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Maria Anderson <whatmeworry535@gmail.com>

Agenda Item for Dec. 11: BOA Selection Process and Strengthening the Role of City Architect

1 message

Maria Anderson <whatmeworry535@gmail.com>

Sat, Dec 1, 2012 at 9:09 AM

To: "Foeman, Walter" <wfoeman@coralgables.com>, "Leen, Craig" <cleen@coralgables.com>, "Salerno, Patrick" <psalerno@coralgables.com>

Cc: "Cabrera, Ralph" <rcabrera@coralgables.com>, "Cason, Jim" <jimcason@coralgables.com>, "Kerdyk, William" <wkerdyk@coralgables.com>, "Quesada, Frank" <frank@coralgables.com>, "Anderson, Maria" <manderson@coralgables.com>

This email can serve as the cover memo for my item:

Order of Documents for Commissioner Anderson item:

1. Notice for Public Meeting (p.1)
2. City Attorney Memo (Options for strengthening the role of City Architect)
3. City Clerk's Transcript of noticed meeting
4. Pages 2 – 9 of my hand-numbered submissions to be hand-delivered to Lillian Quiroz:
 - Pages 2 – 5 are Article 2 pages
 - Page 6 is Board of Architects (list of current Board Members and terms)
 - Page 7 is Board of Architects, BOA Requirements
 - Page 8 is list of current Board Members and terms and contact info
 - Page 9 is Reso. 19111, Robert's Rules
 - Page 10 is an e-mail letter from Mrs. Susan Serrell, resident and attendee at Noticed Meeting

Please make sure City Architect Carlos Mindreau is in City Commission Chambers during this item and available for questions. If there are any questions regarding this submission, please call me for clarification.

Thank you,
Maria Anderson



REVISED

PUBLIC MEETING / DISCUSSION

TOPIC: BOARD OF ARCHITECTS

City of Coral Gables, Florida

Pursuant to section 286.011 of the Florida Statutes (2012) entitled, "Public Meetings and Records; Public Inspections; Criminal and Civil Penalties," Commissioner Maria Anderson will be conducting a meeting with Commissioner Rafael "Ralph" Cabrera, Jr. for discussion regarding the composition and objectives of the Coral Gables Board of Architects. Commissioner Anderson has invited members of the Board of Architects to attend and participate as well.

In accordance with the aforementioned statute, the meeting will be open to attendance by the public, and minutes of said meeting shall be promptly recorded, and such records will be available for public inspection.

The public meeting/discussion will be held on November 27th, 2012, in the City Hall Commission Chambers, located at 405 Biltmore Way, 2nd Floor, Coral Gables, FL, beginning 9 a.m.

Walter J. Foeman
City Clerk

City of Coral Gables Public Meeting/Discussion

Topic: Board of Architects

November 27, 2012

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

City Staff

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

City Manager, Patrick Salerno

City Architect, Carlos Mindreau

Director of Development Services, Jane Tompkins

Director of Planning & Zoning Ramon Trias

Public Speaker(s)

Susan Serrell, Coral Gables Resident

Marlin Ebbert, Coral Gables Resident

Glenn Pratt, Board of Architect Member

Venny Torre, Coral Gables Resident and General Contractor

Marshall Bellin, Coral Gables Architect

Nelson de Leon, Board of Architect Member

[Start: 9:05:31 a.m.]

Commissioner Anderson: Alright, I guess we will go ahead and get started and thank everybody for being here, members of staff, Board of Architects, residents, interested parties, thank you all and a special thanks goes to our City Attorney and our City Clerk for properly noticing this meeting and for getting the materials done properly, properly noticed and conducted as part of the Sunshine Law; and before we get into my introductory comments, I'd like our City Attorney to just kind of talk to us about the rules of engagement, what happens here, if we are having a conversation, do we have to have other parties?- can we allow other parties?- or can people request to be done?- do we have to recognize them?- those kinds of things. If you could speak to that, that would be great.

City Attorney Leen: This is a Sunshine meeting authorized by Florida Law, what it means is that two Commissioners who both sit on the Commission are allowed to have a meeting as long as it's publicly noticed and the public is allowed to attend and minutes are taken, which the City Clerk is doing. As long as those prerequisites are all met it's a perfectly legal meeting. Now it's been noticed as a – the discussion is the Board of Architects, and specifically the composition and objectives of the Board of Architects, so that should be the focus of the meeting, because that's how it was noticed. In addition, the conversation is between the both of you; you are permitted to have people speak if you like, if not you are also permitted not to have them speak, it's a conversation between the both of you and whoever you'd like to speak with.

Commissioner Anderson: Thank you very much, appreciate that. As the City Attorney spoke about, this is a conversation between Commissioner Cabrera and I on the Board of Architects to discuss what I believe is a needed change to this Board; and the reason I've asked Commissioner Cabrera is that he brought this up many times over the years and I wanted to recognize that fact and say that I've had a change of heart, and that I want to discuss the changing of the selection process for the Board and making this Board's reporting function like the majority of our Boards, that is they report to – the majority of them are Commissioner appointed. I'll bring that up a little later and give that more in detail. First of all, I want to say to the folks of the Board of Architects this is not a slam at you, in fact I want to make sure that your Board is strengthened and that your design and your design powers and your service is elevated and recognized and not stifled, but I'll speak to more of that later. I'm going to be bringing this up at the Commission meeting on December 11th, and I'm going to make this clear to my other colleagues who aren't here on the record that I hope that they keep an open mind, I hope they will read the transcripts, and help their thought process. Some overarching thoughts that I had is something that's probably obvious to many of us is that Coral Gables is a City that prides itself since its inception on the built and the natural environment, tree-lined streets, historic fabric, quality and design, strong building codes, and beautiful residential areas. As to the built environment Merrick was not a one style kind of guy. ~~He was a genius and he inspired a variety and quality of architecture, just look at~~ the planned villages. The ones he built and the ones he actually didn't build were kind of testimony to his open mind. You have Italian villages that got built, the French country, the French City, the Chinese, the American Colonial villages, these are all places of great pride in our City and they are very different from the Mediterranean inspired architecture that he talked about, and that he carried out in many of these, but it wasn't his only style. People who live in these areas take great pride in the fact that, that's where they live and that they are part of the historic fabric of our City. Now to the pressing issues and I've been approved by members of the design and development community in anonymity, because they are afraid, and they've been told that they are being forced to design in Mediterranean style only. The word to them from the top layers of management is that you build it my way or not at all. That is a concern because in the field of architecture and while I didn't practice, I did study it, freedom of expression and creativity in the parameters of our Code is paramount. Telling people they can design only in the

Mediterranean is not only improper but myopic, shortsighted at the very least, much more but I'll refrain. I've also been told that the Board of Architects has received pressure by top management and that is just wrong. The way our City is planned and how it grows and looks is a matter of policy and it comes from the vision of the City Commission. The Board of Architects is now 100 percent appointed by the City Manager, the Commission does approve them, but they are appointed by the City Manager, reviewed by the City Manager 100 percent. I think it's time to make a change; I think it's time now to really look at it and put it like the regular Boards where the Commission has a say and how the City grows and how the City looks. There are now seven Board members and they all, as I mentioned earlier, appointed by the City Manager, I mean brought forward by the City Manager and approved by the City Commission. In the past it seemed to have worked somehow, I guess, none of this was ever brought to my attention as being a terrific problem until just now. What I propose is that five of those seven members be appointments of the City Commission; one by the Board of Architects and one as is customary, another Board (member) by the City Manager. With that composition I believe it brings back matters of policy and vision to the City Commission who are elected to do just that, policy and vision. On another related subject, the City Architect; Merrick held that, that position was a really important one. Although the Commission didn't appoint him directly right now my proposition is something that kind of breaks from tradition completely, and it may or may not happen, but I have to put it out there and try. Right now the City Architect is under the two directors; two directors that were hired by and directly catered to the wishes of the City Manager, maybe there are even more....as far as I know. I propose that we elevate the City Architect's position to an appointed one reporting directly to the City Commission. The work of the City Architect would be like in Merrick's time to oversee good design, and to work with designers to receive a high level of quality. The only thing that would change is the reporting structure.

