

**City of Coral Gables
Virtual Commission Meeting
May 26, 2020
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors
Commissioner Pat Keon
Commissioner Michael Mena**

City Staff

**City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Interim Historic Preservation Officer, Kara Kautz**

Public Speaker(s)

**Christine Rupp, Dade Heritage Trust
Dona Spain**

Agenda Item F-2

An Ordinance of the City of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, “Development Review,” Section 3-606 to include Dade Heritage Trust, Inc. as party that may appeal decisions of the Historic Preservation Board; providing for a repealer provision, severability clause, codification, and providing for an effective date. (01-08-2020 PZB recommended denial, Vote: 4-2) (Sponsored by Vice Mayor Lago and Commissioner Mena)

City Attorney Ramos: Mayor, we have a 10 o'clock time certain. Perhaps we can take the F2 again. I think Ms. Rupp now available.

Mayor Valdes-Fauli: Okay.

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City Attorney Ramos: This item has already been read into the record. Billy, can you prepare so much Rupp can speak?

Ms. Rupp: Can you hear me?

Mayor Valdes-Fauli: Yes.

Ms. Rupp: Thank you so much for inviting Dade Heritage Trust to appear today. As I understand, the Commission requested information regarding Dade Heritage Trust and the potential for the organization to be granted standing to appeal historic designation decisions in the City of Coral Gables. So just to give you a little background about our standing with the City of Miami so you can understand why we were granted that standing. The City of Miami historic preservation ordinance grants the Heritage Trust standing to appeal as an aggrieved party. And the status as an aggrieved party is due to Mission, which is to preserve Miami-Dade County's architectural environmental cultural heritage, the longevity of the organization founded in 1972, our ongoing advocacy efforts and the organization's capacity with professional paid staff, and a knowledgeable board of directors. The City of Miami's ordinance allows for the property owner and a one member of the City Commission the Planning Department or as I stated, an aggrieved party, to appeal a decision to the City Commission. So essentially Dade Heritage Trust within the City of Miami provides an independent non-governmental layer of oversight. I became the Executive Director at Dade Heritage Trust in late 2015. I guess since that time, Dade Heritage Trust has not appealed a single historic designation of either the City of Miami's Historic Environmental Preservation Board or the City of Miami Commission. So essentially should the Coral Gables City commission vote to grant standing to Dade Heritage Trust, we're certainly willing to assume that responsibility and you should know that any decision rendered by Dade Heritage Trust to an appeal, to appeal a designations termination is strictly a decision of the Board of Directors and not Dade Heritage Trust staff. So, if you have any additional questions or concerns, I'd be happy to address those.

Mayor Valdes-Fauli: I have a question. Our former Historic Preservation Director expressed herself in a very inappropriate manner regarding our appointees, the Commission's appointees to the Historic Preservation Board. And there is a concern that with the impropriety of that those statements in the City Commission that she would be either prejudiced or not the right person to appeal the decisions from those people that she spoke so badly about, and that concerns us. And I'm talking about former director.

Ms. Rupp: Sure. I can address that. Her opinion as to her situation or dealings with that board is certainly hers and would not reflect the general Board of Directors' decisions for Dade Heritage Trust. We have 24 very wonderful diverse professional people on our Board of Directors, and I would feel fully assured that any decision that was made by the board would be done according to the law and the legislation ordinances in place and not personal opinion.

Mayor Valdes-Fauli: Thank you. I am one vote, but I speak against giving any outside party to Coral Gables authority for the ability to appeal decisions from our very, very well considered considerations of our board in determining what property is historic or not. As I mentioned, out of

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94 applications, they approved 90, and that's over a 90 percent rate, and I am against having outside parties be able to appeal the decisions of our very well recent board, the board that we the Commission appointed, together with the City Manager. Other Commissioner's opinions.

Commissioner Keon: I agree. I'm sorry. Go ahead. I would...[Inaudible]...anyone...Dade Heritage Trust or anyone else? I think that the board is capable of doing this, and I think it's a reaction to or they think this came about as a reaction to the failure to designate a building on Catalonia, I think it was in the 300 Block of Catalonia. And it really was because the individual that did the appeal was determined to not have standing to do the appeal. And so, the time ran out. Well, I mean, I do think then the board has since or the department has since realized that they should have been more proactive at that time and going forward, I think that they probably will be. You know, Dade Heritage Trust was very much in support of them. We received letters from them in support of the designation of LaSalle cleaners, which we didn't feel due to all of the alterations and work that have been done on the building. It had lost its significance. So, I don't you know, I think possibly we may view things in a different manner, and I would prefer the board continue on with the process that we have now in play.

