

**City of Coral Gables City Commission Meeting
Agenda Item C-4
August 28, 2012
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Frank Quesada**

City Staff

**City Manager, Patrick Salerno
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia**

Public Speaker(s)

Burton Hersch, Attorney Representing Applicant

C-4 [Start: 9:40:12 a.m.]

Resolution authorizing Balbro 25-26, LLC to install a custom wrap with graphic images on the existing temporary construction fence on the right-of-way around the site located at 2418-22-26-40 Ponce de Leon Boulevard, Coral Gables, FL.

Mayor Cason: OK. Who would like to talk about C-4?

Vice Mayor Kerdyk: Commissioner Cabrera go ahead.

Commissioner Cabrera: It is my item. C-4 for those of you in the audience and those that are watching at home is a resolution authorizing Balbro 25-26, LLC to install a custom wrap with graphic images on the existing temporary construction fence on the right-of-way around the site located at 2418-22-26-40 Ponce de Leon Boulevard, Coral Gables, FL. For those of you who are unfamiliar with the site, this is right on the corner, the northwest corner of Almeria and Ponce de Leon Boulevard; and it’s an exciting project because it is a new restaurant that will be built there.

It looks like a new restaurant. The name of the restaurant is Bricktop's, and so personally I'm excited that we are going to have a new restaurant in that section of the Gables. The only reason I brought the item up for discussion is really two-fold; one, I saw the item had an exhibit and from what I could see the exhibit was of the actual building with the website underneath, so based on this I'm assuming that, that's the actual wrap around or the graphic images that we want to, that the applicant wants to put up. So I wanted to get clarification on that, but secondly, I also wanted to get clarification, and I wanted to see where we were going with this whole thing of graphic images and we've had a long-standing history. This City has been very conservative when it comes to advertising, very, very conservative, and personally I like it, I think it's why I've lived here so many years. One of the reasons I've lived here so many years, and so I was kind of wondering, or I was just wondering for the rest of us how we feel about doing this?-because eventually if we continue to do it, it will become the norm, it will not become a special request, and we've seen that at the Old Spanish Village, which by the way, if you drive by there today you'll see that all the banners are down, all the graphic images are down because obviously the storm had some effects on it, and so these are some of the considerations that I'd like to talk about specifically on this item, but I really want to get a better sense from this government what direction are we going to take?- what are the five of us want to do?

Vice Mayor Kerdyk: I'd be glad to speak on it. I actually was going to pull that too for many of the same reasons that you outlined in your discussion. Basically, the City of Coral Gables allow these custom wraps, I think they are being done on an individual basis, it's not an ordinance or maybe we need to look at ordinance legislating this to a certain degree. From my standpoint this basically has metamorphic from a wrap having pictures of historic buildings in the City of Coral Gables to now having pictures of the site or structure that its outlining, and basically turning it into a billboard with a www.bricktops.com underneath it. As City legislators we have done, we've been so persistent and so aggressive being conservative with the signage on City buildings and to allow this billboard in the middle of the City of Coral Gables, I think really starts a dangerous precedent as far as advertising goes. I also don't think it's fair to their competitors, how do you feel if you own a restaurant right there and you know that bricktops.com is coming in sooner or later? I think that from our perspective we have a look at it from a larger perspective and try to draft an ordinance so that we don't have to deal with this on a specific basis every time it comes in front of us. I cannot vote for this as presented here and that's my thoughts on the issue.

Mayor Cason: I'd like to ask the Manager if the www.bricktops.com is in fact part of the wrap.

City Manager Salerno: I believe so. We have Mayor, Commissioners; Burton Hersch is here who can represent the applicant.

Mr. Burton Hersch: Good morning, Burton Hersch, offices at 300 Aragon, appearing for Balbro 25-26. The wrap does have the website and actually if you look in the Code one of the things that temporary signage is supposed to have are words advising the public about the product to be. When you do these buildings it's a huge, huge investment and I think that having nice graphics on the street advising the public of what's going on behind this mysterious fence, I think it's a good thing. I know that we did it at Seasons and as long as the graphic is nice, I think it's OK. I don't think it distracts from the visual quality of the street, which is what's important, but it actually enhances it because it tells you a little bit about the mystery.