Commissioner Cabrera: Can I jump in for a second?

Commissioner Anderson: Absolutely.

Commissioner Cabrera: If you remember when you and I served in the early years, the five of us really wanted to see that position reinstated, you recall that?

Commissioner Anderson: Yes.

Commissioner Cabrera: Remember how difficult it was.

Commissioner Anderson: I forget exactly the date; you probably know the date better.

Commissioner Cabrera: No I don't, I didn't prep, but I do recall that the five of us worked really hard to try to get that position reinstated because of the things that you are talking about, and I just wanted to chime in and say that...

Commissioner Anderson: Please.

Commissioner Cabrera: ...in defense of you because you have more to say.

Commissioner Anderson: No, not much more, the only thing I have to say that I think is really outrageous that people are being told, people who are creative people, people who are professional, people who are in the field working in service of our City for the quality of design be told what to do and be threatened at times, and they are so afraid they don't want to come forward or have their names down, so I can't even share that. What we really be looking at is quality design not Mediterranean, but a quality inspired architecture from a variety of architectural styles and materials. I hold up a really good example is the Ponce Catalonia Building, which is a modern iteration of Mediterranean; iteration is kind of you take the styles and you put them in new materials and new forums. You don't need to have the Biltmore recreated, you don't need to have certain things recreated. You can be inspired by them, but to recreate them just doesn't make sense and it's just not even economic sense or creative sense and it stifles what we want in our Board of Architects, and pretty much that concludes. I'd like to discuss what you think and I'd like to maybe propose a plan of action for the 11th.

Commissioner Cabrera: You know, you said a lot of great things and I took notes. One of the things that stuck, everything stuck, but one of the things that stuck was what you just mentioned as far as the Ponce Catalonia Building, I remember years ago when I was first on the Commission, I sort of thought that everything needed to be Mediterranean, and you kept educating and informing four of us that it doesn't necessarily needs to be that Mediterranean want-to-be, with arches and the barrel-style roof in order to fit with the City, and you know I didn't agree with it then, but I agree with it now, because I've seen actual buildings such as the building you just mentioned that have really turned out to be gorgeous buildings, really gorgeous buildings. In fact, you didn't have a chance to attend because I know you had a schedule conflict, but yesterday we had a meeting with the University of Miami and that was one of the buildings that was showcased...

Commissioner Anderson: OK.

Commissioner Cabrera: ...yes, it was interesting that, that building was showcased in the City's written presentation, read presentation. Let me take a step back and tell you my thought process originally as to why I wanted the Board of Architects to report to us instead of the City's professional administration. I, like you and the others come and say hello to the Board of Architects during their meetings from time to time, some of them are here, they know that I visit with them, and generally it's just to say hello and in that process there are times that I learn a little bit about what's going on, and there are other times we are just socializing on a personal basis, but it came to pass on one particular meeting that I stayed around to watch what was going on, this is over five years ago, and I said, this is really interesting, not only for the audience and

for these professionals that are discussing this particular project, but it's really interesting for me and it's a shame that I don't have that one-to-one relationship with a member of the Board of Architects. So when I decided to bring it to all of us to consider, my thought process was I'd like to have that person that I appoint with the help of the City's professional staff. It was never my idea to appoint as we appoint other Boards and Committees, my idea was to have whether it be the City Architect – ideally the City Architect qualify all of the candidates, screen them, even interview them and then provide us with their names, resumes and then his or hers written recommendation, so each of us could then review that and say, this would be a really great fit for the Board of Architects, thereby I would have that relationship not to be able to tell a Board of Architect member, hey this is coming up, this is the way I'd like you to vote. I'd like to talk to him retrospectively and say, hey why did you approve this? In fact, I'll tell you a funny story, and Glenn I'm sorry to embarrass you, but I called Glenn Pratt about a year and-a-half-two years ago, and called him to ask him about La Salle Coral Gables Dry Cleaners, and the Board of Architects approval of the color, remember that?

Mr. Pratt: Yes.

Commissioner Cabrera: You know he was gracious enough to chat with me and explain to me why they did what they did, because if you remember Mayor Slesnick had indigestion with the color of the building and I didn't have it. So happens that the owner of Coral Gables La Salle Dry Cleaners is a dear friend of mine and our daughters play soccer together, so I kind of wanted to find out where their thought process was because I didn't understand it, and once Glenn explained it to me...

Commissioner Anderson: And the color is black, isn't it?

Commissioner Cabrera:...yes, and once he explained it to me I said, Oh, OK, that works, I understand now, but I had to go find out who was on the Board that particular vote, and then I had to find out if I had a relationship with that person, and then I had to think how I was going to call them without necessarily challenging their thought process and decision-making process, and so I had to go through all those steps; whereas, if I had an appointee I could just call and say, Juan, why did you go with that color?- give me your rationale; Nelson, why was it important for you to have that particular shade?- and I would have come away with a real understanding and it would have actually helped me grow as a Commissioner, so that if, this happens to you and I all the time, where we are at Burger Bob's, we're at Houston's, we're at Seasons 52 and somebody comes up to us and says, how did you guys approve that color at La Salle Coral Gables Cleaners?

Commissioner Anderson: Or any – or building in general.

Commissioner Cabrera: We just got an e-mail the other day, the five of us I think, from some lady that's really upset about development...

Commissioner Anderson: On LeJeune Road.

Commissioner Cabrera:...on LeJeune Road, and you know you have to go back to the professional administration and you have to explain things, anyway the bottom line is I just found it to be a better process for us, a process that would work effectively if we used the City's Architect to help us in getting the right people in the right spot, and unfortunately as you know it got no legs, and so it just died on the vine, which I'm very grateful to you for bringing it back. I'm disappointed to hear from you that there is a thought process that everything has to be Mediterranean and that's sad, it's short-sighted, very short-sighted.

Commissioner Anderson: And you know what's the hardest part for me is in a free country people are scared to speak up, the design community is scared to speak up, staff is scared to speak up I'm sure, I don't know that for a fact, the only ones I've spoken to have been design professionals, and until I can bring it up and I can do this, but I do encourage those folks and I know that your livelihoods are at stake because that's the level of encouragement to design in Mediterranean that it has been is the threat of work in the City or being black-balled somehow, but some time some one of us got to stand up and support that, but that's a personal decision and I wouldn't recriminate anybody for not doing it, I certainly understand it. I feel it's my responsibility because I can do it without all the heavy potential ramifications that come with speaking up in this particular environment in City Hall today within our City.

Commissioner Cabrera: Well I think that what I heard from you were two things: number one, that the Board of Architects now five of them be appointed by us with one at-large and one by the City Manager; and then secondly, what I also heard you say was that you would like to see the City Architect become an appointed official...

Commissioner Anderson: Yes.

Commissioner Cabrera:...and report directly to the Commission. You know I will support both, my issue is what I have been living with for three years and that is I don't know if we are going to have support.

Commissioner Anderson: I know. Its poison before it gets to the vine, but maybe we can still hold out hope.

Commissioner Cabrera: Oh, I always hold out hope.

