

**City of Coral Gables  
 Planning and Zoning Board Trucks Workshop  
 Wednesday, February 15, 2012, 6:30 p.m.  
 Coral Gables City Commission Chambers  
 405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J11	F15	M14	A27	M11	J8	J22	O12	O19	N30	APPOINTMENT
	'12	'12	'12	'11	'11	'11	'11	'11	'11	'11	
<b>Eibi Aizenstat - Chair</b>	C	P									City Manager Patrick Salerno
<b>Robert Behar</b>	C	P									Commissioner Rafael Cabrera, Jr.
<b>Jeffrey Flanagan - Vice Chair</b>	C	P									Commissioner Maria Anderson
<b>Julio Grabiell</b>	C	P									Mayor Jim Cason
<b>Pat Keon</b>	C	P									Planning and Zoning Board
<b>Vince Lago</b>	C	P									Commissioner Frank C. Quesada
<b>Javier Salman</b>	C	P									Vice Mayor William H. Kerdyk, Jr.

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

**City Staff and Consultants:**

Eric Riel, Jr., Planning Director  
 Walter Carlson, Asst. Planning Director  
 Scot Bolyard, Principal Planner  
 Craig E. Leen, City Attorney  
 Patrick Salerno, City Manager  
 Jane Tompkins, Development Services Director  
 Martha Salazar-Blanco, Zoning Official  
 Kevin Kinney, Parking Director  
 Eli Gutierrez, Code Enforcement Lead  
 Susan L. Trevarthen, Esq. (Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L.)

**Court Reporter:**  
 Joan Bailey

**Attachments entered into the record:**

1. Public Comments: 10.12.2011 thru 01.23.2012
2. Truck Height Comparison
3. Truck Length Comparison

1 CITY OF CORAL GABLES  
 2 PLANNING AND ZONING BOARD WORKSHOP  
 3 VERBATIM TRANSCRIPT  
 4 CORAL GABLES CITY HALL  
 5 405 BILTMORE WAY, COMMISSION CHAMBERS  
 6 CORAL GABLES, FLORIDA  
 7 WEDNESDAY, FEBRUARY 15, 2012, COMMENCING AT 6:30 P.M.

8 Board Members Present:

- 9 Eibi Aizenstat, Chairperson
  - 10 Robert Behar
  - 11 Jeffrey Flanagan, Vice Chairperson
  - 12 Julio Grabiell
  - 13 Pat Keon
  - 14 Vicente "Vince" Lago
  - 15 Javier Salman
- 16 City Staff and Consultants:
- 17 Eric Riel, Jr., Planning Director
  - 18 Walter Carlson, Assistant Planning Director
  - 19 Craig E. Leen, City Attorney
  - 20 Scot Bolyard, Planner
  - 21 Patrick Salerno, City Manager
  - 22 Jane Tompkins, Development Director
  - 23 Martha Salazar-Blanco, Zoning Official
  - 24 Kevin Kinney, Parking Director
  - 25 Eli Gutierrez, Code Enforcement Lead
  - Susan L. Trevarthen, Esq. (Weiss, Serota, Helfman,  
 Pastoriza, Cole & Boniske, P.L.)

1 MR. BOLYARD: Ms. Pat Keon?  
 2 MS. KEON: Here.  
 3 MR. BOLYARD: Mr. Vince Lago?  
 4 MR. LAGO: Here.  
 5 MR. BOLYARD: Mr. Eibi Aizenstat?  
 6 CHAIRMAN AIZENSTAT: Here.  
 7 Thank you.  
 8 MR. RIEL: Prior to me making a  
 9 presentation on the materials you have before  
 10 you, Mr. Leen, the City Attorney, would like to  
 11 make a couple comments.  
 12 CHAIRMAN AIZENSTAT: Mr. Leen.  
 13 MR. LEEN: Thank you, Mr. Chair.  
 14 As you all know, this is a workshop to  
 15 discuss ideas related to possible amendments to  
 16 the truck ordinances, relating to trucks in  
 17 residential and commercial areas. Because it's  
 18 a workshop, it's supposed to be more of a  
 19 free-flowing discussion between the Board  
 20 Members. There should be no motions made and  
 21 no official action taken. That can be done at  
 22 a future meeting. The purpose of this is to  
 23 get information, to talk about ideas, and to  
 24 request information from Staff. And as  
 25 mentioned, there's also no public input here.

1 THEREUPON:  
 2 The following proceedings were had:  
 3 CHAIRMAN AIZENSTAT: Now, we will go on to  
 4 the second agenda, which is the workshop  
 5 agenda.  
 6 Under the workshop agenda, the purpose of  
 7 the workshop is to allow City Staff to discuss  
 8 and solicit input from the Planning and Zoning  
 9 Board. Public input and testimony will not be  
 10 taken, and will be solicited at which time  
 11 these items are considered by the Board as a  
 12 public hearing.  
 13 Eric?  
 14 MR. RIEL: Prior to me making a present--  
 15 CHAIRMAN AIZENSTAT: Let's go ahead and  
 16 call the roll, please, I'm sorry, since we're  
 17 starting again.  
 18 MR. BOLYARD: Mr. Javier Salman?  
 19 MR. SALMAN: Here.  
 20 MR. BOLYARD: Mr. Robert Behar?  
 21 MR. BEHAR: Here.  
 22 MR. BOLYARD: Mr. Jeffrey Flanagan?  
 23 MR. FLANAGAN: Here.  
 24 MR. BOLYARD: Mr. Julio Grabiell?  
 25 MR. GRABIEL: Here.

1 It is simply a workshop discussion between the  
 2 Members of the Board.  
 3 CHAIRMAN AIZENSTAT: Okay.  
 4 Eric?  
 5 MR. RIEL: What I'd like to do is, if you'd  
 6 indulge me, as you did when we had the Zoning  
 7 Code rewrite, to allow me to continue through  
 8 the entire presentation.  
 9 What I'd like to do is just go through the  
 10 background materials that you have in front of  
 11 you. You have the City Commission minutes from  
 12 September. You have the minutes of the Board  
 13 meeting, which was a public hearing, in  
 14 October. You also have the comments on the  
 15 green sheets, public comments we've received to  
 16 date regarding the truck ordinance.  
 17 What you have as attachments in your  
 18 packet -- and I'm basically going to be working  
 19 from Attachment C, which is the large 11-by-17  
 20 chart, and I wanted to echo Mr. Leen's  
 21 comments. The purpose of this meeting is to  
 22 solicit your input and interact with Staff.  
 23 What there are is a suggest-- or a listing of  
 24 opportunities that are available, and I'm going  
 25 to go through that.

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1 One of the alternatives that is available  
 2 is that no changes be made to the current  
 3 ordinance. I just want you to understand that.  
 4 That is an opportunity that's available to you,  
 5 but I just want to be clear on the record.  
 6 You did receive, as a part of your packet,  
 7 a lot of background information which was on  
 8 the disks provided to you, and we do have hard  
 9 copies. Just for a matter of record, one of  
 10 the information is an analysis of 26 local  
 11 governments, in terms of what they do with the  
 12 commercial and trucks -- commercial vehicles  
 13 and trucks. We have a comprehensive listing of  
 14 pickup truck specifications and then SUV  
 15 specifications. These are for all trucks, all  
 16 SUVs, within the past 10 years. So that  
 17 information was available to us. It's sorted  
 18 by height, weight, length, almost any  
 19 information that we could glean information  
 20 off the -- from a number of sources.  
 21 Let me go ahead and go to the larger  
 22 document, which is Attachment C.  
 23 Basically, this document has four  
 24 attachments: An Alternative 1, which is a  
 25 modernization of the existing Code provisions;

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1 Alternative 2, which is additional options or  
 2 opportunities that are available, in addition  
 3 to what's in Alternative 1, modernization. So  
 4 it's basically what is in Alternative 1, as  
 5 well as some opportunities that are available  
 6 that we're looking for direction for. And then  
 7 the City Code, which has to do with lost,  
 8 stolen or abandoned property, and then the last  
 9 attachment is Definitions.  
 10 So what I'm going to do is go through  
 11 Alternative 1. Basically, in Alternative 1,  
 12 it's in a two-column format. The first column  
 13 are the existing Zoning Code regulations, in  
 14 italics, and I think we're all familiar with  
 15 those. I mean, basically, it's unlawful to  
 16 have a commercial vehicle, truck or trailer  
 17 unless it's within a garage. There's hours  
 18 that commercial vehicles are allowed to be  
 19 parked, provisions for allowing for unloading  
 20 of trucks. There's provisions or exemptions  
 21 for advertising, regarding political, or  
 22 candidates, loading and unloading of  
 23 recreational vehicles, and then for  
 24 construction equipment.  
 25 Some of the opportunities we're

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1 suggesting -- or not suggesting, are providing  
 2 you a list for, is: Provide a "Purpose"  
 3 section; look at defining parking, storing and  
 4 remaining motionless, in terms of prohibited  
 5 vehicles; clarify what is a prohibited vehicle,  
 6 specifically regarding a pickup truck; specify  
 7 residential zoning districts; examine extending  
 8 the duration of loading of trucks; provide  
 9 provisions for tractor-trailers; additional  
 10 provisions in terms of some time frames and the  
 11 activities that result from that; safeguard the  
 12 current State regulations regarding physically  
 13 impaired family members, immediate family or  
 14 guests; clarify the language for residences  
 15 under construction; and then add a number of  
 16 exemptions for local and Federal vehicles,  
 17 maintenance vehicles that park at the house or  
 18 residence, emergency calls, and then when  
 19 there's a state of emergency within the City,  
 20 such as a hurricane event.  
 21 Moving on to Page 2, there's an opportunity  
 22 available for guest permits, which we've  
 23 identified some possible time frames, inclusion  
 24 of provisions for special circumstances that  
 25 allow for an extension of that time frame.

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1 We're also suggesting supplemental  
 2 regulations, which basically mirrors what's in  
 3 the Code right now. Vehicles have to be parked  
 4 on an approved surface. Repair of vehicles is  
 5 prohibited. Vehicles must be kept in well-kept  
 6 condition.  
 7 The next section has to do with trucks and  
 8 commercial vehicles, parking upon streets and  
 9 public places. Opportunity there is to again  
 10 clarify what is a pickup truck; clarify the  
 11 provisions in terms of prohibited vehicles  
 12 within metered spaces, and this is in the  
 13 commercial and industrial districts; provide  
 14 provisions regarding vehicles parked at meters  
 15 located in residential areas, and this is put  
 16 in there because there are some meters that are  
 17 adjoining residential areas. Then, create  
 18 provisions for special events, basically, via  
 19 the Special Event Committee.  
 20 Another opportunity is, create a City  
 21 permit system to track either the guest  
 22 permits, trucks in general, or, you know, the  
 23 physically impaired individuals.  
 24 I think one of the things that, you know,  
 25 the Board and the Commission will have to

1 address is the effective date of provisions.  
 2 Once they're put in place, will it be 30 days,  
 3 60, 90 days, or an extended time?  
 4 Then the final section of Alternative 1 is  
 5 vehicle signs, and this, again, is just  
 6 basically providing an exemption for political  
 7 candidates and political issues. We're  
 8 suggesting or we're providing for an  
 9 opportunity for amendments that would allow for  
 10 emergency call vehicles, tow trucks, state of  
 11 emergency, those vehicles as well, that have  
 12 signage on them. So we're providing an  
 13 opportunity for exemptions there.  
 14 So let me move on to Alternative 2. What  
 15 I'd like to do, since this section is fairly  
 16 lengthy, I just did a very, very quick chart  
 17 that just identifies the 15 options, because  
 18 the options are spread over about 10 or 15  
 19 pages. This is a listing of about 15 options.  
 20 Again, these are in addition to Alternative 1,  
 21 the modernization.  
 22 Option 1 and 2, what we're looking at here  
 23 is, we divide the City up into the north and  
 24 south sections. If you remember, when we went  
 25 through the Zoning Code rewrite, there's

1 if you also note, landscaping is much less on  
 2 the southern end of the City.  
 3 Option 2 is on Page 8. This is full truck  
 4 screening, and when I indicate full truck  
 5 screening, this is basically what the City  
 6 provisions provide for the storage of boats in  
 7 the City, only in the rear and interior side.  
 8 This illustration provides you an example of  
 9 different lot configurations and lot sizes,  
 10 what that would be. And when I say full truck  
 11 screening, there's no screen, though, no walls,  
 12 no fences, which is consistent with boats right  
 13 now. If you park it in these areas, it's okay.  
 14 So that's just another -- that's another  
 15 option.  
 16 Option 3 is basically a truck cover. On  
 17 Page 9, just some examples of some various  
 18 truck covers, and there's some language in  
 19 there, in terms of being opaque, the colors  
 20 being earth tone, you can't use a tarp, and  
 21 they should be maintained in a clean and  
 22 well-kept condition.  
 23 Option 4, on Page 10, truck cab cover.  
 24 Again, this is an option that will allow, if a  
 25 cab is put on a pickup truck, that would be one

1 certain characteristics, and the northern  
 2 section of the City has smaller lots and the  
 3 southern section typically has larger lots.  
 4 So what we did on Option 1 is just provide  
 5 you an example. These are actually  
 6 single-family homes; it's on Page 6 for the  
 7 north section, and the south section is on Page  
 8 7. And Option 1 is partial truck screening.  
 9 This option provides for a wall, fence or  
 10 building or landscaping as an option to screen  
 11 a pickup truck that would be allowed, and if  
 12 you look at the illustrations, it might be a  
 13 little bit tiny, but you'll see some green  
 14 shrubs on there and you'll see some walls.  
 15 It's kind of -- the walls are noted kind of in  
 16 a yellow-lime color, and then if you look at  
 17 the aerial, you'll note, which all of you  
 18 obviously know, that the City has a significant  
 19 amount of landscaping.  
 20 So, again, this is just an illustration of  
 21 the opportunities that are available if this  
 22 option is selected. And again, just on Page 7,  
 23 this is the southern part of the City, where  
 24 you have different lot configurations and  
 25 different lot sizes, mainly larger lots. And

1 of the options that are available. The first  
 2 three, the top row, is basically the direction  
 3 that I kind of wanted to identify, that's what  
 4 Staff would suggest if the Board or the  
 5 Commission decides to go in that direction.  
 6 The bottom row is something that's not  
 7 desirable, and it's, again, just to show you an  
 8 example. And our research notes that these  
 9 truck cabs are done by outside vendors. You do  
 10 not get a truck cab from a manufacturer. We  
 11 could not find one that had -- a manufacturer  
 12 that offered this, so this is from a third --  
 13 you know, from an outside party.  
 14 Option 5, on Page 11, bed cover, and just  
 15 some illustration of some options that are  
 16 available. Basically, a rigid cover, covering  
 17 the vehicle bed. Again, tarps would not be  
 18 permitted. These are offered by the  
 19 manufacturers, truck manufacturers, as well as  
 20 by after-market vendors. So there's probably  
 21 about a 50/50 mix that we found, in terms of  
 22 these.  
 23 Option 6, three-axle vehicles. Not very  
 24 many people know, there's three-axle pickup  
 25 trucks, but they're predominant out in the

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1 western states, but just, again, just  
2 identifying another option in terms of -- and  
3 this is -- we're looking at, you know, a  
4 prohibition here.  
5 Option 7 is the -- what I'll refer to as  
6 the duallies, four or more rear tires.  
7 Option 8, another option that is provided  
8 to the Board, is tire height. If you look on  
9 the chart, you know, the tire heights vary,  
10 depending on the vehicle, and again, it's just  
11 another option in terms of how to manage.  
12 Option 9, on Page 14, is the modified  
13 truck, basically, a truck that's been modified  
14 beyond the typical manufacturer, the original  
15 factory manufacturer.  
16 Option 10, truck bed storage. Just some  
17 examples --  
18 MR. SALMAN: No rhinos.  
19 MR. RIEL: Rhinos. No rhinos, right. No  
20 animals.  
21 Again, just another option.  
22 Option 11, going on to Page 16, prohibiting  
23 auxiliary equipment. Again, just examples of,  
24 you know, auxiliary equipment, appendages,  
25 equipment racks, winches, storage boxes.