Commissioner Quesada: I have a question for Commissioner Cabrera, Anderson and Kerdyk. In the past when there were wraps would it ever say like future home of blank?- is that what it would have?- it never would have any kind of contact information or website? So let me ask a question...

Commissioner Cabrera: We've had other wraps that had contact information like websites, so what's being outlined is not necessarily something out of the norm.

Vice Mayor Kerdyk: I think the key is that I don't know if we should be legislating this every single time somebody puts a wrap and there needs to be some basic framework and I'm by no means complaining or blaming the City Attorney. Quite to the contrary, excuse me City Architect, I think he does a super job for us, but I think we need to give him some parameters. Now, if this is in scale Burton, people can't see it, but I will tell you that basically the advertising portion of it basically extends pretty much 80 percent of the overall graphic design of the restaurant itself. So, I don't think anybody up here is disputing having graphics on the building, I mean on the site, I think there might be some hesitancy to have strictly a restaurant as part of the graphics, maybe it's a combination of both, that's how we've done it before, I think it's been a combination of both to City structures and then a small area there to promote the project, but certainly this I think is out of character for this location.

Mr. Burton Hersch: It is 16 square feet.

Vice Mayor Kerdyk: 16 square feet – OK.

Commissioner Cabrera: That's an important element, that's an important element to bring up.

Mr. Burton Hersch: And that's within the parameters of temporary signage, 16 square feet is the number.

Commissioner Cabrera: That's helpful.

Mayor Cason: The last one we did was that the Palace?- we did one that I recall...

Commissioner Cabrera: Seasons 52.

Mr. Burton Hersch: Three times that – we did Seasons, we did three of them.

Commissioner Cabrera: Well and the Old Spanish Village.

Mr. Burton Hersch: Spanish Village was even....

Commissioner Cabrera: Bigger.

Vice Mayor Kerdyk: Wait, wait, wait, a lot of that again, a lot of that was historic buildings in the City of Coral Gables and there'd be a small panel for the Old Spanish Village, just like the Ponce Building there on....listen, I'm not trying to make the ordinance right here. I think maybe somebody that we can defer this to can come up with an idea of what we should put in there and then we can discuss it at a later time. The question is, I can't approve this as it stands right now.

Mr. Burton Hersch: Just in respect to this one, if I may? If you look at the overall scale of this, if this is the length of the street, this sign is this big.

Commissioner Cabrera: Right. Well, see you putting this in perspective, I read nowhere in here that it's 16 by 16.

Mr. Hersch: No, it's actually 5 foot by 3 foot and change.

Commissioner Cabrera: OK.

Mr. Hersch: 16 square feet....

Vice Mayor Kerdyk: But when you say wrap people are thinking its wrapping around.

Commissioner Anderson: I guess that's just a technical term.

Commissioner Cabrera: You know the way I view this, I went to the site and looked at it from the corner, from the southeast corner to try to get a flavor for this, and here's what I thought your client was doing, I thought they were wrapping the entire corner to reflect a finished building, the finished product, because I've seen that done. So now when you put it in this perspective I'm OK

with it; however, I concur with Mr. Kerdyk, I think we need to create some guidelines so this doesn't come to us as an anomaly each and every time, because I really don't want to legislate, I'll legislate anything, but I really don't want to legislate this, only because I think this is very architecturally driven. There is a lot of consideration being given, you talked about the investment of the applicant and I fully understand that. So I don't want you to think that it's because – I'm going to vote in favor of it now that you've convinced me, but I did have some serious concerns walking into this item today.

Commissioner Anderson: I actually like the signage, but I do agree that maybe if there are parameters that we can set or maybe the Planning Board can set, look at and discuss at a public hearing, I'd have no problem with that. I'm a little more liberal in that, I think it's actually very attractive from a street standpoint and its small, you're right, and that does make a big difference.

Commissioner Cabrera: I think if you really....go ahead.

Vice Mayor Kerdyk: No, I just thought like you, I thought it was a wrap, a wrap like all the other buildings in the City of Coral Gables has been a wrap around the building, and you are saying no, it's just a small portion....OK, that I can deal with, but I still think that we should legislate it and get an ordinance drafted...

Commissioner Cabrera: But have a frame work legislation?

