

City of Coral Gables City Commission Meeting
Agenda Item F-1
September 28, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

Assistant City Attorney, Gustavo Ceballos

City Clerk, Billy Urquia

Public Speaker(s)

Geannina Burgos

Adler Guerrier

Agenda Item F-1 [10:54 a.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 9, "Art In Public Spaces", Section 9-106 to redefine "Extraordinary Maintenance".

(Sponsored by Commissioner Anderson)

(Sponsored by Mayor Lago)

Mayor Lago: I want to try to move through a few items before we take the 11 am. We have F-1. Madam City Attorney, are there any changes on second reading?

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City Attorney Ramos: I think F-1 is the 11 am.

Mayor Lago: Okay, there you go. You're right, thank you. Excuse me. Are there any changes on second reading?

City Attorney Ramos: There -- I don't believe there's any changes. Mr. Ceballos can come up, but we may want to wait till 11. I don't know if the public is wanting...

Vice Mayor Mena: No, no wait until 11.

Commissioner Fors: Yeah. I think somebody from the...

City Attorney Ramos: To deal with it.

Commissioner Fors: Cultural Affairs Board...

Mayor Lago: Alrighty.

Commissioner Fors: Was going to come...

(COMMENTS MADE OFF THE RECORD)

Commissioner Fors: Deliver a statement.

Vice Mayor Mena: No, they're here.

Mayor Lago: Perfect, okay. But we can wait the five minutes if they want.

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: Look at this. We had a great (INAUDIBLE).

Assistant City Attorney Ceballos: Good morning, Mr. Mayor, Vice Mayor, Commissioners. Assistant Attorney Gus Ceballos. So, currently what's presented in your packets, there are no changes to the language. But I do have a quick little recap. I met with the Cultural and Arts Advisory Boards. I believe they have two of their members here. They were going to speak on behalf. They did bring up a couple of concerns. I'll go ahead and run through them real quick. One is there's a concern that it may be a possible misuse of these funds. And because of that, that the additional maintenance that's brought on by this change may drain the funds.

Mayor Lago: Okay.

Assistant City Attorney Ceballos: Additionally, they had a question or concern about what is public art? It's in the current definition. So, one of their proposals was either one of two things. We can either define historic public art or simply remove it. Staff had indicated at the board meetings that they believe that's just an old term that is no longer defined and no longer used, so I believe striking it may be an option. I don't think it's going to have any sort of adverse impact, but some of the board members may have some suggestions on maybe changing the definition or creating a new definition. Additionally, their one comment into the language is they wanted to keep the language to sound condition, which originally was removed. I guess they wanted to limit what level of maintenance and to make sure that whatever maintenance is done is done to at least some sort of level. Additionally, one of the other recommendations that they had made was maybe the idea or the creation of a maintenance fund in the Code section, so that it wouldn't come from the art acquisition fund but create an entire Code section specifically for maintenance. That is a quick little recap of all the comments that the boards have. I will go ahead and turn it over to the board members.

City Attorney Ramos: And Mayor, while they walk up, I neglected to read the ordinance into the record. An ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 9, "Art In Public Spaces", Section 9-106 to redefine "Extraordinary Maintenance".

Mayor Lago: Thank you. Good morning. How are you?

Geannina Burgos: Good morning. Good morning. Mayor, Vice Mayor, Commissioners, my name is Nina Burgos, and I am the Vice Chair of the Cultural Development Board here at the City of Coral Gables. And I've been appointed by the board to speak on the board's behalf. Okay, last week we met with the members of the Arts Advisory Panel and Mr. Ceballos, who reviewed the ordinance amendment and summarized the concerns of the panel and the board. To reiterate our position, the panel and the board discussed the use of the term "historical landmarks" in the whereas clause and the reference to the term "historic public art" in the ordinance overall. With the background reference to historic landmarks were concerned that this amendment creates a much broader interpretation of how public art funds could be used. And we have serious worries about the potential of the funds being depleted. We discussed how the word, or the term "historic public art" may be defined, and if it is needed at all since public art is already defined and covers artwork whether it's historic or not. At the same time, the reference to historic landmarks and what extraordinary maintenance may cover we feel needs further consideration for how better we can define these terms. Mr. Guerrier with the Arts Advisory Panel will explain in greater detail the importance of keeping the phrase to sound condition within the definition, which we all agreed with. We understand that the intent of this amendment is to allow greater access to the art fund to cover truly extraordinary maintenance and feel that as presented, it goes beyond this intent. Please know that the panel board members -- and board members rather support use of the funds to cover extraordinary maintenance. We also discussed having a separate fund created for maintenance or extraordinary maintenance with a percentage or a cap of how much the fund could be used for maintenance and restoration. We would also like to see a process put in place that clearly delegates how the fund is accessed for recommendation to the Commission. Mr. Guerrier.

