

City of Coral Gables City Commission Meeting
Agenda Item D-3
June 11, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Amos Rojas, Jr.

City Clerk, Billy Urquia

Public Speaker(s)

Jackson Rip Holmes

Maria Cruz

Robert Ruano

Jessica Keller

Agenda Item D-3 [9:50 a.m.]

A Resolution of the City Commission appointing Javier Banos (Nominated by Commissioner Fernandez) to serve as a member of the Historic Preservation Board, for the remainder of the current term, which began on June 1, 2023, and continues through May 31, 2025.

City Clerk Urquia: So, agenda item D-3.

Mayor Lago: As the sponsor of the item would you like to.

Commissioner Fernandez: Sure. Mr. Banos is actually happy serving on the Board of Adjustment where he was serving, where I had appointed him to. His name actually came up as a recommendation by my prior appointee to this board, Mr. Brett Gillis, who has moved out of Coral

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Gables and could no longer serve, because of the residency requirement and he recommended Mr. Banos. Additionally, Ms. Karelia Carbonell of the Historic Preservation Association spoke very highly of Mr. Banos qualifications to sit on this board. As far as I know, right now the only vacancy on the board can be served by any resident of the City of Coral Gables. There is no specific requirement. There are requirements that we have architects, attorneys and different requirements, all those are satisfied at the moment. Mr. Banos is an attorney, so he would qualify additionally under that category, and for that reason I'm bringing his name up.

Vice Mayor Anderson: I do have a question for you. The other thing that Mr., I think his last name is Fernandez, brought up was the fact that he is the author of the Gables Insider and a political influence that way. Do you have any comments on that?

Commissioner Fernandez: I don't think there is any influence by any publication in the city. We have many, Coral Gables Magazine, Gables Insider. I was your appointee as Gables Insider's editor, and I served on the School Community Relations Committee, and it never affected any of the writing that I did on Gables Insider. I trust Mr. Banos judgement when it comes to this. He has never taken advantage of his position on the Board of Adjustment for Gables Insider either, which is another quasi-judicial board in the city. I don't see this as an issue.

Vice Mayor Anderson: But we need to respond to the residents.

Commissioner Fernandez: Agreed. And I appreciate Mr. Fernandez bringing up the concern. I know I've heard the rumblings in the community about this appointment, but I think he is a qualified individual who can serve this city in this capacity. It is an extremely important board in our city, as is the Planning and Zoning Board, as is the Board of Adjustment, and all of the boards that advise this Commission. They all serve an integral part in this city and again, he was happy serving on the Board of Adjustment. I asked him to move over because I thought if this is the recommendation from my current appointee and the folks in Historic Preservation believe that he would be a fair judge on this board. Have no problem moving him forward.

Vice Mayor Anderson: Just want to make sure we address these issues. Other residents or say the concerns when I recommended Alvarez, I also consulted with other individuals who have been serving on the boards, because I'm not an architect, although I appreciate good architecture and it is a very powerful board. In fact, it's probably more powerful than any other board in this city, because they can do things with the zoning on properties that the Planning and Zoning Board can't even do, as far as giving rights on zoning.

Commissioner Menendez: I just have a question for the City Attorney. I know when items from the Historic Preservation Board come to us, usually on appeal, we sit as a quasi-judicial body, right.

City Attorney Suarez: Correct.

Commissioner Menendez: But the Historic Preservation Board do they sit also as quasi-judicial?

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City Attorney Suarez: That is correct. The hearings before them are quasi-judicial hearings.

Commissioner Menendez: So, I guess the same rule would apply not to make comments publicly regarding items that are coming before you.

City Attorney Suarez: So, when a member sitting in a quasi-judicial capacity, they should remain free from bias. You have to make that determination in each and every single case as you all whenever you are considering a quasi-judicial matter, and they should avoid ex-parte communications regarding the matter that's coming before them.

Commissioner Menendez: Based on that I'm confident that Mr. Banos as an attorney understands that the rules that apply to us apply to every board member, so if the board members and we comply, I'm sure that he understands that he will too. So, since it's quasi-judicial it would be easier to follow and monitor, so I'm comfortable with it.