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1 Page 17, Options 12, 13, 14 and 15, which  
2 are the remaining five options, the intent of  
3 this section is to provide an analysis of the  
4 available options, in terms doing it by vehicle  
5 height, weight, length or -- I'm sorry, height,  
6 width, length and weight, and you'll see in  
7 these tables, on 17, the different ranges in  
8 height, maximum and minimum. If you proceed  
9 throughout the continuance of the document,  
10 you'll see additional information, and I'm  
11 going to jump to Page 20.  
12 What we did is, we did a comparison on  
13 height and length, a comparison, and that  
14 information is in Table 6.  
15 Tables 7, 8, 9 and 10 look at truck vehicle  
16 heights, and the remainder of the tables  
17 provide an analysis or a comparison for SUVs.  
18 To provide you some additional information,  
19 what we've also done is, you have in front of  
20 you another chart, which does a truck height  
21 comparison, trucks less in length than 227  
22 inches and those more than 227, green  
23 indicating those more, red indicating -- I'm  
24 sorry, green indicating less, red indicating  
25 more. Again, this is just another way of

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1 providing information in terms of the height,  
2 and then the length is the second chart, and  
3 the variable here is 72 inches, and that 72  
4 inches was selected as the variable, based upon  
5 the buffering requirements, or a wall or a  
6 fence, the six foot.  
7 So, again, those are the Alternative 2.  
8 And then the third document in your packet,  
9 which starts on Page 29, has to do with the  
10 City Code, which is Chapter 34. This has to do  
11 with, basically, junked or abandoned property.  
12 Right now, the Code allows for abandoned or  
13 junked vehicles to be parked at a residence if  
14 it's covered. One thing that we had discussed  
15 at the previous public hearing is a suggestion  
16 that you'd like to prohibit, City-wide, junked  
17 and abandoned vehicles and remove that  
18 provision to allow them to be covered. So  
19 that -- and also, there's some additional edits  
20 here and changes to basically modernize the  
21 provisions, as well.  
22 And then the last section, which is --  
23 starts on Page 31, is the definitions. This is  
24 just a comprehensive listing of the  
25 definitions. Dependent on the Commission and

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1 your direction, these will change, but this  
2 just gives you an idea, first and foremost, how  
3 some of these -- these terms would be defined.  
4 That basically concludes, in terms of the  
5 information you have before you. Again, I just  
6 want to emphasize that one of the alternatives  
7 available is to not change it. You can -- This  
8 is kind of a laundry list of opportunities that  
9 are available to the Board, as well as to the  
10 Commission.  
11 We do have several members of Staff here  
12 that will help address any questions you have.  
13 We have Eli Gutierrez, from the Code  
14 Enforcement; I don't know if Kevin Kinney is  
15 here; Scot Bolyard, obviously, in Planning; the  
16 City Attorney. And we also do have outside  
17 legal counsel, Susan Trevarthen, from Weiss  
18 Serota, who's been assisting in the development  
19 of this information.  
20 So, basically, this concludes Staff's  
21 presentation. I guess I would probably start  
22 off with the first question, you know, does the  
23 Board want to amend the truck ordinance? And  
24 that will kind of start the discussion.  
25 MR. BEHAR: Mr. Riel, I just want to take

1 an opportunity to commend you and Staff for  
 2 putting together a package which is --  
 3 CHAIRMAN AIZENSTAT: Very good.  
 4 MR. BEHAR: -- excellent, certainly a lot  
 5 more than I wanted to know about trucks.  
 6 MR. RIEL: Thank you. On behalf of City  
 7 Staff, thank you.  
 8 CHAIRMAN AIZENSTAT: Is this available to  
 9 the public, to look at, also? Is it posted on  
 10 the website?  
 11 MR. RIEL: Yes, it was posted on the web on  
 12 Friday, when you received the packet, all the  
 13 information, all the notices and everything you  
 14 have here. We also do have copies available,  
 15 if anybody would like a copy.  
 16 CHAIRMAN AIZENSTAT: For -- I have to  
 17 assume that there's quite a bit of people that  
 18 are interested in trucks that may not be here,  
 19 that are watching on TV or so forth. Can you  
 20 tell them where they can go to access this?  
 21 MR. RIEL: If you go to the web page,  
 22 www.coralgables.com, and go into the  
 23 departments, under Development Services, and if  
 24 you look at Planning and Zoning Board, you look  
 25 at today's date, February 15th, and you'll see

1 all this information, and if anybody would like  
 2 to receive this, you can certainly e-mail any  
 3 member of Staff, e-mail me, and we'll be happy  
 4 to forward the information to you. It's in a  
 5 PDF format, so you can adjust the size of this.  
 6 You don't necessarily have to have a large --  
 7 large paper.  
 8 CHAIRMAN AIZENSTAT: Okay.  
 9 Comments?  
 10 MR. LEEN: Mr. Chair, just if I may say --  
 11 CHAIRMAN AIZENSTAT: Yes.  
 12 MR. LEEN: In doing this discussion -- and  
 13 I understand there's a question regarding  
 14 whether there should be any amendment at all,  
 15 just -- I just would just reiterate, though,  
 16 it's important not to come to any decision in  
 17 this meeting, because it's just for purposes of  
 18 discussion. You're certainly free to say  
 19 whatever you think about it, of course, as  
 20 Board Members, but mostly to just gain  
 21 information and discuss ideas, so that you can  
 22 frame your argument that will come up in the  
 23 public hearing when you make your formal  
 24 decision.  
 25 CHAIRMAN AIZENSTAT: Thank you.

1 Robert?  
 2 MR. BEHAR: Mr. Chairman, now I'm more  
 3 confused than before, so I -- you know, I mean,  
 4 this is great, a great tool for us to start  
 5 looking and considering. Now I'm really  
 6 wondering how, if -- if the time comes that we  
 7 decide to do something, you know, where do  
 8 we -- where do we draw the line, you know? And  
 9 that seems to be, to me, now, you know, my  
 10 biggest concern, is, I have -- I have so many  
 11 options, so many -- you know, we have so many  
 12 options that, you know, I'm wondering how the  
 13 rest of the Board feels.  
 14 CHAIRMAN AIZENSTAT: Javier?  
 15 MR. SALMAN: I think it's important to look  
 16 back and remember, while we were doing the  
 17 Zoning Code rewrite, that this was sort of an  
 18 issue we kept pushing aside, because of  
 19 compliance issues, and right now, we are  
 20 currently not enforcing this, until we look at  
 21 this again; is that correct?  
 22 MR. RIEL: Yes. It's till, I believe,  
 23 April 15th.  
 24 MR. SALMAN: Till April 15th, is when the  
 25 hiatus ends and you start enforcing the old

1 Code.  
 2 MR. RIEL: Unless it's extended again.  
 3 MR. SALMAN: Unless it's extended again.  
 4 I think that from a point of value of the  
 5 Board's time, we look quickly at what is it  
 6 that the Code says, see if we're in agreement  
 7 with it, if we want to expand it, and where we  
 8 want to look at it, because we have a wealth of  
 9 information to help guide us, but at the same  
 10 time, we need to be cognizant of the fact that  
 11 the people who do our Code Enforcement need a  
 12 very clear guideline and definition that is  
 13 easy to interpret and understand --  
 14 CHAIRMAN AIZENSTAT: I agree with you.  
 15 MR. SALMAN: -- that is not tied to an  
 16 esoteric kind of specialty measurement that  
 17 could be open to debate or reinterpretation,  
 18 it's one that's absolute. So, if it's a height  
 19 limit, then let it be a height limit of X, and  
 20 no more.  
 21 And likewise, when we are faced with a  
 22 myriad of types of vehicles, we have to  
 23 understand that the market has changed  
 24 considerably from when this ordinance was first  
 25 written and it was incorporated as part of

1 the -- initially, I'm thinking, back in the  
2 first Code rewrite, back in the '40s or '50s,  
3 after the initial Code of the '20s. And our  
4 Code has been an evolutionary Code, it has not  
5 been a revolutionary Code, was always built and  
6 modified and changed, the Codes, and correcting  
7 it, incorporating a lot of ordinances that have  
8 happened over time.

9 To that end, we still also have the  
10 requirements that our founding fathers sort of  
11 gave us when they set up the design of the  
12 City. The City is really a garden, where we  
13 intend to inhabit houses. It's a very defined  
14 series of boundaries and landscapes and visions  
15 that we all buy into by living here, and the  
16 introduction of motor vehicles into this garden  
17 is not necessarily aesthetically pleasing,  
18 which is one of the reasons all the houses, by  
19 Code, have to have, what?

20 MS. KEON: A garage.

21 MR. SALMAN: A garage, so that we don't  
22 have cars out in the garden, as it were. We  
23 have very specific understanding of  
24 recreational vehicles, for example, boats or  
25 RVs or whatnot, where they have to be, side

1 yard, back yard, and screened, in some cases.  
2 And so those rules exist, and we've always  
3 lived with those.

4 What I've seen is -- of late, is a  
5 proliferation of commercial vehicles, of  
6 patently commercial vehicles, vehicles with  
7 signage on them, with their contractor numbers  
8 on them, that are strictly for somebody's  
9 business, which is fine to have and bring home,  
10 there's nobody saying that you can't, but that  
11 doesn't mean we all have to live with that  
12 visual noise. And that's really, I think, the  
13 issue here, is one of polite behavior, and when  
14 you look at the entire Code, it really is a  
15 Code of polite behavior. That which I would  
16 not do to you, I don't expect you to do to me.

17 For example, my brother-in-law lives in a  
18 part of Unincorporated Dade, so I'm not going  
19 to offend any city, okay, I'll just offend the  
20 County -- where these codes don't exist, and  
21 for years he had to live next to a slowly  
22 deteriorating boat. I used to tease him. It's  
23 like, "You have the S.S. Minnow parked at your  
24 house, and there's nothing you can do about  
25 it," until it finally returned to the earth

1 from whence it came. It took 10 years, you  
2 know, and likewise, unless we enforce these  
3 rules in a way that is logical and easily  
4 enforceable, we really won't know what the  
5 problem is.

6 I don't think it's a problem to have an  
7 SUV. I don't think it's a problem even to have  
8 a truck. What I have a problem is where that  
9 line is where it becomes a commercial vehicle,  
10 where we have to deal with it or it becomes an  
11 obnox-- a point of being a nuisance.

12 MR. BEHAR: Javier, I will agree with you,  
13 but after looking at this -- this menu that we  
14 have here, you know, you may see a truck, you  
15 know, with three axles. It may not be a  
16 commercial truck, but yet --

17 MR. SALMAN: Yeah, but it becomes a  
18 recreational vehicle, because you only buy that  
19 truck to drag a camper.

20 MR. BEHAR: But that's not a commercial  
21 vehicle. But then --

22 MR. SALMAN: But it's a recreational  
23 vehicle, and that's something else that we need  
24 to think about.

25 MR. BEHAR: Yeah. I mean, I think that we

1 really have to be very careful, because if not,  
2 we're going to set a precedent --

3 MR. SALMAN: I'm just trying to outline the  
4 problem. I'm not offering it as a --

5 MR. BEHAR: We're going to set a precedent  
6 that Code Enforcement will not even know what  
7 to do with it. I mean --

8 CHAIRMAN AIZENSTAT: You have to have --  
9 You have to have clear guidelines, to where  
10 Code Enforcement can act and they can interpret  
11 it a certain way or in the correct way and it's  
12 not left up to their own interpretation, what  
13 they think it may or may not be. For me, I  
14 think that's a very crucial point in dealing  
15 with this truck issue, with the truck issue.

16 MR. FLANAGAN: And I agree with that, but I  
17 think you could get there by limiting the  
18 axles, limiting the number of tires, and I  
19 think, as we discussed in our last hearing, no  
20 cargo, no ladders, no materials being left in  
21 the bed of the truck. Maybe we require -- I  
22 don't know that I would need to see a hard  
23 cover on the back of it, as long as nothing  
24 gets left in it, and then, obviously, no --  
25 definitely no commercial signage.

1 At that point, I think you've really  
 2 narrowed --  
 3 MR. BEHAR: But you've got a --  
 4 MR. FLANAGAN: -- and made it easier for  
 5 Code Enforcement, okay? Two axles, four tires,  
 6 no signs and nothing sticking out of the back.  
 7 MR. BEHAR: And the length of a truck is  
 8 okay? It doesn't matter if you have a --  
 9 MR. FLANAGAN: I was -- so my eyes fell on  
 10 the -- what, the Yukon, and Eric and Staff,  
 11 this is a great -- this is a great book. I  
 12 mean, it's a really good analysis. And I think  
 13 the GMC Yukon happens to be one of the larger  
 14 SUVs, at least in height and width, and it's  
 15 not -- There aren't many trucks that are higher  
 16 or wider than a Yukon.  
 17 Now, length is a whole different story. I  
 18 mean, the Yukon ends up falling at the lower  
 19 end of the trucks, the smaller pickup trucks.  
 20 But I think if you start getting into lengths,  
 21 you start getting into some possible confusion  
 22 for Code Enforcement, who's going to be out  
 23 there with their tape measure.  
 24 MR. SALMAN: Yeah, but you have a fixed  
 25 tape measure. That's something measurable.

