

City of Coral Gables City Commission Meeting
Agenda Item F-2
November 12, 2024
Police and Fire Headquarters
2151 Salzedo Street, Coral Gables, FL 33134

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)

Tom Prescott (On Video)
Maria Cruz
Sonia Viertl
Barbara Reese
Dr. Elizabeth Rader
Karelia Carbonell

Agenda Item F-2 [12:11 a.m.]

Update and possible action regarding alterations of the Biltmore Hotel
(Sponsored by Commissioner Fernandez)

Mayor Lago: Thank you, sir. Alright. We are going to move onto item 2-1, time certain 11 o'clock.

Commissioner Fernandez: No. I make a motion to pull F-2.

Mayor Lago: Pulling F-2.

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Commissioner Menendez: Second.

City Clerk Urquia: Can we state what agenda item F-2 is for those who are here.

Commissioner Fernandez: F-2 is update on possible action regarding alterations at the Biltmore Hotel.

City Clerk Urquia: So, we are deferring the Biltmore Hotel item.

Commissioner Fernandez: No. We're going to pull it up now. I'm making a motion to call it up now.

City Clerk Urquia: Okay. I'm sorry.

Mayor Lago: Will you do me a favor. Will you tell the Commissioner what you requested from me. What was he requesting?

City Clerk Urquia: To take up the 11 a.m. time certain.

Mayor Lago: Okay.

Commissioner Fernandez: We have people in the room that's been waiting for the 10 a.m. time certain that has been noticed.

Commissioner Menendez: So, I'll second Commissioner Fernandez motion.

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: No

Mayor Lago: No

(Vote: 3-2)

Mayor Lago: As I've mentioned before, as we hear this item, you will not have, again, you will not have anyone from the Biltmore who could be here at 4 o'clock to hear this item. I mentioned it multiple times to our City Clerk over the last few days so that we could get it prepared for this meeting, and I've asked through the Clerk, so we could make sure we have an accommodation for the Biltmore so they could be here front and center to answer to the questions. Let me be clear for the blogs when they write this, I oppose doing anything in the Biltmore without a permit and it was not reviewed by Historic Preservation. It is, in my opinion, something that it's our jewel, it's

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our gem, we should not touch the Biltmore without having met with the City Manager, and without having met with our Historic Preservation office. We need to be extremely careful with this building, that at the end of the day, it symbolizes who we are as a city. Thank you very much.

Commissioner Fernandez: So, I had initially called for a special Commission meeting last week to address this item. The City Manager and staff had said they would not have time to be prepared for it. I had a meeting with Mr. Prescott and following that meeting, I spoke to the Manager, the City Attorney and the City Clerk, and I decided to cancel the special Commission meeting that had already been scheduled, with the condition that we have a 10 a.m. time certain for this item. The 10 a.m. time certain was granted and it was also published on the two agendas that we publish. We publish on Tuesdays and on Thursdays, and it was noticed for 10 a.m. on both those days. The minute that I got the confirmation that we had a 10 a.m. time certain, I called Mr. Prescott and informed him that we had a 10 a.m. time certain to discuss this item. So, the entire request to change the time certain to 4 p.m. didn't come until yesterday, the day before the meeting at the last minute when you, the residents already had intended to be here for a 10 a.m. time certain to discuss this item. That is why I objected to moving the time certain to 4 p.m., and I have asked my colleagues, and I appreciate Commissioners Menendez and Castro for agreeing to move this item up so that we can have a discussion. I think the Biltmore Hotel is what residents and people throughout the world think of when they think of the City of Coral Gables. It is a gem and thanks to Mayor Thomson, who was here earlier and two of her colleagues on that Commission back in the 1980's, the Commission decided to save the Biltmore Hotel, which was going to be demolished, and a lot of work went into the restoration of the Biltmore Hotel to bring it to what it has been. A gem in our community, a place where people go for gatherings, families come out to enjoy the amenities at the Biltmore Hotel. It's a place that we as a city celebrate our 4th of July. This is our central gathering place in the City of Coral Gables. And the Mayor likes to talk about the blogs, but had it not been for Gables Insider, I would not have found out that this had taken place. The Manager, the City Attorney, Commissioner Menendez, the Police Chief and I had all been at the Biltmore Hotel probably a week and-a-half before, for a Police Chief's dinner, and no work had been done. There was no mention of any work coming, and the operators are very quick to say, look, this is what we are going to do with fairways, and I want you to see the plans, and this is what's going forward. There was no conversation. For me, seeing those pictures was a shock and that's why I used that word, because it completely defaces the lower lobby of the hotel, and as I told Mr. Prescott that day, you have destroyed our historical gem. That's the way that I see it. On Friday of that week, the Manager had scheduled a walk-through, the Mayor went as well, it was even more concerning, because as we're walking through and thankfully the Manager insisted, the Mayor did not want us to go to other rooms in the hotel, the Manager insisted on trying to see as many rooms as possible and thank you for that. We stumbled unto illegal painting that was taking place in one of the rooms, next to the Danielson Gallery. That wasn't enough, there was a locked doorway that we were trying to get into, and it took a while to get the key, when they got