Adler Guerrier: Hi. Hello. To expand on this point that we talked about, the new ordinance in essence is defining extraordinary maintenance or wants to expand the definition of extraordinary maintenance toward its use, but it's not necessarily defined in conjunction with the Art Fund, so that's our concern. So, from the standpoint of the Art Panel and the Cultural Board, we're concerned how the definition in essence doesn't limit the scope of extraordinary maintenance, so which is why one of the edits requested language to bound -- I mean, to not scratch out the term to sound condition that's already existing in maintenance. It's key. Right now, maintenance is defined as just polishing and cleaning, whereas extraordinary maintenance is already defined connected to this notion of sound condition, which is substantial to whatever art object or landmark or artwork that we're concerned, so that already is already a very key definition that we shouldn't loosen. The next part have to do with the term "historical public art." And as was mentioned already, it's a term that is very loose now. It doesn't really designate any specific object. It may designate all of City Hall, or it may only may designate the paintings in City Hall. So, is it in the definition or some kind of sunseting in order to proceed so that extraordinary maintenance can focus on the actual objects that we care about here? The next degree has to do with the scope and the fact that there's no limit to how this fund wants to be used. As this fund wants to be, I guess, wants to use the Art Fund as a source, we propose to mirror the County ordinance that has language about how maintenance for public art, there must be a fund -- I mean, a percentage of all art commission, part of that there's a fund that envisioned maintenance. That could be a model that can be implemented here. So, in essence, if the Art Fund as a whole is for the commissioning of public art, so maybe a percentage of such -- of the Art Fund as a whole can aim at maintenance. That will need to be defined, of course. There was one more point that sort of I got lost here in my notes, but I think that covers most of it. Thank you.

Mayor Lago: Thank you for being here. I appreciate it. So, quick question to my co-sponsor of this event, do you recommend we consider some of these requests and refinements to the legislation and possibly come back with this.

Commissioner Anderson: Well, yeah, and I do have some questions for the City Attorney. I mean, do we have a different definition of historic public art that's broader than public art that would encompass this building, for instance, as being historic public art?

Assistant City Attorney Ceballos: Currently, there's no definition for historic public art. It's just in that particular section for extraordinary maintenance and references it, but it is found nowhere else in the Code. When it was brought up at the board meetings, we asked staff and staff opined that it originally existed at some point in the past, but it does not...

Commissioner Anderson: So, it has no meaning at this point?

Assistant City Attorney Ceballos: As of right now, no, it has no meaning. Anything that would be public art is public art regardless of whether its historic or not historic.

Mayor Lago: Yeah, but Commissioner, my point was -- maybe I wasn't clear enough. What I'd like to see is I'd like to see the board members provide us with a memo of their considerations, and then we can refine the legislation, consider some of those points and come back and bring at the next Commission meeting. So, I think...

Commissioner Anderson: Right.

Mayor Lago: That would be the appropriate thing to do if you would be so kind.

Commissioner Anderson: And just so I understand it, some of the purpose of this is just so that we make better choices...

Mayor Lago: Yes.

Commissioner Anderson: In the art that we choose and include maintenance provisions with the artists, so that if it disintegrates within a short period of time or within a limited period of time, the burden is the artist who chose the improper paint, or the improper materials, or it was poorly put together so that we're not burdened and that...

Mayor Lago: Not only that...

Commissioner Anderson: The residents aren't burdened.

Mayor Lago: And not only that, we also need to hold developers accountable. We need to hold developers accountable who continue to own properties and they purchase certain artworks that, again, do not come with real maintenance guidelines. And we need to hold these developers and these entities accountable saying if it's requiring you every six months to do the following, you should do it every six months or every year or every two years. Of course, the color has faded, of course, it's in poor shape because it wasn't designated to be getting direct sun. Again, I'm making these up as I go along, but there's -- we have to be more thoughtful and be very significantly more careful, especially as we start receiving significantly important works of art in the public sphere.

