

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-8**  
**October 24, 2023**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Vince Lago**

**Vice Mayor Rhonda Anderson**

**Commissioner Melissa Castro**

**Commissioner Ariel Fernandez**

**Commissioner Kirk Menendez**

**City Staff**

**City Attorney, Cristina Suárez**

**City Manager, Peter Iglesias**

**City Clerk, Billy Urquia**

**Deputy City Attorney, Stephanie Throckmorton**

**Public Speaker(s)**

---

Agenda Item F-8 [3:19 p.m.]

Updated on 140 Arvida Parkway, Alfred Browning Parker property.  
(Sponsored by Commissioner Fernandez)

Mayor Lago: Alright, so we're moving on now to the final item of today's Commission meeting, F-8.

Deputy City Attorney Throckmorton: Good afternoon again. This is Commissioner Fernandez's item. I have a brief summary if you'd like me to -- if you want to go first.

Commissioner Fernandez: This...

Deputy City Attorney Throckmorton: Sure.

---

City Commission Meeting

October 24, 2023

Agenda Item F-8 - Updated on 140 Arvida Parkway., Alfred Browning Parker property.

Commissioner Fernandez: I think there -- we've all been receiving emails, phone calls, and messages about 140 Arvida Parkway, the Alfred Browning Parker property on the water. I thought it was important for us to explain what is taking place here and how it really has not been the City of Coral Gables who has done anything to prevent this property from being preserved. We are preempted by the State, so I asked the City Attorney's Office to explain the process to us.

Deputy City Attorney Throckmorton: Thank you. Hello again, Mayor, Vice Mayor, Commissioners. I want to give a brief overview of some amendments that were made to Florida Statute 553.79 during the 2022 legislative session. In October of 2021, House Bill 423 was introduced by three representatives, none of whom were from South Florida during the 2022 legislative session. It initially was amending the Building Code about private providers and a few details it did not address on the situation we are in today. Coming out of the Commerce Committee, the bill was amended in February 24th of 2022 to include the provisions that exist today that prohibit additional reviews of properties in certain flood hazard zones, depending on their finished floor heights and does not provide -- and it provided that only those properties designated prior to January 1st of 2022 would be exempt from those provisions. This was added in February of 2022, so there was no chance to go back and look at any other properties that may not have been designated at the time that the bill was amended. It was adopted and then signed by the Governor and went into effect of July of 2022. In August of 2022, the City received -- and I'm not sure in exactly in what form the City received a request for a clarification of demolition permit review requirements for the property at 140 Arvida Parkway through a representative of, I'm not sure, a new or previous owner. And the Building Official at the time, Ms. Cabrera, noted that given the signed elevation certificates from a professional land surveyor, the bill as drafted -- as signed by the Governor applied, so historic review of the demolition permit was not permitted. That note that was issued by the then Development Services Director noted that the FEMA flood maps were going to be amended by the end of 2022, so that it would need to be looked at again in 2023. In September of this year, or last month sometime, the Development Services Department again received a request for clarification about the demolition permit review process, and the flood maps hadn't changed in any way that affected this property, so the Building Official, Mr. Lopez, issued the same letter noting that historic review was not permitted of this property given the state statute. In 2022, this Commission, in July or August of 2022, after the bill was signed by the Governor, adopted a resolution asking or requesting that the State Legislature rescind those changes that were made as we were concerned about any potential historic properties in our city. As you all adopted earlier today, it remains a part of our legislative agenda based on that resolution.

Commissioner Fernandez: So, I congratulate the prior Commission on taking initiative right away to address this. What I would like for us to do today is take a -- make a new resolution once again urging the Legislature to rescind this -- these changes to Section 553.79 of the Florida Statutes.

Vice Mayor Anderson: I would support that and we can highlight as well as part of our legislative agenda again this year and we advocated strongly against it. Mayor and I were up there in a particular time. What event was it? It was the Dade Days, I think it was, and there was a committee

meeting and attended that meeting and advocated against it, and that and other legislation that would have further trimmed our ability to curtail protection of historic properties in our area. So, I will move it. I imagine you'd want to second it.

Commissioner Menendez: By the way, when I met with Naomi, I also asked, in terms of priorities, to add another -- an additional sentence to ask the Florida League of Cities to take this up as a priority as well. Because it obviously impacts not only Coral Gables, but other cities, and they're a partner of ours in dealing with the Legislature.

Mayor Lago: Alright, we have an urging on the floor, a first and a second. Mr. Clerk.

Commissioner Menendez: Yes.

Vice Mayor Anderson: Yes.

Commissioner Castro: Yes.

Commissioner Fernandez: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Deputy City Attorney Throckmorton: I would note, Mr. Mayor, as well, that we've reached out to the property owners' representatives in an attempt to photograph the property. So, I don't think we've heard back yet, but the City is obviously well aware of the concerns of our residents.

Mayor Lago: I can safely say that everybody is working on those owners. But at the end of the day, we have to deal with the State. And it's got to come from the State. And I have a feeling, as per my recent conversations with State leaders, that there's no change coming in regards to this legislation.

Deputy City Attorney Throckmorton: And a personal request, Mr. Mayor, do we have our pumpkin votes in before we adjourn?

Mayor Lago: I already submitted my pumpkin vote. I don't have the results.

Commissioner Menendez: And by the way, since I've -- and the Commissioner and Vice Mayor as well, I think every few months we've addressed the community that they're always very focused and obviously concerned about what decisions we make at a local government. We've time and time and time again have told everyone the preemptions coming from Tallahassee, that's the real threat. And I don't know how many times we've said it, and I think now, unfortunately, because of this legislation, people are starting to realize that no matter how hard we try, we're still dealing with a government entity much more powerful with much greater reach. And we need to really come together and be ahead of the curve. And sometimes even being ahead of the curve, you're dealing with -- I think it was mentioned here -- stuff that is -- originates from other parts of Florida, but it impacts the entire state. We have no interest in supporting or having some legislation, but

because someone in Ocala had, you know, something with enough support, it impacts everyone, sometimes in a positive way, but unfortunately, sometimes in a negative way.

Vice Mayor Anderson: Well, you kind of mirrored my argument, too, as to why we needed to have elections in November. Because these state issues really hit us locally, and it's good for residents to know exactly why these things are impacting us. Okay, we don't have the power to control things that we cannot control, and we have to deal with the state level as well.

Mayor Lago: Think about -- think about the potentially 20, 25 emails that you've gotten in the last...

Vice Mayor Anderson: Oh, my.

Mayor Lago: The last four or five days since this has come out, and my response is, we have our hands tied. You know, and I copy the City Attorney, you know, I make it -- try to make it as clear as possible, but people, very sophisticated, very educated people, they comprehend it, but at a certain point, they don't understand it. And you can state the state statute, you can point them in the right direction, but they're -- they understand it, but it's tough for them to come to terms with the fact that the Mayor tells you, "Our hands are tied." Outside of tying ourselves to the building, there's not much else we can do. And I don't think that the City Attorney wants us to be tying ourselves to any building. So, my point is that, you know, again, got to get more people out to vote.