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the key, they built a Speak Easy in one of the rooms upstairs. Completely illegally, without the city knowing about it. We then find a staircase that has a code lock, and of course couldn't find the code, so I asked the maintenance gentleman to find a bolt cutter and immediately they had the code to open it. Well, we go upstairs, and I have never seen Kara Kautz upset. I have never seen her upset and she was livid. The amount of work that has been done up there, you know there's a fire pit, there's plumbing work, there is electrical work, there is no second egress, so it's a space that cannot legally be used, but a ton of money was spent in there. The most upsetting thing to me is, the operator is always telling us, we don't have money, we need to charge for parking so that we can have enough money to do things, but there has been hundreds of thousands, if not millions of dollars that have gone into this building on illegal work, and you know, the problem that I have is, we are a city that for too long our own residents have believed we hide things and that was the message that I got from residents last year during the campaign. The reason that I put out this statement is because of the number of calls and emails that I started receiving from residents when they saw those pictures, following the Miami-Herald article, CBS-4 who went out. We have to live in the community that we represent. We have to be sure that our residents understand that we are not sweeping things under the rug, that we are taking action, that we are standing up for their interests. The Biltmore Hotel, although, I've heard many places that other people own it. No, it's owned by the residents of this city and this city. This is your asset. We're here as the governing board of this city, the Manager sits as our CEO, as Mr. Iglesias always said, to guide our city in the right direction. The issue here goes beyond historic. It goes into process. We have a very clear contract with the operator, which says, any, that's very clear, any alterations must be approved by the City of Coral Gables. The lobby, the work that was being done in that painted room, the work that was done in the Speak Easy, the work that was done up in the tower, and then we're being told, well, that's never been used and as Ms. Kautz said, she saw people up there the night before. So, I have a concern that is shared by many residents. We're in a position right now where this is not the first time, and I fully support the Manager's decision to send a letter of default, even though some are saying that I was behind the letter of default. I was informed after Mr. Prescott informed me, because he was called by a member of this Commission to let him know, and I fully support it. This was the third strike. The first one they started charging for parking without being allowed to do it. The second time, fairways, beautiful work that was done, the golf club, beautiful work that was done. I mean you walk in there and it's a five-star resort. However, there was permitting done, there was planning that was done, and then whatever they wanted to do was actually done inside. When we came in for the inspections, tons of things had been changed without going through the process. This is about process. It's about ensuring that our asset is protected, and many residents have told me, what assurances do we have that it's not going to happen again. And that's what I told Mr. Prescott when I spoke to him, and again last night. I told him, I have assurances that you are going to preserve our historic Biltmore Hotel. What's it going to take. Are we going to have to have a Code Enforcement officer permanently parked at the hotel, because there was work being done outside. By the way, the illegal work we stumbled into, there was a red notice

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which said they couldn't be doing any work, but they believe that painting is okay. It's not okay. It's not okay. It is our asset. If any of you own commercial real estate, you own commercial real estate, Mr. Mayor, if your tenant decides to do their own buildout inside when your contract says they have to be approved by you, you would have an issue with that, we all would. If you rent out a house to somebody and they tear down walls or change the historic nature of the house, you would all have issues with that. I have issues with what has taken place at the Biltmore Hotel, and that's why I asked for this item to be placed on the agenda. I want to hear from staff on what steps have been taken. I know that there are additional checks that have to be done. We were not able to go to the 13th floor because there was somebody staying there and I believe they are still staying there until later this week or next week. There are also concerns about other floors, even the terrace, the beautiful tile that we had on the terrace has literally been spray painted over with green spray paint. We're talking about tons of money just to restore what the Biltmore was, and there was really no reason for it. It was kind of a ha ha moment, you know we'll take care of it, we'll hire whatever conservative the city wants to bring it back, but we need to be able to trust our city's operators to operate our facilities and to preserve what is there. So, Mr. Manager.

City Manager Rojas: Commissioner, the city was made aware that there were certain alterations made at the Biltmore Hotel. City staff investigated it and determined that prior approval, based on our lease had not been provided. And these alterations that were made were done without a permit. So obviously, we stopped the work; Code Enforcement issued a violation, red tag the work so that they would not continue, and I spoke to the City Attorney and we both determined that it would be appropriate to issue them the letter so that we could reserve our authority over the issues that may develop down the road. And then staff has been working as diligently as they can trying to figure out where we're at with the Biltmore. There are areas that we have not gone inside. I've asked staff to do a top to bottom review of everything that was done and make sure that all the issues are addressed as per our lease, and as per our code. That's where we're at today.

Commissioner Fernandez: The walk-through there were certain questions that were asked by Mr. Prescott and I think our staff, Doug from Development Services, Anna Pernas from Historic Preservation, everybody is willing to work with the operator of the Biltmore, because the concern was, well you know, it's going to take forever to get approvals, but I think what you stated and what Doug and Anna stated is, we can work with them in finding a solution to ensure that it doesn't take two or three weeks to get a permit approved for something that's urgent that needs to be done, but they still have to follow the process that every resident has to follow if they are doing work in their homes.

City Manager Rojas: Without an application we can't do anything. So, they need to follow the process. We will go back and doublecheck, make sure that everything is done appropriately, similar to what we had to do with the restaurant, but we are working on some items to have discussions with the Biltmore Management, so that we can move forward.

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Commissioner Castro: Through the Mayor. I've spoken with Mr. Prescott several times last week. He takes responsibility for everything he's done. He is more than willing to work with the city to do what is the process. He did send me a video yesterday that he wanted to present during this item, if it's okay.

City Clerk Urquia: Mr. Mayor, I have the video ready to play.

Mayor Lago: I think we all received the email. We all received the video too.

Commissioner Fernandez: There was a conversation I had with him, and I told him if he couldn't be here on time that I'd be willing to move up to ensure that the video could be played so that we could hear from him, if he wasn't able to make it on time.

