of the trucks --  
8 some of the pickup trucks today, you know, with  
9 some guidance -- and I remember Javier Salman  
10 making a comment back in 2005 about an  
11 oversized truck, 8500 pounds or so. I think we  
12 need to look at it. I think it's time that we  
13 really take one look at this and be able to  
14 make some modifications.

15 Personally, I don't have a truck. I'm not  
16 buying a truck. On the contrary, I went  
17 smaller.

18 MR. SALMAN: Smaller.

19 MR. BEHAR: Smaller, but I think that it's  
20 time. It's time that we look at it, once and  
21 for all.

22 MR. SALMAN: If I may, when I moved here --  
23 I actually grew up here as a kid, and then  
24 we -- I went to college and moved away, got  
25 married, came back, and the first place I

1 wanted to buy was Coral Gables, and just after  
2 I moved in, my roof started leaking  
3 horrendously, which is a great excuse, if  
4 you're an architect, to knock the whole thing  
5 down and do it again, right? We couldn't have  
6 pickup trucks. I went out and bought an old  
7 station wagon, and it served me as my pickup  
8 truck, but it was legal. It was the rules.  
9 The rules are the rules. We all sort of come  
10 into play, because we live here because of the  
11 rules, and the rules say that you really can't  
12 have a pickup truck after a certain amount of  
13 time.

14 When we dealt with this at the rewrite,  
15 there was the beginnings of a movement to make  
16 modifications, but we decided, as a group, at  
17 that point, to err on the side of tradition and  
18 go -- pretty much preserve what had already  
19 been here.

20 I echo Robert's position that now is not a  
21 bad time to go ahead and reconsider it, given  
22 the situation. What we have here is a change  
23 in fashion, and how do we -- how do we modify  
24 our Code to accept those changes, those social,  
25 economic, commercial changes that have occurred

1 in the last 50 plus years? 60 years ago, or 50  
 2 years ago, the world was a very different  
 3 place. We lived in a segregated world; that is  
 4 not what we have today. The options open to us  
 5 from a commercial point of view, as to what is  
 6 available on the market and what the market is  
 7 selling, have changed completely in the last 30  
 8 years. Vehicles that -- and I know, because I  
 9 drive old dinosaurs. I can tell you that they  
 10 have changed enormously, and the fashion is  
 11 that people -- and we as a group like our big  
 12 cars. They don't make them anymore. What they  
 13 do is make trucks, and people like to be able  
 14 to schlep things back and forth, and they just  
 15 don't make the kind of vehicles that used to  
 16 exist.

17 Now, at the same time, we have to preserve  
 18 what the initial intent was. When this City  
 19 was founded in 1925, it was pretty much a  
 20 bedroom community, a commuter community, and  
 21 that people would come here in the winter,  
 22 before there was air conditioning. The Code  
 23 was very clear. You had to have a house with a  
 24 garage, and the purpose of the garage was to  
 25 store your vehicle during the summer months

1 until you got back in the winter, for two  
 2 reasons. One, it wouldn't be -- The neighbors  
 3 wouldn't be polluted with derelict or abandoned  
 4 cars for six months out of the year, and that  
 5 was the logic. In fact, the garages that were  
 6 designed -- and the dimensions of the garages  
 7 at that time were so tight that they were very  
 8 difficult to use. The change in track of the  
 9 vehicles since then to now have only made that  
 10 even more difficult to use. Especially if you  
 11 have an older house, you know what I'm talking  
 12 about.

13 In that time frame, from when the City was  
 14 founded to now, and we're -- as Bill Hartnett  
 15 very clearly said, it was a tradition. The  
 16 tradition was one of polite behavior to your  
 17 neighbors. Do not do anything to your  
 18 neighbors you would not want them to do to you.  
 19 So -- My brother-in-law lives in Dade County,  
 20 and he's got a great Parker home, it's a  
 21 classic piece of architecture, and next to him  
 22 is a house that has the S.S. Minnow slowly  
 23 dissolving into the ground, and there's not a  
 24 dang thing he can do. That's not something I  
 25 would envy on anybody. And so that the rules

1 have to apply in such a way that we understand  
 2 what the intent was, and look at them through  
 3 today's eyes in such a way that we protect each  
 4 other from the abuse of the rules.

5 My particular point has to do with how we  
 6 define those vehicles, and I'm not going to  
 7 even say pickup trucks, I'm going to just say  
 8 vehicles, to define them as commercial or not  
 9 commercial. There's no reason why you can't  
 10 have a commercial vehicle if you can store it  
 11 and hide it at night. I remember when you  
 12 couldn't have a boat unless you could put it in  
 13 your garage. We modified that to allow side  
 14 yard enclosures to store a boat, and we have  
 15 changed the Code and modified the specifics of  
 16 the Code, without ever changing the initial  
 17 intent, and that's one of protecting ourselves  
 18 from ourselves, and to that end, I would go  
 19 with what Robert is saying, that this is a good  
 20 time to look at it again.

21 MR. BEHAR: You know, the danger we look at  
 22 is, how do you -- where do you draw the line?  
 23 And this gentleman showed a picture of two  
 24 trucks, one smaller and one larger, and that, I  
 25 think, is going to be the key, is, how do

1 you -- are able to define what is the  
 2 appropriateness --

3 MR. SALMAN: The problem with definition.

4 MR. BEHAR: Yeah.

5 MR. SALMAN: The problem with definition.

6 MR. BEHAR: And that's my biggest concern  
 7 and problem. How do you define it? And I'm --  
 8 The other gentleman showed us a picture of the  
 9 evolution of a pickup truck to a more -- to the  
 10 Escalade to the SUV. The SUV is the same  
 11 length as a truck, as a pickup truck. That's  
 12 my concern, and that's what I am having a  
 13 problem, struggling how to be able to define  
 14 that, to be able to allow to have vehicles of  
 15 that nature.

16 MR. SALMAN: Right now, the Code is very  
 17 clear and it's very defined as to what it is.  
 18 Unfortunately, in my opinion, that definition  
 19 is outside the reality of what is happening as  
 20 a way of life, as what's available on the  
 21 market.