1 MR. GRABIEL: I would hope --  
 2 MR. SALMAN: It's not an interpretation.  
 3 MR. GRABIEL: I would hope that whatever we  
 4 come up with, the City comes up with, it's  
 5 relatively simple. This is, you know, a City  
 6 that sometimes we put layer upon layer of  
 7 regulations, and I would be concerned that we  
 8 would come up with so many regulations on the  
 9 trucks that it ends up being something that is  
 10 unmanageable, but it should be fairly simple,  
 11 and, you know, hopefully it's not as simple as  
 12 no commercial vehicles of any kind, whatever  
 13 that is, and no vehicles with six tires or  
 14 whatever, but, you know, something that is  
 15 simple and that allows it to be just  
 16 straightforward, and somebody who owns a pickup  
 17 truck, if that's -- if they're allowed to park  
 18 in the City, you know, has clear options for  
 19 him to, you know, proceed with it.  
 20 Eric, I have a question, which I think  
 21 simplifies in my mind. In your document, the  
 22 first portion, which is the Alternative 2,  
 23 north and south, that is an assumption that  
 24 trucks would be allowed only if they're hidden  
 25 completely from the neighbors by using the

1 four-inch plus the two-inch -- four-inch  
 2 wall plus two-inch -- two-foot --  
 3 MR. RIEL: Four feet.  
 4 MR. GRABIEL: Four-foot wall plus a  
 5 two-foot fence, or a six-foot-tall fence?  
 6 MR. RIEL: It's an option that is screened  
 7 on three sides only, not four.  
 8 MR. GRABIEL: Okay.  
 9 MR. RIEL: The intent would have -- the  
 10 open side would be the front or the rear of the  
 11 vehicle. That's what this option provides.  
 12 MR. GRABIEL: Well, that would force  
 13 anybody who owns a pickup truck or definition  
 14 truck to build the walls and the fences to be  
 15 able to park their truck in the yard, if they  
 16 don't have that already?  
 17 MR. RIEL: I mean, unless they have  
 18 landscaping, you know, on all their property  
 19 lines, or other buildings. It could be -- an  
 20 option could be that there's a building, you  
 21 know, the neighboring property has a building  
 22 that's forward, therefore, that building of the  
 23 neighboring property screens it. So there's  
 24 all different options. This option doesn't  
 25 assume that you're going to have to put in a

1 wall or fence. Your property may have that  
 2 screening already.  
 3 MR. BEHAR: But some properties may not  
 4 have that option --  
 5 MR. RIEL: Correct.  
 6 MR. BEHAR: -- to do that.  
 7 MR. RIEL: Correct.  
 8 MR. BEHAR: You know, my house goes -- was  
 9 built in 1952, and it's from setback to  
 10 setback.  
 11 MR. GRABIEL: Yeah.  
 12 MR. BEHAR: So there's no way that, you  
 13 know, a house like mine, you could put it on  
 14 the side. So, you know, it's not as simple as  
 15 adding a screen enclosure to conceal it. And  
 16 let's not forget, you're allowed to have a  
 17 pickup in Coral Gables. It's just, you know,  
 18 you can put it inside the garage. I mean, it's  
 19 not like you're not allowed to have a pickup  
 20 here.  
 21 CHAIRMAN AIZENSTAT: Can you put it in your  
 22 back yard, to where it's hidden from plain  
 23 sight?  
 24 MR. RIEL: No.  
 25 CHAIRMAN AIZENSTAT: But according to this,

1 if you go ahead and screen it on three sides,  
 2 not four sides, your neighbor that has a  
 3 two-story house, it's not going to matter,  
 4 because every time they're going to look down,  
 5 as long as that truck's outside, they're going  
 6 to see that truck.  
 7 MR. RIEL: Again, this is just an  
 8 opportunity, another opportunity --  
 9 CHAIRMAN AIZENSTAT: I understand.  
 10 MR. RIEL: And there's different ways this  
 11 could be managed.  
 12 CHAIRMAN AIZENSTAT: See, for me, one of --  
 13 a big issue that I have is that we allow cars  
 14 that are deteriorated. Even though it says  
 15 that they have to be covered, I've seen some  
 16 cars throughout the City that are just  
 17 unpleasant to the sight, and yet if somebody  
 18 has a pickup truck that in today's society is  
 19 considered like an SUV or an everyday car, they  
 20 can't have it. So there's a Catch 22.  
 21 MR. BEHAR: Believe me, that's --  
 22 MR. SALMAN: That's an enforcement issue.  
 23 MS. KEON: That's an enforcement issue.  
 24 MR. BEHAR: You know, the first issue --  
 25 you know, the Code Enforcement needs to go out

1 manufacturer or even after-market, that is a  
 2 hard cover -- the other ones, you know, you're  
 3 going to have an open pickup, basically, ending  
 4 up.  
 5 So I think that the more -- personally, the  
 6 more we get into it, the more difficulty I see  
 7 in establishing what you said about  
 8 standardized is easy for Code Enforcement to  
 9 follow, and again, I commend Eric or his Staff  
 10 for putting this together. It's just opened up  
 11 lots of possibilities here that obviously was  
 12 good for us to have.  
 13 MR. FLANAGAN: But there's a lot of  
 14 possibilities in the vehicles, the non-trucks  
 15 that can park in the driveway right now. I can  
 16 park an El Camino in the driveway right now,  
 17 which is nothing but a small pickup truck. I  
 18 remember our presentation, there was some  
 19 gentleman who took -- I think he's got a  
 20 neighbor who has a van and that he said his  
 21 neighbor was a pack rat or something, and the  
 22 van with all the windows was just up to the  
 23 ceiling inside with stuff, which was very  
 24 unsightly, and I don't think that that was a  
 25 derelict vehicle or abandoned or junked

1 to those cars and cite them and go after them.  
 2 I mean, that's one way to clean that aspect. I  
 3 agree with you on the truck, or the pickup  
 4 truck. You have some beautiful, beautiful --  
 5 you know, Cadillac Escalade pickup trucks are,  
 6 you know -- but yet, where do you draw the  
 7 line? Where can we draw the line or the City  
 8 draw a line with what is acceptable and what  
 9 would not be? I don't think just by not having  
 10 the commercial signage and -- you know, you're  
 11 going to have so many different options that  
 12 it's going to be, you know, very difficult to  
 13 manage.  
 14 I personally don't feel that, you know, for  
 15 example, the covers are sufficient. Nobody's  
 16 going to do that. They will do that one day  
 17 and they'll stop doing it, okay? I don't  
 18 agree, I don't -- you know, and some of the  
 19 cab -- the covers, I like. I agree with Eric,  
 20 the three on the bottom are very commercialized  
 21 cabs. So, you know, where do you draw the  
 22 line? You know, the covers, the truck bed  
 23 covers, you know, it may be good for one day,  
 24 but are they -- unless you get something that  
 25 is a hard cover, that comes from the

1 vehicle, so it wouldn't have to be removed, but  
 2 yet it's an eyesore. If I remember the  
 3 testimony correctly, it's an eyesore for the  
 4 neighborhood. So I think we --  
 5 MR. BEHAR: You're right. You're right.  
 6 MR. FLANAGAN: I mean, it's a difficult  
 7 issue, but there's so many choices already and  
 8 it's -- so many people drive them. We  
 9 haven't -- How long has it been that this has  
 10 not been enforced? Eric?  
 11 MR. RIEL: I'm not sure.  
 12 Craig or -- When was it --  
 13 MR. LEEN: How long has it not been  
 14 enforced?  
 15 CHAIRMAN AIZENSTAT: How long have we not  
 16 been enforcing the truck issue?  
 17 MR. LEEN: We stopped enforcing the truck  
 18 ordinances in relation to the litigation that  
 19 occurred. My recollection is that it was  
 20 ongoing for about five or six years.  
 21 MR. FLANAGAN: But in that time, I would  
 22 imagine there's been a good amount of sales or  
 23 turnover. It hasn't been enforced. A lot of  
 24 people don't either know that you can have one  
 25 now, at least temporarily, or don't know about

1 it, and there hasn't been, at least not that  
2 I'm aware of, a huge proliferation or problem  
3 with trucks. I mean, I can agree, definitely  
4 no commercial vehicles. I don't even want to  
5 go there, but I mean, I don't know that there's  
6 been a problem with pickup trucks anywhere. I  
7 don't see a whole lot of them as I drive around  
8 town.

9 MR. SALMAN: I do.

10 MR. FLANAGAN: Huh?

11 MR. SALMAN: I do. They're everywhere.

12 MR. LAGO: I want to discuss something that  
13 to me is just as important as the truck issue.  
14 It's more of a safety issue. As I was looking  
15 at the diagram put forth by Eric and Staff, the  
16 hedges, the six-foot barrier, how do you feel  
17 that that will affect safety, you know, like  
18 police surveillance, you know, the way the cars  
19 are parked? Do you foresee some -- Has the  
20 police been notified? Have they been -- you  
21 know, have they been briefed in regards to this  
22 potential objective of putting up these hedges?  
23 How -- you know, what do you think of that? Is  
24 that a safety issue? Is it a concern?

25 CHAIRMAN AIZENSTAT: Well, they're

1 currently allowed.

2 MS. KEON: I think they're allowed.  
3 They're currently allowed, and it's set back  
4 behind the front setback of a house, so it's  
5 not going to -- you know, it's not at the  
6 street. It's not blocking, you know, the view  
7 of your entry or any of that.

8 MR. BEHAR: You're allowed to have a thick  
9 wall already, if you want to.

10 MS. KEON: You're allowed to have that  
11 today. So you can have that; it's existing.

12 I -- I was very happy to know that the  
13 court upheld the City's Code with regard to  
14 trucks. So it gives me confidence that it is a  
15 very enforceable item, and I -- within the  
16 residential districts of the City, I would -- I  
17 am very comfortable with that ordinance that  
18 exists. I think that not allowing -- I mean, I  
19 think you can allow, maybe, the opportunity for  
20 a guest to come. I think they're -- The  
21 restrictions in the downtown community, I  
22 think, is maybe more than needs to be. I think  
23 there's other things that -- there are things  
24 that need to be addressed within that  
25 ordinance, but the prohibition of pickups in

1 driveways or, you know, visible from the  
2 street, I -- I -- I was glad it was supported  
3 by the courts.

4 MR. GRABIEL: My concern is that when this  
5 ordinance that we have right now was written,  
6 there was a very clear separation between what  
7 was a commercial vehicle and what was a private  
8 automobile vehicle. If you had -- if a pickup  
9 truck was purely used for commercial purposes,  
10 and I think the intent, I would assume -- I  
11 haven't read the minutes, so I can't vouch for  
12 it, but I suspect that the intent at that time  
13 of the Commission was to eliminate the  
14 commercial vehicles that were being parked  
15 throughout the City of Coral Gables. Life has  
16 changed, the world has changed, the industry  
17 has changed, and when you have a Hummer that  
18 weighs 10,000 pounds, but it's allowed to be  
19 parked on your front yard, you know, on your  
20 driveway, but yet a small Toyota pickup, which  
21 weighs, you know, one third of that, is not  
22 allowed to be parked there, there's an  
23 inconsistency there which I -- I'm very  
24 uncomfortable with. I think it's not right  
25 that we allow the Escalades and we allow the

1 Hummers and we allow all these large SUVs, but  
2 because they're not pickups, then they have no  
3 problems whatsoever, but somebody who has a  
4 beautiful pickup, you know, with no commercial  
5 signage, with no bags coming out of the back,  
6 you know, is not allowed to park it, and I  
7 think the Code has to change to accommodate  
8 that industry that has changed and what people  
9 want and wishes to have in their homes, but  
10 making sure that the spirit of that Code is not  
11 allowing, I believe, commercial vehicles.

12 Now, how we define that, I don't know, but  
13 I think that is -- in my opinion, that is the  
14 key there, you know. We're -- I think we  
15 are -- we would be discriminating against  
16 people who have very nice, very clean pickup  
17 trucks, in not allowing them to park in their  
18 homes, when we allow all these other SUVs,  
19 which are as large as the pickup trucks.

20 MS. KEON: But the court has already told  
21 us that it isn't discriminatory.

22 MR. GRABIEL: I know. That's my opinion.

23 MS. KEON: But the court has told us --

24 MR. GRABIEL: I do not agree with the  
25 court.

1 MS. KEON: -- it's not discriminatory,  
 2 so --  
 3 CHAIRMAN AIZENSTAT: Craig, let me ask you  
 4 a question. Any change that we do to the truck  
 5 ordinance, or that the City does to the truck  
 6 ordinance, that will then do away with the  
 7 ruling with the court, meaning, people will  
 8 challenge it again, or how do you -- Let's say  
 9 we change a little bit or we tweak it. How  
 10 does that affect the ruling?  
 11 MR. LEEN: Pardon me. There are a couple  
 12 levels of analysis related to that, which I'll  
 13 give you now. The ruling will continue to  
 14 exist on the books, no matter what you do to  
 15 the truck ordinance, and it stands for the  
 16 general proposition that you do have the  
 17 authority to -- that the Commission,  
 18 ultimately, and you in recommending, have the  
 19 authority to legislate in this area, that it is  
 20 a proper zoning restriction to regulate  
 21 aesthetics, and that includes trucks.  
 22 Now, more specifically, though, the benefit  
 23 of the Third District ruling related to this  
 24 specific ordinance is that it provides sort of  
 25 a safe harbor, in the sense that these specific

1 ordinances have been reviewed and they have  
 2 been facially upheld. They have not been  
 3 upheld as applied in every possible instance,  
 4 but they have been upheld generally as written.  
 5 Now, of course, the more you change the  
 6 ordinances, the more they might be outside of  
 7 the ruling. But I think, just as a general  
 8 matter, if you are allowing more exceptions,  
 9 assuming those exceptions are rational,  
 10 that you're -- that -- for example, if you  
 11 allow -- let's say right now you don't allow  
 12 any sort of trucks unless they fit within these  
 13 specific exceptions, and you add an exception  
 14 that would allow, you know, five different  
 15 other categories of trucks, or this additional  
 16 group of trucks, or allow trucks in an  
 17 additional area of the City, or maybe you'll  
 18 allow trucks in people's back yards, as you  
 19 were discussing, or maybe you allow them --  
 20 you're allowing more exceptions, just as a  
 21 general matter. That probably won't take us  
 22 out of the safe harbor, because it's not as if  
 23 you're restricting additional trucks, and  
 24 that's when you create additional plaintiffs,  
 25 because if you restrict additional trucks or

1 SUVs or other types of vehicles, conceivably,  
 2 there can be more people who could sue, and  
 3 they could say, "Well, we weren't covered by  
 4 this decision, because we're a new person  
 5 that's been restricted from having a truck or  
 6 restricted from using a truck in a new way."  
 7 For example, if you removed -- and I'm not  
 8 suggesting anything, but if you removed the  
 9 garage exception, then there would be a whole  
 10 other group of people who might have trucks and  
 11 say, "Well -- " And they might challenge the  
 12 ordinance.  
 13 If you do do these additional exceptions,  
 14 what could lead to liability is if the  
 15 exception doesn't make any sense, in the sense  
 16 that you're treating -- and I don't -- like let  
 17 me think of a good specific example.  
 18 MR. SALMAN: Blue trucks.  
 19 MR. LEEN: Yes. That's a very good  
 20 example. If you permitted only blue trucks in  
 21 the City, and otherwise, you couldn't have  
 22 trucks, and there was not some rational reason  
 23 why blue was such an aesthetically pleasing  
 24 color that you might do that, that could be the  
 25 type of thing where a court might say there's

1 no rational reason to do it, and that's the  
 2 only thing you really have to consider in  
 3 making these additional types of exceptions,  
 4 that they're fair, and of course, anything  
 5 that -- The other answer to your question is,  
 6 anything that the Commission would approve  
 7 would have to come through, first, all these  
 8 different levels of review and public hearings.  
 9 They'd also have to come through my office. I  
 10 would have to sign off for form and legal  
 11 sufficiency, and in doing that, I would be  
 12 looking at the Third District decision and  
 13 making sure, to the best of my ability, that  
 14 whatever ordinance is passed would comply with  
 15 that.  
 16 And I would encourage you, if you have any  
 17 questions about specific exceptions, what I  
 18 think about, you know, how much they're within  
 19 or outside of the Third District opinion,  
 20 please ask.  
 21 CHAIRMAN AIZENSTAT: Thank you.  
 22 MR. SALMAN: Through the Chair. As I see  
 23 it, what we're doing today is, in an open  
 24 forum, free-flowing discussion, discussing the  
 25 possibility of modifying our current truck

1 ordinance which has been approved by the Board,  
2 correct?