Video Presentation of Mr. Prescott

Mr. Prescott: Good afternoon, everyone, actually it will be good morning when you see this. This is Tom Prescott with the Biltmore Hotel. I apologize for not being able to attend the morning portion of the City Commission meeting and this important discussion topic. However, as I've expressed to the Commission, I do wish to be there to engage with all stakeholders, community members and so forth, in the afternoon. Please accept my apologies for not being able to be there in the morning, but I welcome the conversation in the afternoon for all that wish to have it. I also want to specifically state though now, so there is no misunderstanding as the conversation commences that in no way, shape or form was any person from the city derelict in their duties. The oversight was on my part and that is what I want to talk about. The restoration that we're going to do in collaboration with all interested parties and stakeholders will be undertaken, but I thought it was important to at the very least ensure that there is no ambiguity by which the city, whether they be elected officials or career staff, did anything wrong in this regard. I'll explain that further when I have the opportunity to speak, and again, welcome further comments by anyone that wishes to have that, as I've been doing already with a number of members of the community. So, thank you very much for allowing me to share with you this message and I look forward to speaking in the afternoon.

Vice Mayor Anderson: Through the Mayor. Mr. Manager, I did speak with you after forwarding the email to staff for Code Enforcement to take the necessary actions that they have to do at the Biltmore Hotel. I also asked you to put this item on the agenda so that we could have an update and report from staff, so we understand what the necessary procedures are going to be to restore the Biltmore properly, in particular we need a conservator to govern how things are done so it's done correctly, and no more damage is done, okay, and that should be paid for by Seaway, which is the current operator. And I have spoken to Mr. Prescott, and he is agreeable to pay for the conservator and I think you can hear from the tone that he is agreeable to take whatever steps are

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necessary going forward. Huge mistake was made by him. I agree. But we need our staff who are experts in this field, none of us are experts in historic preservation to guide us on what needs to be done at the Biltmore Hotel and how it should proceed forward.

Commissioner Menendez: If I may, Mayor, through the Mayor. A lot of things that happen and decisions that are made and issues that come up, we can't address them in a vacuum. We've already had plenty of residents concerned, folks that actually moved away years ago who saw the news of the alterations without the proper authorization at the Biltmore and it created a great deal of concern for our history, for our beloved Biltmore Hotel. One of the reasons why we have this opportunity is to inform our residents as to what's happening, what's happened and the path forward. And I do know Tom is sincere in making amends for the changes that happened and the corrections that need to be made going forward. My only concern or by biggest concern is, the fairway restaurant which is phenomenal and its beautiful and its wonderful and I recommend you go there. When it was going through its final approvals, issues, I think Commissioner Fernandez mentioned, arose, things were discovered that perhaps were done again, without the proper authorization permits. Now we face this situation. There is a pattern and patterns repeat themselves. So, in addition to addressing the alterations and bringing things back to the way they should be, I want to make sure that through the City Attorney's office and through the Manager's office, we take a look at that agreement to see what can be added to the agreement to further protect us in case there is a momentary lapse in judgement down the road. I don't believe there will be, because of the community outcry and the engagement with the city government, but you just never know. So, I would like our agreement to be addressed and see how we can tighten it up so that this never occurs, not only with this operator, but whatever else happens down the road. We need to protect the city and not let patterns repeat.

City Attorney Suarez: We can certainly look into that Commissioner.

Commissioner Fernandez: Mr. Mayor, if we could call up public comment since residents have been waiting for a while.

City Clerk Urquia: First speaker is Mrs. Maria Cruz.

Mrs. Cruz: Mrs. Maria Cruz, 1447 Miller Road. My real name, not an alias, not a made-up name, my real name and my real address. This item, first of all, I think that if we will consider discussing it like it was said from both sides, maybe it would not be wise to do it today, because we do not have a time certain for today, because the people do not know didn't make plans to come back today. I would suggest that the wise move would be to put it on the agenda for next meeting at a time certain, whatever time you want, but advertise it so people can be here, because it was advertised for 10, now we're saying let's make it 4. Well, I hate to tell you, most people are not listening now to make plans to be back at 4 o'clock, that's comment number one. Number two, I think we can talk about historic. Frankly, I know the Biltmore is a historic building. It's a national,

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national, designated historic monument, I think or something to that effect. We're not talking about just historical changes, I hope. We are talking about, we have a lease, it says very clearly, any changes, any, not just a historic portion of the building, any changes. If you were to have a property, if you leased a house to somebody and they changed what you lease to them, you would expect them to either put it back the way it was or pay somebody to put it back. I don't think we should be entertaining just the historic portion. I think the way the building was given to this management company should be the way it is back and then, let them ask for permission to do what they think would be an asset and maybe some of it we would agree to, but the city, the owners, the residents, the taxpayers, the elected officials have to give permission for anything that would be done whether historic or not. That's the point here. The process. I don't think we're talking about design a list, I'm not talking about how it looks, how it could look, whether people like it or not. My whole issue is process. You have a lease, you have a contract, you have an agreement. This is what we leased you, this is how it has to be, unless we tell you that you may make changes, and I believe from what I've read, from what I've seen that the city hasn't given permission to make any changes, so the building before we consider issuing any permits, we need to go back and see the building the way it's supposed to be, and then talk about permits.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Sonia Viertl.

Mayor Lago: Good afternoon.