22 MR. BEHAR: But, here, today you're allowed  
 23 to have trucks in Coral Gables. They just have  
 24 to be --

25 MR. SALMAN: Inside your garage.

1 MR. BEHAR: Inside a garage.  
 2 MR. SALMAN: Agreed.  
 3 MR. BEHAR: You know, I mean, it's not  
 4 like --  
 5 MR. SALMAN: This isn't a ban on trucks.  
 6 That's not the issue.  
 7 MR. BEHAR: It's a matter of being seen  
 8 from the streets, and I think that there has to  
 9 be some restrictions of what is visible.  
 10 CHAIRMAN AIZENSTAT: Julio?  
 11 MR. GRABIEL: I think we need to look at  
 12 the spirit of the law. When this issue came in  
 13 1960, pickup trucks were purely used for  
 14 commercial reasons. Cultural changes and  
 15 societal changes have changed, and automobile  
 16 design has changed.  
 17 I came last week to City Hall to pick up  
 18 some drawings, and parked in front of City  
 19 Hall, there were a Suburban, a Hummer, and  
 20 between them, in between, parked in front of  
 21 it, was a little Toyota pickup truck, and the  
 22 Suburban is allowed to park anywhere in the  
 23 City, the Hummer is allowed to park, 8500  
 24 pounds, I understand, the weight, is allowed to  
 25 park. Most pickup trucks are between 3500 to

1 4,000 pounds. It makes no sense. I think what  
 2 we need to do is, we need to look at the spirit  
 3 of the law, which was, in my opinion, intended  
 4 to keep commercial vehicles outside of the  
 5 residential areas. How do we define it? I  
 6 look at my learned Director to help us with  
 7 that, but I think, in my opinion, if we could  
 8 find a way to keep the commercial vehicles and  
 9 still allow for the pickup trucks which are  
 10 perfectly, in my opinion, sized to be parked.  
 11 If a Suburban is allowed to be parked anywhere  
 12 in the residential of the Coral Gables, if a  
 13 Hummer is allowed to be, I have a lot of  
 14 difficulty defending the ban on pickup trucks.  
 15 CHAIRMAN AIZENSTAT: Well, you know, I  
 16 think, from what I'm listening to the Board,  
 17 from the comments I'm hearing, are, if we do  
 18 some kind of modification, or the people that  
 19 are in favor of a modification, I think it's  
 20 important to also give our Code Enforcement a  
 21 true guideline as to how to enforce whatever  
 22 comes about. I think certain standards should  
 23 be there, some performance standards or  
 24 regulations for trucks, such as, for example,  
 25 commercial vehicles, should they be allowed or

1 not? You know, what do we do with government  
 2 vehicles that have exemptions? What about  
 3 using vehicle covers? I mean, when we start  
 4 doing that -- I remember from the 2005 meeting  
 5 we had, there was a discussion about vehicle  
 6 covers that were done by the factory for the  
 7 cars, as opposed to after-market vehicles. You  
 8 know, do we look at limitation of trucks within  
 9 a driveway or not? Is that fair or is that not  
 10 fair? Do we look at the size of a truck? If  
 11 we look at the size of a truck, do we go by the  
 12 weight? Do we go by the tire size? Do we go  
 13 by the type of truck, by the category, by the  
 14 class? Then, if we allow trucks, should we  
 15 look at screening a truck? There was a picture  
 16 of a lady that's sitting back there that went  
 17 ahead and showed us her truck that was parked  
 18 in her driveway, that was actually screened on  
 19 three sides, and you saw, in her case, the  
 20 front of the truck.  
 21 I think it's important, if we look at it as  
 22 a Board, for modifications, that we also give  
 23 some clear guidelines to which Code Enforcement  
 24 and the Police Department and other departments  
 25 within the City can have substance and not make

1 their own -- in other words, not act upon their  
 2 own interpretation or their own discretion, but  
 3 have clear guidelines as to what should be  
 4 enforceable and what should be enforced.  
 5 Any comments? Jeff?  
 6 MR. FLANAGAN: They definitely need clear  
 7 guidelines to be enforced. I mean, I  
 8 personally don't have a problem with the  
 9 prohibition. When I moved into Coral Gables, I  
 10 knew it was in effect, and that was just one of  
 11 those things that went along with living in  
 12 Coral Gables, along with the anecdote that says  
 13 you need a permit in order to paint the front  
 14 door of your house. I think that's a slight  
 15 exaggeration. But it was just part of the  
 16 whole package.  
 17 But with that said, times have changed.  
 18 People operate differently. All the vehicle  
 19 sizes have changed. I think the Federal  
 20 regulations dictate that a truck is any of  
 21 those other vehicles. It's the Suburban, it's  
 22 the Tahoe, it's the Rovers, it's -- any of the  
 23 SUVs is, I think, by Federal regs, defined as a  
 24 truck. So then I think we get into the issue  
 25 of the open bed, and I remember as a kid, there

1 was a vehicle that was called the El Camino,  
2 which was basically a -- I don't know what you  
3 call it, but it was a car that had an open bed.  
4 I mean, what do you call that?

5 VOICE FROM AUDIENCE: A hybrid.  
6 MR. FLANAGAN: Yeah, an early hybrid.

7 So it was a car that had an open bed in the  
8 back, and for some reason, in the back of my  
9 mind, I think I remember reading an article  
10 that talked about bringing the El Camino or  
11 some version of it back again. So, if I could  
12 go park an El Camino in my driveway, at that  
13 point, now, what's the difference between an El  
14 Camino and a pickup truck and an SUV? I don't  
15 know that there is a difference. And so I  
16 think I agree it needs to be addressed.

17 MR. SALMAN: I think that --

18 MR. FLANAGAN: I think the time is a good  
19 opportunity to review it, maybe to make some  
20 modifications to it. I think we're all going  
21 to struggle with how to modify it.

22 MR. SALMAN: I think we start from what is,  
23 I think, a consensus here, is that I think  
24 nobody here wants commercial vehicles.

25 MR. FLANAGAN: Correct.

1 MR. SALMAN: The intent of the original  
2 provision was to prohibit commercial vehicles.

3 MR. FLANAGAN: And if I read the --

4 MR. SALMAN: We can start with that, let's  
5 say.

6 CHAIRMAN AIZENSTAT: How do you define  
7 commercial vehicles?

8 MR. FLANAGAN: Well, yeah, let me just go  
9 back, because everybody's talking about the  
10 original intent of the ordinance, and from  
11 memory, I think the 1960 ordinance says  
12 something to the effect of, no commercial  
13 vehicles and no trucks or vans with  
14 advertising --

15 CHAIRMAN AIZENSTAT: Correct.

16 MR. FLANAGAN: -- which to me, my  
17 interpretation of that is, that's not a  
18 prohibition on trucks and vans. It's a  
19 prohibition on vehicles with advertising,  
20 correct? Which is, to me, similar to  
21 commercial use, but maybe there was some  
22 distinction. So, if we go back to the intent,  
23 I don't know that the original intent was to  
24 ban trucks, but that obviously has changed over  
25 time. Ordinances modifying it have clearly

1 prohibited trucks outside of a garage.