Commissioner Anderson: I agree with you and I know that going into this we have that possibility, and that's why I preface my comments earlier on to my colleagues on the Commission who may hear this tape or may read this transcript hopefully, and know that it comes from a good spot for me. You know the last four months I really just wanted to cruise on out of here, but it's not been the case. I feel it's my responsibility to do that and I do it from a

good place. I've lived here for 51-52 years and it's my hometown, and I studied architecture to boot. I live in the same house I was raised in, I have a lot of roots and I don't desire anything bad for the City, I only desire good and what I'm seeing right now within City Hall is not a good thing and I'd like to give people back their freedom; freedom to create, freedom to make Coral Gables the beautiful place that it supposed to be without the threat of recrimination and that is not happening, it's the truth. It just can't be spoken because people don't want to speak up and that's a terrible thing. So that's why I brought that up and I think – that City Architect part may go down in flames, but I think whatever it is we've got to try, and we've got to try to strengthen whatever it is to strengthen that position because that's a position that Merrick held in such high esteem, if we are going to go back to historical roots needs to be elevated, needs to be made important again, and not squashed between layers of beaurocracy that have no knowledge of architecture or very little knowledge of architecture and only desire to be autocratic.

Commissioner Anderson: I agree with you. I went back, I did do one prep and that is I went back to when I brought the item up to us and I watched it, and it was amazing to me how little discussion, I'm sorry to include you...

Commissioner Anderson: No, it's OK, it's the truth.

Commissioner Cabrera:....there was just no appetite to discuss it...

Commissioner Anderson: That's right.

Commissioner Cabrera:...and so in fact, as usual it got deferred to the City Manager to discuss it with me.

Commissioner Anderson: And that happened during Mr. Brown and Mr. Salerno – both.

Commissioner Cabrera: Right. And so it died on the vine, so I'm delighted to know that you are bringing it back and I will support you. I would co-bring it back, but I think you have taken the lead on this thing, I would be there in terms of helping you and articulating the same things that I've just articulated in our meeting today, using the examples that I have used, and I'm hopeful that that will work. If you don't mind, because you brought up another part of that, that I wasn't really prepared to really digest and respond to, in spite of the fact that I support it, I would like to know how the reporting works between the City Architect, because there are new layers of senior staff that I'm not aware of, because I'm aware of them because of the budget and the organizational chart, which is even misleading, but I would like to know and maybe the City Attorney can tell me this, can I ask City Architect Mindreau a question about whom he reports to?- and what his reporting activities are?

City Attorney Leen: Yes.

Commissioner Cabrera: OK. Good morning. Can you come over here, would you mind just to be part of the conversation?- and that way people can hear you. This is our City Architect -- good morning. Can you explain to me how it works, your reporting duties in terms of your official status as City Architect?

City Architect Mindreau: As of recently with the appointment of Director of Planning and Zoning, I go to him now, before I was pretty much handling the Board of Architects and the Board of Architect business. At that time, we had a Director of Building and Zoning, Mr. Ed Weller. Mr. Weller allowed me to handle the Board business more directly, but right now with the Director of Planning and Zoning, I do have an additional layer and the interaction that I had with developers is now handled by Ramon Trias.

Commissioner Cabrera: OK. Incidentally, I'm glad that you are here; I ask that you come and be part of the meeting and I get a chance to tell you something personally in spite of the fact that there are other people in the audience. You know when you first came here I was kind of tough on you.

City Architect Mindreau: I know.

Commissioner Cabrera: OK, I'm sorry, I'm sorry; you've proven to be...

City Architect Mindreau: I think I had as much fault in that as anybody...

Commissioner Cabrera: No, no, you've proven to be the consummate professional...

City Architect Mindreau: Thank you.

Commissioner Cabrera: ...and everybody says that, Board of Architects here, they all know me, and I know them, we've been friends for many, many years, so I pretty much know them all on a first name basis and everybody says how even keel you are, how fair you are, how you always practice the utmost professionalism in every aspect of your dealings with them and the public and so that's something to be commended for, so thank you.

City Architect Mindreau: Thank you.

Commissioner Cabrera: So you used to report to the Director of Building, Mr. Weller, was he interim?

City Architect Mindreau: He was interim and then he became appointed Director, and then after he resigned I believe Carmen Olazabal took over for a period of time until the selection this year.

Commissioner Cabrera: You know educate me a little further, what happens in your role as City Architect, put me through a process, let's say I have a building that I want to bring to the City, what's your interaction with me as either the architect or contractor or even developer.

City Architect Mindreau: Over the years as people got to know me developers such as you hypothetically mentioned, would come to be to initiate their development process – what they were doing, the direction they were going in and so on. Sometimes we would develop from an architectural standpoint I felt that it is important not to design for a developer, but to give them guidelines or direction in the way they design. You mentioned the Ponce Catalonia Building which Glenn Pratt designed, at the very beginning he came to me together with the developer of the project is Alberto Perez, and Alberto said I need a modern building, and I said, as long as you make it its basis founded on Mediterranean principles. I think that I can deal with how you develop that in the Mediterranean bonuses. So they developed a building that was inspired by a Mediterranean style of architecture, but it was reinterpreted in modern materials and methods. I thought that they did a very credible job in creating a building that doesn't fit the stereotype of modernism, but that actually fits architecture as a process of quality being the end process and it certainly seems to have that.

Commissioner Cabrera: You know that building doesn't turn its back on anything; it's beautiful in every angle.

City Architect Mindreau: Its beautiful to the alley, which is essentially architecture should not have a front and a back as much as possible.

Commissioner Cabrera: Yes. And interestingly enough just one block away on the same side of the street, just north the Regions Bank Building; is it called the Regions Bank Building?

Commissioner Anderson: I think so.

City Architect Mindreau: Yes it is called the Regions Bank Building.

Commissioner Cabrera: That's a Mediterranean building.

City Architect Mindreau: Correct. That received Mediterranean bonuses at the very early point.

Commissioner Cabrera: Yes – and that was done way before Mrs. Anderson and myself were in office and you weren't even here, the only unfortunate part of that building is it does turn its back on the western exposure.

Ms. Susan Serrell: [Inaudible – off mic]

Commissioner Cabrera: Could you tell us who you are?- could you tell us who you are?

Ms. Susan Serrell: Sure. My name is Susan Serrell, and I'm a resident of Coral Gables.

Commissioner Anderson: Cool.

Commissioner Cabrera: Good morning.

Commissioner Anderson: Thank you for coming.

Ms. Susan Serrell: I'm thrilled to hear what you guys are saying. The Ponce Catalonia Building is that the Zubi Advertising Building?

Commissioner Cabrera: Um huh.

Ms. Susan Serrell: OK.

Commissioner Anderson: Maybe later on you can give your name and address to the Clerk so he can note it for the record that would be great.

Ms. Susan Serrell: Sure.

Commissioner Anderson: That way it is spelled correctly.

Ms. Susan Serrell: Sure.

Commissioner Cabrera: OK. So you just described to me how it works as being a hypothetical developer architect or contractor. Now tell me more about the relationship that exist between you and the Board.

City Architect Mindreau: That process which was done to generate that particular building, the Ponce Building is no longer really viable. I was working with another architect and developing another similar project, I started him to please – although I was happy with the solution, I started him to go to Ramon to get that project, actually reviewed by Ramon and to get Ramon on board. At the time the architect called me to tell me that he was sorry to hear that it did not fly past that particular litmus test, if you will. I was really sad to hear that, but that's the way it is. That's the difference between what was before and the way things are now. So I think that essentially you know, I'm more relegated to the more routine tasks minor projects, the major projects I really have lost at this point.

Commissioner Anderson: That's what I hear from developers in the design community.

City Architect Mindreau: But I'm OK with that...

Commissioner Anderson: No, I'm not putting words in your mouth.