3 MR. RIEL: We're giving you a listing of  
4 opportunities that Staff has identified,  
5 pursuant to the Commission public hearing, the  
6 Board hearing you had, as well as based upon  
7 our research.

8 MR. SALMAN: With regards to our next step,  
9 let's say we finish this discussion and we all  
10 leave and say, "Okay, no oil derricks and no --  
11 you know, but we'll allow trucks, or we're  
12 thinking about it." What would our next step  
13 be?

14 MR. RIEL: Our next step is, we would look  
15 at, obviously, the verbatim transcript and the  
16 video, and get with City administration and  
17 City departments, and I don't know that that  
18 would mean coming back to the Board. I mean, I  
19 don't know. This is meant to be an opportunity  
20 for Staff to hear the Board direction, and  
21 that's solely the purpose of this meeting.  
22 It's not to provide any suggestions or  
23 recommendations.

24 MR. LEEN: If I may say something, I do  
25 recall, at the last meeting of the Planning and

1 Zoning Board, you did vote that you wanted to  
2 retain the general structure of the truck  
3 ordinances and consider additional exceptions,  
4 without committing to those. So I do think  
5 that there has been a decision of this Board  
6 that -- which, of course, you're free to change  
7 at a public meeting -- that you wanted to  
8 maintain that structure of a general  
9 prohibition and then consider additional  
10 exceptions, and I think we had this discussion  
11 last time about how that might be, at least  
12 from a legal perspective, the safest way to  
13 continue to be within the ordinance, if you  
14 want to maintain a general prohibition, because  
15 the structure, this ordinance has already been  
16 approved, and if the exceptions are specific,  
17 it's easy to look at each exception and give  
18 you legal advice as to whether the legal  
19 department thinks that that exception would be  
20 lawful.

21 But I did want to bring that up, because I  
22 do remember, you did do a vote on that last  
23 time.

24 CHAIRMAN AIZENSTAT: Jeff?

25 MR. FLANAGAN: So, Craig, it would be

1 better if we said keep it in place, however, a  
2 truck is allowed if two axles, four wheels, no  
3 signage, nothing stored in the back bed, from  
4 your perspective, from a defense perspective?

5 MR. LEEN: Well, of course, as a policy  
6 matter, I'm not saying anything. All I'm  
7 saying is, as a legal matter, if you're going  
8 to maintain a general prohibition with  
9 exceptions, it is good to maintain the same  
10 structure that we have, because it has been  
11 approved, as has been mentioned. There is a  
12 safe harbor. It has been determined by the  
13 Third District to be legal as written.

14 MS. KEON: With regard to the parking of  
15 trucks downtown, I find maybe that's a little  
16 onerous, that you're not being allowed to, you  
17 know, park a pickup truck on the street in the  
18 evening in the City of Coral Gables, because I  
19 think, you know, people do use them as their  
20 regular cars or whatever, so I think it would  
21 be unusual that someone might come to dinner,  
22 or may go to the bookstore, or may, you know,  
23 drive a car into the City and park it while  
24 they have dinner or they have some other  
25 entertainment or whatever, so I mean, I think

1 that that's --

2 MR. FLANAGAN: You can do that.

3 MS. KEON: Pardon me?

4 MR. FLANAGAN: You can do that. Yeah,  
5 somebody testified at the last hearing and  
6 said, "People can't come to my house and watch  
7 a football game and they can't go to dinner  
8 downtown if they drive a pickup truck --

9 MS. KEON: Yeah.

10 MR. FLANAGAN: But we had Public Works and  
11 Code Enforcement clarify, no, if they pay at a  
12 meter or they're parked in a nonresidential  
13 district, or if it's not parking, if it's  
14 temporary, it's a football game, overnight,  
15 then that's fine. There's no problem with  
16 that.

17 MS. KEON: With parking a truck? I thought  
18 they were prohibited from parking a truck.

19 MR. FLANAGAN: No, we even got the example  
20 where somebody parks an 18-wheeler, and as long  
21 as they pay all the meters that they take up,  
22 as long as they pay the meters --

23 MR. SALMAN: Like the buses at UM for the  
24 football games.

25 MS. KEON: Right.

1 MR. SALMAN: You know, they pay all the  
2 meters.

3 MS. KEON: Right.

4 MR. LEEN: If I may, as I recall -- and I  
5 do want to clarify one thing, that the Board,  
6 when you voted on maintaining the general  
7 prohibition with maybe additional exceptions,  
8 I'm talking about just the residential portion.  
9 I do seem to recall that you were open to  
10 treating the commercial one differently.

11 CHAIRMAN AIZENSTAT: Correct.

12 MR. LEEN: The other thing is, my office  
13 has given a legal opinion, and the person  
14 you're -- the Parking Director spoke last time,  
15 and my office has given a legal opinion that if  
16 someone paid, based on interpreting our parking  
17 ordinance related to parking meters, in  
18 conjunction with the truck ordinances, we have  
19 given a legal opinion that if you do pay the  
20 meter, and it's during the operational hours of  
21 the meter, that you can park your truck there  
22 and that you shouldn't be ticketed. Of course,  
23 that's something that could be considered, you  
24 know; that's up to your consideration, as well.

25 MS. KEON: And how late -- and the meters

1 are operational till ten o'clock? So, if  
2 you're at a meter after ten o'clock, are you  
3 then -- Does that change?

4 CHAIRMAN AIZENSTAT: Let's ask the Parking  
5 Director.

6 MR. KINNEY: Well, I'll tell you the  
7 practice, but I --

8 CHAIRMAN AIZENSTAT: Could you just --  
9 Could you state your name and your position,  
10 please?

11 MR. KINNEY: My name is Kevin Kinney. I'm  
12 the Parking Director for the City of Coral  
13 Gables. There is opportunity to clarify  
14 certain situations here. We do go to midnight,  
15 so, yes, you are not cited, even if it's a  
16 pickup truck or an 18-wheeler. If you drove it  
17 downtown to go to dinner, you're fine, as long  
18 as you pay the meter.

19 We also have situations such as, the Duke  
20 basketball team comes and they're staying at  
21 the Colonnade, and the Colonnade will call us  
22 and ask for meter bags so they can park their  
23 coach outside the Colonnade overnight. That is  
24 not clearly treated anywhere. So there is an  
25 opportunity to clarify that, but those types of

1 situations happen.

2 The other one I know has happened is when  
3 the Nascar had their end of the year big race,  
4 they actually had their headquarters at the  
5 Hyatt.

6 MS. KEON: Right.

7 MR. KINNEY: And so they had a few trailers  
8 that they wanted to park on the street for two  
9 nights, which we allowed by allowing them to  
10 buy -- or the Hyatt to request and buy meter  
11 bags. But again, I would say that's not  
12 clearly treated anywhere.

13 MS. KEON: I think that those are practices  
14 that we -- that there is some conflict with our  
15 Code, and so I think that it's -- that would be  
16 a good thing for us to look at and to deal  
17 with, are those, the practices that we know now  
18 occur, that are -- that it isn't as clear in  
19 the Code as it ought to be.

20 CHAIRMAN AIZENSTAT: What happens after  
21 midnight?

22 MR. KINNEY: Well, the meter bag, when you  
23 buy a meter bag, it covers 24 hours.

24 CHAIRMAN AIZENSTAT: No, no. What I mean  
25 is, a patron comes to downtown, parks at a

1 meter, which the meter runs till midnight.

2 MR. KINNEY: Right.

3 CHAIRMAN AIZENSTAT: After midnight, he's  
4 still there. What happens?

5 MR. KINNEY: That really is not in my --

6 MR. SALMAN: Yeah, he goes home.

7 MR. KINNEY: That becomes -- That  
8 becomes -- My guys go out earlier that night.

9 MS. KEON: The meter maids are done.

10 MR. KINNEY: So it actually becomes a Code  
11 Enforcement issue, if there is an issue.

12 CHAIRMAN AIZENSTAT: Can I ask Code  
13 Enforcement on that?

14 MR. GUTIERREZ: Good evening. Just for the  
15 record, Eli Gutierrez, Code Enforcement  
16 supervisor. After that time -- I believe Major  
17 Masington was here last time and spoke about,  
18 at those times, the police would be, because my  
19 guys are not working at 1:00 in the morning.  
20 They start at 5:30, but not at 1:00. It would  
21 be more of a police issue.

22 CHAIRMAN AIZENSTAT: But by law, they can  
23 get ticketed?

24 MR. GUTIERREZ: By Code, they should be  
25 able to get ticketed, yes, sir.

1 CHAIRMAN AIZENSTAT: Thank you.  
 2 Comments?  
 3 MR. FLANAGAN: Well, I think that needs to  
 4 be addressed, and it's also unfair that you  
 5 could -- as I read, you could park a truck in a  
 6 church parking lot, if they let you, because  
 7 that's a nonresidential district. So, I mean,  
 8 and I don't know where the differentiation  
 9 should come in, but I think it's unfair to  
 10 treat the areas differently just because I may  
 11 go across the street and park in one of the  
 12 church parking lots, or a block and a half down  
 13 the street. And that may be a lot of detail.  
 14 I mean, I think I go back -- At one point, I  
 15 was a big fan of the truck ordinance. It's one  
 16 of those things, you move into Coral Gables,  
 17 you kind of -- it's notorious that you can't  
 18 have a pickup truck. But, I mean, what's the  
 19 difference these days between the pickup truck  
 20 and the SUVs? The SUVs are classified as  
 21 trucks. Maybe because our Code -- and I'm not  
 22 even sure how the Code defines a truck, you  
 23 know, if it has an open bed or no open bed.  
 24 If we put some provisions in that kind of  
 25 protect, protect the aesthetics, don't allow

1 to the truck or to the vehicle, or can it be  
 2 removed? Is it removable?  
 3 MR. RIEL: I know the County requires that  
 4 number to be there. I'm not sure if it's 24/7,  
 5 though. I don't know the answer to that.  
 6 CHAIRMAN AIZENSTAT: The reason I ask is, I  
 7 recall from somewhere that maybe on a  
 8 commercial vehicle that had to have their  
 9 license, I think it had to be permanent and not  
 10 removable. Maybe Code Enforcement would know?  
 11 MR. GUTIERREZ: Yes, sir, they have to be  
 12 permanently affixed to the vehicle. They  
 13 cannot have a magnetic on the vehicle.  
 14 CHAIRMAN AIZENSTAT: And what type of  
 15 vehicles are required to have their license  
 16 number on there? What defines that?  
 17 MR. GUTIERREZ: Per Dade County Code, they  
 18 don't have any definition on that. As long as  
 19 the vehicle -- They don't have a definition on  
 20 what type of vehicle, no. I've never seen that  
 21 in the Dade County Code.  
 22 CHAIRMAN AIZENSTAT: But if somebody  
 23 goes -- gives estimates for cutting lawns, the  
 24 guys that cut the lawn, they have to have their  
 25 contractor license?

1 stuff to be piled up in the back of the bed. I  
 2 don't know that I need to see a hard cover on  
 3 the back, but, I mean, a hard cover on the back  
 4 really helps to keep it aesthetically pleasing  
 5 and makes it tougher -- I think it makes it  
 6 tougher to use the truck for commercial  
 7 purposes. If you put a cab on the back, unless  
 8 you're going camping and you're going to sleep  
 9 in it or something, I think a cab allows for  
 10 storage of a larger amount of items and maybe  
 11 promotes commercial use of that truck, so  
 12 whatever we can do to limit kind of any  
 13 inclination to use the bed for commercial  
 14 purposes, but then again, even if you do use it  
 15 for commercial purposes during the day, and  
 16 that's what your job is, you come home at  
 17 night, everything's out of the back of the bed  
 18 of the truck, you've got no signage of the  
 19 truck. Who knows anything?  
 20 CHAIRMAN AIZENSTAT: Eric, let me ask you a  
 21 question, and I don't know if you know the  
 22 answer to this, but can commercial trucks have  
 23 magnetic signs? And I assume they have to have  
 24 their license number on that. Does that  
 25 license number have to be permanently affixed

1 MR. GUTIERREZ: If they have a license,  
 2 yes, sir, they have to.  
 3 CHAIRMAN AIZENSTAT: If they have a  
 4 license?  
 5 MR. GUTIERREZ: Yes, sir.  
 6 CHAIRMAN AIZENSTAT: Meaning, there are  
 7 guys that would go and do yards that don't have  
 8 to have a license within our City?  
 9 MR. GUTIERREZ: In our City? Yes. We've  
 10 seen that before, yes.  
 11 CHAIRMAN AIZENSTAT: But are they required  
 12 to have a license, or no?  
 13 MR. GUTIERREZ: With our City, no. With  
 14 Dade County, yes.  
 15 CHAIRMAN AIZENSTAT: Okay. Thank you.  
 16 MR. GUTIERREZ: Yes, sir.  
 17 CHAIRMAN AIZENSTAT: I mean, so in a way,  
 18 if it's a commercial vehicle that's used by,  
 19 you know, a plumber, an electrician or so  
 20 forth, that would carry certain cargo, by Code,  
 21 it would have to have a license number on it,  
 22 which would define that vehicle.  
 23 As far as I see it, for me, as far as  
 24 covers on the back, I don't think the cover on  
 25 the back is that important. The reason I say

1 that is because it's still a pickup truck. The  
 2 cover on the back, to me, is not -- in my mind,  
 3 is not going to define that vehicle not to be a  
 4 pickup truck.  
 5 The way I'm looking at this ordinance, for  
 6 me, would be more so -- I would like to see it  
 7 kept more what we have, but modernize it, bring  
 8 it more to date, whatever means that may be. I  
 9 think we've been given a great tool by what the  
 10 City has prepared for us, with all the  
 11 definitions, heights and so forth. I think we  
 12 need to give some kind of direction as to how  
 13 we feel as a Board, and that's why we're here,  
 14 talking about it to City Staff, what we want,  
 15 individually or collectively.  
 16 How do you guys see that?  
 17 MS. KEON: I'm comfortable with the  
 18 ordinance pretty much as it exists. I think  
 19 the application of the ordinance in different  
 20 regions, you know, in the commercial areas of  
 21 the City, as opposed to the residential areas  
 22 or special use areas, I think we can look at  
 23 that, but the ordinance in general, I feel  
 24 comfortable with, and I think, you know, to  
 25 have these lists of all these vehicles, you

1 know, the car manufacturers are in the business  
 2 of coming out with new product, in order to  
 3 sell product and to make money, so this is  
 4 going to be an ever-evolving list of vehicles  
 5 and types and heights and widths and whatever,  
 6 I mean, and I think the only thing -- I mean, I  
 7 agree with you that a Hummer is -- you know,  
 8 why not a pickup truck if you can have a  
 9 Hummer, and hopefully the Hummers just are  
 10 going by the way because of the amount of gas  
 11 that they take and they are not that  
 12 comfortable. I mean, there's a hundred reasons  
 13 why they're not, and they were brought out in  
 14 order to sell a product, in a system, and those  
 15 that, you know, don't work and people don't  
 16 buy, they fade away and they go away, and the  
 17 people that continue to buy pickups, I would  
 18 say, in general, they have a reason why they  
 19 want a pickup, as opposed to a regular car,  
 20 other than maybe some fashionable purchase of a  
 21 particular car at one time or another, and the  
 22 problem I have even with the pickups is, even  
 23 if it's not used commercially, if someone  
 24 has -- you know, they have a ranch up in the  
 25 middle of the state and they use that pickup