2 MR. SALMAN: I think -- and I can't go back  
3 that far, because I'm not that old, but I think  
4 the intent was commercial vehicles, meaning,  
5 you know, service vans, milk trucks, obvious  
6 work vehicles, as well as vehicles that had  
7 advertising on the side. They tended to be the  
8 same, but the nuance was a commercial-type  
9 vehicle. So, like, for example, a tow truck,  
10 cars that are obviously -- or vehicles that are  
11 obviously designed for commercial use, a  
12 nine-passenger van, you know, airport van, a  
13 stretch limo, you know, something bizarre like  
14 that, that it was meant to limit that.

15 CHAIRMAN AIZENSTAT: Well, Scott, if I can  
16 ask you a question. I had heard or read  
17 somewhere that commercial vehicles -- some time  
18 ago, commercial vehicles were able to have a  
19 magnetic signage that they could take off. Is  
20 it true that today you can't use a magnetic  
21 signage for a commercial vehicle, let's say a  
22 plumber's truck or so forth --

23 MAJOR MASINGTON: No --

24 CHAIRMAN AIZENSTAT: -- that you have to  
25 have the letters with your license number and

1 so forth on it with a decal?

2 MAJOR MASINGTON: No, it's become part of  
3 the registration. It can be removable, but  
4 your license number has to be visible while  
5 you're conducting business only.

6 CHAIRMAN AIZENSTAT: But it can be  
7 removable at night?

8 MAJOR MASINGTON: It can be removable, yes.

9 CHAIRMAN AIZENSTAT: Okay, I just wanted to  
10 know that. Thank you.

11 Eric, would there be any type of direction  
12 or -- I mean, how do you -- Hearing what has  
13 been brought up by the Board members, how does  
14 the City or the City Staff go ahead and do some  
15 kind of recommendations based upon what you've  
16 heard, as to how to come up with some kind of  
17 components, per se, for those modifications?

18 MR. BEHAR: But, Mr. Chairman, I think that  
19 we need to give Staff more defined highlights  
20 to follow, because, you know, if I was them,  
21 you know, I would tell you, "There's no way I  
22 could do this."

23 I think that the weight and the length of  
24 the vehicle has to be taken into consideration  
25 when they do their analysis, meaning that going

1 back to the 8500-pound vehicle, you know, it  
 2 may not be applicable or may not be considered  
 3 in their analysis. So I think that they need a  
 4 more defined, explicit recommendation from --  
 5 from us, in order for them to --  
 6 CHAIRMAN AIZENSTAT: But do we know the  
 7 facts of what the vehicles -- you know, what  
 8 makers and vehicles -- How do you come up with  
 9 that? That's what I was asking Eric, is, what  
 10 are certain standards?  
 11 MR. SALMAN: And that's where, precisely,  
 12 we ran into when we were doing the rewrite, is,  
 13 how do we make that definition?  
 14 CHAIRMAN AIZENSTAT: How do we make that  
 15 definition? In other words, we can come up,  
 16 well, you know, we'd like to not have signage,  
 17 we'd like this, to have screening and so forth,  
 18 but how do we define it so that Code  
 19 Enforcement can actually do something?  
 20 MR. SALMAN: And know what they're doing.  
 21 CHAIRMAN AIZENSTAT: Right, because that --  
 22 I remember, in '05, that's the stumbling block  
 23 we got to. So how do we get past that hurdle?  
 24 I mean, do we know, you know, that this truck,  
 25 because it's 6500 pounds, is a beautiful

1 looking SUV, as opposed to an SUV -- not SUV,  
 2 sorry, truck -- as opposed to a truck that's  
 3 3500 pounds that --  
 4 MR. SALMAN: A Ford Excursion weighs 6500  
 5 pounds.  
 6 CHAIRMAN AIZENSTAT: Right. So how do we  
 7 limit it, based on the weight?  
 8 MR. BEHAR: Well, that's an Excursion.  
 9 MR. SALMAN: Yeah.  
 10 MR. BEHAR: That's not a -- That's an SUV.  
 11 MR. SALMAN: But the front of it is the  
 12 same as a Ford F-350.  
 13 CHAIRMAN AIZENSTAT: I mean, do we limit it  
 14 because it has four wheels? Do we limit it by  
 15 axle? Do we limit it by tire size? I mean,  
 16 where does it stop? That's the struggle that I  
 17 have, is, how do you set up a guideline to  
 18 where it can be enforceable? That would be my  
 19 first question. If you want to go ahead and  
 20 modify this, then you've got to set up some  
 21 kind of components and guidelines that you can  
 22 enforce. How do you do that? Do you go ahead  
 23 and say if it has an open bed in the back, it's  
 24 a truck, as opposed to if it has a cover on it,  
 25 it's not, or --

1 MR. BEHAR: That's something that I  
 2 remember bringing up --  
 3 CHAIRMAN AIZENSTAT: Right.  
 4 MR. BEHAR: -- about covering the bed.  
 5 CHAIRMAN AIZENSTAT: Yes.  
 6 MR. BEHAR: I think that is  
 7 fundamentally -- That would be one of the  
 8 requirements that I would look for, so you do  
 9 not have -- whether it's a factory or  
 10 after-market doesn't matter -- or something,  
 11 and I remember the example that back then it  
 12 was the Escalade that had a cover.  
 13 MR. SALMAN: Uh-huh.  
 14 MR. BEHAR: You know? I mean, some of  
 15 those cars are more expensive than my car, you  
 16 know, some of those trucks.  
 17 So, you know, yes, I would think that  
 18 fundamentally we have to look at certain things  
 19 that are musts. To me, having the bed perhaps  
 20 not exposed, but a cover, maybe that's one of  
 21 the ways that a pickup could be part of it.  
 22 Could that cover be removable, that the owner  
 23 could use that pickup whenever he needs to, but  
 24 at the end of a night, it's covered? I mean --  
 25 and you see some of those retractable bed