Ms. Viertl: First word I have to say, finally. Yes, it was scheduled for 10 o'clock, now if there's a conflict of scheduling it's not the resident's issue. First, I have to second Mrs. Cruz. I think today at 4 o'clock is not a suitable time. A lot of residents will miss this important meeting. My name is Sonia Viertl. I live at 730 Anastasia; the Biltmore Hotel is at the 1200 Anastasia. First thing I have to tell you is, wow, I cannot believe that this is happening. I cannot believe it. When I tell people who don't live here, who don't live in the United States, who have visited Florida and I say I live in Coral Gables, first thing they say, oh, is that where is that big building, that big hotel – yes. So, imagine, and Mr. Prescott says, oh, I will make repairs and Madam Vice Mayor, you say he is willing to pay for it. Well, I hope every penny comes out of his pocket, not a penny of our taxes, not a penny from the people who live in Coral Gables. And now I'd like to address to you, Mr. City Manager, the people who are supposed to do the supervising come under your jurisdiction, the Building Department, the Code Enforcement. This was done, some people say during the night. How can they do it during the night. This is not just a small garbage bag. These are huge dumpsters. I walk the back, and you can see if there is anything going on. This is under your jurisdiction that this happened, the people who work for you. You all know the area, and everybody here, all the residents here. If you want to do, change anything in your home; I've done three renovations in my house. I'm trying to finish my last one for an idiotic piece of handle that's not there, we had to

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go back to the drawing board and it's still in your hands at the city, for one handle. My neighbor has a historic designated home. She had a vent, what do you call the cloth, an awning, she had an awning, she got fined because the inspector came by a few years ago, told her, ma'am, your awning is dirty. So, between a dirty awning and destroying a historical building, a building that we have in Coral Gables, I say shame on you, all of you, because you put us through hell to do a minor renovation in our homes. It has to be the proper this and the proper that, and the proper color, and the ramp and the steps are too high, and the steps are too low. We go through hell to suit Coral Gables. Do I like it? – yes, I do, because I decided to live here in Coral Gables and I have to abide by the rules, but you let the biggest building that represents us to do everything they want to do and you say you didn't know about it, Mr. City Manager, who are your people, where are they, but if I have an extra leaf in front of my house or I have a pickup truck with a name on a Sunday, oh my God, Code Enforcement will put on the breaks. So, I say this is on you, Mr. City Manager. You direct your people. Your supervisors, they don't see the dumpsters in the back, no, everybody is blind, or they want to be blind is all I can say. I am appalled. I am appalled at this situation, totally appalled; and you, Mr. Mayor, because Mr. Prescott cannot make it at 10 a.m., like the residents, you wanted to push this to 4 o'clock. I'm sorry, the conversation today is between the residents and you who have been elected to take care of us, to take care of things that we like, like the Biltmore, and everything else that is historical. People pay thousands and thousands of dollars to visit places that are historical, and they come back, and they say wow. We have the Biltmore, and you can't even preserve it, Mr. City Manager, the one Biltmore. It's your group of people who failed us, because all they have to do is drive their truck in the back because that's where it's happening and now you say you didn't know about it. Mr. Prescott said, oh, I'm so sorry, I didn't know. How long have they been here. I know the city was dying to find a tenant because there were dire times for the city to find a tenant. You finally got Mr. Prescott's father and his company to come in, they have 60 years left, well, I hope they pay through the ying-yang for everything that they did to that building, everything they did for that building, and I would like to hear more from all of you sitting here and from you, City Manager, what you have to say for your staff that get good salaries, good retirements, good health benefits, and this is what they put us through. Shame on you. I'm sorry to say this, but shame on you. Thank you.

City Clerk Urquia: Barbara Reese.

Ms. Reese: Hi, good afternoon. Can you hear me, okay. My name is Barbara Reese and I'm at 118 Zamora Avenue. Previously, I owned a beautiful old historic home at 840 Coral Way, and I sold it three years ago, and the people who bought my home are still trying to remodel it because it was a beautiful old crown jewel of Coral Gables historic home. So having lived there, I know what I had to do in order to paint something or do anything, alter anything with the city and it was great working with Kara, she was wonderful, and whenever we needed anything, they would always work with you, and I was aghast when I went to the Garden Club meeting a couple of weeks ago, and I valet parked for \$30, I might add, and so anyway, I walked in and I looked down and there

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was this light marble mausoleum in front of me, and I went, what could that be, that can't be, its just awful. Then I looked above and they have this little tiny chandelier that some of it was still hanging while I was there, it didn't even fit the scope of the building, and then tacky mirror chips that were inside these furniture that they discovered, looked like something out of Vegas, and my brother and sister and my brother-in-law live in LA and they are the ones who said, what did you do to the Biltmore. And I said, I don't know, I said, its awful, and then the most disturbing thing because I have things like this in my old home, they painted white paint over the beautiful murals. How can that be restored, and I hope it can be, and I think you can tear up all that light marble. He might not like doing it, but it can be done, because I understand the old flooring has still been restored underneath, and I know its being done at my old house. So, it can happen. I think he should be made to do that, try and restore the beautiful stencil work that's in there, I mean its historic, the problem with the whole City of Miami is we don't really restore and keep historic buildings and respect it, and that is just such a beautiful building, and when you live there and use it all the time and have your relatives come, its just a shame that he was allowed to get buy with it, and I think when he tries to make some kind of restoration for this, he needs to consider what it used to look like and its fine to say you need new furniture or you need this, but not take beautiful, beautiful work and make it look like, as I said, a Vegas hotel, that's really the first impression you get out of the valet is that, and its unfortunate that he is not here today to hear all these comments from us, but I do agree with Maria that rescheduling this for 4 o'clock, I missed my Garden Club meeting for this today, as Maria knows, and I can't come back at 4, but I think its only fair that he hears what we have to say and I appreciate your time, even though we were here all this morning waiting for this, but I do think its an important issue with this community to keep a crown jewel like that what it was meant to be. Thank you.

Mayor Lago: Thank you, Ms. Reese.

Vice Mayor Anderson: So, I'll let you know the stencils were, a company holding the stencils did send me an email and Karelia Carbonell that they do exist, so the restoration of that stencil work can be done. I know what you are talking about.