City Architect Mindreau:...this is where I stand, I don't have a problem with it.

Commissioner Anderson: I'm not putting words in your mouth and hopefully you won't receive any recriminations for your speech today and your honesty. I heard that from others and that's a shame.

Commissioner Cabrera: Commissioner, I'm going to continue to support you on this issue in terms of what you want to do. I really believe that we are going to need to get some guidance from the City Attorney's office on how to accomplish just the proposal of having the City Architect be appointed by the City Commission.

Commissioner Anderson: That's correct, that's a good point. I discussed that briefly with him, I'm glad you brought that up.

Commissioner Cabrera: I'm battle worn.

Commissioner Anderson: I hear you. So am I. I'm pretty tired.

Commissioner Cabrera: I just – I see the merits. I fail to see because a lot of times when I bring you things to the four of you, I literally sit on the other side and figure out how you are going to feel about something that I think is good for the City or it should be done and I take your side to see how I could view it as being detrimental to the betterment of the City, and being detrimental to the efficiency of the operations. I just fail to see this one. This one is just one that makes so much sense, not only for the Board to report directly to us for at least for us to have five members that don't report to us, but they are our appointees so that we can learn from them, we can ask questions, we can get guidance. I fail to see how that could be interpreted as some sort of evil plot to take over the City of Coral Gables, and in addition, the fact that the City Architect plays such a vital role as an independent member of our City, it just makes all the sense in the world to do what you are recommending.

Commissioner Anderson: Thank you, I appreciate that. I've always looked to Merrick for ideas, I don't try to clone him, because I believe he wouldn't want to be cloned, but I take the spirit of it and the spirit of Merrick's vision was good design, good quality, and the City Architect whether it be Pheneous Paste or the Fink Brothers, they had a lot to do with what happened and in our present day and our environment to relegate our City's Architect to administrative tasks is just beyond my own ability to imagine. I'm going to even dare say that Merrick is probably turning in his grave, I'll even go as far as saying that, it's that egregious to me. I would like some guidance as well because I know that if this were to come to the Commission and some of the questions that might be asked and if it were to pass, I hope it does; I hope that my colleagues can see the merit of this. I try to be reasonable, my initial Cuban perspective on everything is just take it by storm and let's take all of the Board members for ourselves, but I said no, let's be reasonable, let's try to mirror the composition of every Board, that's the rational thoughtful way to do it, and the whole City Architect thing is important, it's part of who we are and that's what brought it to me from a visceral level.

Commissioner Cabrera: It's such a unique Board; incidentally, I think that one of the requirements, I read the qualifications for Board appointment is that they be AIA.

City Architect Mindreau: Not AIA, they have to be state licensed.

Commissioner Cabrera: I thought that AIA was part of it.

City Architect Mindreau: It's a professional organization; it's not part of the licensing process.

Commissioner Cabrera: But I could have sworn I saw that in the – because I read over the qualifications and I read the purpose. I didn't bring the sheet of paper.

City Architect Mindreau: I don't believe so.

Commissioner Cabrera: No? I'm not going to disagree with you, but I want to see if I can get another copy. Mr. Foeman, someone in your staff sent me a copy of that last night, Imelys.

City Clerk Foeman: A fact sheet?

Commissioner Cabrera: Yes sir. It's the sheet that goes with all our Boards and Committees. You have one there? I guess the point that I'm trying to make is that they have to have certain qualifications unlike other Boards where we try to connect the right person. For example, the Budget and Audit Board, my appointee is a financial consultant. Now I think that's a good fit to have on the Budget and Audit Board. On the Board of Adjustment, my appointee is a clinical psychologist, I think that's a wonderful appointment to have on the Board of Adjustment because you have to use common sense and you have to use the Zoning Code as a basis for everything. So the point here is that this is a Board that requires a certain set of skills and qualifications and certifications in order to carry out the purpose and it is so unusual, the secretary to that Board has to have those same qualifications, certifications, and experiences. So, I think it even lends itself more to having the City Architect as a standalone – you know what it works toward? – it works toward checks and balances, I really do, it's ideal that we have the right person in that position and maybe that was just the kiss of death that I've just given you, but it's ideal that you have the right person in that position, and so Commissioner I'll do whatever you want, you know that I'll support you on this issue.

Commissioner Anderson: OK.

Commissioner Cabrera: Marlin, tell everyone who you are.

Ms. Marlin Ebbert: My name is Marlin Ebbert, I live at 6935 Almansa Street and Susan is a friend of mine from the Coral Gables Cinema, and early in the summer she started to talk to me about the Board of Architects, and as I tell her all the time had this little Post-it Note on my computer it says Board of Architects. So when I was listening to the last Commission meeting at the very end you brought up this meeting and then I happen to see you that night at that interfaith service and you said its Tuesday, that's why we are here.

Commissioner Anderson: Great.

Ms. Marlin Ebbert: As a careful observer of the City, I've never understood the Board of Architects, are you a fulltime – is your position fulltime?

City Architect Mindreau: Yes. Fulltime position.

Ms. Marlin Ebbert: So it's a position that you applied for and went through the process, OK. Another thing in watching other Commission meetings – so do you do both residential and commercial?

City Architect Mindreau: I have in my practice...

Ms. Marlin Ebbert: But I mean in your position as City Architect?

City Architect Mindreau: Yes, I do. I review all the projects commercial and...[inaudible]...

Ms. Marlin Ebbert: It all comes through you. One thing that surprise me when a resident brought something, an appeal to the Commission was that there weren't any minutes kept at the Board of Architects meetings, so I think it was Bill Kerdyk said well what happened and so we will see it from the record and there was no record, and so this resident had no way to really have a history of why they were denied when they had been accepted years ago, the same process. I don't know...

Commissioner Cabrera: Oh, I remember that case.

Ms. Marlin Ebbert: It wasn't that long ago. Also, what's the history, maybe you said this at the very beginning and I missed it, is this something, is the makeup of the Board being appointed by the City Manager, how long has that been going on?

Commissioner Anderson: Oh, I think that's been always.

Ms. Marlin Ebbert: So this is not something that – it's inherited.

Commissioner Cabrera: Yes, yes, absolutely.

Ms. Marlin Ebbert: So this wasn't any kind of power grab...

Commissioner Anderson: No, no, no.

Commissioner Cabrera: Marlin, in fact Mrs. Anderson pointed out, I tried to do this twice, I didn't try to do this once, I tried to do this during a previous City Manager and there was no support, and then I brought it up recently, I would say within the last 6-8 months as a discussion item, because I had a, not a whole new, but I had a different group of – I had two new members of the Commission, so I wanted them to understand where I was coming from, so it had nothing to do with who was the Manager at the time.

Ms. Marlin Ebbert: So if it is changed this is not...

Commissioner Anderson: And that's a good question, and you say the logic process is why change it now? - well two things, and it was driven, I'm going to be very honest with you, it was driven by the atmosphere of City Hall, what's happening now within these walls, the power grab, the authoritarian kind of autocratic view, but it also made sense. If you are going to look at a Board let's make them the Board like the other ones are and where they also can have minutes taken, there would be Boards - and there would be a checks and balances, there would be some type of - there would be more transparency and there would be I think less pressure on the design community to do what they are supposed to do and things works cooperatively not autocratically, so that was my - I'm being very honest, it's both situational and long range because I think it works best that way, that it worked in the past maybe, maybe not, maybe we just didn't hear about it, but now it's more than abundantly clear and I appreciate that you brought it up and in retrospect I was against it both times and I changed my mind.

Commissioner Cabrera: But you weren't against it, I don't want to say you were against it...

Commissioner Anderson: I thought it might go in the wrong direction.