1 for that and they drive it back home and they  
 2 leave it in their driveway, It isn't -- Because  
 3 of just the way that you use a pickup truck,  
 4 the inside of that pickup truck is likely not  
 5 to be as attractive as a vehicle that's never  
 6 used for that purpose.  
 7 It's like you wouldn't leave -- I wouldn't  
 8 leave the trunk of my car open in my driveway,  
 9 you know. The advantage of a car is that you  
 10 can close the trunk. You know, the advantage  
 11 of a hatchback is, you can close the hatchback.  
 12 So you don't burden the rest of the community  
 13 with how you use your car.  
 14 MR. SALMAN: Your junk.  
 15 CHAIRMAN AIZENSTAT: How do you handle --  
 16 MS. KEON: What?  
 17 MR. SALMAN: Your junk.  
 18 MS. KEON: Your junk, yeah.  
 19 CHAIRMAN AIZENSTAT: How do you handle  
 20 people that have -- that need or require a  
 21 pickup truck because of their special needs?  
 22 MS. KEON: Well, I think that those are --  
 23 those are issues you have to address, and you  
 24 have to consider for handicapped or whatever  
 25 else, that they may need a particular type of

1 van or whatever, and I'm not sure that we have  
 2 really -- that that occasion has really arisen,  
 3 that they've demonstrated a need that is  
 4 incompatible with the Code.  
 5 MR. SALMAN: Well, those are minivans,  
 6 usually.  
 7 MS. KEON: Yeah. Right, so I --  
 8 MR. BEHAR: You can control that. If that  
 9 were the case, you know --  
 10 MS. KEON: That doesn't mean -- You  
 11 can control it.  
 12 MR. BEHAR: For example, I mean, you know,  
 13 use the example of a handicapped parking decal,  
 14 you know, a permit. You apply for it and you  
 15 can get a special permit to do something like  
 16 that.  
 17 MS. KEON: Yeah.  
 18 MR. BEHAR: Listen -- and I agree with some  
 19 of the comments that, you know, we have to  
 20 modernize the Code to a certain extent. My  
 21 problem is, how far can we go and what do we  
 22 allow, and to get there without opening up more  
 23 of a bigger issue. I mean, do I think that,  
 24 you know, it's not fair? No, I agree, Jeff,  
 25 that something is not fair, okay? There's some

1 trucks that are beautiful trucks, and I would  
 2 be in favor of that. I just don't know how we  
 3 could use a tool that we can differentiate one  
 4 from the other, because I cannot -- we cannot  
 5 expect Code Enforcement to go and measure, you  
 6 know, every truck and measure everything.  
 7 That's the problem. Do I personally feel that  
 8 something should be done? Yes. How do we do  
 9 it? You know, that's the 64 million dollar  
 10 question, and not only for us, because the  
 11 folks coming after us are going to have the  
 12 same issue, and I guess, after all this time,  
 13 after the last five years of, you know, not  
 14 providing any violation, it's up to us, and  
 15 it's becoming, you know, an issue that, once  
 16 and for all, we need to take care of it.  
 17 CHAIRMAN AIZENSTAT: The sense that I'm  
 18 listening or that I'm -- what I'm hearing is  
 19 that we like the truck ordinance that's in  
 20 place, and correct me if I'm wrong, from what  
 21 I'm hearing, but we need to modernize it or  
 22 tweak it to what's out there today, as opposed  
 23 to going and changing that ordinance. Is that  
 24 correct?  
 25 MR. GRABIEL: Yeah.

1 MR. BEHAR: For me personally, yes.  
 2 CHAIRMAN AIZENSTAT: Julio?  
 3 MR. GRABIEL: Yes.  
 4 MR. SALMAN: I would be in favor of a very  
 5 specific set of exceptions, very limited and  
 6 very clear.  
 7 CHAIRMAN AIZENSTAT: Okay, so at least  
 8 we're able to give Eric some kind of direction,  
 9 at this point, with how we feel as a Board.  
 10 Pat? Are you the exception to that, not do  
 11 anything or --  
 12 MS. KEON: No, no, no, I think there's  
 13 things that have to be done with the ordinance.  
 14 CHAIRMAN AIZENSTAT: Okay.  
 15 MS. KEON: I think there's some  
 16 provision -- well, beyond just a truck, I mean,  
 17 there's other -- dilapidated vehicles.  
 18 CHAIRMAN AIZENSTAT: No, I understand.  
 19 MS. KEON: I mean, all those issues need to  
 20 be addressed, yes.  
 21 CHAIRMAN AIZENSTAT: Eric, how -- Give us  
 22 a brief explanation as to how you handle a boat  
 23 on a trailer within the City.  
 24 MR. RIEL: Well, in terms of "how you  
 25 handle," I mean, is it --

1 CHAIRMAN AIZENSTAT: How you handle,  
 2 meaning what's allowed, as far as storage  
 3 within an individual's home. What can they do  
 4 with a boat?  
 5 MR. RIEL: I mean, basically --  
 6 CHAIRMAN AIZENSTAT: I have a boat that's  
 7 on a trailer. I want to bring it to my home in  
 8 Coral Gables. Where can I park it? Where  
 9 can I not park it?  
 10 MR. RIEL: It's pretty simple. It's one  
 11 line. It says rear yard or side yard. That's  
 12 what it says.  
 13 MR. SALMAN: Or garage, as well.  
 14 MR. RIEL: Or garage. I mean, it's pretty  
 15 simple.  
 16 CHAIRMAN AIZENSTAT: If it's on a side  
 17 yard, that means that I can drive by, if I  
 18 turn -- if the house is on the right, I'm  
 19 driving by, I turn my head to the right, and  
 20 I'll see the front of the boat or the back of  
 21 the boat --  
 22 MR. RIEL: Yes.  
 23 CHAIRMAN AIZENSTAT: -- on that side yard?  
 24 MR. RIEL: Uh-huh.  
 25 MR. SALMAN: For a brief --

1 MR. RIEL: If you look on Page 8,  
 2 everything shown in green is pretty much --  
 3 CHAIRMAN AIZENSTAT: Right.  
 4 MR. RIEL: -- where you can put it.  
 5 CHAIRMAN AIZENSTAT: Does that sound right?  
 6 MR. FLANAGAN: You can park your boat on  
 7 the grass, but you can't park your car on the  
 8 grass.  
 9 MR. SALMAN: That's the tip of this.  
 10 CHAIRMAN AIZENSTAT: That's the question.  
 11 MR. BEHAR: Unless they are --  
 12 MR. GRABIEL: Not only that, but, you know,  
 13 as Robert was saying, there are a lot of homes  
 14 that do not have a side yard big enough to put  
 15 in a boat or a truck.  
 16 MR. BEHAR: Right.  
 17 MR. GRABIEL: I mean, North Gables --  
 18 MR. SALMAN: The North Gables area, yeah.  
 19 MR. GRABIEL: -- the 50-footers that fill  
 20 in the whole yard, you just can't do it.  
 21 MR. FLANAGAN: Right.  
 22 MR. GRABIEL: So, you know --  
 23 CHAIRMAN AIZENSTAT: Comments?  
 24 MR. SALMAN: I would suggest that a  
 25 normally available, personally used pickup

1 truck is not an issue. I think anything beyond  
 2 that --  
 3 CHAIRMAN AIZENSTAT: A "normally  
 4 available"?"  
 5 MR. SALMAN: Yeah, commonly available, you  
 6 know, it's not modified, it's not, you know,  
 7 all --  
 8 MR. BEHAR: Yeah, but it's --  
 9 CHAIRMAN AIZENSTAT: How do you define  
 10 that?  
 11 MR. BEHAR: It's a dually --  
 12 MR. SALMAN: No, no, I'm just saying --  
 13 MR. LAGO: A monster truck? No monster  
 14 trucks.  
 15 MR. BEHAR: But, Javier, it's a dually, not  
 16 a --  
 17 MR. FLANAGAN: A standard.  
 18 MR. SALMAN: I would -- I would call that a  
 19 recreational vehicle, because you need one --  
 20 you need one to tow a recreational vehicle, or  
 21 you have some other issues.  
 22 MR. BEHAR: Some people may like it, to  
 23 drive a dually, you know.  
 24 MR. FLANAGAN: Two axles, you know.  
 25 MR. SALMAN: They can park it on their side

1 yard. We're talking about visibility and where  
 2 you can put it. That's really the issue,  
 3 because there's nothing in the Code that  
 4 restricts you from buying whatever you want, as  
 5 long as you keep it in your garage, right? Am  
 6 I reading this right?  
 7 MR. BEHAR: No, you're absolutely right.  
 8 MR. SALMAN: That's it.  
 9 MR. BEHAR: I'm saying that from the  
 10 beginning.  
 11 MR. SALMAN: So, if you've got a dually,  
 12 just put it in there, you know. How do you  
 13 define, specifically, a pickup truck without  
 14 incorporating the world of pickup trucks?  
 15 That's the issue.  
 16 CHAIRMAN AIZENSTAT: Our Code, though, says  
 17 that you can build, today, a home with either a  
 18 garage or a carport, and a carport could be  
 19 open on both sides, you know --  
 20 MR. SALMAN: Open on two sides.  
 21 CHAIRMAN AIZENSTAT: Right. So I don't  
 22 know if I'd go as far as saying you have it as  
 23 long as you keep it in your garage. Does that  
 24 mean that you can go ahead and put a pickup  
 25 truck in your carport?

1 MS. KEON: No.  
 2 MR. BEHAR: You could.  
 3 CHAIRMAN AIZENSTAT: Well, I mean --  
 4 MR. BEHAR: Today, you could do that.  
 5 MR. FLANAGAN: Because they're not  
 6 enforcing the ordinance.  
 7 MR. BEHAR: No.  
 8 MR. LEEN: Well, yes, presently, we're not  
 9 enforcing the ordinance until April 15th.  
 10 CHAIRMAN AIZENSTAT: Right, right.  
 11 MR. LEEN: But a carport would -- If you  
 12 put it in a carport, that would be not lawful.  
 13 MR. FLANAGAN: Not lawful?  
 14 MR. LEEN: Not lawful.  
 15 CHAIRMAN AIZENSTAT: Right. So think about  
 16 that.  
 17 MR. LEEN: It has to be in a garage, in a  
 18 closed garage.  
 19 CHAIRMAN AIZENSTAT: Okay.  
 20 MR. LEEN: So that might -- that would be  
 21 one thing you can consider, whether you wanted  
 22 to permit them in carports. But again, that  
 23 would be a policy decision.  
 24 MR. SALMAN: It's just another variable to  
 25 a very complex equation. It's either yes or

1 no, or if we say yes, what's the limit of yes.  
 2 That's it. That's the question before us  
 3 today, and that's what we're sort of bantering  
 4 about and trying to figure out, and all I'm  
 5 saying is, it's got to be simple, enforceable,  
 6 and very clear.  
 7 CHAIRMAN AIZENSTAT: I'm in agreement with  
 8 that.  
 9 MR. SALMAN: And it can't be capricious or  
 10 arbitrary, because otherwise we get into  
 11 trouble with our lawyer friend at the end of  
 12 the hall there.  
 13 MR. LEEN: Well, there are some exceptions,  
 14 like the carport you brought, that's an  
 15 example, that you could put -- right now, you  
 16 can maintain the same structure of the  
 17 ordinance and you could say enclosed garages or  
 18 carports, and that would not -- I don't think  
 19 there would be any legal issue related to that  
 20 with the Third District or any court, because  
 21 it's similar to a garage, and like you just  
 22 said, you either have a garage or a carport.  
 23 There are other exceptions that would be  
 24 broader, and then -- for example, if you -- and  
 25 there was some comments on putting a cover.

1 That would be very broad, in the sense that I  
 2 guess anyone could put a cover on their truck,  
 3 and then you'd basically allow them everywhere.  
 4 CHAIRMAN AIZENSTAT: Or a sheet.  
 5 MR. LEEN: So, you know, as I recall the  
 6 vote of the Board, it was just to maintain the  
 7 structure and the general restriction, and then  
 8 you left open how broad or narrow the specific  
 9 exceptions would be.  
 10 MR. RIEL: Board Members, I just -- I also  
 11 want to mention one thing, that when I went  
 12 through the presentation, you know, one of the  
 13 options is, when you're talking about managing  
 14 and regulating, requiring a permit. So that  
 15 information that -- in terms of length, height,  
 16 width and those things could be part of that  
 17 permit submittal. So that is an option  
 18 available. I'm just throwing that out.  
 19 CHAIRMAN AIZENSTAT: But --  
 20 MR. RIEL: It's not necessarily where  
 21 every truck needs to be measured. That  
 22 information would be a part of a permit.  
 23 MR. BEHAR: That's too complicated.  
 24 CHAIRMAN AIZENSTAT: But what are we  
 25 accomplishing by requiring a permit? We're

1 just telling them --  
 2 MR. SALMAN: Collecting a tax.  
 3 CHAIRMAN AIZENSTAT: Collecting the tax?  
 4 MR. SALMAN: And more information about  
 5 what you have.  
 6 MR. BEHAR: No, no, no, that's too  
 7 complicated.  
 8 MR. GRABIEL: It's adding another layer.  
 9 We're trying to eliminate layers, not add.  
 10 MR. LEEN: If I may, the reason -- the  
 11 areas where you might consider a permit, for  
 12 example, which would have a -- may have an  
 13 effect for you, would be if you -- in here,  
 14 where there was the example of putting  
 15 something like this, a cover on the back, you  
 16 may want Code Enforcement, for example, or  
 17 someone at the City to approve it, because you  
 18 want to avoid these type of covers, and so  
 19 those -- that would be an example where you  
 20 might want some sort of approval.  
 21 Another one might be if there is an  
 22 exception for someone with a medical need, you  
 23 may want someone who would approve like a  
 24 doctor's note or something. So there are --  
 25 and likewise, with a guest permit, if you were

1 to allow a visitor permit, there would probably  
 2 need to be some sort of application process to  
 3 get that permit, so -- but those would be the  
 4 type of situations where you might consider a  
 5 permit.  
 6 CHAIRMAN AIZENSTAT: If I recall from the  
 7 chart that you gave us of the different cities  
 8 and how they treat trucks, some of the smaller  
 9 cities allow trucks as long as they were parked  
 10 within the municipal parking lots at night.  
 11 The difference is, here we're too large of a  
 12 city to only have -- you know, to have  
 13 municipal lots in the vicinity of certain  
 14 residential neighborhoods, so that wouldn't  
 15 work. But I think, in the small cities, that's  
 16 how they treat it, or am I incorrect?  
 17 MR. RIEL: I don't think there's a clear --  
 18 because, obviously, each of these cities,  
 19 geographically, is different in terms of its  
 20 makeup, its population and its size. So, I  
 21 mean, you know, if you look at the analysis,  
 22 there's limitations on -- it seems, predominant  
 23 commercial vehicle regulations, and that's  
 24 mostly where that prohibition, that line is  
 25 drawn, in most of these cities.