Commissioner Mena: It's good question. I've heard about the Preservation Board being perfectly capable of doing this and, you know, obviously we have good people there. I don't think anybody is disputing that. Can I finish? We already allow appeals of that board and we have one before us the Asturia property by a resident and that is not a disrespect or challenge to the authority of the Historic Preservation Board, it's just the process of an appeal. I'm not – so when we say that we're not comfortable having somebody outside the board be able to appeal. We already allow people outside the board to be able to appeal.

Commissioner Keon: Outside the City.

Commissioner Mena: Okay, but that's a different distinction. Right? So, we allow residents who, respectfully don't necessarily have expertise on historic preservation, they may or may not, but yet we're concerned with an organization who has professionals and a quality board and who exercise restraint, as far as I can tell, using that standing in the City of Miami. They've only appealed, I think, one item since 2012. Again, I'm not really sure what we're so scared of in that respect. It seems like another layer that all it does is bring an appealed at the end of the day to us as a City Commission to exercise our discretion in limited instances. So, you know is it absolutely critical and necessary in our Historic Preservation will completely fall apart if we don't allow this? - no, but I'm also not so scared of having another voice in the room to an objective one with a different perspective to potentially appeal an item, if we fail to do so. At the end of the day, it'll be our call as the City Commission and I'm comfortable with that.

Vice Mayor Lago: I want to echo the sentiments of Commissioner Mena. You know when you talk about Dade Heritage Trust and, you know, I see it as an opportunity to have another resource at our disposal, and I wasn't aware and I'm happy that the Director Chris Rupp, brought it to our attention, the fact that since 2015 they have yet to appeal one item in regards to the City of Miami.

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That goes to show that they have a measured approach in regard to the process and that they've been able to be a resource and provide guidance to the City of Miami. Commissioner Keon brought up the fact of...[Inaudible]...brought up 33 Catalonia, 333 Catalonia, and I'll bring all Ridgewood. So those are some of the most contentious historically, possibly going to be historically designated properties that were coming before the Commission or that did not come up before the Commission, as a result of an error that occurred, in my opinion, occurred of 333 Catalonia. I was in favor of designating all three properties. I thought those they had even though one of them was altered significantly, LaSalle, I still believe that all three due to the historic importance should have been designated. I think that this is another layer which is only positive. Again, like Commissioner Mena stated, the buck stops with the Commission. We are the ones that are entrusted by the city to make the decision on all fronts. So, to me, I see it's a great opportunity to enhance our historic preservation arm, and I hope that you'll support F2 that I co-sponsored with Commissioner Mena. Thank you.

Mayor Valdes-Fauli: Thank you. Commissioner Fors, you have something to say?

Commissioner Fors: Yes. I have a question for Ms. Rupp. How did the volume of historic designation cases in City of Miami versus Coral Gables compare, do you know more or less?

Ms. Rupp: Well, I would say just given the numbers of historically designated properties and districts within the city, I would assume, I did I can't give you accurate, as accurate figures, but there are certainly more designations within the City of Miami, and we have a great relationship with City of Miami preservation office. They look to us for assistance and guidance and strategies also. So, I think again, you have DHT on board is a positive and I wish, I'm sorry, I wish I could give you those figures, but I cannot.

Commissioner Fors: Understood.

Mayor Valdes-Fauli: I don't know if Dade Heritage is aware, but our historic preservation guidelines and resolutions, ordinances, etc. were used by a National Historic Preservation Association as a guideline for their recommendations to other cities. I just wanted you to be aware of that and maybe you can look to us for guidance in preservation as opposed to what the City of Miami does, which is look to you. I think that our expertise far and above surpasses the expertise of other institutions in Miami-Dade County. Do I hear a motion?

City Attorney Ramos: Sir, this is a public hearing item. And I understand that there are several emails at least, that needs to be read. I don't know, there's also people and zoom and other people.

Mayor Valdes-Fauli: Okay. Are there people, it's a public hearing, are there members of the public on Zoom that wish to speak?

City Clerk Urquia: Mr. Mayor, we have not received a request to speak on the item. But we do have several emails.