Commissioner Cabrera: Yes, but you really didn't actively debate with me, you just felt it was fine the way it was going, you felt the direction was still a very solid direction; and again, I'm hearing some things for the first time, but listen we are not kids around here, I've been serving now for 12 years, I've lived here 47, not nearly as long as Mrs. Anderson, but almost as long and I know a bunch of architects, and they are friends, and they don't want their names to be shouted out during the Sunshine meeting, and I'm not going to do that for obvious reasons, but I'm hearing the things that he is articulating today, those comments are now being passed on to others and its funny because I always try to figure out what's the angle. I know it's kind of bad, but I'm trying to figure out what the angle is on that person, why is that person vehemently so opposed to something or why they are so in favor of something, and these are just good architects that want to continue doing a great job in the City and believe that they are talented enough that whatever they bring to us and with the help of staff and with the guidance of the Board of Architects is going to shine, and that's been our long-standing history, and I think that's being compromised. Now some people will say you are being melodramatic, and you know you are making a mountain out of a mole hill, OK, but you know what? - I was hired to represent all of the people including the architects and this is something that I'm hearing across the board, and not from people that are in this audience today, I'm hearing it from architects that have been architects in Coral Gables for 10-20-30-40 years and that's something that - I didn't actually know why Mrs. Anderson and I were meeting, I kind of thought I knew why, and so I'm delighted that we are having this, I'm delighted that she has taken the lead on it, and the comment she mentioned a few minutes ago, why change something that is not broken? - well it is broken, its broken, it needs to be changed, it needs to be relooked at, she is taking the lead on it

as an elected official, it's her job to do this, it's my job to do this, you know I often say and I think you will agree, not only are we legislators and quasi-judicial members of a governing body, we are also supposed to be responsible for oversight, we are, we are. For the record, let me just clarify something, the reason I said AIA is because in the Board of Architects purpose it does have a section here that says, "All regular members and associate members shall be registered architects in the State of Florida", as you pointed out, "with at least a majority of the members of the Board shall be members of the American Institute of Architects." That's where I got that from, that's where I got that from, and then it goes on to say that when the Board elects its Chairperson and Vice Chairperson on an annual basis said appointees must be members of the AIA, that's where this came up. So that's the only reason, I wasn't trying to correct you, it's just that I read this and remember seeing AIA, these days I remember acronyms real well that's about the extent of it. OK. So what do you want to do? Do you want to give some direction to the City Attorney?

Commissioner Anderson: I'd like to find out if we were to make a position of City Architect an appointed position, would it be something that its within the Commission's power to do by resolution?- by ordinance?- or does it have to go through a Charter amendment change?- does it go to the people? I don't know that, I'd like clarification. I'd also like clarification, now there are Board members that have terms and I'm termed out so I'll be leaving, I'd like to figure of if this plan were to pass what kind of transition plan it would be till then and what could take effect after the new Commission is in place to give an opportunity for other new Commissioners, new Mayors, whatever to have an appointment. I thought maybe the current Board could sit as it exists, but I'd like some ideas on how that might work until May. Do you have any other questions?

Commissioner Cabrera: Could you work with both of us independently so we can both give you input in order to – I mean there is no problem with you getting direction from the two of us? I mean, I'm not going to give a whole lot of direction because I think Mrs. Anderson pretty much has encapsulated what the goal here is.

City Attorney Leen: The rule is that I can act as a conduit, but I know the rules, so I'll follow that, so yes, I can talk to each of you independently about that and I can report back at Commission meeting as to what – if the Commission wanted to do this what would be the legal means to do it. The Charter does have three appointed officials the Manager, the Attorney, the Clerk, so on one hand you could say there might need to be a Charter amendment; there are Charter provisions though relating to administrative staff and the Manager. So the question would be which I'll research this, could you do this by ordinance?

Commissioner Cabrera: Let me take it a step further on that since you brought up a really great point, given that the three constitutional officers already exist by Charter, could you then consider the following: could you consider a staff member, a City staff member, City fulltime

employee to continue as a City employee, not as an appointed official, but have direct reporting duties to the Commission?

Commissioner Anderson: That's a good point.

City Attorney Leen: Yes, the Commission can always have a staff member report directly, the issue would be the role of the Manager under the Charter visa-vie another administrative official, so our Charter is a little different than...it does give final authority in almost all things to the City Commission, either through direction toward the administrative officers or to the ability to overrule the Manager, the Clerk or the Attorney in certain areas. So, I will take a look at that and I can tell you what your authority is. I would say two other things, first to Ms. Ebbert's comment, you know in that appeal I just want to clarify for the record that the Board of Architects does take minutes, they have to take minutes and they do, but the issue that occurred in that case was that there was not a sufficient explanation for purposes of the Commission's decision, so what happens in those cases is it was reminded as I recall, back to the Board of Architects to hold a hearing to give analysis. But I just wanted to make clear that there are actual minutes taken.

Commissioner Anderson: OK. Thanks for the clarification; I don't like to be in error.

Commissioner Cabrera: In fact, the last time I came by here you were in the middle of a Board of Architects meeting.

City Attorney Leen: I did go to that Board of Architects.

Commissioner Cabrera: They call you from time to time.

City Attorney Leen: From time to time I do go. You are absolutely right. The two points I wanted to clarify were that the Commission, although the Manager does do the nominations the Commission does do the formal approval or appointment, so you do have authority even now regarding that.

Commissioner Cabrera: It's a formality.

Commissioner Anderson: It's a formality, we've done this, we've appointed several but we really never look at the candidates per say, they are kind of handed to us, we never get a chance to know what their style is, vetted directly, so there is kind of a layer. Yes what you are saying is technically correct and its happened almost the 12 years we've been here, but we really don't know who is going to be on the Board. We just assume that good decisions are being made and I don't know if that's the case anymore, it will be the case anymore, so without the stronger role of the City Architect.

Commissioner Cabrera: You know I'm going back to what I said originally, there have been times where we've had an issue with the Board of Architects on a design appeal or something like that, and I've had to go and find a friend who is an architect and present the case to them to get their input on it and oftentimes they don't like doing it because I think it's an ethical issue with them. They are very professional in this whole architectural world, and secondly, they really require a lot of information that I don't have at my disposal, so it's very hard to get that, but if I had an appointee on that Board it would make it a lot easier for me to be able to have that dialogue. I want to stay with you for a moment or two. So if for some reason this position cannot be appointed by the Commission, for whatever reason, it needs to be a Charter revision, then I'd really like you to focus on having the position continue to report to the Commission with a dotted line to the City Manager's office. You know, the CEO is still the CEO, and they need to have some supervision over people for all the right reasons, it's not about the individual, it's about the position, and I think it's important that they have that dotted line relationship, but give the architect the autonomy to be able to function independently of any other senior member of management.

Commissioner Anderson: I think that's a great idea. I think those are reasonable and it's probably most...

Commissioner Cabrera: I try to make it reasonable.

Commissioner Anderson: Yes, I know. I like to throw things out into outer space and I think it's always good to bring one back into the ballpark of earth, it's alright we can dream, but I think your rationale is good, its solid, and its maybe something that might have an appetite with the rest of my colleagues.

City Attorney Leen: I did just finishing my response, there is one Charter provision I did want to – I brought my iPad, do you mind if I get the Charter real fast because my iPad ran out of power.

Commissioner Cabrera: Yes, go ahead. Take your time sir.

Commissioner Anderson: I'll wait till you come back. Did you want to say something?

Commissioner Cabrera: I was going to do that, I was going to open it up...

Commissioner Anderson: Yes, this is a conversation.

Commissioner Cabrera: I'm sorry sir, could you tell us who you are. This is my contractor, incidentally, have you fixed that roof leak?