Mayor Lago: So, in reference to what the residents said before and Ms. Reese repeated in regard to 4 o'clock, that was a request that was made by Mr. Prescott earlier last week in preparation for today's Commission meeting. I passed that information over to the Clerk to try to make sure that we have someone here to speak on the other side in regard to the issue. Why did I want that to happen? – very clearly, because like you said, Mr. Prescott performed construction without a permit, he should face the music before the residents who are here. There is nobody from the Biltmore here to hear what you're saying, except for if they listen to the Commission meeting. So, at the end of the day, my intent was to have a meeting where both sides could speak in regard to what the intent was and understand the outrage that the residents have in regard to what was done

at the Biltmore. So, I have no issues if we hear it now, I think its perfectly fine. I was not going to request that it be moved at all. Mr. Clerk.

City Clerk Urquia: Elizabeth Rader.

Mayor Lago: Good afternoon.

Ms. Rader: Thank you, Commissioners, appreciate you letting me speak. I'm Dr. Elizabeth Rader. I am Dr. Elizabeth Rader, I am here not only as a resident of Coral Gables, but I work on behalf of Hind Auctions, we are a Chicago based full-service art and auction house, and I am the VP Trust Estate Private Client Director, managing Florida. I am a big fan of the Biltmore, one because as all of you are very passionately saying, it is a historical landmark and it is the gem of our city and what for many reasons why people are drawn to come here, and you could argue why there has been further investment and construction and why we see the growth of Coral Gables today. I think many, many years ago, it had fallen into disrepair. It was chained up; it was an elephant to the city. So, the Prescott's, they are owed a debt of gratitude. They do run it as a business and a successful business that we all benefit from. So, I think it is important as Mayor Vince Lago and the Vice Mayor mentioned that they should be here to defend themselves, to be able to – they are owed the courtesy and as all of you also have recognized the Prescott's seems to be willing to make things right. So, I think just as someone here in the business community, it is a bit of a warning to me, to see that people can rush to judgement to someone that has contributed so much to the community and is constantly looking for ways to do more projects that benefit us all, such as the Mode of Miami, these kinds of projects. You can't have something like that at a hotel like the Biltmore without it being modernized to a point. Now there should be an agreement on what that looks like, but you shouldn't forget that fact as well that the Biltmore is not a museum. We should preserve it, its again, the gem of our city. I have a Doctorate in historical preservation. I think it is very, very important, but I think also from a business point of view, there is a way of dealing with people that are proven contributors to our community and that I feel is very unfair. So those are my comments.

Mayor Lago: Thank you, Doctor.

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

Mayor Lago: Public comment closed. What is the will of the Commission? Are there any further comments or can I make my comments? Anything else you'd like to say?

Vice Mayor Anderson: The only question I have, Mr. Manager is, when will staff's report be ready?

City Manager Rojas: Its going to be a while. We still do not have access to certain floors, certain offices are privately rented out, so we want to take a look at that, but I should be able to report to

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you by next Commission meeting our initial findings of what we discovered during our investigation.

Commissioner Menendez: I would like an update next month.

Vice Mayor Anderson: Can we get a copy of the preliminary report when its ready?

City Manager Rojas: Yes ma'am, absolutely.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Mr. Mayor, I'm sorry, I know you closed the public hearing, but Karelia Carbonell just raised her hand on Zoom.

Mayor Lago: Perfect.

City Clerk Urquia: Ms. Carbonell, if you can unmute.

Mayor Lago: Good afternoon.

Ms. Carbonell: Yes. Hi everyone. This is Karelia, thanks for taking my call. I didn't realize public comment was going to be shorter than I thought. I would be remiss if I didn't call in. You have received, not only on behalf of the Historic Preservation Association, our letter asking for full remedy of what has transpired. I have also spoken with Mr. Prescott. He is absolutely taking full responsibility, but that's only one part of the equation, now it's the remedy part, and it has to be a full remedy to our national landmark, and it is under the National Landmark status, quote, a living museum and that is what it is, and yes, it's a working hotel, but that was the premise of building that building. It was a hotel, and it was built in 1926. Its an era that is frozen in time, as we say, as far as the designation is concerned and that's how it got a National Landmark Designation, not because it was modernized, not because it was different than it was origin. It was designated because of the fact that in 1986 a full restoration, authentic restoration...in collaboration with, obviously city and the historic, although historic renderings and documents, to have it and be the authentic hotel that Merrick planned. So, when I hear about modernizing and its not anything other than a hotel and that we have to make it so that its profitable, all that they understood when they signed the lease in 1992. As a matter of fact, Mr. Prescott himself made sure that when he signed the lease, he promised his stewardship to the hotel. So, I just want to make sure that we are all on the same page. This is not about modernizing. This is not about it not being historic or one part is historic, and one part isn't. That hotel and that landmark is all historic. It is a historic monument, and we have to take care of it as that. And then my final thought is that national landmark, its our only national landmark in this city should have regular site visits from the Historic Preservation, whether its on a monthly or every two months, or however the calendar works, but for this to happen under sort of everybody's noses really doesn't, there's no vote of confidence there. So,

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moving forward, when you all decide on what to add to the lease, and what things are going to have to be implemented, I believe that should be part of it. So, again, please understand that this is a very important monument to the city, it is a working hotel, but that's what it was designated to be, and we have to abide by that. So, thank you again.

City Clerk Urquia: Thank you, Mr. Mayor.