1 CHAIRMAN AIZENSTAT: On commercial.  
 2 MR. RIEL: Yeah.  
 3 CHAIRMAN AIZENSTAT: I mean, to me, in a  
 4 way, Craig, the way you explained it, as far as  
 5 with your permit, sort of what you're  
 6 suggesting is having, let's say, in your glass,  
 7 somewhere in your front windshield, like a  
 8 decal or something that would say "Coral Gables  
 9 approved," for example, but at the same token,  
 10 doesn't Code Enforcement -- shouldn't we allow  
 11 Code Enforcement to go out and look at the  
 12 vehicles, as opposed to them having to come and  
 13 bring them in? In other words, that Code  
 14 Enforcement -- If somebody's breaking the  
 15 Code --  
 16 MR. SALMAN: Yeah, we could make them in  
 17 different colors, right, for their house?  
 18 CHAIRMAN AIZENSTAT: Yeah, I mean, I'm just  
 19 saying --  
 20 MR. SALMAN: You should go to the Board of  
 21 Architects and get your permit for your  
 22 vehicle.  
 23 CHAIRMAN AIZENSTAT: -- that's where I sort  
 24 of have issues.  
 25 MR. LEEN: Oh, that would be -- That's

1 something in terms of administration and  
 2 enforcement. That could be either left up to  
 3 the City or it could be something put in an  
 4 ordinance, how you would do that. You could  
 5 have people go out there and do it that way or  
 6 you could have them come here and apply. You  
 7 definitely -- That would be within the  
 8 discretion of the Board and the Commission.  
 9 CHAIRMAN AIZENSTAT: I'd rather have -- for  
 10 me, I'd rather have a clear-cut definition of  
 11 what you can have and what you can't have, as  
 12 opposed to a permit type system.  
 13 MR. FLANAGAN: I agree.  
 14 CHAIRMAN AIZENSTAT: Jeff?  
 15 MR. FLANAGAN: No, I definitely agree with  
 16 that.  
 17 MR. LEEN: All I would say about that is,  
 18 with the example I gave, if you decided not to  
 19 have a permitting system, then whatever  
 20 restriction you did, let's say, with example --  
 21 for example, with a cover, you would have to be  
 22 very specific in the Code as to what --  
 23 CHAIRMAN AIZENSTAT: Right.  
 24 MR. LEEN: -- would be an acceptable cover,  
 25 and then Code Enforcement could just ticket

1 someone who didn't have that, and then that  
 2 would be ultimately up to the hearing officer  
 3 to decide whether it violated the Code or not.  
 4 CHAIRMAN AIZENSTAT: So would it be easier,  
 5 then, to do less changes than to have more  
 6 changes done to the truck ordinance, for  
 7 enforceability?  
 8 MR. LEEN: Ultimately, that would depend on  
 9 what the changes were. Of course, always, less  
 10 changes leads to less change in whatever is  
 11 being enforced, but it would depend. It would  
 12 depend on the specific changes.  
 13 CHAIRMAN AIZENSTAT: Comments?  
 14 Vince?  
 15 MR. LAGO: One of the things I did want to  
 16 discuss before having left this page, because,  
 17 you know, we were discussing the actual what  
 18 was going to be contained in the back of the  
 19 truck, and Jeff was mentioning that before, in  
 20 regards to the actual covers and how we're  
 21 going to manage the covers or -- I'm thinking,  
 22 more and more, if we are going to push in the  
 23 direction of allowing certain types of trucks  
 24 in Coral Gables, there has to be some sort of  
 25 cover on the back of the truck, in my opinion.

1 I mean, I'm for not even allowing the  
 2 possibility of anything being left overnight in  
 3 the back of the truck. That's my main, main  
 4 issue. And the other second issue that I think  
 5 was really important that I had a -- I was  
 6 trying to -- I was going to mention before,  
 7 when we talked about the vehicles that are, I  
 8 guess, considered junked or abandoned, do we  
 9 know here in the City of Coral Gables,  
 10 presently, how many vehicles would be -- would  
 11 fall under that label of junked or abandoned  
 12 vehicles? How much of a problem is that,  
 13 really, in the Gables right now?  
 14 Do you know, Eric?  
 15 MR. RIEL: I don't -- I mean, I think Eli  
 16 and I had spoken about it.  
 17 CHAIRMAN AIZENSTAT: I mean, are you saying  
 18 if a car is covered?  
 19 MR. RIEL: It's relatively -- I don't think  
 20 there's --  
 21 MR. LAGO: It's not many?  
 22 MR. RIEL: -- that many; it's really minor.  
 23 MR. GUTIERREZ: No, in the City of Coral  
 24 Gables, we're out there -- In the state of a  
 25 dilapidated vehicle that's falling apart, you'd

1 be hard to find -- really hard to find it in  
 2 the City. And if there are, we're on top of  
 3 it, and one of the things we do --  
 4 MR. SALMAN: That's not under a cover.  
 5 MR. GUTIERREZ: Exactly.  
 6 MR. LAGO: That's not under a cover. How  
 7 about under a cover?  
 8 MR. GUTIERREZ: Under a cover? How do we  
 9 know what's under there? That's the problem.  
 10 We can't make them -- We can't make anybody  
 11 take the cover off a vehicle.  
 12 MR. LAGO: I mean, does anybody view that  
 13 also as an issue, vehicles under a cover that  
 14 are just there, left there for months and  
 15 months at a time?  
 16 MR. BEHAR: Uh-huh. Yes, and it should be  
 17 addressed, you know, with Code Enforcement and  
 18 make sure that, you know, that citation is  
 19 carried forward to the extent that they have to  
 20 get it out of there. But that's -- that's not  
 21 necessarily something that -- I think there's  
 22 enough regulation in place to address that or  
 23 to take care of those problems. Perhaps it's  
 24 not being enforced to the fullest now, and  
 25 that's maybe where that portion of the Code

1 needs to be enforced more, and --  
 2 MR. SALMAN: I agree with you. That's an  
 3 enforcement issue. There's nothing wrong with  
 4 the --  
 5 MR. BEHAR: It's not. It's an enforcement  
 6 issue.  
 7 MR. SALMAN: There's nothing wrong with the  
 8 Code.  
 9 MR. BEHAR: You know, and the same way they  
 10 go and, you know, they enforce whether the roof  
 11 is not being maintained, the same thing with  
 12 this. It's got to be enforced.  
 13 MR. SALMAN: If Code Enforcement gets you  
 14 if your roof is dirty --  
 15 MS. KEON: Yeah.  
 16 MR. SALMAN: -- if your house needs  
 17 paint --  
 18 MR. BEHAR: Yeah.  
 19 MR. SALMAN: -- if you grass isn't cut,  
 20 they can easily cite you for junk left in your  
 21 bed of your truck, if it's not covered, or a  
 22 truck that's more than six foot four inches  
 23 tall and longer than 227 inches long.  
 24 MR. BEHAR: Six three and a half, it's  
 25 okay.

1 MR. SALMAN: So there it is. Six foot  
 2 three and a half, you're in.  
 3 MR. BEHAR: You're okay.  
 4 CHAIRMAN AIZENSTAT: Well --  
 5 MR. SALMAN: You know, something very, very  
 6 specific.  
 7 MS. KEON: Color, too?  
 8 MR. SALMAN: Blue. I like blue. I've  
 9 always been partial to blue.  
 10 MR. BEHAR: Mr. Chairman, since we're not  
 11 going to make any more decisions tonight, I  
 12 move to leave.  
 13 MR. SALMAN: Do we have a time certain for  
 14 this meeting?  
 15 MR. RIEL: A time certain to --  
 16 MR. SALMAN: Finish.  
 17 MR. RIEL: No.  
 18 MR. SALMAN: All right.  
 19 MR. RIEL: Well, 9:00 p.m., unless there's  
 20 a motion to extend it.  
 21 CHAIRMAN AIZENSTAT: I mean, Mr. Behar  
 22 needs to go.  
 23 MR. BEHAR: Thank you very much.  
 24 MR. RIEL: Thank you.  
 25 MR. SALMAN: How come he gets to be

1 excused?  
 2 CHAIRMAN AIZENSTAT: Because he's married  
 3 25 years today.  
 4 MR. salman: Oh.  
 5 MS. KEON: Aww. Congratulations.  
 6 (Thereupon, Mr. Behar left.)  
 7 CHAIRMAN AIZENSTAT: What other comments do  
 8 we need? Anybody else?  
 9 Pat?  
 10 MS. KEON: No, I like the structure of the  
 11 ordinance, in general. I mean, I think there's  
 12 some --  
 13 MR. SALMAN: You mean, as it stands?  
 14 MS. KEON: As it stands.  
 15 MR. SALMAN: Leave it alone. You want to  
 16 leave it alone.  
 17 MS. KEON: Not entirely. No, I mean, I  
 18 think it's where it's enforced and -- I mean, I  
 19 think, you know, some of the items that --  
 20 MR. SALMAN: Well, right now, if it's  
 21 enforced -- and I remember, when it was  
 22 enforced, I was building my house, okay? I  
 23 came to my house and I made the mistake of  
 24 grabbing one of the office pickup trucks to  
 25 move something, and I left it there overnight,

1 and the next day, I got a citation on my truck.  
 2 MS. KEON: No, you know, but I'm talking  
 3 about --  
 4 MR. SALMAN: And you know what? I had  
 5 forgotten it.  
 6 MS. KEON: Right.  
 7 MR. SALMAN: And I figured, okay, it was a  
 8 house under construction, it was no big deal --  
 9 MS. KEON: Right.  
 10 MR. SALMAN: -- and I wasn't even living in  
 11 the house, but there it was. And you know  
 12 what? I looked it up, and I said absolutely  
 13 right, paid my fine and went home, and then I  
 14 went and bought a station wagon and then I used  
 15 that --  
 16 MS. KEON: Right.  
 17 MR. SALMAN: -- because there was no  
 18 prohibition against those.  
 19 MS. KEON: Right, but I think there's  
 20 provisions that need to be made to allow moving  
 21 trucks to remain --  
 22 MR. SALMAN: That's just bizarre.  
 23 MS. KEON: I mean, they should be there.  
 24 They should be allowed to move a house --  
 25 MR. SALMAN: During the hours of 7:00 to

1 7:00 p.m., yeah, that's fine.  
 2 MS. KEON: See, those things that we know  
 3 that --  
 4 MR. SALMAN: But there are provisions for  
 5 that.  
 6 MS. KEON: What?  
 7 MR. SALMAN: There are provisions for --  
 8 MR. FLANAGAN: 7:00 a.m. to 7:00 p.m.  
 9 MR. SALMAN: You know, 7:00 a.m. to 7:00  
 10 p.m., to move a house. They just come to the  
 11 Gables, park in front of your house --  
 12 MS. KEON: Right.  
 13 MR. SALMAN: -- during normal hours.  
 14 MR. FLANAGAN: They're allowed to.  
 15 MR. SALMAN: You can't do it on a Sunday or  
 16 a holiday, because you can't do work on a  
 17 Sunday or holiday, so that's -- It's in  
 18 parallel with our construction Code ordinance  
 19 that doesn't let you work on Sundays and  
 20 holidays, and Saturdays after a certain time  
 21 and up to a certain time.  
 22 MS. KEON: I thought the restriction was  
 23 two hours at a time.  
 24 MR. SALMAN: Yes.  
 25 MS. KEON: It can be between those hours,

1 but it's for only --  
 2 MR. LAGO: It's for loading and unloading.  
 3 MS. KEON: For two hours.  
 4 MR. LAGO: For two hours.  
 5 MR. SALMAN: Take three hours, fine, big  
 6 deal.  
 7 MS. KEON: And give them any time between  
 8 that. I mean, I think there was a provision in  
 9 there --  
 10 MR. SALMAN: That's a tweak.  
 11 MS. KEON: -- to give them 24.  
 12 MR. SALMAN: That's a tweak.  
 13 MS. KEON: And those specifics, I think,  
 14 are appropriate.  
 15 MR. SALMAN: Yeah, that's fine.  
 16 MS. KEON: I think it should be tweaked so  
 17 that the Code -- you know, really look at what  
 18 our practices are, and are those -- should  
 19 those practices be policy, and if they are, if  
 20 they should be, and if they warrant being  
 21 policy, then we tweak the Code to allow those  
 22 practices to become policy, but you don't let  
 23 practices continue that are adverse to your  
 24 policy.  
 25 MR. SALMAN: Agreed. Nothing to object to,

1 from what you're saying.  
 2 MS. KEON: Thank you.  
 3 CHAIRMAN AIZENSTAT: Let me ask a question  
 4 to the Members of the Board. Do you think that  
 5 when we look at the truck ordinance, we should  
 6 look at dividing the City into a north section  
 7 and a south section?  
 8 MR. SALMAN: No.  
 9 MR. FLANAGAN: No.  
 10 MS. KEON: No.  
 11 MR. RIEL: And that was not the intent.  
 12 That was just to identify the different lot  
 13 configurations.  
 14 CHAIRMAN AIZENSTAT: Right.  
 15 MR. RIEL: That's what the intent of that  
 16 was. That's all. It was only for illustrative  
 17 purposes.  
 18 CHAIRMAN AIZENSTAT: Okay.  
 19 MR. RIEL: It was not --  
 20 CHAIRMAN AIZENSTAT: So it wasn't to --  
 21 because certain property sizes --  
 22 MR. RIEL: No. It was just to show a range  
 23 of lot sizes, that's all.  
 24 CHAIRMAN AIZENSTAT: Okay.  
 25 MR. SALMAN: I would proffer that if we

1 were going to make a change or -- I would look  
 2 at bringing that restriction only within  
 3 residential areas.  
 4 CHAIRMAN AIZENSTAT: Agreed.  
 5 MR. SALMAN: And let the commercial areas  
 6 off the hook.  
 7 CHAIRMAN AIZENSTAT: When you say off the  
 8 hook --  
 9 MR. SALMAN: Remove them from the areas of  
 10 enforcement of the truck ordinance.  
 11 CHAIRMAN AIZENSTAT: Or leave it the way it  
 12 is now, those areas? See, I don't know if I  
 13 would remove it, or maybe those commercial  
 14 areas, I would leave the enforcement the way it  
 15 is on the books.  
 16 MR. SALMAN: Then leave the exception only  
 17 in the residential areas.  
 18 CHAIRMAN AIZENSTAT: Agreed, okay.  
 19 MR. SALMAN: That's what I meant.  
 20 CHAIRMAN AIZENSTAT: Okay, I would agree to  
 21 that.  
 22 MR. SALMAN: Without taking a vote.  
 23 CHAIRMAN AIZENSTAT: No, we're not here to  
 24 take any votes or anything, but just get some  
 25 input. So --

1 MR. RIEL: I'm sorry, I didn't hear what  
 2 you had said.  
 3 CHAIRMAN AIZENSTAT: Javier?  
 4 MR. SALMAN: I would probably be in favor  
 5 of whatever exception that we may go forward,  
 6 apply it only to the residential areas.  
 7 CHAIRMAN AIZENSTAT: I think that's very  
 8 reasonable.  
 9 MR. RIEL: Thank you.  
 10 CHAIRMAN AIZENSTAT: One of the examples  
 11 that Eric gave us is covers. We've been  
 12 listening to junked cars or any cars that's  
 13 underneath a cover. How does the Board feel  
 14 about the covers on trucks exception?  
 15 MR. LAGO: You mean, in regards to, on a  
 16 nightly basis?  
 17 CHAIRMAN AIZENSTAT: Yeah, being able to  
 18 have a truck as long as you keep it covered,  
 19 for example, just as an example?  
 20 MR. GRABIEL: I think there's two ways for  
 21 looking at this, and Alternatives 1 and --  
 22 Alternatives 1 and -- I mean, 2, Alternative 2,  
 23 is dealing with the pickup trucks by hiding it.  
 24 CHAIRMAN AIZENSTAT: By --  
 25 MR. GRABIEL: Hiding it, putting it away,