Mr. Venny Torre: I came in late I kind of know a little bit what's happening. This subject was brought up a while back....

Commissioner Anderson: Your name for the record. I know who you are.

Mr. Venny Torre: Venny Torre, my company is called Torre Construction.

Commissioner Cabrera: You are also a member of the Historic Preservation Board.

Mr. Venny Torre: And a frustrated architect first...

Commissioner Cabrera: And you are that too.

Mr. Venny Torre:...and builder and developer second, but Ralph, you brought this up a while back, I was particularly against it...

Commissioner Cabrera: I remember you called me.

Mr. Venny Torre:...but before I even go there what I wanted to say was that I've been here for a while and I've done a lot of work in the City and with this administration, and my thing is to comment on Carlos' job and how well he does it, because I think that to me is the first thing I see when I see people coming up he addresses them and he deals with them. I can see that they get help and not only that I think he gets this group to work really well together, that's something that he has done through the course of the years and I have seen that happen; and I've seen other Boards before, I think this one works really well. I think it's mostly the work that Carlos had made a difference, I think that's important. In relation to the issue of Board appointees by Commission, my only concern being on the Historic Preservation Board and seeing people come on there from different appointees different people bringing them on is that in the architectural field there is a difference – first of all, we vote 5-4 votes and that's what makes it happen the majority votes. In this group it doesn't happen that way, these people sometimes gets together two at a time vote; you get two people who are completely opposite in design style there is less likely that they are going to make this happen in a way that works efficient. To see that this group actually molds well requires somebody to bring it together, not just appointees because somebody feels he is qualified. I've known him for 40 years, I think he is a great architect, well that's very subjective and unfortunately that's what happens, and good architecture is very subjective.

Commissioner Cabrera: Venny, let me tell you, I know you didn't get a chance to hear what we talked about, but we both agree that the process needs to emanate from the City Architect's office, so the City Architect would get the applicant, he would screen the applicant, he would potentially interview the applicant, he would ensure that the applicant has all the right certifications and licenses and then he would make a recommendation to the Commission for that applicant. So what would happen then is it would prohibit us from that "willy nilly" that you are worried about.

Mr. Venny Torre: I'm very concerned about that.

Commissioner Cabrera: Absolutely. I concur with you.

Mr. Venny Torre: And again, I'm the first one that says it should be tougher and people would say, what are you talking about?- well I'm just a critic of architecture and I think we should have the best architecture we can in Coral Gables, which means these folks here do have a difficult job and it makes it harder when somebody like myself says, get stricter. When I say get stricter is do a good job and don't let these things that don't belong go through. Well again, architecture is very subjective, but these people have to work together in order to make that happen you have to work together correctly and it has to be a good gel and I think that's what happens lately. Now people conversate its very hard to get to the Board, I don't know what they are going to come out with, that's just the nature of the beast, I'm sorry, but having a group of people that coming together to judge you no matter what, is going to be some criticism to some people.

Commissioner Cabrera: Hey, it's hard with the Board you sit on; it's hard with your Board.

Mr. Venny Torre: I don't think that this is – the criticism that we hear about difficulties, I don't think it's an issue with the Board we have, it's a process issue that you have to go through criticism...some people take it well, some people don't, they know how to do it, well you have your cronies that know how to get it through, but well you know what some people that don't know the system have to learn it a little bit and if you get somebody from Miami Beach to come in here there is a learning curve, you know it's the nature of the beast. If I went to work at Miami Beach I'm sure I'll have a learning curve over there or any place else. But the system is working, I just wanted to make that point and again I first wanted to say the comment that Carlos has really been the part that has been to me most instrumental part in bringing it all together and I think it works.

Commissioner Cabrera: Two questions if I may?

Commissioner Anderson: Sure go ahead.

Commissioner Cabrera: Number one, because you've been here a long time, you are a resident and you've been a general contractor and like you said a frustrated architect for many, many years, well, I said that complimentary, OK. How was it before, before we had a City Architect?- how effectively or ineffectively did it run?- how was it? I want to hear about the past because I know what the present holds for us, I kind of know the answer.

Mr. Venny Torre: I think when Carlos came it kind of started to gel, it started to have a purpose, in reality it started to have something that we are striving for...it became a group versus the system that was there, it has more of a cohesive feeling people that work with Carlos have that...and again it takes a while to learn what we are about from the aspect of Building and Zoning; zoning is what we are all about, Coral Gables is basically zoning, everything revolves around zoning and the Architectural Board is the important part. What comes up these big buildings is very tied to what these guys do, so again I'm saying it's working, I don't think it's broken, but I understand you guys had a lot of things discussing and the point is that keep it so

that everybody is working together that there is no hinges within the group, that there is people that know what Coral Gables is about and not somebody who comes in here... We are trying to achieve something in the Gables that keep in line with what we are used to, but makes it better.

Commissioner Cabrera: Venny, my second question has to do with what you said earlier. Based upon the response that I gave you with regards to how the new Board of Architects would be screened, processed and then given to the Commission; does that system work for you?

Mr. Venny Torre: I think so.

Commissioner Cabrera: OK, because if it didn't speak up now – well this is the first time we talked about this. If you would take my call about fixing that leaky roof (laughter).

Mr. Venny Torre: As you know...[inaudible]... I will call you right back and wait, wait, I don't think that works – six months ago or whatever, now I think this is a different proposal which I think makes a difference.

Commissioner Anderson: And you came in later and we talked about the same concerns you have and I think what you are talking about is quality architecture, independence of the Board, having good quality people who can work together, but not selected by a Commission, but screened by a professional who can figure out the logistics not only of the style, but you know kind of working the vision together. Could you remove the cell phone ringing please?

Commissioner Cabrera: Ironically, and correct me if I'm wrong Mr. City Architect, I want to be on the Board of Architects, I have all the right credentials and so what do I do?- do I submit my resume to you?

City Architect Mindreau: That's how it's working.

Commissioner Cabrera: And how do I know you are looking for Board of Architects.

City Architect Mindreau: I get calls all the time people interested in sitting on the Board and I tell them when I have a potential opening coming up and if they want to submit their resume.

Commissioner Cabrera: OK. So now I apply for this position which is a high paying job (laughter).

Commissioner Anderson: They used to get paid \$25.00 bucks – nothing right.

Commissioner Cabrera: They don't even get free parking. Anyway so – nobody gets free parking. Anyway, I apply for the job, you look at my resume, you review me, what happens?- you call me?

City Architect Mindreau: If I think that your resume has sufficient value to the direction that I'm interested in keeping the Board, I ask you to come in for a personal interview.

Commissioner Cabrera: You interview me and you like me, you think I have all of the right criteria and qualifications, what happens then?

City Architect Mindreau: At that point I take the resume and a copy with a memo from me to the City Manager saying we have these vacancies coming up, I've talked to these people and these people are qualified to be on the Board.

Commissioner Cabrera: And then what happens?

City Architect Mindreau: And then the Manager takes it on from there.

Commissioner Cabrera: OK.

City Architect Mindreau: He interviews some people, I don't know.

Commissioner Cabrera: Did you hear that, that exact same process I don't want to change it at all, I want him to be able to have that autonomy and global thinking as an architect, not as a City Manager, as an architect to be able to make that selection process, and then instead of feeding it to the City Manager's office, he feeds it to five Commissioners, that's the only change, that's it.

Commissioner Anderson: He would have the process selection; discern who might be the best members.

Commissioner Cabrera: Hi Marshall, good morning, this is Marshall Bellin.

Mr. Marshall Bellin: My name is Marshall Bellin; I'm an architect in Coral Gables. I don't quite understand the appointing a City Architect; a City Architect is an employee of the City.

Commissioner Cabrera: Right.