Commissioner Castro: We have already put on the record and its very public right now what has transpired within the last two weeks, three weeks. I don't think that Mr. Prescott had any malicious intent, as one of the speakers was saying. It is a business, not excusable at all, the process wasn't followed. However, he is more than willing to work with this Commission, with the city, we need to move forward, get this resolved in the process that it's supposed to be solved, and I know that Tom is willing to do that. Let's look forward to making sure that our asset is preserved adequately according to our code and that would be the responsibility of our employees. We don't have any expertise here in the dais and just let's look forward. Let's look forward, its already happened and let's make the best of it.

Commissioner Menendez: And I just want to add really quick. The closest thing to the Biltmore Hotel that I can think of is the Breakers Hotel in Palm Beach and unless I'm mistaken, the Breakers Hotel is still the Breakers Hotel, and I was just researching right now, they got approval for their historic preservation commission to restore the Mediterranean style courtyard. They went through the process and that's the key here. We need to make sure not only that the process is followed and respected, but we need assure going forward that we never encounter this again. I think they'll be a solution, not everybody will be happy, but we need safeguards and that's what I'm proposing and I know we are still in discussion but I'd like to make a motion to bring this back in December time certain at the beginning of the Commission meeting, because I know a lot of folks have other events and other activities, so perhaps we can do, allow me another 10 a.m. in our December meeting for an update, that way everybody is on the same page.

Commissioner Fernandez: I'll second that.

Vice Mayor Anderson: I'll second it if we don't jam up the agenda again. I had a time certain; it was put on for 11:30, I took it off, it was like the only thing on the agenda, it was a very light agenda and then we've jammed a few others in between. I also had deferred the Opa Locka item from the last meeting to this meeting, its time certain for this meeting at 1:30, we have the Mayor of Opa Locka coming, so please be mindful of other people's time as well.

Commissioner Fernandez: I just have a question for the City Attorney. Regarding the letter of default, there is a 45-day window, what exactly must take place within that 45-day window, because the next Commission meeting is just outside that 45-day window.

City Attorney Suarez: So, it's a cure period. I would anticipate that the Biltmore would likely ask for an extension of that cure period and the Manager, and I can discuss and seeing where we are at that point on next steps.

Commissioner Fernandez: Okay. I just want to make sure that during this time, there is no approval for the work that has already been done to remain the way it is. That's my goal from this meeting to ensure that we work through the process, but that there is no, I know that they are trying to submit permit applications for the work that has already been completed. I just want to make sure that we don't approve the work that has been done and that we find a path forward and I agree, Mr. Prescott has told me, he is interested in finding a path forward as much as everybody else, but I want to be sure what is there now is not approved. So that's on the Manager and your team.

Mayor Lago: So, if I may, I haven't said anything. So first off, that's an impossibility because they have to come up with plans, they have to submit for permit, so what he's stating it would never even happen anyway. So, moving on from that. Let's talk about certain comments that were made, and I want to clear the record, its important to clear the record. Ariel, Commissioner Fernandez made some comments a few minutes ago, that are falsely defamatory and incorrect. Okay. Number one, when I showed up to the walk-through, to the walk-through that Commissioner Fernandez had called, I showed up about four, five minutes late and I went to ask staff, we were walking into the Danielson Room and what I said was, I thought the issue was in the lobby and the comments were, we are going to review the entire building. I said, okay, not a problem. Would you like to know how many words I said during the rest of the one-hour walk-through – zero. I didn't say a word. I walked out when it was done, because the reason why I made that statement was because in one hour we had a Fire graduation, Fire graduation in this city that I wanted to make sure, I thought we were just addressing the lobby, but they wanted to review other areas of the Biltmore to see if other work had been done. I have no issues if they want to turn the Biltmore upside down and they want to look at every single corner, go at it, let's protect the asset, but the reason why I made that statement was very simple was because we had a one hour deadline to make it to a presentation where I was going to be speaking as the Mayor on behalf of new Fire Department employees that were being led into the city. I find it very interesting how everybody is in shock and awe about what's going on at the Biltmore when multiple of my colleagues, I have yet to go to the Speak Easy that Commissioner Fernandez speaks about, but multiple colleagues on this Commission have not only been there, but they've had drinks at the Speak Easy, and they weren't bothered by it when they went there. So, at the end of the day, to me, I wonder why it's a big issue now, you know they should have brought it up. Let me give you an example, you know how we all found out about this, and its good for the record to clear the record, we got an email on October 26, 2024, the email was, Rhonda Anderson, Jose ___ from Perkinson Will, A Pernas, Juan Riesco, Andres Vellucci, Don Slesnick, and myself were copied on an email. That email immediately, because its copied here was, the Vice Mayor and myself both sent that to the DCM and said, have staff address this immediately, Code Enforcement review it. This is a public record. Okay. I let

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staff do the job to protect the asset. I trust my staff; they do a wonderful job. I don't need to send out an email notifying everything because even to this moment staff hasn't even been able to finish the report of what actually happened. I will make my judgements once the report is done. Let's remember, this nice resident here in front of us made a very good comment in regard to the Manager, the Manager has been here nine months. We love to blame Managers and other people for doing this, this happened under the Manager's watch. The Manager, I've checked public record, the Manager has met with the owner of the lease of the Biltmore two times in nine months. The previous Manager would meet every two weeks to every month with the Biltmore, the Biltmore leaseholder to make sure that that was addressed.