1 so nobody can see it, either by fences or walls  
 2 or --  
 3 CHAIRMAN AIZENSTAT: Correct.  
 4 MR. GRABIEL: -- garages or carports or  
 5 covers.  
 6 CHAIRMAN AIZENSTAT: Correct.  
 7 MR. GRABIEL: Yeah. I would prefer to deal  
 8 with the truck issue by not dealing with hiding  
 9 the truck, but allowing --  
 10 CHAIRMAN AIZENSTAT: Okay, fair.  
 11 MR. GRABIEL: -- a truck within certain  
 12 parameters. Define the parameters of a pickup  
 13 truck --  
 14 MR. SALMAN: It's a definition issue.  
 15 MR. GRABIEL: Yeah, it's a definition of a  
 16 truck.  
 17 MR. SALMAN: Look at it and --  
 18 MR. GRABIEL: And not to have to deal  
 19 with it, because hiding it is so complicated  
 20 and it gets to be so complex, and I think  
 21 eventually it could be very unfair for people  
 22 who live in North Gables and have a 50-foot  
 23 lot, whose house covers the whole thing and  
 24 doesn't have the flexibility of putting the  
 25 fence and the walls and everything else. And

1 the covers, as Robert said, they would do it  
 2 the first week, and after that, they will never  
 3 go up again, you know.  
 4 CHAIRMAN AIZENSTAT: Agreed. I think we're  
 5 agreed, as a Board, or --  
 6 MS. KEON: I -- you know, I -- I'm not sure  
 7 that I would support this -- anything that our  
 8 reasoning for doing it is because somebody  
 9 happens to live on a 50-foot lot that doesn't  
 10 have the availability of a side yard or  
 11 whatever else, because there's homes that the  
 12 way they are positioned, they don't have a  
 13 significant back yard, so you can't put, you  
 14 know, swing sets and whatever, you know, in  
 15 your front yard, because -- I don't think  
 16 that's at all discriminatory. That's -- When  
 17 you purchase a home, you live in a City that  
 18 has a Code, and, you know, if your desire for  
 19 some particular thing, like a truck or  
 20 whatever, is so great, then, you know, there  
 21 are places within the City where you can have a  
 22 truck as long as -- because you'd have a  
 23 garage, or because you have other things. So,  
 24 you know, you have to look to do that. The  
 25 fact that you don't happen to have that room

1 isn't your neighbor's problem. That's your  
 2 problem. It's not your neighbor's, it's not  
 3 your neighborhood's problem, because they  
 4 should be entitled to -- and so much of what we  
 5 do with regard to the Code is a matter of  
 6 aesthetics and it is maintaining the appearance  
 7 of our community. And the fact that you happen  
 8 to live on -- either you have 200 feet of  
 9 frontage or you have 50 feet of frontage, there  
 10 are many things that you can and cannot do  
 11 because you only have a limited amount of  
 12 frontage, and that's a choice you make when you  
 13 purchase that home.  
 14 MR. SALMAN: I mean, there's always the  
 15 alternative you can move.  
 16 MS. KEON: You can always move. I mean,  
 17 that sounds (inaudible), I know, but you can  
 18 always move.  
 19 CHAIRMAN AIZENSTAT: Okay.  
 20 MR. SALMAN: Or park it in your garage.  
 21 MS. KEON: That's right, and part of the  
 22 problem is, on a lot of the smaller, older  
 23 homes, a pickup or a truck won't fit in the  
 24 garage.  
 25 MR. GRABIEL: Or a carport.

1 MR. SALMAN: Or a car, for that matter.  
 2 MS. KEON: Or a car. But a truck is not  
 3 likely to fit in the garage. So it is a  
 4 problem, but you know what? Then you just  
 5 don't buy a truck, and limit your choices to  
 6 what is permissible under the ordinances within  
 7 your community, if they are reasonable, and the  
 8 court has said to us, yes, they are reasonable,  
 9 because they maintain the aesthetics of our  
 10 community.  
 11 MR. FLANAGAN: That's where we're back to,  
 12 I think, creating a definition. If we're  
 13 worried about size, then we should outlaw the  
 14 Hummers and the Yukon XLs --  
 15 MR. SALMAN: Suburbans.  
 16 MR. FLANAGAN: And the Suburban XLs or  
 17 Suburbans and all that, because those are very  
 18 lengthy, and they're as high as and as wide as  
 19 most of the trucks.  
 20 CHAIRMAN AIZENSTAT: Or kind of like  
 21 Escalade extended.  
 22 MR. FLANAGAN: Right.  
 23 MR. GRABIEL: So what do you --  
 24 MS. KEON: Because the market has -- the  
 25 market deems them as personal vehicles, and

1 they are saleable because people buy them and  
 2 they continue to produce them or whatever else.  
 3 That's our market, and that's -- I mean, that  
 4 happens to happen. I mean, you know, that's  
 5 the same thing as not -- only wanting blue  
 6 cars --  
 7 MR. LAGO: Let me ask you a question.  
 8 MS. KEON: -- for visual harmony, but, you  
 9 know, we don't do that.  
 10 MR. LAGO: What is that Hummer and that  
 11 Escalade that's like half truck -- it's kind of  
 12 like what you were mentioning about the -- Do  
 13 you know what I'm talking about?  
 14 MR. FLANAGAN: Yeah, the Escalade. The  
 15 Jeep Wranglers, you can get the tops in the  
 16 back --  
 17 MR. LAGO: That is a half truck, half SUV.  
 18 What model is that?  
 19 CHAIRMAN AIZENSTAT: I guess that would be  
 20 considered a pickup truck.  
 21 MR. LEEN: Yes. Anything with an open bed,  
 22 under a legal opinion of my office, is -- would  
 23 fall under truck. If it doesn't have an open  
 24 bed, then it's generally an SUV.  
 25 CHAIRMAN AIZENSTAT: So, if it comes with a

1 cover from the factory that you can slide it  
 2 in, it's not an open bed.  
 3 MR. LEEN: You're saying something that can  
 4 be slid, but it's still a bed with a cover?  
 5 CHAIRMAN AIZENSTAT: Let's say -- Let's go  
 6 ahead and just assume that you go ahead and buy  
 7 that type of vehicle, and a lot of those  
 8 vehicles come with a plastic that close down on  
 9 it. I think Chevy even makes that convertible  
 10 pickup truck.  
 11 MR. LAGO: Yeah.  
 12 MR. SALMAN: The Avalanche has a -- comes  
 13 with a --  
 14 MR. LAGO: Yes, the Avalanche.  
 15 MR. SALMAN: -- fixed cover.  
 16 MR. GRABIEL: Page 18.  
 17 CHAIRMAN AIZENSTAT: Page -- well,  
 18 actually --  
 19 MR. SALMAN: It's Page 11.  
 20 CHAIRMAN AIZENSTAT: -- it's Page 11 of the  
 21 sheet that we have. On Page 11, if you see the  
 22 Avalanche right here --  
 23 MR. LAGO: That's a perfect example.  
 24 CHAIRMAN AIZENSTAT: Bottom left --  
 25 MR. GRABIEL: Right.

1 CHAIRMAN AIZENSTAT: -- black vehicle.  
 2 MR. GRABIEL: Yeah.  
 3 MR. LEEN: Yes. That --  
 4 CHAIRMAN AIZENSTAT: How would your office  
 5 consider that?  
 6 MR. LEEN: Well, just looking at it, I  
 7 haven't been asked about this specific vehicle,  
 8 but it looks like it would be a pickup truck  
 9 because of the open bed. Even though it has a  
 10 device that would cover it, whether that's  
 11 attached to the vehicle or not, my opinion at  
 12 this point, just looking at this picture, would  
 13 be that that would be a pickup truck, or be  
 14 considered a truck for purposes of our  
 15 ordinance.  
 16 MR. GRABIEL: The Code.  
 17 CHAIRMAN AIZENSTAT: Now that we're looking  
 18 at bed covers, how do the Members of the Board  
 19 feel about truck -- you know, cab covers or bed  
 20 covers?  
 21 MR. SALMAN: They have choices.  
 22 MR. LAGO: I think that's --  
 23 CHAIRMAN AIZENSTAT: Would that make it  
 24 more palatable or --  
 25 MS. KEON: No. To me, it wouldn't.

1 CHAIRMAN AIZENSTAT: Okay.  
 2 MR. SALMAN: I would suggest to you that  
 3 the reason for the bed cover is if you have  
 4 your junk in it.  
 5 MR. FLANAGAN: Right.  
 6 MR. SALMAN: What I don't want to see is an  
 7 open bed full of junk, all right? So, if you  
 8 have a cover, you can keep your junk. If you  
 9 don't have a cover, you've got to get your junk  
 10 out of there. It's very easy to enforce.  
 11 MS. KEON: But the cover is not a permanent  
 12 part of the vehicle. It's not like your truck.  
 13 MR. FLANAGAN: But if we make them rigid --  
 14 MR. SALMAN: We can make them rigid.  
 15 CHAIRMAN AIZENSTAT: Or a built-in style  
 16 cover?  
 17 MR. FLANAGAN: But it's like --  
 18 MR. SALMAN: See, you're getting too  
 19 persnickety.  
 20 MR. FLANAGAN: Okay, so a trunk --  
 21 MR. SALMAN: Cover or no cover.  
 22 MR. FLANAGAN: It's a trunk and cover.  
 23 Jeep Wranglers, hard top or soft top. They  
 24 have an open area in the back that acts as a  
 25 trunk, for lack of a better definition.

1 MR. SALMAN: Jeep Wrangler.  
 2 MS. KEON: Uh-huh.  
 3 MR. FLANAGAN: But there's nothing to  
 4 completely enclose it. You can see into it all  
 5 the time. A lot of those get caught up behind  
 6 the back seat and you've got a little area  
 7 that's open in the back. It's kind of like a  
 8 pickup truck.  
 9 CHAIRMAN AIZENSTAT: How do you define  
 10 that?  
 11 MR. FLANAGAN: Well, that's --  
 12 CHAIRMAN AIZENSTAT: How does a  
 13 manufacturer define it?  
 14 MR. FLANAGAN: Pat likes the ordinance as  
 15 is. I'm just trying to play a little devil's  
 16 advocate with Pat, just to say, I think if you  
 17 would have a cover on the back of a pickup  
 18 truck, at this point we're not too far off of  
 19 some of the -- The only one I can think of is  
 20 going to the Jeep Wrangler right now. I'm sure  
 21 there's some others. We're not too far off of  
 22 that type of a vehicle, and we've effectively  
 23 closed the trunk on our stuff.  
 24 MS. KEON: I don't think they quite equate,  
 25 but I think we need to think about that

1 argument, or that discussion.  
 2 CHAIRMAN AIZENSTAT: Well, I'm just trying  
 3 to give Eric or the Staff some teeth to bite  
 4 into or --  
 5 MR. SALMAN: He's making notes.  
 6 CHAIRMAN AIZENSTAT: Oh, he is?  
 7 MS. KEON: He is.  
 8 MR. LAGO: He is. "We're going with Pat."  
 9 CHAIRMAN AIZENSTAT: How about looking at  
 10 axles, or the amount of tires that the vehicle  
 11 has?  
 12 MR. SALMAN: The more, the better.  
 13 MS. KEON: Tires or axles?  
 14 MR. SALMAN: Both.  
 15 MR. LAGO: An 18-wheeler that --  
 16 MR. SALMAN: Both. I want to park a  
 17 Freightliner somewhere.  
 18 MR. FLANAGAN: I think, on that one, I --  
 19 two axles and no more than four tires.  
 20 MR. SALMAN: Four tires.  
 21 MR. GRABIEL: Four tires, two axles.  
 22 MR. SALMAN: Easy to count.  
 23 CHAIRMAN AIZENSTAT: I would agree with  
 24 that.  
 25 MR. GRABIEL: Agreed.

1 MR. SALMAN: That was easy.  
 2 CHAIRMAN AIZENSTAT: Pat, any comments on  
 3 that or --  
 4 MS. KEON: Well, I think then you get into  
 5 the size of a truck and the size of the  
 6 tires --  
 7 MR. FLANAGAN: We haven't gotten there yet.  
 8 MR. SALMAN: Not yet, not yet --  
 9 MS. KEON: -- and how the tires extend  
 10 beyond the body of the car -- I mean, the body  
 11 of the cab or whatever else.  
 12 CHAIRMAN AIZENSTAT: Well, the next  
 13 question --  
 14 MS. KEON: You know, you need to decide,  
 15 you want trucks --  
 16 CHAIRMAN AIZENSTAT: Well, we're trying  
 17 to --  
 18 MS. KEON: -- or you don't want trucks, and  
 19 that mainly is what it comes down to, either  
 20 you allow trucks or you don't allow trucks, I  
 21 mean, because then you start modifying, well,  
 22 what's an acceptable truck? Well, maybe it's  
 23 six feet, but if a Suburban is longer, then why  
 24 shouldn't it be as long as a Suburban, and why  
 25 shouldn't it be --

1 MR. SALMAN: Yeah.  
 2 MS. KEON: I think it becomes -- I don't  
 3 think there's any bright line in that ordinance  
 4 that allows you to effectively enforce it.  
 5 CHAIRMAN AIZENSTAT: I don't know about  
 6 that. I think you can make it enforceable, but  
 7 from what I'm hearing from you is, you would  
 8 really like to leave the ordinance the way it  
 9 is.  
 10 MS. KEON: I would like to -- I would have  
 11 no problem at all in leaving the ban on trucks  
 12 in the residential area in place, unless  
 13 someone can come up and tell me, you know, a  
 14 better ordinance that is enforceable and  
 15 maintains the aesthetic that is now in place.  
 16 CHAIRMAN AIZENSTAT: But we're trying --  
 17 MR. GRABIEL: But the problem with that is,  
 18 aesthetics, how do you measure aesthetics? You  
 19 obviously don't think that pickup trucks are  
 20 beautiful. But there's millions of people who  
 21 think pickup trucks are beautiful.  
 22 MS. KEON: I'm sure, and I'm sure there's  
 23 people who think monster trucks are gorgeous.  
 24 I mean, I have a son that thinks if you put,  
 25 you know, seven axles on a vehicle, it will

1 make it even better.  
 2 MR. GRABIEL: And again --  
 3 MS. KEON: But that's a matter of personal  
 4 taste.  
 5 MR. SALMAN: We can't legislate taste --  
 6 MS. KEON: So we're not going to legislate  
 7 taste.  
 8 MR. SALMAN: -- unless we put it through  
 9 the Board of Architects --  
 10 MS. KEON: Right, but I think --  
 11 MR. SALMAN: -- which was my first  
 12 suggestion.  
 13 MS. KEON: You know, so I think that what  
 14 we have is a very stable regulation.  
 15 MR. SALMAN: That's only for Martha's  
 16 benefit. Is she here or she's not -- She  
 17 missed it, huh?  
 18 MR. LAGO: So we've covered --  
 19 MS. KEON: I don't think anybody has  
 20 presented anything that, for me, would be a  
 21 reasonable replacement for what currently  
 22 exists, and I can't -- I can't think to that  
 23 space. I haven't been able to find that, so --  
 24 and I haven't heard it, so I would remain with  
 25 what I have until either I -- somebody could

1 give me the information that I would need to  
 2 think a different way or you can provide me  
 3 with that, and you'd would be willing and, you  
 4 know, open to anything that anyone else may  
 5 proffer, but it has to be, you know,  
 6 providing --  
 7 MR. SALMAN: I would avoid the whole  
 8 modification issue by just sticking with the  
 9 height and the length and the amount of open  
 10 bed.  
 11 MR. LAGO: And the width of the tire.  
 12 MR. SALMAN: No.  
 13 CHAIRMAN AIZENSTAT: What do you mean, the  
 14 width of the tire?  
 15 MR. SALMAN: The width of the tire --  
 16 MR. LAGO: There's a lot of cars --  
 17 MS. KEON: The size of the tire, where  
 18 it --  
 19 MR. SALMAN: The digger tires, you know --  
 20 MS. KEON: Whether it extends beyond the --  
 21 MR. LAGO: The cross tires. It's the  
 22 width.  
 23 MS. KEON: You know, extends beyond the --  
 24 MR. SALMAN: It starts getting really --  
 25 MS. KEON: Yeah, uh-huh.