Vice Mayor Kerdyk: Yes.

Commissioner Cabrera: I agree.

Commissioner Anderson: I agree.

Mayor Cason: But you don't have to deal with these in Consent Agenda Items, I think if we set up parameters, I agree with you.

Commissioner Quesada: I'm going to make a motion.

Commissioner Cabrera: To approve it?

Commissioner Quesada: I want to make a motion unless....

Commissioner Cabrera: That's OK, you can make the motion on the item...

Commissioner Quesada: I think everyone is saying the same thing.

Commissioner Cabrera: No, I'm just going to say that I think he is going to get a 5-0 vote, if Brick Tops can guarantee us free pizza for a year (laughter), that can be done without any problem, just for the five of us.

Mr. Hersch: I see no problem.

Commissioner Cabrera: You've got my vote buddy.

Mayor Cason: Why don't we....

Commissioner Quesada: The motion is to direct staff to review this ordinance to see if there is a better way to deal with this in the future and then for the Planning and Zoning Board to take the first review, and then for us to take a look at it, is that....

Commissioner Cabrera: But we are going to go ahead and pass this today.

Mayor Cason: Your motion is to have Planning....

Commissioner Quesada: Have staff review it, give the recommendation to Planning and Zoning, Planning and Zoning take a look at it and then have it come to us.

Mayor Cason: OK. Do we have a second?

Commissioner Cabrera: Second.

Mayor Cason: OK. Commissioner Quesada makes the motion, Commissioner Cabrera seconds it.

City Clerk

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

Commissioner Cabrera: Mr. Mayor before we leave this item, I'd like to take this opportunity since you are the architect for this project, Mr. Hersch. I don't know if the rest of you have noticed this, but along that corridor on Ponce de Leon, we've got another construction site just north of the Brick Top site, and you know, I work in downtown Coral Gables, in fact that's an area that I frequent. I would like staff to really look into the staging construction sites because what is happening is both in the Brick Top site and the site that's further north pedestrian accessibility is gone, people are having to cross the street in order to get back on the sidewalk and walk either north or south.

Mr. Hersch: Brick Tops does have....

Commissioner Cabrera: It does have a walkway?

Mr. Hersch: Yes....it is incorporated.

Commissioner Cabrera: The site north of you doesn't have a walkway and it causes folks, and especially when it was first started, this project was first started what was happening was, there was poor signage and so people walking south were finding themselves going on Ponce de Leon Boulevard, and I'd really like to see....I marvel at these staging areas in Coral Gables; I've been to downtown Atlanta, I've been to downtown New York, downtown Boston, downtown Chicago and they build these skyscrapers and there is still accessibility for pedestrians, they don't have to cross the street or be deviated as far as we seem to deviate people.

Mr. Hersch: It can be done, it can be done.

Commissioner Cabrera: I think it can, if there is a will it can be done, but I'd like staff to take note of this because I think it puts us in a life safety situation in many instances.

Mr. Hersch: Absolutely.

Mayor Cason: OK on Item C-4 then, do we have a motion?

Vice Mayor Kerdyk: We already did.

City Attorney Leen: It's already passed.

Commissioner Cabrera: It's done.

Mayor Cason: I thought we had your motion....your motion was more general.

Commissioner Quesada: It was more general as to legislation. I'll make a motion for it to approve this item now.

Mayor Cason: Commissioner Quesada makes a motion.

Vice Mayor Kerdyk: OK, that's fine.

Mayor Cason: Vice Mayor seconds it.

City Clerk

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Quesada: Yes

Commissioner Anderson

Mayor Cason: Yes

(Vote: 5-0)

City Attorney Leen: Mr. Mayor could I just get clarification on what the first motion was then?

Commissioner Quesada: The first motion was to have staff take a look at the ordinance generally as it relates to signage and the wrap around, these kinds of graphics in this scenario, and then to give a recommendation to Planning and Zoning for them to have a vote and then for it to come before us.

City Attorney Leen: Makes sense – and just there was no confusion, everyone was fine with that.

Commissioner Cabrera: Well I was confused, but I voted positively on both.

City Attorney Leen: But you support both?

Commissioner Cabrera: Yes sir, I do.

[End: 9:54:37 a.m.]