Mayor Valdes-Fauli: Anyone on the phone that wishes to speak? – No. Alright. Emails? Go ahead.

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City Clerk Urquia: Mr. Mayor, prior to the last Commission meeting, our office received an email from Mr. Bret Gillis...[Inaudible]...and it said, “Dear members of the Commission, for your inclusion of at least DHT, Dade Heritage Trust, of those who may appeal, please see the attached two letters, including Arva Moore Parks before she passed away. I believe they are both part of the record, but I ask the City Clerk to include them once again for your review, including DHT only allows the matter to be reviewed by the elected body. It doesn't guarantee a decision would be overturned. I always admired Arva’s passion and experience...[Inaudible]...Sweetwater. Let's do the same and be positive and inclusive. Brett.” He included two letters, one from the Villagers “Dear Mayor and Commissioners, [Inaudible]...volunteer organization has been actively working to preserve historic places starting with the Douglas Entrance. I wish to place with the official record of...that you follow the recommendations of the professional staff of the Historic Resources Department. They are well trained, and their people do extensive research to back up the recommendation. Unfortunately, despite the good work on occasional property falls through the cracks such as 333 Catalonia Avenue. We urge you to follow the recommendations of your professionals Sincerely, Eileen Hellman, President. With regard to the second letter, with regards to spending, in many cases where an appeal submitted to the Presentation Board, the Preservation Board is...[Inaudible]...regarding the designation or lack of designation of third places change the preservation ordinance to grandstanding to preservation organizations such as Historic Preservation Association of Coral Gables, The Villagers, or Dade Heritage Trust to represent the community interest. We feel it is important for the Coral Gables Historic Preservation Board and the City Commission to adhere to the criteria as presented in the city ordinance where historic designation and the structures 50 years or older be evaluated by staff before damaging actions... Our historic resources are too rare to be squandered. That letter was from Arva Moore Parks and Dolly McIntyre.

Commissioner Fors: Mayor, if I can add. One thing that keeps coming up is the Catalonia situation where staff relied on the fact that a petition filed by a resident and subsequently that petition was deemed to be invalid for lack of standing. I want to make clear that we amended the ordinance to, we amended ordinance...

Commissioner Keon: It's Commissioner Fors speaking.

Commissioner Fors: Did you hear anything I said?

Commissioner Keon: Yes. we're looking at Billy and not you.

Commissioner Fors: I want to ensure that we make clear that this Commission amended the ordinance following the issue that occurred in Catalonia, to ensure our Historic Resources Department in the event that they rely on a resident appeal that is later invalidated for standing reasons that they then have a safe harbor period to assert the appeal that they would have otherwise filed. I think that was the genesis of this proposal by Vice Mayor Lago and Commissioner Mena, and I think that's been addressed by our prior amendment. With that being said, you know, I think that Commissioner Mena makes a good point that, at the worst-case scenario for this, or the worst-

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case scenario of an appeal by the Dade Heritage Trust is, simply to put the decision in the hands of the Commission. I think it's an interesting question of whether that dilutes the duties that we've delegated to our Historic Board. I think that is a valid point and I think it's been an issue that's been on the fence from the beginning, and ultimately, if it was to address the Catalonia problem that's been addressed by the ordinance that we passed earlier.

City Clerk Urquia: Mr. Mayor before you continue. We do have a member of the public requesting to speak at this point, its Ms. Dona Spain.

Ms. Spain: Good. Sorry, I was trying to get unmuted. Just very briefly. I was against this originally. I didn't think it was necessary because of the process. I've since thought about it and I do think that it makes sense. It's an outside entity. Since I've been on the Board of Dade Heritage Trust, which is longer than Chris has been there, we have not appealed anything in the City of Miami. We have had occasions too – we were requested to weigh in on issues. Each time that happened, the board had presentation both sides, and I was really impressed, actually, with the organization. It's why I joined it. So, I now think it's a good idea and I want to put down the record. That's it.

Mayor Valdes-Fauli: Thank you very much. Thank you very much. Billy.

Interim Historic Preservation Director Kautz: Can I say something really quickly?

Mayor Valdes-Fauli: Wait. No. No. Let me talk first. Billy, I am the Mayor and I'm running this meeting and I would very much appreciate it if you don't mute me anymore. Is that clear?

City Clerk Urquia: Yes sir.