Mayor Lago: Anything else. Well, I'd like to add my few comments to the issue. I want to address an important agenda item concerning the appointment of Mr. Banos to any board in the city. I have significant concerns about his appointment, and I believe it's crucial to discuss this openly. I've received two emails and multiple, multiple phone calls from residents who were nervous about sending an email which would be a public record due to retaliation. I know that these residents who called me also made it very clear that they had spoken to some other colleagues of ours on the Commission in regard to the fact that they were very nervous about retaliation on Gables Insider. First off, I think it's a lack of relevant experience. First and foremost, Mr. Banos, while being an attorney, does not possess the relevant experience required for this board's position. The gentleman you had before had extensive background in regard to historic preservation. More effective when filled with individuals who have the necessary expertise and background in this field. Unfortunately, Mr. Banos does not meet these criteria. Political bias is one of the biggest issues that we're facing in today's day and age. Secondly, Mr. Banos has a clear political agenda. This raises serious concerns about his capacity to remain impartial during board discussions and decisions. It is vital that our board members approach their roles without political bias, ensuring fair and balanced outcomes that serve the best interests of our community. Let me give you an example. In an article that was written yesterday about a supposed incident that occurred here in City Hall. Mr. Banos and Gables Insider fails to relevantly mention in his article, and it is pointed out by multiple, multiple, multiple residents and individuals who made comments that he failed to mention that the Assistant City Manager was also in that meeting. Again, it's the continued narrative and inuendo that is disturbing and the leaving out of pertinent information which can help make up people's minds. Very combative behavior on the third issue that's very important. Mr. Banos previous tenure on the city's Pension Board was marked by combative behavior. His interactions with fellow board members were so contentious that his colleagues were willing to resign if he remained. This kind of disruptive behavior is detrimental to the collaborative environment we strive to maintain on our boards. He has a conflict of interest, in my opinion, furthermore, Mr. Banos is the editor of the Gables Insider, a community blog that often publishes one sided pieces filled with unfounded allegations and misinformation, basically covering himself by basically saying this is a rumor, this is what I heard, but there's actually no facts. This role presents a significant conflict of interest. Can we trust Mr. Banos to make impartial decisions on

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matters that could have a substantial financial impact on a property owner's rights. His position with the Gables Insider cast doubts on his ability to be an unbiased board member. Censorship concerns. Lastly, there are concerns about censorship on the Gables Insider blog. Multiple residents have spoken to me that the comments that do not align with the blog's agenda are often moderated or censored. Many individuals have called me and told me that that's their personal experience in regard to the blog. This raises questions about Mr. Banos' commitment to open and transparent dialog, which is essential for effective board functioning. Conclusion. In conclusion, by appointing Mr. Banos to this board would be a mistake for the reasons I have outlined. His lack of relevant experience, evident political bias, history of combative behavior, and conflict of interest as the editor of the Coral Gables Insider and concerns about censorship. I urge my fellow Commissioners to consider these points carefully before making a decision. Simply in closing, there are many opportunities I thought Brett did a great job, while we did not align on every single issue, I think that he did a good job because he was a person who had a skillset and knowledge of historic preservation and was immersed in that for decades. So, my opinion is that I think that we should be very thoughtful and very, very careful. I would give you an example, the Vice Mayor had an appointment to the Disability Advisory Board who was not appointed even though she had extensive experience and was disabled. That person was denied entrance by fellow members of my colleagues on this Commission and the individual finally was approved after she came here and had to walk up and speak and give her take in regard to her experience. So, my only concern is at the end of the day, this is a very important board and I think that we need to be very thoughtful and careful in regard to the appointment. Thank you very much.

Commissioner Fernandez: I appreciate your comments. I think the point you brought up could be applied to many board members who have been appointed to other boards by yourself, even legal issues. I stand by my appointment, and I move to appoint Javier Banos to the Historic Preservation Board.

Commissioner Castro: I'll second that.