Mr. Marshall Bellin: If it's an appointed position, then he can be unappointed, so he serves for six months and is unappointed and he's gone. This seems to me that that's not a process that helps very much.

Commissioner Cabrera: OK. Let me clarify because we are looking at two routes with this. Appointing him by the Commission might be a very difficult task, the City Attorney is going to brief us a little bit on some aspects of that, so I decided to take a different approach to this, and the approach is, he maintains his status as a City employee, and has a dotted line responsibility or reporting either to the Director of Planning and Zoning or the City Manager who will ultimately is the person he responds to, but he'd also reports to the City Commission, that's the goal here. I know you came in a little late, not to embarrass you, but you will be staying after today. Before

you got here we talked about his reporting duties and it seemed to me based upon the conversation I had with Carlos that he was a fairly independent entity and only really reported to Ed Weller, and we've had some senior management changes in the City and now he reports to Mr. Trias.

Mr. Marshall Bellin: I was here during that discussion.

Commissioner Cabrera: Oh you were, I'm sorry; I apologize, but still came late, just kidding.

Mr. Marshall Bellin: So really all you are saying is that you'd like Carlos, as the City Architect to report to the Commission.

Commissioner Cabrera: That's it.

Mr. Marshall Bellin: That's the only change.

Commissioner Anderson: Yes because right now Marshall, the City Architect from what I hear from outside sources is being told, you all are being told, many are being told they can only design in Mediterranean, and that's not coming, I don't believe that's – from what I've known of the past and what we were moving forward in a vision many years back was that we were going to look at Mediterranean inspired or other style inspired stuff, not just strictly that kind of narrow focus that has become – it's been a top, it's been a management decision from the top, not by an architect, but by top management and not by the Commission who are the vision and policymakers.

Mr. Marshall Bellin: Maria, I agree with you that good architecture deserves recognition, but the way the Code reads is you can design in any style you want...with Mediterranean bonuses.

Commissioner Cabrera: But that's not happening, that's not happening OK.

Commissioner Anderson: In that world not happening in the future too.

Mr. Marshall Bellin: Generally speaking it's not, but it has happened. If you look at some of the buildings in Coral Gables that were awarded Mediterranean bonuses they are not absolutely....and arch windows, but I think when I was on the Board we always believed that good architecture should...and that's what it says in the Code.

Commissioner Anderson: And I agree with you quality architecture.

Mr. Marshall Bellin:.....architectural styles are entitled to Mediterranean bonuses.

Commissioner Anderson: And maybe we need to – and it's a thought, I started this process about changing the Mediterranean stuff, but things got...like trucks and things like that in the middle of it. I was looking to change those things as bonuses more like architectural design bonuses, not

Mediterranean, because it gives the wrong idea. Take a look at some of these ugliest heck buildings that have little Mediterranean tiles on top of them that there is no real precedent for any of that stuff. People made that up, it's no longer a style, even Merrick copied and there was, if I remember correctly and I could be wrong please tell me, there was no high-rise vernacular for barrel tile roofs on these things, I could be wrong and I'm glad to be corrected, but I've never seen it in my review of architectural stuff. So, I think it should be quality architecture, I think there should be design bonuses given for good quality architecture and that would be emanating from a combined vision of the Commission where it wants to go, and for me the design vision would be quality, the quality that we expect in Coral Gables and then the more precise professional vision would come from the City Architect, so it's a combined thing it's not one sided.

Mr. Marshall Bellin: The Code states that all styles of architecture.

Commissioner Anderson: Yes, but it's not happening and right now unfortunately its being mandated from the top in a position where the Commission is completely left out and developers are crying and really hurting, people won't want to build here and they are afraid to speak because they are going to be told they won't get their stuff approved, that is true. I can't tell you who they are, but it's true.

Commissioner Cabrera: It's happening.

Commissioner Anderson: It's happening and it's just wrong.

Commissioner Cabrera: You know one of the things that I wanted to tell you is, as we move this process forward one of the things that some of our colleagues could say is, well here you are taking a City employee and making that City employee report directly to us, what's next?- are you going to have the Police Chief report directly to us?- are you going to have the Fire Chief report directly to us?-

Commissioner Anderson: It's a good question.

Commissioner Cabrera: Well, I do this all the time that's why I don't sleep two nights before the Commission meeting. The answer is no; the Police Chief and the Fire Chief they are public safety, this is what we want our City to look like; this is part of the vision. The big difference is when something like this occurs, let me play out the game, the City wants a particular look and I say the City and I speak in generic terms, not the Commission but the professional side of the City, wants a particular look to be done that look gets done because that's the wish of the final person that can put it on the agenda. We approve it because we are not architects, or the majority of the Commission approves it, we don't really see this for 6 to 8 to 9 months, because then we see the thing going up, and then we get the phone calls and we get things like, how in the world did you give this project a Mediterranean point?- how in the world did you allow a project like

this to be approved?- you know George Merrick is turning in his grave. It's happened to me in the last 12 years at least a dozen times, and I won't say which buildings, but it's happened, that's the difference, that's what we need to tell our colleagues that it's not about taking the City Attorney, excuse me, City Architect away from the City professional administration, maintain that relationship, that relationship needs to continue to be there because you've got to interact with a bunch of other departments, I mean you really do...

City Architect Mindreau: Building and Zoning...[inaudible]....

Commissioner Cabrera: Yes. So I just want to make sure we....

Commissioner Anderson: Listen actually – my end goal, I don't have an ego on this one, I want the position of the City Architect to be strengthened no matter what, however way it is, and however way it is most rationale and most palatable and honestly the most practical way to do it. Your plan has great merit and probably would be the one that might be more palatable and good that would be fine, I don't have a problem with that at all. I put this out there because that's just my job to do that and then get another point of view.

Ms. Susan Serrell: How can residents help at all...?

Commissioner Anderson: Beautiful question, I'm going to get right to it because I'm an activist from the get-go. The goal is to get it passed; I think what my colleagues – I hope my colleagues get from is that this is a very thoughtful, rationale process, it's not going to upset the applecart, only that it gives power back to the vision and to the Commission to be able to drive that vision. How you can help? I'll tell you how you can help – you can speak to your other elected representatives and tell them what your experience has been, what you've heard. The positions presented today and your positions, whatever, everybody here that came as an outside member who has access to the Commission please tell them that this makes sense. This is not some – this is precipitated by an attitude in City Hall, but in the long run this particular thing had been needed for a long time, this overhaul, this just was the "straw that broke the camel's back", and now it needs to be done. So you can talk to them; talk to them that it makes sense, if that's what you feel, share your experiences and encourage them to listen carefully, to not be swayed at a pre-agenda meeting of any devious devices on our part, OK, because that happens. I've sat in pre-agenda meetings where schemes have been concocted ahead of time to say this is going to happen, this is going to happen, and you shouldn't vote for it, I've sat through those and I'm done, I don't do those. So I know how it works inside. So what I ask you is for our colleagues who I respect, to give that strong consideration to ideas that colleagues bring to them, colleagues, we are not enemies, we are colleagues in the true sense. So the activist in me says please speak to your elected representative whoever is comfortable and tell other people to do it, it's the power of numbers that's going to change things. We didn't have the power of numbers a few months ago, but in small things we can do great things and in this small matter, I think we can make a

big difference, not only for today, but for the future and that's what I ask – speak, talk to your elected representatives, write letters to the Editor, whatever you want to...

Ms. Susan Serrell: [Inaudible – off mic]

Commissioner Anderson: You are right, you are absolutely right, small matter today, I mean it's a piece of the pie, but it's a long range vision.

Ms. Susan Serrell: [Inaudible – off mic]

Commissioner Anderson: That's correct.