Ms. Burgos: Sure, absolutely. I think that the panel and the board agree with those positions. What our concern is that if the Art Acquisition Fund or the Art in Public Places Fund rather is depleted for other things that aren't specific to this art thing, we run the risk of either not being able to maintain that world class out there that's coming here to the City or therefore not being able to get the art that we want here.

Mayor Lago: So, let's include that in a memo, and I want to make sure that we highlight that as an important concern.

Ms. Burgos: Sure.

Mayor Lago: And then if you could send us a memo in the next week or so before the next Commission meeting, we'll be able to include it in the legislation, and we'll have you back. Is that okay?

Vice Mayor Mena: Yeah, I think we also need clarity from Gus and your office, you know, kind of working in tandem. In other words, what are the actual changes that need to be made to the document to reflect its intended purpose, which I think we all agree is for actual public art. As much as I love beautiful historic City Hall...

Mayor Lago: Yep.

Vice Mayor Mena: It's not a piece of public art. It's a historic building.

Mayor Lago: Yes.

Vice Mayor Mena: So, I appreciate the concern because it's fair. It needs to be public art. And what -- how should we revise the ordinance itself to make sure that's as clear as possible.

Commissioner Fors: And I do think...

Mayor Lago: Well...

Commissioner Fors: Oh, sorry. I do think that whereas paragraph does have very subtle leaps of logic in terms of jumping from art to historic landmarks. And I think we're all on the same page, and I think we are -- personally, I'm behind Commissioner Anderson's idea, proposal here, but I think it's just a matter of tweaking the language to ensure that -- and I also like the idea -- I know this will all be considered on the next time up. I like the idea of Commission approval of using the funds for extraordinary maintenance...

Mayor Lago: Yes.

Commissioner Fors: Since as defined currently -- and I'm sure that'll change a little bit -- this won't be routine, so if we need to dip into those funds for something, it's something that maybe we should look at the Commission approving.

Commissioner Anderson: Excellent idea. I mean, and we have some arcane language in there that's not even applicable anymore, so I'm glad you all took a look at it. So, thank you.

Mayor Lago: So...

Ms. Burgos: Thank you.

Mayor Lago: Before we move on, I wanted to recognize Adler. Besides being a very good friend, just so everyone on this Commission and everyone who's watching understands the caliber of individual that we have before us. He is a world class artist. I saw his work at the Whitney Biennial, which is -- if you don't know what the Whitney Biennial is, I recommend that you look it up. It happens every two years and it recognizes the best of the best, not only locally, but throughout the world, and it happens in New York at the Whitney Museum. He is a treasure that we're blessed to have in our own backyard, a resident. I don't own a work of his, my brother does. We've been talking about hopefully in the near future acquiring a work of his, but he is an incredible artist who we're very proud to have here in our backyard. So, I just wanted to make sure I took that moment. I know he's a very humble, very humble educated individual. He doesn't like to be the limelight, but he is -- you know, I've known him for many, many years, at least a decade or two, and he's always been a gentleman, so thank you for your involvement in the City, both of you. Thank you both.

Ms. Burgos: Thank you.

City Attorney Ramos: Mayor, if we defer to the date certain of October 12th, the Clerk will not have to republish for second reading.

Mayor Lago: That's fine.

Assistant City Attorney Ceballos: One comment. The reason why I walked over and spoke to staff is the boards will not meet until just after the October 12th meeting.

Mayor Lago: Do it the 28th.

Commissioner Anderson: Do it the 28th.

City Attorney Ramos: Okay, so defer to October 28th.

Mayor Lago: Perfectly fine. Okay, moving on to item...

Ms. Burgos: Thank you.

Mr. Guerrier: Thank you.

Mayor Lago: Thank you for both of you taking the time. I appreciate it.

Commissioner Fors: Item F-3, Commissioner Menendez's item.

Commissioner Menendez: Yes, thank you.

City Attorney Ramos: I'm sorry, October 26th.

Mayor Lago: 26th, excuse me.

Commissioner Anderson: 26.

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