Commissioner Fernandez: [Inaudible]

Mayor Lago: That's the truth. Don't interrupt me. You can rebuttal when I'm done. I waited 45 minutes. Also, how did this spread like wild fire, because it was leaked; it was leaked to the blogs, a massive email was sent out to the residents and then I received a phone call from Channel 4 and Channel 6, and I asked them, how did you find out about this, and I said, your following Commissioner on the dais told us about it. To me, I think that that is not what you do to a partner, especially when their partner is in a very, very tough situation and doesn't shine a good light on the city, because what Mr. Prescott did, did not shine a good light on our relationship and our city. That is not how you resolve something. That is how you throw gasoline onto a problem, because now you have a bigger issue than what we started with. So, to me, we have to internalize this now, its out in the public, we have five people come today to this meeting, they talked about it, we sent out multiple emails, both Commissioner Menendez has sent one and Commissioner Fernandez has sent two, with shock and awe about what's happening here in the Biltmore. Now its time to resolve the issue. To bring it back to its original splendor and invest the money that's needed to make sure we protect this asset. In regard to the default letter, I would have never sent that default letter. I think it's unnecessary and it's way too heavy-handed. I would have called Mr. Prescott in with our incredible staff, and I would have addressed the issue. I told that to our City Attorney that shows a lack of professional experience in regard to the business world and how you treat contracts. To me, that is not the way that you work on a relationship that is already damaged, as a result of what this gentleman did in the Biltmore. We could have – I understand

Unknown Speaker: [Inaudible]

Mayor Lago: I understand. A hundred percent, he violated it. You are a hundred percent correct, hundred and-ten percent, but two wrongs...

Unknown Speaker: [Inaudible]...He did not abide by this contract with the city. He has no permit.

Mayor Lago: If I may, if I may. I'm not finding excuses. I'm not finding excuses, no, I'm not. I'm trying to – the issue is that you have to understand, when you send a default letter to somebody

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who has multi-million dollar loans on a property it could trigger a multitude of effects that could damage the viability of the asset, and again, I agree, he should have thought of that before he did that, but at the end of the day, excuse me, I understand that, but you have to conduct yourself in a way that, again, you resolve the issue, not exacerbate it. So, moving on. This is an issue that we as a city have to address. This is a complex issue. The two ladies who were there who are part of our Historic Preservation Board, department, excuse me, they have a very tough task at hand. They have to review an entire building, they have to review these documents, but the first thing I did, which I highly recommend that my colleagues do is, I went and got two professional architects that I know in this community to provide me with a local designation report, the state designation report, the National Historic Landmark Report and the National Registry of Historic. I spent the weekend reviewing these documents to ensure that I knew where this asset stood and what we had to do to protect it. So, moving on, moving on. Its all out in the open now. Let's get this resolved. Let's bring in Mr. Prescott, provide him with the necessary time to address this issue. He is going to require an extension because there is no way he can cure this issue in 45 days and let's move forward to make sure that everything is addressed. Case in point, when we were doing the walk-through, staff noticed that the tiles were a different color, they had been stained or painted. That's just one of the many examples of things that need to be addressed to bring this building back to its original splendor. So, let's not make this into a political issue. Let's make this into an issue where we can protect the asset. Thank you very much.

Commissioner Fernandez: By the way, Mr. Mayor, I didn't require an architect to get the designation reports. Simple Google search gets them for you, and I went through all of those, in fact, I shared them with staff in case they didn't have them, and it very clearly stipulates that the interior of the hotel has historical aspects, including the lobby, furniture that was there, its in the national designation.

Mayor Lago: And let me respond to you. Since I'm not an architect and you're not an architect, and not a business owner, you have to understand that I sat down with an architect because he is the most respected architect in this community when it comes to historic preservation and I wanted to review the documents with him and get it directly from the source to have the most respected voice in regards to the issue. Anybody can download it online, but the point is to sit down with somebody who again, is very well versed on the issue and understands and can lead me in a direction because I'm not a historic preservation expert, and my staff here is more than busy, and I don't want to take up their time to address the issue, so I met with a professional in the community who could sit down and have that conversation with me, and by the way, I'd like to thank that person who met with me. They spent a lot of time, and they put together this packet and it was very nice.

Commissioner Fernandez: That's a failure of understanding of what the issue is. There is a historic component, there is a process that was violated.

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Mayor Lago: A hundred percent.

Commissioner Fernandez: How many Code Enforcement complaints do you send on residents on a regular basis without finding out the facts of how they got in that situation. You send at least 15 to 30 a day, but when it comes to your friend at the Biltmore Hotel, you are trying to sweep it under the rug, you are trying to make sure that its not discussed publicly, you are trying to move it to 4 o'clock, you are trying to bend over backwards to not say that because you said it in the Channel 4 interview, I don't know that if anything was done wrong, that's what you said to Channel 4. In fact, you took it a step further, you said this is all political. What has taken place at the Biltmore is all political. There is nothing political about the Seaway group desecrating the lower lobby of the Biltmore Hotel and doing a bunch of other work.

Mayor Lago: So let me respond to you.

Commissioner Fernandez: Without having any permits which is the process that every resident of the city has to follow.

Mayor Lago: So let me respond to you, because this is what I do for a living, this is what I do for a living. I work every single day in the construction industry. When I sent to the Manager, when I sent to the Manager on his text, I sent him the list of the items every single day, every time when it deals with a resident I always say the same thing, please educate the resident, do not fine them, please educate the resident, and those are from residents in this neighborhood that are sending me lists and are sending me other things. Majority of items that come before me that are addressed are issues that are signs, curbs that are broken, sidewalks that have not been addressed, and I understand that you want to make me look bad in public, but please, please you are dealing with a person who deals with permits and construction every day. Do not step into these waters because I promise you, you don't know what you are talking about. The bottom line is that I have relationship, no relationship to Mr. Prescott. What I said in the interview is what a responsible person would say. I don't have all the facts. I need to wait for staff to provide me the information. I don't know what has been done. I haven't seen it in person. We are having a walk-through and I

Commissioner Fernandez: You had just walked out there with me.