Commissioner Cabrera: Susan, I'm going to echo what I my colleague said and I'm going to steal a line from Michael Putney, and that is become informed, become involved and I'm telling her to do it now, become informed, become involved and communicate, communicate with the elected officials, because here's what's happens. When I get an e-mail from a thoughtful resident or business owner or merchant, or property owner, or architect and I know that they know the topic that they are talking to me about, I read it, I reread it and then I engage them. I call them and I say, tell me more about this issue and that's how they appeal to me as their representative, and here's the irony, we are the visionaries, we are two-fifths of the City's vision, and we were hired by you folks to do that, and that's what I think we both are trying very hard to maintain; we are trying to do that. It's about leadership, it's not about being lead, easy to be lead, real easy, it's tough to be a leader.

Commissioner Anderson: Are there any other comments from the public?- anybody wants to say anything before we close?- Oh, please with that and we can put the closing together, we've got places to go.

City Attorney Leen: OK. So, I took a look at the Charter and there are several provisions that are relevant. Section 24 of the Charter relating to the City Manager indicates that the Manager has the power to appoint and remove except as herein provided all persons and employees. So the issue is what does "except as herein" means?- and there are three positions which the Manager does not appoint, the Manager, the Clerk and the Attorney. So if you wanted to do it on a permanent basis it would likely require a Charter change. Now there is one other provision that you should be aware of though, Section 23 of the Charter states that "the Commission by resolution duly adopted may direct or require appointments, suspensions or discharges of City officers or employees by the City Manager". So in a specific case you can order an appointment by resolution, likewise under Section 23, Participation in Commission Meetings, it says, "the City Manager and such other officers of the City as may be designed by vote of the Commission shall be entitled to seats in meetings of the Commission." I would interpret that to mean that if you wanted a particular officer to speak at a meeting or be able to come to speak to you on a weekly basis you could do that, but it would require a majority vote of the Commission.

Commissioner Cabrera: Just a regular majority – 3 votes?

City Attorney Leen: Yes, but as a general matter the City Manager by Charter does have executive authority over all administrative officials, it's only in these specific instances where by resolution the Commission – and it's similar to the power to direct the Manager which you have in another provision as well, but you do have the power to direct an appointment, so you could for example, by resolution appoint a specific City Architect.

Commissioner Cabrera: OK – and we can also – OK, I'm going to give you a hypothetical. Let's say that we are successful in receiving support from our colleagues to do this appointment, OK?- while maintaining the relationship of that person with the professional administration, that would not be modified based upon the Charter?

City Attorney Leen: No, the City Architect would still be under the City Manager although you could have him come to each meeting and report to you and this provision does allow you to direct subordinate officers, but it has to be done in an open Commission meeting by a majority.

Commissioner Cabrera: Right. OK. That's great clarification. Now, I'm taking you through this hypothetical. Now we have this relationship because there was support on the Commission to move forward with this idea, this initiative; now all of a sudden that position is eliminated from the budget.

City Attorney Leen: The position of City Architect.

Commissioner Cabrera: Yes.

Commissioner Anderson: That's a great question.

Commissioner Cabrera: Oh yes, I'm going to throw everything out here, I don't care.

Commissioner Anderson: Cool. Go for it.

Commissioner Cabrera: So the position gets removed from payroll, what actions can the Commission then take?

City Attorney Leen: Well, I have not conducted extensive research on that, but Section 26, and really all of this comes with a caveat, I will do more research in preparation of the next meeting.

Commissioner Cabrera: I know that, I know that, I don't mean to put you on the spot.

City Attorney Leen: But Section 26, Authority of Commission Over Departments – there are two different provisions in here; one gives the Manager authority to establish departments, department heads, to have control over department heads, there is a provision that allows the Commission by ordinance to basically control departments, combine two or more departments,

discontinue a department, let's see, aid any department. So you could create a department and have a head of it and direct the appointment of someone to that position, but all this has to be done in conjunction with the budget as well, which of course the Commission has final authority over, so if there is no position in the budget that would require action.

Commissioner Anderson: That's the part that concerns me because I've seen over the last three years I've seen the chart change, and some of them are good moves as far as from an organizational standpoint, but what I hate to see is the City Architect position be removed for political reasons or retribution, which I know could happen. Gee! How could we hold that position without taking it off of that so that it would not be an eliminated position?- how could we prevent that?

City Attorney Leen: Ultimately, the Commission has final authority over the budget as well. You would amend the budget and put the position back in if a majority of you wanted to do that.

Commissioner Anderson: So much of what we do, so much of what happens we don't see. I'd like to figure out a way, the scenario that you describe, the plan that Commissioner Cabrera talked about versus an appointed position versus that versus one with the dotted line relationship. My concern is that his position not be eliminated and we not know about it, because you can do a lot of things, it's very creative this whole budget process. There is monies everywhere and you never know if it's going to be used for something else or how it's going to be done. I just want to make sure that, that position is not eliminated serendipitously or with retribution because I worry. What are some of the options that we have so that doesn't happen?- because yes, the budget process, well I don't know, I wasn't there at the first Budget Hearing because of retribution, so I'll leave that one alone. I just don't want things to cause havoc on a position that is so important to the City and that position be eliminated, goodbye, on a whim...

City Attorney Leen: I understand Commissioner.

Commissioner Anderson:...that's just vital.

City Attorney Leen: I understand your question. The ultimate authority is the Commission, so what you could do is that at a Commission meeting, if a majority of the Commission supported it, you could either direct that position not be removed without you being informed, or you could periodically ask for an update, but it would require any direction to the Manager would require a majority vote.

Commissioner Anderson: OK.

City Attorney Leen: You could also inquire individually, according to our Charter, you are allowed to inquire and I mentioned this at a prior meeting, with department heads, with members of the administrative service, but you can't direct them in any way, but you can inquire and ask

questions and they should generally respond; and so you could always ask whether that position is being removed, if you wanted to.

Commissioner Anderson: OK. Alright.

Commissioner Cabrera: Does anybody wish to say anything else?

Commissioner Anderson: Anybody else wants to say anything else?

Commissioner Cabrera: Let me get you a mike because we are recording this Venny.

Mr. Venny Torre: Hopefully we are coming out of the economic doldrums of the last 4-5 years, and there is going to be a new renaissance, a new movement to put a lot of buildings up hopefully in the next few years, hopefully if all goes well, this is important. The new Spanish Village has a lot coming up, south side of Miracle Mile the parcel is ready to go, two garages are going to come up possibly in the next few years, but this is an important issue and we've got to get it right.

Commissioner Cabrera: That's why we are doing this. I think this is, to the best of my knowledge, this is the first time that two elected officials have had a Sunshine meeting, I could be wrong, you know the City's been around for many, many, many years, but I think that this is the first time that this has happened, and incidentally, it's something that's done in other municipalities. In Miami-Dade County where the City Attorney came from this is a commonplace meeting between two elected officials, so this is not something that is unusual, but I think Mrs. Anderson...

Mr. Venny Torre: [Inaudible – off mic]

Commissioner Cabrera: We've got to make it better, yes, we've got to make it better, I'm going to try to be positive. Good. Thank you for being here. Now go fix that roof.

Commissioner Anderson: Thank you. Anybody else from the invited Board of Architects which to speak?

Mr. Nelson de Leon: [Inaudible – off mic]

Commissioner Cabrera: This is Nelson de Leon.

Mr. Nelson de Leon: You know, I think one thing that's missing is the whole process of the review lacks a certain amount of decorum by the fact that we are sitting off to the side in little folded plastic tables when we are in such a beautiful room with the dais up here would lend itself to the process of this entire discussion of the City what it is and ensuring that it maintains its integrity as it develops throughout its history.