1 covers. Something that -- what I would hate to  
 2 see is -- and sometimes I do look at it, and  
 3 fortunately, my neighbor is not here tonight --  
 4 where in back of his truck, there's stuff  
 5 hanging out, you know?  
 6 MR. SALMAN: "Stuff."  
 7 MR. BEHAR: Right.  
 8 MR. SALMAN: Listen, when I've gone to the  
 9 Board of Architects, it's one of those things  
 10 where we know it when we see it. You know, is  
 11 it right or is it wrong? The market is so wide  
 12 with regards to variety that it allows for too  
 13 much variety, and we need to draw that line  
 14 somewhere.  
 15 One of the notes that I had made, besides  
 16 weight, you know, was a standard factory color,  
 17 not a modified profile, not be a base model or  
 18 a former commercial vehicle, and perhaps maybe  
 19 not even white.  
 20 CHAIRMAN AIZENSTAT: Perhaps what?  
 21 MR. SALMAN: Not even white.  
 22 CHAIRMAN AIZENSTAT: Not even white?  
 23 MR. SALMAN: Commercial vehicles are white.  
 24 CHAIRMAN AIZENSTAT: Well, I --  
 25 MR. LAGO: Modifications or --

1 MR. SALMAN: Exactly, but, you know, where  
 2 do you start?  
 3 CHAIRMAN AIZENSTAT: That's -- I mean, I  
 4 would have a hard time telling people --  
 5 MR. SALMAN: I'm just putting it out  
 6 there --  
 7 CHAIRMAN AIZENSTAT: -- they have to buy a  
 8 certain color and they can't --  
 9 MR. SALMAN: Well, you can't paint your  
 10 house a certain color.  
 11 CHAIRMAN AIZENSTAT: Right, but it's --  
 12 That's why I'm saying, how do you do it? You  
 13 know, another way might be, as it is now, we  
 14 allow cars that I would consider a junk car, to  
 15 be parked in somebody's yard, as long as it's  
 16 covered. So then --  
 17 MR. SALMAN: Which shouldn't be allowed.  
 18 CHAIRMAN AIZENSTAT: Do we start -- That's  
 19 a whole different issue, but right now it's  
 20 allowed, so maybe do we start by allowing  
 21 trucks within the guidelines that we want, but  
 22 must be covered at night? I don't -- I mean, I  
 23 don't know. I'm just throwing this out.  
 24 MR. GRABIEL: Cover the bed.  
 25 CHAIRMAN AIZENSTAT: A full cover, the way

1 a car is covered or --  
 2 MR. SALMAN: A tarp, a cover.  
 3 MR. BEHAR: Yeah, but that's not going to  
 4 be realistic.  
 5 MR. SALMAN: That's not going to work.  
 6 CHAIRMAN AIZENSTAT: That's not realistic.  
 7 MR. BEHAR: I don't think that those owners  
 8 are going to, you know, take the time to put a  
 9 cover.  
 10 MR. GRABIEL: Eric, is there a way of  
 11 defining commercial vehicles? How do we define  
 12 commercial vehicles right now?  
 13 MR. RIEL: The definition of commercial  
 14 vehicle -- and the Board indicated that, you  
 15 know, a commercial vehicle in the past was a  
 16 work truck, and I don't want to use the word --  
 17 you know, a plumber's truck. I mean, I'm not  
 18 trying to get the --  
 19 MR. SALMAN: A repairman truck.  
 20 MR. RIEL: That has changed. Florida  
 21 Statutes has very specific guidelines that deal  
 22 with how they define a commercial vehicle, and  
 23 it's related, basically, to weight, as well as  
 24 the load on that vehicle.  
 25 CHAIRMAN AIZENSTAT: So an SUV could be a

1 commercial vehicle?  
 2 MR. RIEL: They are classified.  
 3 CHAIRMAN AIZENSTAT: But we allow SUVs.  
 4 MR. BEHAR: Escalades are considered SUVs.  
 5 MR. RIEL: Yes, so -- So, you know, that  
 6 can be a challenge.  
 7 MR. SALMAN: That's precisely the  
 8 challenge.  
 9 MR. RIEL: Board Members, may I suggest,  
 10 we've started -- and there's a draft in here, a  
 11 Version A and a Version B --  
 12 CHAIRMAN AIZENSTAT: Yes.  
 13 MR. RIEL: In 2'05, that was started. I'm  
 14 hearing from the Board that you feel -- and  
 15 I'll just characterize it as modernizing the  
 16 Code, and we heard a lot of residents say that  
 17 this evening. Maybe that's someplace we could  
 18 start, with that Version A and B, because that  
 19 does deal with a lot of the issues that you  
 20 brought up this evening, and maybe -- you know,  
 21 we use the word hybrid. Maybe, you know, we  
 22 take Version A and Version B and continue to  
 23 modernize it. I know this is a challenging  
 24 issue, but that's -- you know, that was drafted  
 25 in 2'05, and maybe that's a good starting

1 point.  
 2 CHAIRMAN AIZENSTAT: That's why I was  
 3 saying that maybe City Staff should get  
 4 together and come up with something for us to  
 5 look at as a Board.  
 6 MR. RIEL: And just on behalf of City  
 7 Staff, I mean, it's going to involve, you know,  
 8 the Police Department, Code Enforcement, the  
 9 City Attorney's Office, Building & Zoning,  
 10 Parking, because, you know, that's --  
 11 CHAIRMAN AIZENSTAT: But I think the main  
 12 thing is, you have to be able to enforce it.  
 13 You have to have clear guidelines for the  
 14 people that we depend upon in this City to  
 15 enforce these rules. You know, they don't have  
 16 an easy job, and for me, if I'm going to do  
 17 some kind of a modification or if I'm even  
 18 going to look at some kind of modification, I  
 19 want to make sure it's enforceable, and I'd  
 20 like it not to be subjective to that  
 21 individual.  
 22 Any other comments from the Board?  
 23 MR. SALMAN: That's it.  
 24 MR. RIEL: From Staff's viewpoint -- and I  
 25 believe that we would like, pursuant to the

1 Commission's direction, to get a recommendation  
 2 from the Board. Obviously, you know, I've  
 3 taken good notes and we have a verbatim --  
 4 MR. LEEN: Mr. Chairman?  
 5 CHAIRMAN AIZENSTAT: Yes.  
 6 MR. LEEN: May I say something? There are  
 7 two different provisions, one relating to the  
 8 general areas of the City, the commercial,  
 9 residential. It talks about the public  
 10 streets. The other one is for residential  
 11 areas.  
 12 CHAIRMAN AIZENSTAT: Right.  
 13 MR. LEEN: So one thing that I would  
 14 suggest that the Commission might be interested  
 15 in is, what are your thoughts on each of those?  
 16 When you're talking about residential areas, in  
 17 drafting a -- if there was going to be any  
 18 change to the ordinance, I think one thing you  
 19 would look at, I would suggest, is whether  
 20 you're generally going to prohibit trucks with  
 21 exceptions or whether you're generally going to  
 22 permit them with limitations.  
 23 CHAIRMAN AIZENSTAT: With exceptions.  
 24 MR. LEEN: Yeah, with limitations or  
 25 exceptions. If you're generally going to