Mayor Valdes-Fauli: Now, Kara you wanted to say something?

Interim Historic Preservation Director Kautz: Yes. I just wanted to, you know, like Dona, I didn't really have a huge feeling about this one way or the other at the beginning, but after going through now the appeal for Astoria, I think DHT and having someone outside the city given standing is a resource for neighbors. You have a sort of awkward position where a neighbor is forced to file an appeal against another neighbor, whose...[Inaudible]...live next door to them, and having an outside resource that they can reach out to, to file an appeal on their behalf for the neighborhood, I think is not a negative thing. I think it's just an additional resource for neighbors.

Mayor Valdes-Fauli: Neighbors would use Dade Heritage Trust to appeal as opposed to doing itself.

Interim Historic Preservation Director Kautz: Yeah.

Mayor Valdes-Fauli: I don't think that's right.

Commissioner Mena: I would just add. It's not it's not just -- we have to be careful when we say that, you know, you have a fail-safe in place about our Historic Preservation Department being able to appeal and let me just explain my concern. Our Historic Preservation Department works

for the City of Coral Gables. They work for whoever the City Manager is at the time and they are not immune to the pressures brought to bear upon them when elected officials are very open and public about their position on certain historic preservation issues. And so, you have an employee of the city who may feel reluctant to appeal something in certain situations. And if they don't, then we're putting that property at risk. Having a neutral third-party objective entity, like Dade Heritage Trust, who is not subject to that kind of pressure, and that kind of political will, I think is an important factor to consider. I think we've seen it at played in this most recent vote we've had to take, and I can imagine that somebody who works in our Historic Preservation Department may feel uncomfortable expressing certain opinions given the volume of the comments outside of our City Commission meetings. And so, it's yet another reason why I think it's not a bad idea to have a neutral third-party voice who can again, merely appeal something to us provide an expertise and an objective opinion that enables us as a City Commission to ultimately render an opinion on the issue. So, I think it's about more than just the original issue to address Commissioner Fors, and I just wanted to add that to the discussion.

Mayor Valdes-Fauli: Thank you very much Commissioner. We have heard from the Commission. There are no members of the public on Zoom or on the telephone, and we have had our City Clerk read the e-comments or emails from members of the public. Do I hear a motion?

Ms. Rupp: Mayor, may I add something? This is Christine Rupp from Dade Heritage Trust.

Mayor Valdes-Fauli: Okay, but very, very brief.

Ms. Rupp: I will keep it brief. I just want, I want to assure you Mr. Mayor and the Commission that the appeal process is not something that Dade Heritage Trust takes lightly. It is a financial expense. It's a professional expense. And again, it's not about personal opinion. It's about following the law and following the legislation enacted by the city of Coral Gables. So, I just want to assure you that this is not a power that is taken lightly by Dade Heritage Trust. Thank you.

Mayor Valdes-Fauli: Thank you very much. Do I hear a motion?

Commissioner Keon: After listening to Dona Spain and Commissioner Mena's remarks on the influence on historic preservation and the regard for the designation of historic preservation on properties that an owner or buyer may object to. I know that there are some within the administration to guard those who...[Inaudible]...and whatever else, although the court the record indicates that that is not the case. Although, I really don't think it's a good policy, but considering in light of the current conditions, I would be inclined to support after hearing.

Mayor Valdes-Fauli: Okay. Do I hear a motion?

Commissioner Keon: I'll make it.

Vice Mayor Lago: I'll second the motion.

Mayor Valdes-Fauli: Alright. Will you call the roll please?

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Commissioner Mena: Vice Mayor did you want to say something else, I apologize, I didn't mean to cut you off.

Vice Mayor Lago: No, that was Commissioner Keon. I just wanted to say thank you to Ms. Rupp for being here with us today and I'm very impressed by DHT's thoughtful measures in regard to the appeal process. And I think that, you know, they didn't really have to explain themselves on that issue, on that front, because it speaks for itself. They haven't appealed anything since 2015. We're going on almost six years, so that they're they showed discretion and I think it's going to be a great addition to the city, and I'm happy that Commissioner Mena and myself were able to sponsor this item and continue to support historic preservation in the City of Coral Gables.

Mayor Valdes-Fauli: Thank you Vice Mayor. It's been moved and seconded. Mr. City Clerk, would you call the roll, please?

Commissioner Fors: Yes

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: No

(Vote: 4-1)