Mayor Lago: Excuse me, excuse me. I had missed the walk-through. I showed up five minutes late like I said, I was in the Danielson Room when I got there. I was not privy to what happened there, but at the end of the day, it's what you've done for years as a blogger, what you've done for years, you continue to muddy the waters, you continue to muddy the waters in an effort to confuse people and you throw outlandish, outlandish statements out there that every single time they are always debunked, they are always debunked. I haven't gone to the Speak Easy to have drinks, but two members of my Commission have. So, if it was such a big deal and we are having such a heart attack right now, then why didn't they bring it to the attention of the Manager. Why didn't they?

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How come? I haven't been there. I haven't had drinks. I haven't had a great time at a facility that didn't pull any permits. Again, so this is exactly what Commissioner Fernandez does all the time. He conflates the issue in an effort to confuse people. I've said it, if Mr. Prescott and Seaway broke the rules, which it seems like they did, they didn't pull permits. I'm still waiting for staff to give me all the reports. I see all these emails flying back and forth, they should pay the consequences. They should bring that property back to its original splendor at their cost. That's it. Its very simple. But please, please, don't lie and don't conflate things and tell me about permits and construction, this is what I've been doing for my entire life. I won't talk to you about blogs, that's your life.

Commissioner Fernandez: The one that you used to send information to, that's source at Gables Insider.

Mayor Lago: I know.

Commissioner Fernandez: When you wanted to attack a staff member you would send the information.

Mayor Lago: I would never. Again, I would never do that. That's the most insane thing ever. Mr. Clerk where are we. We're good.

Commissioner Fernandez: We had a motion and a second, I think, to call...

City Clerk Urquia: To call the time certain at 10 a.m.

Commissioner Fernandez: The Vice Mayor brought up a good point. I want to make sure her item is addressed as well, so whatever time certain is scheduled for next meeting and I'm going to commit to not putting anything on the agenda unless its an emergency to ensure that we can address the items that are being deferred. I think your item on Mediterranean Bonus is a very important item for this community. Its something that you put in a lot of work as have other members of the community and I think it should be given the amount of time necessary, so if we're scheduling it, let's just make sure that we stick to whatever time certain we are giving it so that we don't find ourselves in this situation again.

Vice Mayor Anderson: So, what I'm going to suggest is this, Mayor Thomson was here to speak, and the morning is best for her. Let's knock that out first and we can take up the Biltmore in the afternoon. In the meantime, the Manager will get us a draft of the report with whatever is accomplished thus far, so we have a clearer idea of what's the next step. I think we've all been talking about a conservator; we want it done properly, we don't want anymore damage, we can go for that. So, I'm going to ask for you to set that session in the afternoon and let's see if we can tackle the Mediterranean design. Its just a design. There is no increase, decrease in bonus, didn't touch that at all. It is going to get harder to get a building with bonuses, because of what was done,

but I'd like to take care of it in the morning because I know that there are very – it's a very important issue for Mayor Thomson, its her legacy and I'd like to preserve it.

City Clerk Urquia: So, the motion that I have is to set it for a 10 a.m. time certain, at what time would the Commission like.

Vice Mayor Anderson: I'm offering a friendly amendment to that.

Commissioner Menendez: I'll amend to have the Biltmore immediately follow the Mediterranean. If Mediterranean Bonus is going to be the first item in December, I'll amend to make the Biltmore the item that follows that item.

Vice Mayor Anderson: So, I would ask our staff to guide you on how long the Med design discussion needs to take. It took seven meetings in front of the Planning and Zoning Board.

Commissioner Fernandez: Maybe we can do a 1 o'clock time certain, that way it gives folks to...

City Attorney Suarez: For the Biltmore you mean.

Commissioner Fernandez: For the Biltmore. We can do the 10 a.m. for Med Bonus, that will give us three hours to discuss it.

Commissioner Menendez: And I'm fine with 1 p.m.

Commissioner Fernandez: And maybe a 1 p.m. Obviously, if there is an overrun, we are close to 1 o'clock.

Vice Mayor Anderson: So, I'm going to make this suggestion, since we've steamrolled past lunch so many times, give us some time for lunch, take a break, sit down, maybe at 2 o'clock or 3 o'clock, it will give more opportunity for people to go to their meetings in the morning. The Garden Club member couldn't go to the meeting this morning. I couldn't obviously, because of this. It originally was set for Wednesday, so I'm going to suggest an afternoon, 2 o'clock on.

Commissioner Menendez: My only concern with lunch is we never hit the target, no matter what we do. So, if you want, we can set lunch at a certain time, because we've had lunch at 3 p.m., at 2 p.m., its all over the place. So, your item will start, what, at 10.

Vice Mayor Anderson: We can start it at 10. I'm just noting that on the printed agenda here, the item we just discussed was not printed for 10.

Commissioner Menendez: We can work this out, like the Beatles saying once. Your item starts at 10, let's set lunch at whatever time the Vice Mayor would like lunch, when we come back, we deal with the Biltmore. At least we create a structure.

City Clerk Urquia: So 1:30 or so for the Biltmore Hotel.

Commissioner Menendez: What time would the Vice Mayor like lunch?

Vice Mayor Anderson: Let's do 12:30.

Commissioner Menendez: So 12:30 lunch and then 1:30.

Vice Mayor Anderson: They don't like me "hangry."

Commissioner Menendez: Working together.

Commissioner Fernandez: Exactly.

City Clerk Urquia: 1:30 p.m. for the Biltmore Hotel, for the December meeting, all in favor.

All: Aye.

City Clerk Urquia: Thank you.