1 prohibit them, there are certain exceptions  
 2 that you may want to consider, related to --  
 3 and I think there's a list of them in some of  
 4 these suggested ordinances, Version A and  
 5 Version B, from when this was discussed  
 6 previously before the Planning and Zoning  
 7 Board.  
 8 Some of those would be, like, for physical  
 9 impairments, or the ADA exception, where  
 10 someone has a doctor's note to require a truck.  
 11 Another one might be where there's a cover.  
 12 That would be a larger exception, but where  
 13 there's some sort of cover over the bed.  
 14 The alternative is, you generally permit  
 15 them, and I think that's more like Version A,  
 16 in what's been given to you, and that's where  
 17 you would say that -- you might define a light  
 18 truck in a certain way and generally allow  
 19 them. Maybe you would generally allow them in  
 20 a carport, as opposed to just in a garage,  
 21 because right now it has to be in a garage, not  
 22 in a carport. Or maybe you would permit them  
 23 if they were covered on three sides, or you  
 24 would allow them generally if they're under a  
 25 certain size.

1 I think that -- and I have -- of course,  
 2 I'm neutral as to this, but that might be  
 3 something that would be helpful to the  
 4 Commission in determining how much they want  
 5 to amend -- how much or how little they would  
 6 want to amend these ordinances.  
 7 CHAIRMAN AIZENSTAT: Any comments from the  
 8 Board on that?  
 9 MR. SALMAN: Well, I would err on  
 10 prohibition with exceptions.  
 11 MR. BEHAR: What's that, again? Say that  
 12 again.  
 13 MR. SALMAN: I would err on prohibition  
 14 with exceptions.  
 15 MR. GRABIEL: I think it would be very  
 16 difficult to define the exceptions. I think  
 17 it's easier to permit them and then --  
 18 CHAIRMAN AIZENSTAT: Have limitations?  
 19 MR. GRABIEL: -- have limitations to it.  
 20 It's going to be a nightmare to try to prohibit  
 21 them and then see what's acceptable. Is it  
 22 weight? Is it height? Is it the size of the  
 23 tires, the number of tires? It's going to be  
 24 another Code nightmare.  
 25 CHAIRMAN AIZENSTAT: Robert?

1 MR. SALMAN: My point in prohibition is  
 2 that if you prohibit them as a class and you  
 3 make exceptions, you can narrowly define the  
 4 exceptions, and that would probably be easier.  
 5 CHAIRMAN AIZENSTAT: You're saying it's  
 6 easier to define the exceptions than the  
 7 modifications?  
 8 MR. SALMAN: Uh-huh, in my opinion, because  
 9 otherwise it's a big class.  
 10 MR. FLANAGAN: I think it has to be -- I  
 11 think it has to be a big class, and maybe the  
 12 City Attorney can opine. I think if you're  
 13 going to allow --  
 14 Which one is more defensible, allowing with  
 15 limitations or prohibiting with exceptions?  
 16 And to me, they're not much different, but --  
 17 MR. LEEN: Well, what I would say is,  
 18 what's most defensible now is whatever is  
 19 closest in structure to the current ordinance.  
 20 So the current ordinance --  
 21 MR. SALMAN: Is prohibition.  
 22 MR. LEEN: -- generally prohibits with  
 23 exceptions.  
 24 MR. SALMAN: That's where I'm going.  
 25 MR. LEEN: And you could make broader

1 exceptions. As I said before, anything that's  
 2 an exception is unlikely to lead to legal  
 3 challenge, because that means there's less  
 4 people who would challenge it, because they  
 5 would -- that that truck would be permitted,  
 6 and you're not increasing the people who are  
 7 being prohibited from having a truck.  
 8 So already the Third District has held that  
 9 the prohibitions that exist now are  
 10 permissible, so --  
 11 CHAIRMAN AIZENSTAT: That makes sense.  
 12 MR. LEEN: -- as long as you're not  
 13 increasing them, you should be fine.  
 14 CHAIRMAN AIZENSTAT: So you modify the  
 15 exceptions, is what you're saying?  
 16 MR. LEEN: You could -- You could modify  
 17 the exceptions. That would be one -- That  
 18 would probably be less subject to challenge.  
 19 CHAIRMAN AIZENSTAT: I would be in favor of  
 20 that, myself. I mean, that makes sense to me.  
 21 From what I've heard, I would support still the  
 22 prohibition on trucks, but let's take a look at  
 23 the exceptions and see if we have to modify or  
 24 need to be modified any of the exceptions in  
 25 there.

1 I don't know how the rest of the Board --  
 2 Are there any comments?  
 3 MR. BEHAR: And who's going to come up with  
 4 the proposed modification to the exceptions?  
 5 CHAIRMAN AIZENSTAT: Well, I think that's  
 6 where --  
 7 MR. SALMAN: We direct our beloved Staff.  
 8 CHAIRMAN AIZENSTAT: -- City Staff, from  
 9 Code Enforcement, the Police Department,  
 10 probably the Parking Director -- I think the  
 11 City needs to come back and do, you know, a  
 12 study or see what's out there, or see what's  
 13 enforceable and what's needed, and then at that  
 14 point, it will come back to us, to take a look  
 15 at those, and we see which exceptions we want  
 16 to modify or don't want to modify or we feel we  
 17 should.  
 18 MR. BEHAR: Then do we have to make a  
 19 motion to --  
 20 MR. SALMAN: Direct Staff?  
 21 MR. BEHAR: -- direct the Planning  
 22 Department to come up with some --  
 23 CHAIRMAN AIZENSTAT: Well, I -- I would --  
 24 I would propose a recommendation to continue  
 25 the prohibition with exceptions, but have the

1 Director and City Staff look at the exceptions  
 2 that we have currently and come back to us with  
 3 either recommendations or some kind of scaling  
 4 or what we need to do or how to modify the  
 5 exceptions.  
 6 MR. BEHAR: But don't we have -- There's a  
 7 time frame that's coming up very soon where  
 8 there was a temporary --  
 9 MR. SALMAN: Ban on enforcement.  
 10 MR. BEHAR: Yeah, on enforcing it, and  
 11 that's something that we'll have to deal with,  
 12 correct?  
 13 MR. LEEN: Well, at this moment, there is  
 14 a -- It's similar to what would be called a  
 15 stay. The City has decided not to enforce, in  
 16 its discretion, the ordinances until November  
 17 8th. At the last meeting --  
 18 CHAIRMAN AIZENSTAT: How long has it been  
 19 into effect, that stay?  
 20 MR. LEEN: Well, several years, a number of  
 21 years. At this point, the City Manager, who  
 22 I've spoken with, does have the discretion to  
 23 extend that, and we had talked about -- That is  
 24 under consideration at this time, and so if  
 25 this process is going to take longer than