City Clerk Urquia: Mr. Mayor, I have members of the public requesting to speak on the item. First speaker is Mr. Jackson Rip Holmes.

Mayor Lago: Mr. Holmes, welcome.

Mr. Holmes: Thank you for squeezing me in. I disagree with your take on the situation. We have a democracy problem in Coral Gables. Mr. Banos, Gables Insider, is trying to restore democracy and there's nothing improper about that. Thank you.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Mrs. Maria Cruz.

Mrs. Cruz: Good morning again. Maria Cruz. I thought today was going to be a wonderful day because the Lord blessed us with rain this morning and I was very happy to watch the awards and the stuff that happened before now that was not politically inclined, but I have no choice to stand

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up and question why we are allowing politics to interfere when we've had Commissioners remove members of boards and bring other choices to the board and this Commission has been very agreeable to going along with the choice of the appointer to the board. That's number one. Number two, attacking a publication seems to be a little hypocritical because we send flyers, we attack people, we used to put ads in magazines they attack people, and we didn't have any problems doing that. And the third one is, in case you all didn't remember, not everybody who sits or does anything for historic preservation has been so dedicated to the historic preservation in the city as Javier Banos has, because he does live in a historic house. He has gone through the city to make sure that everything that happens in that house is by historically approved procedures and I think we have really gone down to the cesspool today by making this appointment a political appointment. Javier Banos deserves to be on this board. Javier Banos knows about historical preservation, and he puts his money where his mouth is, because he does live in a historic property, and he does preserve that house as a jewel. Thank you.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Robert Ruano.

Mayor Lago: Mr. Ruano.

Mr. Ruano: Yes, can you hear me?

Mayor Lago: Yes sir.

Mr. Ruano: Good morning. I wasn't going to speak on this subject and obviously I'm in my car, I wasn't planning to be there, but I just did want to mention something that I heard. I don't know Mr. Banos, I've never met him, I read his publication from time to time, but let's be honest, it's a blog, it's not journalism. With all due respect to Mr. Fernandez, to Ariel Fernandez, it's been a blog, it hasn't been strict journalism. I kind of upset that the Mayor makes it about himself and about him being on there, because when Mr. Fernandez as he even said, when Ariel Fernandez was on other boards and very aligned with the Mayor, even working on his campaign, nobody had an issue with it and the Mayor certainly didn't have an issue, the Vice Mayor at the time. So, just let it go. If Brett Gillis and Ms. Carbonell were saying that this is a good choice and the gentleman lives in a historic home, I trust them, and so I would say support this and let's not make it about personal politics. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Next speaker is Jessica Keller.

Ms. Keller: Good morning again. This is very short. I agree with a lot of the things that the Mayor said and I would suggest that if we move down a path of limiting the appointments to the boards, we should apply the same logic to all of the boards. We can make an argument about each board about the qualifications of the board appointments. Thank you.

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City Clerk Urquia: That's it Mr. Mayor.

Commissioner Menendez: Mayor, if I may really quick. As long as I've been a member of the City Commission and I recall even before I was a member of the City Commission, there've always been times where a member of the Commission makes an appointment and sometimes it's just a mundane appointment and there's no discussion, there's no debate, and there are other times where we have a room full of people, a divided room of residents, some for and some against. And those are always difficult decisions because you hear the voices of the residents, the concerns, about the same time you balance what you're hearing. But this Commission, as far as I can recall and what I've always tried to do is defer to the member of the Commission making the appointment. It's their appointment and I think we go down a slippery slope if we start challenging our colleagues on their personal appointments. So, we had a matter, I don't know, seven months ago, six months ago, regarding Planning and Zoning Board. It was a little bit chaotic, and I was a swing vote for that member to be added to the Planning and Zoning Board and it was a divided room, and I did so because I believe it's the proper policy to respect each other's appointments. We can debate, we can discuss, and we can disagree, but at the end of the day, it's my appointment, the Mayor's appointment, the Vice Mayor, and on down. So that's my position on how I approach these things.

Mayor Lago: Thank you. You have a motion and a second.

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Mayor Lago: No

(Vote: 4-1)