1 MR. SALMAN: -- persnickety, but the number  
 2 is fine by me.  
 3 No tool boxes.  
 4 MS. KEON: If you want a truck, have a  
 5 garage.  
 6 MR. SALMAN: My feeling is, if you have a  
 7 car, get a garage, but right now, the honest  
 8 truth is that we have a lot of trucks out there  
 9 that people are using for their personal use,  
 10 and they have nothing to do with any kind of  
 11 commercial enterprise, and it's a restriction  
 12 on their right to have something, because the  
 13 reality is that a lot of their garages, they  
 14 can't use anymore, and either we force them to  
 15 make their garages usable or we tell them they  
 16 can't have a truck, and up to now, up to, what,  
 17 five years ago, if you didn't have a garage you  
 18 could put a truck in, you didn't have a truck.  
 19 MS. KEON: You didn't have a truck.  
 20 MR. SALMAN: Simple as that. Now, we let  
 21 the nose into the camel's tent when they made  
 22 this lawsuit, and then opened the free-for-all  
 23 because we're not going to force anything until  
 24 we get this lawsuit settled. Now we're at the  
 25 point where the lawsuit is settled, we won, and

1 we have to enforce it again, and so the big  
 2 push is, "Well, we've had a five-year hiatus,  
 3 we've been driving our trucks and nobody died,  
 4 you know, everybody's cool, can we have our  
 5 trucks now?" That's the issue, and that's  
 6 really a legislative issue. Our job is to  
 7 recommend to the legislative body what we think  
 8 would be an acceptable exception or not  
 9 exception. Maybe our general opinion is,  
 10 "Forget it, we like it the way it is, leave it  
 11 alone and start enforcing it, and take them all  
 12 out and flog them."  
 13 MS. KEON: Except in the commercial  
 14 district.  
 15 MR. SALMAN: Except in the commercial district.  
 16 MR. LAGO: I think that we all agree that  
 17 the ordinance should stay as -- should stay on,  
 18 but there should be some sort of exceptions.  
 19 CHAIRMAN AIZENSTAT: Well, that's what  
 20 we're talking -- that's what we're talking  
 21 about here.  
 22 MR. SALMAN: That's what we're talking  
 23 about.  
 24 MR. LAGO: We're moving, you know, up. We  
 25 talked about the covers. We mentioned,

1 obviously, two axles, four tires, no monster  
 2 trucks.  
 3 MR. SALMAN: I'm defending monster trucks.  
 4 MR. LAGO: Now I think that the only thing  
 5 left to really discuss is height and size,  
 6 right? Besides the fact that we don't want any  
 7 rhinos in the back, either.  
 8 MR. SALMAN: Well, that falls under junk in  
 9 your open bed.  
 10 MR. LAGO: And we discussed that.  
 11 MR. SALMAN: And we discussed that. Unless  
 12 you can cover it.  
 13 MR. LAGO: Unless you can cover it.  
 14 MR. SALMAN: So I don't have to look at it  
 15 when I walk the dog by it.  
 16 CHAIRMAN AIZENSTAT: So going to -- So you  
 17 would be in favor of looking at this with  
 18 certain exceptions?  
 19 MR. LAGO: Yes.  
 20 MR. SALMAN: In general, yes.  
 21 CHAIRMAN AIZENSTAT: In general, for --  
 22 MR. LAGO: Yes.  
 23 MR. SALMAN: Very specific exceptions.  
 24 CHAIRMAN AIZENSTAT: Very specific, to  
 25 where --

1 MR. SALMAN: In the residential area only.  
 2 CHAIRMAN AIZENSTAT: To where I'm  
 3 hearing another -- Pat, for example, that she  
 4 would more like to leave it alone. She'd be  
 5 more in favor of leaving the truck ordinance  
 6 alone, with some very minor tweaks, if needed  
 7 and where needed.  
 8 MS. KEON: Right.  
 9 CHAIRMAN AIZENSTAT: To be more enforceable  
 10 or to be more up-to-date?  
 11 MS. KEON: Well, I think that -- I think  
 12 some of the restrictions as they exist,  
 13 particularly in the commercial areas, are  
 14 not -- they're not compatible with the  
 15 practices that occur in the City, and I think  
 16 if the practices are acceptable, then the Code  
 17 should reflect what is commonly accepted  
 18 practice, that it not in any way deteriorates  
 19 from the aesthetics of the City.  
 20 So I think that, you know, you should look  
 21 at those things in particular. You know, there  
 22 may be something else. You know, as we go  
 23 through it, there are -- there may be something  
 24 else, but in general, I think, in a residential  
 25 community, I don't think -- I think that the

1 truck ordinance has served the City well.  
 2 CHAIRMAN AIZENSTAT: I tend -- I agree with  
 3 you that it has served the City well, but I'm  
 4 just questioning whether it needs to be  
 5 modernized or updated.  
 6 MS. KEON: But modernized means that you  
 7 allow trucks. That's the issue, is that, yes,  
 8 you allow trucks, or you don't allow trucks.  
 9 So it's a very clear issue, you know, because  
 10 then you're going to say, okay, what kind of  
 11 truck, how big a truck, how tall a truck, how  
 12 long a truck, how wide a truck, how big a tire,  
 13 how -- you know, how tall a tire, how whatever.  
 14 And if you -- I think that that is an  
 15 exceedingly difficult thing to legislate and to  
 16 enforce, and if you have a Code that's not  
 17 enforceable, you're wasting your time.  
 18 CHAIRMAN AIZENSTAT: Well, no, we're  
 19 talking --  
 20 MS. KEON: And it doesn't save and preserve  
 21 the aesthetics of the community. That's what  
 22 should drive it, and you know what? What  
 23 drives -- what should drive a Code is precisely  
 24 that, is the aesthetics, and it isn't a matter  
 25 of, "Well, I just happen to like," any more

1 than I happen to want to paint my house purple  
 2 and my front door lime green. You say, "Fine,  
 3 absolutely, some other city."  
 4 CHAIRMAN AIZENSTAT: I don't know if I'm in  
 5 agreement with that.  
 6 MR. GRABIEL: I go back to my initial  
 7 statement, that I think when this ordinance was  
 8 written, it was because all of the pickup  
 9 trucks were commercial vehicles, and --  
 10 MR. SALMAN: Right.  
 11 MR. GRABIEL: -- the Commissioners at that  
 12 time said, "No more commercial vehicles." That  
 13 has changed. In the minds of everybody -- in  
 14 the minds of most people, not everybody, in the  
 15 minds of most people, a pickup truck,  
 16 beautiful, brand new, any one of these here, is  
 17 a beautiful vehicle that you should be able to  
 18 park in your house, and have the same ability  
 19 to park it in your house as somebody who does  
 20 not own a pickup truck, and it is -- they are  
 21 no longer seen as purely commercial vehicles,  
 22 which was the reason why it was written  
 23 originally. So it has changed. It is no  
 24 longer -- and for us to legislate aesthetics by  
 25 saying that, "You should not park a pickup

1 truck in your house because I find them ugly,"  
 2 I don't think we can do that. You just can't.  
 3 Now, we can say no commercial vehicles.  
 4 That's easy. No super-high trucks, you know, I  
 5 think that's easy. No loads on the back with,  
 6 you know, cement bags and, you know, the  
 7 laborers --  
 8 MS. KEON: Right, I think we need to --  
 9 MR. SALMAN: Uncovered.  
 10 MR. GRABIEL: Uncovered.  
 11 MS. KEON: You know, I think to think that  
 12 you can -- I would find it nearly impossible to  
 13 write a regulation that tells people, "You can  
 14 have a beautiful, new, clean, shiny pickup  
 15 truck." Now, if you can -- I mean, I would  
 16 happily support you if you could show me that  
 17 legislation.  
 18 MR. SALMAN: But, Pat, you can have a  
 19 really ugly car with flames on the side of it,  
 20 and there's nothing we can say to them.  
 21 MS. KEON: That's right.  
 22 MR. SALMAN: All right? There's no  
 23 legislation for taste, and that's not  
 24 (inaudible), unless we put it to the Board of  
 25 Architects, who are in charge of making sure

1 that we have sort of an even palate of taste.  
 2 MR. GRABIEL: We should have all the pickup  
 3 trucks go through the Board of Architects.  
 4 MS. SALMAN: Go through the Board of  
 5 Architects to get approved.  
 6 CHAIRMAN AIZENSTAT: Eric, let me ask you a  
 7 question. From what you've heard from us at  
 8 this workshop, do you have a better  
 9 understanding or a clearer path?  
 10 MR. RIEL: Yeah, I mean, obviously, we're  
 11 going to go back and go into the -- look at the  
 12 verbatim minutes and at the video again. I  
 13 think, collectively, between all the  
 14 individuals that worked on this, I think we've  
 15 got direction, and I don't know if Craig has  
 16 some comments, but I think we have a general  
 17 direction. And, you know, having worked with  
 18 the Board, I know that you all try to agree,  
 19 but, you know, I think each -- I respect each  
 20 of your opinions, and I think we've gotten  
 21 varying opinions, so it's kind of our  
 22 responsibility to look at that and come up with  
 23 what we would recommend from a professional  
 24 standpoint.  
 25 CHAIRMAN AIZENSTAT: Agreed.

1 MR. RIEL: So that's kind of where we're  
 2 at.  
 3 CHAIRMAN AIZENSTAT: And the reason I ask  
 4 that is because I think we're at a point now  
 5 where we're going back and forth, really, at  
 6 the same thing and in a circle.  
 7 MR. SALMAN: Right.  
 8 MS. KEON: Right.  
 9 MR. RIEL: You've been saying the same --  
 10 Each of you has been saying the same thing --  
 11 CHAIRMAN AIZENSTAT: Right.  
 12 MR. RIEL: -- and I've been writing it  
 13 down.  
 14 MS. KEON: That's it.  
 15 CHAIRMAN AIZENSTAT: And that's why I  
 16 wanted to make that comment to you.  
 17 MR. RIEL: I'm writing your initials next  
 18 to each comment, so --  
 19 MR. SALMAN: Having heard Eric's comments,  
 20 can I make a motion to adjourn?  
 21 CHAIRMAN AIZENSTAT: Well, anybody else?  
 22 Would anybody else like to make any other  
 23 comments, based on this workshop?  
 24 MR. LEEN: I have no further comments. I  
 25 agree with what Eric said. I thought this was

1 very useful. Thank you so much for your  
 2 comments. I think we'll be able to prepare now  
 3 for the public hearing that will come up in  
 4 several weeks, or whenever it's scheduled. I  
 5 do think, because it's a workshop, you don't  
 6 need to formally move to adjourn. You could  
 7 simply adjourn, as the Chair.  
 8 CHAIRMAN AIZENSTAT: Eric, let me ask you a  
 9 question. What's the next step after the  
 10 workshop?  
 11 MR. RIEL: As I indicated before, we're  
 12 going to take the record, and we'll meet with  
 13 Staff. I can't tell you what the next step is.  
 14 There's not -- We need to collectively get  
 15 together, and we will certainly let folks know  
 16 what the next step is. I mean, there's --  
 17 clearly, the options that are available is -- I  
 18 mean, it's either come back to the Board --  
 19 MR. SALMAN: With proposed legislative  
 20 changes.  
 21 MR. RIEL: Right, and, you know, go the  
 22 Commission or -- I mean, there's all kinds of  
 23 opportunities available, so -- But I don't know  
 24 that answer at this point in time.  
 25 MR. LEEN: Well, I do think that it was

1 MS. KEON: I'm comfortable with those.  
 2 MR. FLANAGAN: Yeah.  
 3 MR. SALMAN: I don't know about -- I don't  
 4 know about that 24-hour period here for moving.  
 5 I don't think you need 24 hours to move  
 6 anybody.  
 7 CHAIRMAN AIZENSTAT: 24 hours --  
 8 MR. SALMAN: You can always leave and come  
 9 back. If you have to have 24 hours to load a  
 10 truck, you need to make two trips, all right?  
 11 So let's -- I don't want to have to drive  
 12 around it at night. It just becomes a hazard.  
 13 Why does it take everybody until he's leaving?  
 14 MR. RIEL: Okay. I just wanted to make  
 15 sure.  
 16 CHAIRMAN AIZENSTAT: When's our next  
 17 meeting?  
 18 MR. RIEL: March 14th.  
 19 CHAIRMAN AIZENSTAT: The 14th, okay.  
 20 All right, we're adjourned.  
 21 MR. RIEL: Thank you.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 MR. FLANAGAN: Thank you.  
 24 CHAIRMAN AIZENSTAT: Do you want us to keep  
 25 any of this or leave it on the table? Do you

1 made clear by the Commission when they -- that  
 2 they did want a final recommendation from this  
 3 Board. So, at least as of this time, I would  
 4 think it would come before you again for a  
 5 public hearing --  
 6 CHAIRMAN AIZENSTAT: For a public hearing.  
 7 MR. LEEN: -- at some point, so you could  
 8 make that recommendation to the Commission.  
 9 CHAIRMAN AIZENSTAT: Okay.  
 10 MR. LEEN: If, for some reason, that  
 11 changes, of course, we'll inform you, but  
 12 that's my current understanding of what the  
 13 Commission wants to do.  
 14 CHAIRMAN AIZENSTAT: Okay. Any other  
 15 comments?  
 16 MR. RIEL: I just want to make sure, can I  
 17 just refer you back to Page 1 of Alternative 1?  
 18 The general changes that we went through, we've  
 19 touched on a couple of those. What I just want  
 20 to make sure is that you feel those would be  
 21 appropriate?  
 22 MS. KEON: Yes. In this Alternative 1?  
 23 MR. RIEL: Yes.  
 24 MS. KEON: Yes.  
 25 CHAIRMAN AIZENSTAT: I agree.

1 want us to leave it on the table, so that way  
 2 you can bring it back to us?  
 3 (Thereupon, the meeting was adjourned at  
 4 8:20 p.m.)  
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