1 November 8th, I would -- I will speak with the  
 2 City Manager about that and give him advice,  
 3 and then the City can come to a decision.  
 4 MR. BEHAR: I would recommend that that  
 5 time frame be extended for another 90 days,  
 6 because this process is not going to be done in  
 7 30 days. This is going to take time.  
 8 CHAIRMAN AIZENSTAT: Right.  
 9 MR. BEHAR: And then come back. I think  
 10 that -- I think we -- I propose that that stay  
 11 is extended for 90 days, or at least give the  
 12 recommendation, and I don't know how the Board  
 13 Members feel, but extend it for 90 days until  
 14 we can find a resolution here that will be  
 15 acceptable.  
 16 CHAIRMAN AIZENSTAT: See, the problem is  
 17 that for me, I don't have enough facts to look  
 18 at the exceptions, you know. I don't have all  
 19 the facts. I don't know enough about trucks to  
 20 tell you what's right and what's wrong, and  
 21 that's where I'd like for the City to come back  
 22 to me with its Staff -- you know, it's got a  
 23 great Staff. That's what they do. Let them  
 24 come back to us with some recommendations or  
 25 some facts, and let's take a look at it with

1 everything in front of us.  
 2 MR. BEHAR: How long do you think that that  
 3 process should take and how long do we support  
 4 the stay?  
 5 CHAIRMAN AIZENSTAT: Well, you know, the 90  
 6 days for now is fine with me. I was actually  
 7 going to say even longer, maybe six months, but  
 8 I'm okay with the 90 days. I don't know how  
 9 long City Staff needs. I mean, we've got some  
 10 items coming up, as it is, right?  
 11 MR. RIEL: I don't -- Are you looking for a  
 12 direction of the Board in terms of the  
 13 extension or -- We're looking more towards --  
 14 MR. LEEN: As a general matter, if the  
 15 Board wanted to make a recommendation, that  
 16 would be perfectly acceptable. Because it's an  
 17 ordinance, generally it would have to be  
 18 amended if you were not going to enforce it.  
 19 So it's more a question of enforcement and  
 20 discretion, and the City in its discretion,  
 21 City Staff in its discretion, has decided not  
 22 to enforce it.  
 23 If you have a recommendation, I will pass  
 24 that on to City Staff, and if you're telling us  
 25 how long you think it will take, that would be

1 very relevant to how much that time period is  
 2 extended.  
 3 CHAIRMAN AIZENSTAT: Well, I would have to  
 4 defer that to City Staff. Within 90 days? Can  
 5 we have -- That's my question.  
 6 MR. BEHAR: Eric, if you need more time --  
 7 MR. RIEL: I mean, I can't answer that  
 8 question, because it involves a lot of  
 9 different departments, but if we start at 90  
 10 days and it takes longer, we will certainly  
 11 report --  
 12 CHAIRMAN AIZENSTAT: Let's look  
 13 realistically. We're in October.  
 14 MR. SALMAN: You've got the holidays  
 15 coming.  
 16 CHAIRMAN AIZENSTAT: You've got November,  
 17 you've got December, so you've got the holidays  
 18 coming up. You've got other items, other  
 19 agenda items, that are coming before this  
 20 Board.  
 21 MR. RIEL: I mean, just as an example, if  
 22 we had an ordinance drafted today, it would  
 23 take between 30 to 45 days just to go through  
 24 the public hearing process.  
 25 CHAIRMAN AIZENSTAT: Okay.

1 MR. RIEL: So you can kind of knock 45 days  
 2 right off of that, just because of the legal  
 3 requirements.  
 4 CHAIRMAN AIZENSTAT: All right, six months.  
 5 MR. BEHAR: Six months, you know.  
 6 MR. FLANAGAN: Yeah, so --  
 7 MR. BEHAR: Fine, six months is wonderful.  
 8 MR. RIEL: I mean, I'm kind of apprehensive  
 9 of saying it's going to take us six months,  
 10 but --  
 11 CHAIRMAN AIZENSTAT: But it gives you a  
 12 time period.  
 13 MR. RIEL: Right.  
 14 MR. FLANAGAN: That's fine.  
 15 CHAIRMAN AIZENSTAT: I mean, I would like  
 16 to make a motion first to have the  
 17 recommendation to extend the stay -- you know,  
 18 to ask the City Attorney to have the stay for  
 19 six months longer.  
 20 MR. SALMAN: I'll second it.  
 21 MR. GRABIEL: That's an item --  
 22 CHAIRMAN AIZENSTAT: Now, part --  
 23 MR. FLANAGAN: You can't make a motion.  
 24 You're the Chair.  
 25 MR. BEHAR: Yeah, you're the Chairman.

1 CHAIRMAN AIZENSTAT: Sorry. Oh, that's  
 2 right. I forgot. I'll make a --  
 3 MR. SALMAN: I will make Eibi's recommended  
 4 motion.  
 5 MR. FLANAGAN: Second.  
 6 MR. RIEL: I'm sorry, could you -- I didn't  
 7 hear what --  
 8 MR. SALMAN: The -- It's a motion of the  
 9 Board to recommend to City Staff that they  
 10 extend the stay of enforcement for a period of  
 11 six months while Staff determines possible --  
 12 MR. FLANAGAN: Exceptions.  
 13 MR. SALMAN: -- further exceptions to the  
 14 current prohibition in place.  
 15 CHAIRMAN AIZENSTAT: Now, should we add to  
 16 that anything about the -- to prohibit with  
 17 exceptions, as a recommendation to the  
 18 Commission, until we bring that back?  
 19 MR. RIEL: So, just to clarify, the  
 20 prohibition with exceptions, that's the  
 21 direction of your motion?  
 22 CHAIRMAN AIZENSTAT: Is that correct,  
 23 Javier?  
 24 MR. SALMAN: Yes.  
 25 CHAIRMAN AIZENSTAT: Okay. Is there a

1 second?  
 2 MR. FLANAGAN: Yes.  
 3 CHAIRMAN AIZENSTAT: Any discussion?  
 4 Call the roll, please.  
 5 MS. MENENDEZ: Julio Grabiél?  
 6 MR. GRABIEL: Yes.  
 7 MS. MENENDEZ: Vince Lago?  
 8 MR. LAGO: Yes.  
 9 MS. MENENDEZ: Javier Salman?  
 10 MR. SALMAN: Yes.  
 11 MS. MENENDEZ: Robert Behar?  
 12 MR. BEHAR: Yes.  
 13 MS. MENENDEZ: Jeff Flanagan?  
 14 MR. FLANAGAN: Yes.  
 15 MS. MENENDEZ: Eibi Aizenstat?  
 16 CHAIRMAN AIZENSTAT: Yes.  
 17 Now, Craig, the next part was on the  
 18 commercial end.  
 19 MR. LEEN: Yes, and if I may something,  
 20 just to the public. This recommendation, I  
 21 will be taking to City Staff, and then we will  
 22 discuss it and be getting out some information  
 23 soon. It doesn't -- This recommendation alone  
 24 does not change the date that the City will  
 25 begin enforcement, which is November 8th. Is

1 MR. GUTIERREZ: No, that's correct.  
 2 MR. LEEN: The one issue that's come up  
 3 related to this is places with parking meters,  
 4 and as the Parking Director has stated, if the  
 5 person pays the meter and it's during the time  
 6 when the meter is open, our interpretation has  
 7 been that that's permissible, so -- But what  
 8 this basically says is, you can't park a truck  
 9 overnight in a commercial area, and it  
 10 protects -- and when read together with the  
 11 residential one, it's understandable, because  
 12 it protects against people being able to --  
 13 because there's a general prohibition on  
 14 parking trucks in residential areas outside,  
 15 you can't just move them over to a commercial  
 16 area and leave them there overnight. So when  
 17 read together, it's understandable why you have  
 18 both, but it doesn't mean that they have to be  
 19 read together, and the Planning and Zoning  
 20 Board -- There are different issues that relate  
 21 to commercial areas than residential ones.  
 22 So, if there -- Is your recommendation that  
 23 you just made related to both of them, or would  
 24 you have a different recommendation related to  
 25 the commercial areas?

1 that -- But my understanding is, the City is  
 2 considering extending it, we now have a  
 3 recommendation, and we will be letting the  
 4 public know soon.  
 5 CHAIRMAN AIZENSTAT: Now, about --  
 6 MR. LEEN: I'm sorry.  
 7 CHAIRMAN AIZENSTAT: No, that's okay.  
 8 Now, about commercial.  
 9 MR. LEEN: Yes, commercial. The second  
 10 provision relates to the -- It doesn't  
 11 actually -- It's all the public areas of the  
 12 City, public streets, public places, and that's  
 13 the one that's the 7:00 p.m. to 7:00 a.m. one,  
 14 and as our --  
 15 MR. SALMAN: And will that be considered  
 16 the swales?  
 17 MR. LEEN: Let me take a look.  
 18 MR. SALMAN: Because I don't want them  
 19 parking on the swales.  
 20 MR. LEEN: I think most of the swales are  
 21 in residential areas, for the most part, so  
 22 usually the residential provision will apply,  
 23 as well, which is -- it's a broader  
 24 prohibition.  
 25 Do you have any thoughts, Eli?

1 MR. SALMAN: My recommendation is purely  
 2 for the residential area.  
 3 MR. LEEN: Okay.  
 4 MR. SALMAN: That was the intent of the  
 5 recommendation, and basically the discussion we  
 6 had had --  
 7 MR. LEEN: Understood.  
 8 MR. SALMAN: -- at that point. However,  
 9 you brought up an interesting wrinkle, which is  
 10 swales, or I did, anyway.  
 11 MR. LEEN: Yes, you did.  
 12 MR. SALMAN: The parking is not prohibited  
 13 in the swales right now, in the residential  
 14 areas. You can park in a swale. That's legal.  
 15 You can't park on the grass of your yard.  
 16 That's illegal. Right? I would really hate to  
 17 see pickups parked in the swale. Cars are bad  
 18 enough, believe me. I live in a neighborhood  
 19 on the edge of the City, where there's a lot of  
 20 rental houses, and certainly a lot of them have  
 21 more than three unrelated people living there,  
 22 and it's an enforcement nightmare. We've got  
 23 to get some handle on that issue, as well, and  
 24 this may be the beginning of that. So I would  
 25 suggest that we look at limiting all trucks on

1 the swales.  
 2 CHAIRMAN AIZENSTAT: I would agree with  
 3 that. I would agree with your comments about  
 4 the swale.  
 5 MR. SALMAN: But that may be a fight for  
 6 another day.  
 7 MR. BEHAR: I think so.  
 8 MR. SALMAN: I think so. It's a whole  
 9 other issue.  
 10 MR. BEHAR: Let's not go there.  
 11 CHAIRMAN AIZENSTAT: What type of  
 12 recommendation do you need for the Commission,  
 13 as far as commercial?  
 14 MR. LEEN: May I say two things? First, as  
 15 to what was just said, I just want to make it  
 16 clear that when it's in a residential area, in  
 17 a swale, the general prohibition on residential  
 18 area still applies, so you couldn't park it in  
 19 the swale overnight in a residential area.  
 20 However, if you make an exception for a truck  
 21 that would allow it, at this point they could  
 22 park in the swales. I've not been asked to  
 23 make any formal interpretation as to swale  
 24 areas and public streets, so at this point,  
 25 you --

1 MR. SALMAN: This might make a difference.  
 2 MR. LEEN: I think that would -- So that  
 3 would be an issue that I think would be  
 4 important to inform the Commission, whether you  
 5 want to allow -- eventually, when you make your  
 6 final recommendation, whether, if you're going  
 7 to amend -- I guess this relates more to the  
 8 residential areas, but how you treat swale  
 9 areas would be important.  
 10 But as to commercial, do you want to  
 11 maintain the 7:00 p.m. to 7:00 a.m. restriction  
 12 on parking on public streets and public areas,  
 13 which applies throughout the City? There's the  
 14 exception related to parking at a parking  
 15 meter, but I think that the Commission would  
 16 want to know whether you want to maintain that  
 17 or not, and also, please note, that prohibition  
 18 relates to more than just trucks. It also  
 19 relates to a number of other types of  
 20 commercial vehicles, trailers, things like  
 21 that.  
 22 MR. SALMAN: It doesn't limit the City to  
 23 give out permits for that, too.  
 24 MR. LEEN: Say that again.  
 25 MR. SALMAN: It doesn't limit the City to

1 provide special permits for that use.  
 2 MR. BEHAR: For the swale area?  
 3 MR. FLANAGAN: No, the commercial areas.  
 4 MR. SALMAN: I'm talking about commercial  
 5 areas.  
 6 MR. LEEN: There are other provisions  
 7 related to special events and permitting, but  
 8 this provision itself doesn't discuss that.  
 9 MR. SALMAN: Okay.  
 10 CHAIRMAN AIZENSTAT: Is there -- I think we  
 11 need a recommendation on that, also, correct?  
 12 MR. LEEN: Yes.  
 13 MR. RIEL: Correct.  
 14 MR. LEEN: Yes, please.  
 15 CHAIRMAN AIZENSTAT: For example, if you  
 16 want to leave it alone, we need a  
 17 recommendation that says --  
 18 MR. GRABIEL: To maintain the --  
 19 MR. SALMAN: To maintain the current  
 20 program.  
 21 MR. GRABIEL: -- commercial vehicles --  
 22 MR. BEHAR: I make a --  
 23 MR. GRABIEL: -- only parking between  
 24 7:00 --  
 25 MR. LAGO: Second.

1 MR. BEHAR: I make a recommendation that we  
 2 leave it on the commercial side as is today.  
 3 MR. SALMAN: And Vince seconds it.  
 4 CHAIRMAN AIZENSTAT: We have a first and a  
 5 second. Any discussion?  
 6 Call the roll, please.  
 7 MS. MENENDEZ: Vince Lago?  
 8 MR. LAGO: Yes.  
 9 MS. MENENDEZ: Javier Salman?  
 10 MR. SALMAN: Yes.  
 11 MS. MENENDEZ: Robert Behar?  
 12 MR. BEHAR: Yes.  
 13 MS. MENENDEZ: Jeff Flanagan?  
 14 MR. FLANAGAN: Yes.  
 15 MS. MENENDEZ: Julio Grabiell?  
 16 MR. GRABIEL: Yes.  
 17 MS. MENENDEZ: Eibi Aizenstat?  
 18 CHAIRMAN AIZENSTAT: Yes.  
 19 Any other comments?  
 20 MR. LEEN: Well, I would ask, what do you  
 21 want Staff and what do you want me to do, going  
 22 forward? Do you want us to put together these  
 23 exceptions for the next meeting?  
 24 CHAIRMAN AIZENSTAT: Exactly, and come up  
 25 with some facts as far as trucks, something

1 that we can look at, as far as how do you  
 2 define a truck, not define a truck, size, as  
 3 much as you can give us.  
 4 MR. LEEN: Okay. So Staff will prepare a  
 5 list of exceptions and the facts behind them.  
 6 I will be ready to talk on the legality of each  
 7 one --  
 8 CHAIRMAN AIZENSTAT: Correct.  
 9 MR. LEEN: -- what would be the legal  
 10 strengths and -- I guess, really, the legal  
 11 risks or the legal effect of each one, and  
 12 then be prepared to talk about them.  
 13 CHAIRMAN AIZENSTAT: That is correct, but  
 14 for me, I would also like to see how whatever  
 15 you bring to us in recommendations and so  
 16 forth, how they're enforceable, which is -- on  
 17 both ends, actually, and Code Enforcement, at  
 18 the least.  
 19 MR. LEEN: Understood. Thank you.  
 20 CHAIRMAN AIZENSTAT: Thank you.  
 21 MR. LEEN: Thank you.  
 22 CHAIRMAN AIZENSTAT: Any other comments on  
 23 this?  
 24 MR. RIEL: I have nothing else.  
 25 MR. BEHAR: Motion to adjourn.

1 MR. GRABIEL: Second.  
 2 MR. J. HARTNETT: Mr. Chairman --  
 3 CHAIRMAN AIZENSTAT: Yes, sir.  
 4 MR. J. HARTNETT: May I address and make a  
 5 request of the Board?  
 6 CHAIRMAN AIZENSTAT: If it's brief, please.  
 7 Usually --  
 8 MR. J. HARTNETT: Very briefly.  
 9 CHAIRMAN AIZENSTAT: Go ahead.  
 10 MR. J. HARTNETT: My name is Jim Hartnett.  
 11 I'm born and raised in the City of Coral  
 12 Gables. I would like to request of the Board  
 13 and the Staff that a more public notice of this  
 14 particular issue be given to the City --  
 15 citizens of the City of Coral Gables.  
 16 The only reason I'm here tonight is because  
 17 I happened to be walking out of City Hall and  
 18 happened to see it on the publish board, but  
 19 you have a letter from the Political Action  
 20 Committee, which I don't know whether the whole  
 21 Board got it or not, but this is a very  
 22 important issue and there are a lot of people  
 23 that would be here, who will pack this hall on  
 24 this particular issue if we get more notice on  
 25 it. So I'm requesting that we do that notice

1 in the Herald and notice in all the  
 2 publications in the City of Coral Gables.  
 3 CHAIRMAN AIZENSTAT: Thank you.  
 4 Eric, was it put, notice in the Miami  
 5 Herald, in the Neighbors?  
 6 MR. RIEL: Yes, there was a press release  
 7 that was -- I believe it was published on  
 8 Friday, in the Herald.  
 9 CHAIRMAN AIZENSTAT: And normally --  
 10 MR. RIEL: The legal ad, we post the legal  
 11 ad in the Daily Business Journal --  
 12 MS. MENENDEZ: Right.  
 13 MR. RIEL: The Daily Business Journal,  
 14 where we post all the legal ads.  
 15 CHAIRMAN AIZENSTAT: And how else do you --  
 16 MR. RIEL: We post it -- We post it in all  
 17 the departments. The agendas are on the web  
 18 page. But let us look at some additional  
 19 avenues to get the word --  
 20 CHAIRMAN AIZENSTAT: Maybe some -- There's  
 21 City of Coral Gables e-mails that go out.  
 22 MR. RIEL: We'll look at some other  
 23 avenues --  
 24 CHAIRMAN AIZENSTAT: Perhaps use that,  
 25 also.

1 MR. RIEL: -- to make sure that everybody  
 2 is informed.  
 3 MR. J. HARTNETT: Thank you, Mr. Chairman.  
 4 CHAIRMAN AIZENSTAT: Thank you.  
 5 All right. Any other questions, comments?  
 6 The meeting is adjourned. Thank you.  
 7 Thank you, everybody, for taking the time  
 8 to come.  
 9 (Thereupon, the meeting was adjourned at  
 10 8:40 p.m.)  
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STATE OF FLORIDA:  
SS.  
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomat  
Reporter, Florida Professional Reporter, and a Notary  
Public for the State of Florida at Large, do hereby  
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that the transcript is a true and complete record of my  
stenographic notes.

DATED this 17th day of October, 2011.

SIGNED COPY ON FILE

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192  
Expiration June 14, 2014.